

Public Document Pack

1 September 2017

Our Ref Planning 09.17
Your Ref.
Contact. Ian Gourlay
Direct Dial. (01462) 474403
Email. ian.gourlay@north-herts.gov.uk

To: Members of the Committee: Councillor David Barnard, Councillor Fiona Hill, Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Bill Davidson, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscomb

Substitutes: Councillor Elizabeth Dennis, Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

SPIRELLA BALLROOM, ICKNILED WAY, LETCHWORTH GARDEN CITY

On

THURSDAY, 14TH SEPTEMBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 17 AUGUST 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 17 August 2017.	(Pages 1 - 10)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. 17/01543/1 - LAND OFF HOLWELL ROAD, PIRTON REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.	(Pages 11 - 42)
7. 17/00477/1 - 1 AVENUE ONE, LETCHWORTH GARDEN CITY REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of single storey retail foodstore (Use Class A1), a three storey hotel (use Class C1), a single storey restaurant/drive-thru (Use Class A3/A5), a single storey coffee shop/drive-thru (Use Class A1/A3), new access arrangements, car parking, service areas, landscaping and other associated works following demolition of existing building (as amended by drawings received 02/06/2017).	(Pages 43 - 64)

8. **17/00442/1 - 67 HIGH STREET, WHITWELL, HITCHIN** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 65 - 78)
- Change of use from Public House (Class A4) to use as a single dwelling house (Class C3); Single storey rear extension following part demolition of existing rear extension; Insertion of dormer window to rear roof slope; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch.
9. **17/00443/1LB - 67 HIGH STREET, WHITWELL, HITCHIN** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 79 - 84)
- Single storey rear extension following demolition of existing rear extension, shed and front porch. Consequential internal and external alterations to facilitate change of use from Class A4 (Drinking Establishment) to use as a single dwelling house Class C3 (Dwelling House).
10. **17/01214/1 - CALDERS COTTAGE, PUTTERIDGE PARK, LUTON** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 85 - 92)
- Timber clad barn.
11. **PLANNING APPEALS** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 93 - 100)

This page is intentionally left blank

Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON THURSDAY, 17 AUGUST, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Faye Frost (In place of Cathryn Henry), Jean Green, Tony Hunter, Ian Mantle, Michael Muir, Val Shanley (In place of Mike Rice), Adrian Smith, Harry Spencer-Smith and Martin Stears-Handscomb*

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Allington (Senior Planning Officer), Jeanette Thompson (Senior Lawyer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting approximately six members of the public, including three registered speakers and one Member Advocate (Councillor Steve Hemingway)..

40 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Cathryn Henry and Mike Rice.

Councillor Faye Frost was substituting for Councillor Henry and Councilor Shanley was substituting for Councillor Rice.

41 MINUTES - 20 JULY 2017

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 20 July 2017 be approved as a true record of the proceedings and signed by the Chairman.

42 NOTIFICATION OF OTHER BUSINESS

There was no other business.

43 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;

- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

44 PUBLIC PARTICIPATION

The Chairman confirmed that the three registered speakers and one Member Advocate were present.

45 17/01125/1 - LAND AT WEATHERHEAD MARK LTD, GARDEN WALK, ROYSTON, SG8 7HT

Approval of details relating to appearance, landscaping, layout and scale for the erection of 19 dwellings comprising 3 x 5 bedroom dwellings, 12 x 4 bedroom dwellings and 4 x 3 bedroom dwellings (pursuant to outline planning permission ref no. 16/01477/1 granted on 24 October 2016). Separate new access to plots 18 19 onto Garden Walk (As amended by plan TROY161123-SW SS.01C).

The Development and Conservation Manager advised the Committee of the following corrections to the report:

- The first line of Paragraph 6.1 should read: "That approval of reserved matters be granted subject to the following conditions:";
- Condition 1 was not necessary and should be deleted as the time limit was imposed that the granting of the outline permission.

The Development and Conservation Manager introduced the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

Mr Matthew Wood, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee and advised that the principle for the redevelopment of the application site to provide up to 19 new dwellings together with its associated access had been established through the Council's previous approval of the related outline planning application and the associated Section 106 agreement, including the relevant community contributions, had already been duly signed and agreed with the Council.

This reserved matters planning application sought only to agree matters of appearance, landscaping, layout, and scale.

The outline planning permission included a design informative encouraging the applicant to ensure that the detailed proposals were reflective of Royston's farming heritage with particular reference to the properties intended to front onto Garden Walk itself.

Thursday, 17th August, 2017

Following collaborative working with officers, including early pre-application engagement, the current proposals had been accepted as providing a suitable reference to Royston's heritage which was reflected in the building facades which displayed clear Victorian influences as can be seen in their window arrangements, entrance porches, inclusion of chimneys and the use of traditional materials such as buff brickwork, slate roofs and a panel of knapped flint work to the garage situated on the Garden Walk frontage. Whilst buff brickwork was the predominant material across the site, a number of plots were finished with render, and black timber boarding was used sparingly where appropriate.

A high quality soft landscaping scheme for the site had been prepared and submitted in support of this planning application which included a good level of soft vegetation across the site including to its frontage and bounding the site's proposed open space and was supported by officers with reference to their supporting Committee report.

The detailed layout proposed provided a high quality proposal set around a central access road and included a well-integrated central area of public open space as well as good levels of private garden and off-street car parking fully compliant with the Council's Adopted Standards in these regards.

The proposal therefore provided a significant overall enhancement of its setting as well as demonstrating full compatibility and harmony with existing residential properties neighbouring the site as again confirmed by officers.

The scale of redevelopment proposed was strictly in line with the scope of the permitted outline planning permission in providing 19 new dwellings on the site, with this planning application clearly demonstrating the appropriateness of such a design approach.

It included a majority of two storey properties, with associated outbuildings, and, importantly, officers concluded that, given the level of spacing to surrounding properties and such improvements over previous buildings on the site, such scale was fully acceptable in planning terms.

The applicant's commitment to a high quality design solution for the site had also received the support of the Council's Environmental Health Officer, the Lead Local Flood Authority and the Highway Authority, who had raised no objection to such proposals, subject to a number of conditions which the applicant was agreeable to.

It was noted that Royston Town Council had commented about the width of the site access road and sought construction delivery restrictions around school times. The applicant would wish to re-iterate that the Highway Authority was fully supportive of the proposal and the applicant had accepted the imposition of a planning condition requiring a construction management plan as recommended by officers in order to suitably control such construction vehicle movements.

The applicant had also positively engaged with local residents through the application process, including resolving a tree related issue as detailed within the officer's report.

Mr Wood concluded by stating that the proposal represented a sustainable form of redevelopment, as supported by both the Local Development Plan and the National Planning Policy Framework. In line with the recommendation, this proposal provided a high quality and highly sustainable form of residential redevelopment that provided an overall enhancement of its setting and there were no adverse impacts associated with such details that would result in any material harm being caused.

Mr Wood urged Members to support this detailed proposal and grant Reserved Matters planning permission accordingly.

The Chairman thanked Mr Wood for his presentation.

A Member referred to the meeting at which the outline planning permission had been granted, when she had queried whether Section 106 funding could be used to improve road safety in the area, particularly for children, by providing enhancements to the existing 20 MPH speed limit and proposed speed indicator device, and advised that she felt this issue had not been addressed satisfactorily.

The Development and Conservation Manager advised that, at the time that the outline planning permission had been granted, contributions towards pedestrian safety was not mandatory as the Highways Authority had not required that particular contribution. It was his understanding that the applicant had been asked if they would wish to make a contribution towards this but they chose not to do so. The Section 106 agreement had been signed at the outline permission stage and the application being considered at this meeting was for reserved matters approval and the Section 106 agreement could not be revisited.

Members referred to Condition 13 of the report and acknowledged the proposed restrictions to construction traffic during school hours, but expressed concern that there was nothing to stop construction traffic from stacking up along Garden Walk rather than entering the site and queried whether this could be conditioned.

They were concerned that turn round time of delivery and leaving the site should be factored in to the Traffic Management Plan and that there was a plan in place for the period of the school holidays.

They were also concerned that the road be kept clean during construction and this should include not only wheel washing, but street sweeping as well.

The Development and Conservation Manager agreed that construction traffic should not stack up along the road, particularly when near a school and suggested that this scenario could be addressed by amending Condition 14 b to read:

“Construction and storage compounds (including areas designated for car parking and delivery vehicle holding pen away from the site)”.

In respect of avoidance of school hours, the Traffic Management Plan must be submitted, which would include plans for school hours and school holidays. Timetables should be submitted in advance so that officers could review them taking into account the comments regarding turn round times. The details of the Traffic Management Plan would also be available to the public to view on line

Concerns regarding cleaning of the roads could be addressed by amending the wording of Condition 14 c to read:

“Siting and details of wheel washing facilities and street sweeping”.

Members asked for clarification that officers were satisfied with the provisions for bin storage and for access by waste vehicles.

The Development and Conservation Manager advised that the proposed layout of the development was low density with lots of space outside each property for bin storage. The Highways Authority had considered the width of the access and the roads within the development and were satisfied that there was sufficient space to undertake normal waste collection services.

It was proposed, seconded and

RESOLVED: That application 17/01125/1 be **GRANTED** reserved matters permission subject to the conditions and reasons as set out in the report of the Development and Conservation Manager and the following:

Condition 1

That Condition 1 be deleted.

Condition 14 in the report (now Condition 13)

That Condition 14 in the report of the Development and Conservation Manager (now Condition 13) be amended to read:

“Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide sufficient access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required.
- b. Construction and storage compounds (including areas designated for car parking and delivery vehicle holding pen away from the site)
- c. Siting and details of wheel washing facilities and street sweeping
- d. Cable trenches
- e. Foundation works
- f. Substation/control building.”

46 17/01183/1 - LAND ADJACENT RIDGE FARM, RABLEY HEATH ROAD, CODICOTE, WELWYN, AL6 9UA

Erection of 3 x 3 bedroom dwellings with detached garages, associated car parking spaces and new vehicular access onto Rabley Heath road and ancillary works following demolition of all existing buildings (as amended by drawings received 13/07/2017).

The Strategic Sites Planning Officer advised that, since writing the report, he had received a further representation from the Waste Services Team which reiterated that they had no objections to the application.

The Strategic Sites Planning Officer introduced the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

Parish Councillor Mark Ireland, Codicote Parish Council, objecting to the application, thanked the Chairman for the opportunity to address the Committee and advised that he wished to draw attention to three issues regarding this application.

The site was in the green belt. The green belt was being eroded and, although the plans indicated a decrease in the space used for the development, it must be recognised that there was a permanence associated with housing as opposed to the current storage. He suggested that this was a significant visual impact.

The report stated this was a previously developed site, however there was some ambiguity regarding this definition. As a layman and business man he believed that any ambiguity should be clarified before any decision was taken regarding this site.

The last issue was that, as acknowledged by the applicant, the land was contaminated and housing should not be built on contaminated land.

Members asked for clarification regarding the comments made relating to ambiguity regarding the designation of previously developed land.

Parish Councillor Ireland advised that he had completed some research and there was some ambiguity regarding classification of the site as previously developed, which could be further developed and land that has been used as agricultural land, which was exempt from the presumption towards development. Paragraph 4.3.6 of the report acknowledged that the site had in the past been used for agricultural purposes.

The Senior Lawyer advised that there had been a Judicial Review case (Lee Valley Regional Park Authority against Broxbourne Borough Council 2015) that clarified that, if land was mixed use, or was no longer in agricultural use, it could be deemed as previously developed land.

The Chairman thanked Parish Councillor Ireland for his presentation.

Councillor Steve Hemingway, Member Advocate speaking in objection to the application, thanked the Chairman for the opportunity to address the Committee.

Councillor Hemingway advised that he wished specifically address the issue of whether this site could be considered as a brownfield site.

The legal case referred to by the Senior Lawyer was not mentioned in the Officer's report and therefore he had not had the opportunity to consider it.

He informed Members that Councillor Jane Gray was not persuaded that the brownfield exemption could be applied to this site in the green belt and all the key arguments were set out on page 17 of the report.

Previously developed land did not mean land that had been built upon or occupied by buildings. There was a specific exception to the definition of previously developed land being when the land has been occupied by agricultural buildings.

The National Planning Policy Framework stated that "previously developed land is land which is or was occupied by a permanent structure within its curtilage and had fixed surface infrastructure", but then stated that "this excludes land that is or has been occupied by agricultural buildings."

The buildings on this site were agricultural buildings. They were chicken sheds. They may have been used for other purposes, but they had been used for agricultural purposes.

There had been an email exchange between Councillor Gray and the officer in which the officer made reference to the Town and Planning Act 1990, which stated that if land was in continued use for 10 years or more then that use became lawful in planning terms.

It did not matter that the land was currently used for industrial purposes did not mean that it did not previously have an agricultural use, which meant that it qualified for the exemption to the previously developed land classification.

Councillor Hemingway stated that to rely on a legal case that had not been referred to in the report was bad practice and that the application should be refused so that the Planning Inspector could make a determination as whether this really was acceptable.

He had no strong objections to the application itself and he was aware that the neighbours were in favour of the development.

The Chairman thanked Councillor Hemingway for his presentation.

Thursday, 17th August, 2017

The Senior Lawyer advised that there was a document from DLA, on the Planning Portal section of the website, that set out the Lee Valley case and gave details of the 10 year usage. This was and had been available for Members to look at.

Mr Mark Williams, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee.

Mr Williams advised that he would not reiterate the contents of the officer's report, but would like to address the comments made by the Parish Council and the District Councillor.

In respect of the application being within the green belt, the applicant had undertaken formal pre-application discussions with officers regarding development of this site and he had been advised that the response provided to a Planning Contravention Notice was sufficient to demonstrate that the site was previously developed land.

The Planning Contravention Notice response was legally binding and therefore could be taken as proof that the had been used for non-agricultural purposes for a period over years. Furthermore planning permission had been granted to use one of the buildings for industrial purposes.

Even if this were not the case, the proposal would result in reductions in footprint and volume of approximately 37 and 47 Percent respectively, which would represent a significant improvement to the openness.

In respect of contamination, the NHDC officer had suggested that any contamination on the land could be dealt with satisfactorily by condition and Members were asked to note that the officer's suggested Condition 12 would ensure that any contamination was identified and mitigated prior to occupation.

Mr Williams concluded by urging Members to support the officer recommendation to approve the application.

Member asked whether the mature planting at the front of the site would be retained or landscaped and whether the existing access would be retained in addition to the new access.

Mr Williams advised that, apart from the gap to put in the new access, the intention was to keep as much as possible of the mature planting.

In respect of access the existing access to the rear would be retained as well as the new access.

The Chairman thanked Mr Williams for his presentation.

In respect of the previously developed land classification, the Senior Sites Planning Officer advised that the definition did include the phrase "this excludes land that has been occupied by agricultural buildings."

This could be interpreted in different ways. This had been taken to mean land that had been used for agricultural buildings, but the site had become redundant and there had been no intervening use.

At the time of writing the report, he had undertaken a dialogue with Councillor Gray and based on his knowledge of the case law already referred to, he advised that after 10 years development became lawful, which was the case for this site.

Since writing the report two legal cases had been brought to his attention as follows:

- Lee Valley Park Authority vs Broxbourne Borough Council 2015 where the Inspector applied a lesser test than he had applied in that he found that land had to be solely agricultural use in order to apply the exemption, rather than mixed use, as in this case.
- The London Borough of Bromley vs Rookery Estates Company 2016 referred to the Lee Valley case and also found that land of mixed use could be considered previously developed land.

He advised that, based on the evidence and bearing in mind that the site had been used for storage and light industrial purposes since the 1990s. This site could be considered as previously developed land.

In respect of the visual impact on the green belt, the exception in the National Planning Policy Framework whereby limited infill development could be considered on previously developed land was dependent on there being no greater impact on the openness of the green belt.

In this case and as demonstrated in the earlier visual presentation, there was quite a significant reduction in both the footprint and volume of the proposed development when compared to the buildings currently on the site. There was also planting and vegetation that provided screening of the site, which was bounded on both sides by existing residential developments. He considered that the proposed development would provide positive benefits in terms of the impact on the green belt.

In respect of contamination, the Strategic Sites Planning Officer had discussed the site with the Council's Environmental Health Officer who had confirmed that, although there was likely to be contamination of the site due to the industrial uses, this could be addressed by condition.

Members asked for clarification regarding the condition that would address any contamination issues and queried whether there was a condition regarding the possible need to remove asbestos from the former chicken sheds.

The Strategic Sites Planning Officer advised that Condition 12 required contamination to be identified and to identify how that contamination would be removed and this condition would cover removal of asbestos.

Members asked whether site fell within the Codicote Village boundary, queried the special circumstances identified to enable a previous development at Codicote Heights that was in the green belt and asked for clarification regarding who undertook and paid for the bat surveys.

The Strategic Sites Planning Officer advised that the site was beyond the village boundary, Codicote Heights had been developed a number of years ago and he was not familiar with the application terms of that development and the bat survey was carried out and paid for by the applicant and this had been submitted with the application.

It was proposed, seconded and

RESOLVED: That application 17/01183/1 be **GRANTED** planning permission subject to the conditions and reasons as set out in the report of the Development and Conservation Manager.

47 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 8.35 pm

Chairman

This page is intentionally left blank

ITEM NO:	<u>Location:</u>	Land off Holwell Road, Pirton
	<u>Applicant:</u>	Mr Gladman Developments Limited
	<u>Proposal:</u>	Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.
	<u>Ref. No:</u>	17/01543/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 18 September 2017

Reason for Delay

N/A

Reason for Referral to Committee

The site is for residential development and exceeds 0.5ha therefore under the Council's constitution and scheme of delegation this planning application must be determined by the Planning Control Committee.

1.0 Relevant History

1.1 None

1.2 Other relevant planning history

Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton

15/01618/1: Outline application (all matters reserved) for residential development of up to 82 dwellings with associated infrastructure, public open space and planting (amended description). Planning permission granted 27th May 2016

16/02256/1 : Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16 (as amended). Planning permission granted 30th May 2017.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations** (Saved policies September 2001)
Policy 6: Rural area beyond the Green Belt
Policy 14: Nature Conservation
Policy 16: Areas of archaeological significance and other archaeological areas
Policy 26: Housing proposals
Policy 29: Rural housing needs
Policy 51: Development effects and planning gain
Policy 57: Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Paragraph 14: Presumption in Favour of Sustainable Development

Paragraph 17: Core planning principles

Section 4: Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

2.3 **North Hertfordshire District Local Plan – Submission Local Plan 2011-2031**

Policy SP1: Sustainable development in North Hertfordshire

Policy SP2: Settlement hierarchy

Policy SP5: Countryside and Green Belt

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP12: Green infrastructure, biodiversity and landscape

Policy CGB1: Rural areas beyond the Green Belt

Policy D1: Sustainable Design

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy NE1: Landscape

Policy HS2: Affordable Housing

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

2.4 **Supplementary Planning Documents**

Planning obligations SPD

Vehicle Parking at New Development SPD (September 2011)

2.5 **Pirton Neighbourhood Plan**

The Pirton Neighbourhood Plan has been prepared in line with the emerging Local Plan. The policies in the submission draft of the neighbourhood plan focus on the design of development and how development will integrate into the village whilst respecting the character, biodiversity and heritage assets of the village.

Planning Practice Guidance makes it clear that an emerging neighbourhood plan may be a material consideration – alongside paragraph 216 of the NPPF. Consultation on the proposed submission neighbourhood plan took place earlier in the year and the Council is working with the Parish Council to appoint an independent examiner. It is anticipated that the examination of the neighbourhood plan will take place in the autumn.

3.0 Representations

3.1 **Highway Authority (Hertfordshire County Council)** – Comments that it does not wish to restrict the grant of permission subject to 7 conditions and highway informatives. Conditions relate to the following:

-Construction Traffic Management Plan

-Construction Traffic Transport Assessment

-Travel Plan

-Implementation of Travel Plan

-Detailed Plans regarding site layout including parking and cycling provision, servicing and turning areas and gradients

-Delivery and Servicing Plan

-Road Safety Audit

Recommends a S106 Agreement to secure a Construction and Logistics Plan Planning Obligation and support for a Travel Plan together with funding to monitor the Travel Plan.

- 3.2 **Hertfordshire Ecology** – Recommends a Construction Environmental Management Plan condition and an Ecological Design Strategy condition
- 3.3 **Herts & Middlesex Wildlife Trust**
Object to the development. DEFRA Biodiversity Impact Calculator to demonstrate net loss or net gain not applied. Ecological report not compliant with BS 42020
- 3.4 **Environment Agency** - Any comments received will be reported at the Planning Committee meeting.
- 3.5 **Lead Local Flood Authority** – Confirm that they have no objection in principle on flood risk grounds and advise the Local Planning Authority that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Recommends a Surface Water Drainage scheme.
- 3.6 **Anglian Water** – Comment that the development is in the catchment of Hitchin Water Recycling Centre that will have available capacity for these flows. Comment that the sewerage system at present has capacity for the development.
- 3.7 **Hertfordshire Property (Development Services)** - seek the following planning obligation project contributions:
- Primary Education towards the expansion of Pirton Primary School (£256,657)
 - Secondary Education towards the expansion of The Priory Secondary School, Hitchin from a 6 form of entry to 7 forms of entry (£184,592)
 - Library Service towards Hitchin library for the development of a meeting room available for the local community e.g. meeting training, event or activity (£15,390)
 - Youth Service towards equipment for expansion of outreach service provision in North Herts villages, including Pirton (£3,515)
- 3.8 **NHDC Housing Supply Officer** – Comments that the applicants proposals include the provision of the required 40% affordable housing but the mix of housing does not meet the 65% rented (26 units) / 35% intermediate affordable housing (14 units) required in accordance with the Local Plan obligations as supported by the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

The council are unable to consider the provision of Starter Homes at this time as we are still waiting for the detail/ regulations from the Secretary of State and currently have no evidence to show how Starter Homes would meet identified housing need.

The affordable housing should be owned and managed by a Registered Provider (RP). Grant funding for the provision of affordable housing is not available and the affordable housing should be delivered through planning gain alone.

On a site of mixed tenure the affordable housing units should be physically indistinguishable from the market housing.

Parking courts are not desirable as they often have limited natural surveillance. Parking provision should be in front of or adjacent dwellings, as this is the preference of most people and offers the best natural surveillance.

Whilst the Council will accept Affordable Rents on one and two bed homes up to a maximum of 80% of market rents (including service charge, if applicable); for three bed homes the maximum is 70% (including service charge, if applicable) and four bed homes should be no more than an equivalent social rent (excluding service charges, if applicable) to ensure affordability in accordance with the SHMA Update and the council's Tenancy Strategy. In addition all rents should be within Local Housing Allowance (LHA) rates.

As Pirton has a population of 3,000 or less, protected area status applies. Therefore staircasing on any shared ownership properties is restricted to 80% to ensure that the homes remain affordable in perpetuity. Likewise any rented properties are excluded from the Right to Acquire.

All the affordable homes should be allocated to applicants with a local connection to Pirton, in the first instance.

Any issues of viability should be proven using a recognised financial toolkit and will be independently tested at full expense to the applicant.

3.9 **Environmental Health (contaminated land and air quality) –**

Noise – With reference to the submitted Noise Screening Report advises that compliance with the relevant internal and external noise guidelines will be confirmed at the detailed design stage. No detailed noise assessment is required at the outline stage. Applicant is advised that any noise assessment should consider both existing traffic noise (including the new housing development adjacent to the site) and the increase in traffic noise associated with the proposed development should comply with WHO guidelines.

Contamination – Requests a land contamination condition, a Residential Travel Plan condition and a EV Recharging Infrastructure condition. Travel Plan to include a commitment to support Ultra Low Emission Vehicles (ULEV).

3.10 **NHDC Waste Management** – Any comments will be reported at the meeting.

3.11 **NHDC Community Development Officer** – Comments that there is potential for significant developments within the Parish to contribute towards the enhancement of facilities associated with the Sports and Social Club and other sporting provision at the village recreation ground.

3.12 **Hertfordshire County Council Historic Environment Officer:** Notes the submission of a desk based Archaeological Assessment. Notes that recent investigations on the adjoining site at Elm Tree Farm have revealed significant later prehistoric remains very close to the application site. Considers that given the large scale nature of the scheme and the potential for archaeological features the development is likely to have an impact on significant heritage assets with archaeological interest and may represent a significant constraint on development. At present not enough information is available to determine whether remains of archaeological importance are likely to be present. Recommends the following investigations should be undertaken prior to determination to describe the type, scale and quality of heritage assets likely to be affected by the proposal:

1. A geophysical survey over the entire site where ground conditions permit;
2. An archaeological trial trenching evaluation

3.13 **NHDC Parks and Countryside manager** – Any comments will be reported at the meeting.

- 3.14 **Landscape and Urban Design Officer** – Does not support the proposed development for several reasons including:
- Cumulative impact when taken with new dwellings constructed and/or approved since 2011 could put stress on the community and infrastructure of the village which may find it difficult to accommodate the increase in population, traffic and services.
 - Pressure on transport, open space and the countryside
 - Contrary to Policy 6 and emerging Policy SP5 and CGB1
 - Loss of hedgerow which forms part of an approved scheme
 - Adverse impact on the character of Hambridge Way
- 3.15 **Hertfordshire County Council (Fire & Rescue Service)**
Access for fire fighting vehicles should be in accordance with Building Regulations Approved Document B. Access routes for fire service vehicles should be capable of a carrying capacity of 19 tonnes. Turning facilities to approved standard to be provided.
- Fire Hydrants should be provided in accordance with HCC's Planning Obligations Toolkit
- 3.16 **Pirton Parish Council:**
Object to the proposed development. Full text set out in **Appendix 1.**
- 3.17 **Pirton Neighbourhood Plan Steering Group:**
Object to the proposed development. Full text set out in **Appendix 2.**
- 3.18 **Shillington Parish Council :**
Express concerns as with previous application on land adjacent Elm Tree Farm. Concern at increased traffic including construction traffic and impact on existing residents amenity. Requests a refusal of the application on highway grounds
- 3.19 **Holwell Parish Council:**
Any comments received will be report at the meeting
- 3.20 **Site Notice / Press Notice and Neighbour consultation** – In response to publicity the Local Planning Authority has received a considerable amount of response from local residents, overwhelmingly opposed to the application. For a full understanding of all comments received and the ever increasing number of representations Members can inspect the relevant pages on the Council's website. Set out below is a summary of responses for ease of reference:

Summary of responses against the development

- site beyond the defined village boundary;
- not part of the district or Pirton neighbourhood plan
- local infrastructure cannot cope with this development
- local road network is narrow and totally unsuitable for such an increase in traffic
- will lead to more traffic congestion and road traffic accidents / road safety issues
- no emergency exit
- transport assessment contrary to NPPF
- the school cannot accommodate more pupils at present / local schools are oversubscribed
- further pressure on local facilities such as GP surgeries in Hitchin
- Out of scale/ an overdevelopment of a rural area / too many houses for the village
- changes the rural setting of Holwell and Pirton
- concern at competency of highway department
- will increase the size of the village by 33 - 38% which is not sustainable
- the village will grow too quickly destroying the identity, culture and feel of the

village

- will not integrate with the village / isolated from the village / residents would not walk into village
- school access already difficult
- would exacerbate travelling into Hitchin
- loss of view / adverse impact on the Chiltern Hills and an Area of Outstanding Natural Beauty
- Inadequate local road network to accommodate construction traffic / will add to congestion in the village
- too many properties
- application does not address concerns of the wider village as documented in the Pirton local plan
- disproportionate to the needs of the community
- breaches emerging policy on density
- no development should be approved until the neighbourhood plan is in place
- development will not integrate with the existing community
- adverse impacts significantly and demonstrably outweigh the benefits
- no workable traffic management plan / access inadequate
- archaeology may be of national importance and has not been researched sufficiently
- utilities cannot cope with additional housing
- detrimental to health of local residents
- existing small construction sites in Pirton / Holwell already causing amenity / highway issues
- NHDC has a five year land supply – therefore no justification to build beyond the village boundary
- dwellings will not be affordable
- previous development at Holwell Turn for 20 dwellings was refused
- substantial increase in car use and pollution
- accompanying reports out of date / inaccurate
- loss of agricultural land
- detrimental to conservation areas
- a different access to take traffic away from Pirton & Holwell is required
- noise and light disturbance
- the approved development more than meets Pirton's housing need
- developers only interest is in profit
- significant overall environmental damage
- cycling to Hitchin not realistic

3.21 Summary of responses in support of the development

- No evidence to suggest that there is archaeological features on the site
- Housing development in rural areas should be promoted without placing additional obstacles and costs in the way through archaeological investigation requirements
 - Cost incurred through Archaeological conditions where no significant finds are made should be reclaimed on those promoting them.

3.22 Other comments

North Hertfordshire Archaeological Society :

- Submitted desk based archaeological assessment report is inadequate and does not refer to local finds and local mapping
- The potential for new archaeological discoveries is extremely high
- Recent finds suggest prehistoric and roman religious sites
- A Pre-determination archaeological field determination is required including geophysical surveys and trial trenching

3.23 The Governing Body, Pirton School

- Development will be an unmanageable burden on the capacity of the village school
- School is almost at maximum capacity
- Nearest alternative Hertfordshire primary school is too far away
- Admissions are subject to not prejudicing the provision of efficient education/ resources
- Buildings /classrooms / amenity space are cramped and facilities at a premium
- Vehicle and pedestrian congestion together with construction traffic will impact on pupil safety
- Development will discourage cycling to school and cycling courses
- School will be unable to cope / accommodate village children
- Essential that any Section 106 funding is directed towards Pirton school

3.24 CPRE Hertfordshire

Objects to the development on the following grounds:

- Proposal will materially alter the character of Pirton contrary to Policies 6 & 7 of the adopted local plan
- NHDC Planning Committee had previously considered application ref: as too many houses for the village
- Consider that the harm caused by this development significantly and demonstrably outweighs any benefits
- Considers that the five year land supply issue does not mean that Policy 6 can be disregarded
- Cumulative effect of applications 15/01618/1 and 17/01543/1 would put considerable pressure on village infrastructure
- Development is not of a modest scale and will not be well connected to the village
- Will change the character of the Hambridge Way
- Loss of grade 3A agricultural land contrary to paragraph 112 of the NPPF
- This development cannot be taken in isolation from development already permitted

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises 6.5 hectares of Grade 3A agricultural land, roughly rectangular in shape and lying to the west of Pirton village separated from the village boundary by an existing agricultural field which has planning permission for residential development (see ref: 15/01618/1). The site is immediately to the north of the Icknield Way Trail (Hambridge Way) which runs along the southern boundary of the site. Adjacent to the northern boundary is a residential property ('Northmead') and just beyond the north east corner is Holwell Road.

The eastern boundary of the site is defined by an established mature hedgerow along its entire length whilst the western (approximately two thirds) boundary is also defined by a hedgerow.

The site is located within the Rural Area beyond the Green Belt and is beyond the defined village boundary. The site lies adjacent to two areas of archaeological interest.

4.2 Proposal

4.2.1 The proposal is an outline application for up to 99 dwellings with all matters reserved except means of access. The site itself has no boundary to a highway however the means of access is to be shown to be proposed through the adjoining site to the west (presently undeveloped) which itself is to be served off Holwell Road. The application is accompanied by a 'Development Framework Plan (drawing no. 6647-L-103 H) which illustrates the potential site layout with landscape buffer planting to the north and east of the main built development and an area of open space to the south.

4.2.2 The application is supported by the following documents:

- Design and Access statement
- Landscape and Visual Impact Assessment
- Transport Assessment and Framework Travel Plan
- Ecological Appraisal
- Arboricultural Assessment
- Phase 1 Preliminary Risk Assessment
- Flood Risk Assessment and Foul Drainage Analysis Report
- Air Quality Assessment
- Noise Assessment
- Archaeological Desk Based Assessment
- Utilities Appraisal
- Statement of Community Involvement
- Affordable Housing Statement
- Socio-Economic Report
- Built Heritage Statement
- Draft Head of Terms for Section 106 Agreement

The applicants planning statement makes the following points in support of the proposed development

- The development is a suitable and sustainable location for housing well located to the existing urban area
- The development will be a positive addition to Pirton complementing the character of the surrounding area in terms of scale, density, character and quality
- The local plan is out of date and does not meet objectively assessed needs, is inconsistent with the National Planning Policy Framework and does not support the delivery of development to meet needs and should be accorded limited weight
- The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development exists
- The proposals will deliver a range of benefits including affordable housing
- The harm from the development is limited in scale and magnitude and outweighed by the benefits of delivering housing

The applicants have also pointed out the following social, economic and environmental benefits that the proposed development provides :

- Provision of up to 99 new homes
- 40% policy compliant affordable housing
- Council tax payments of approximately £1,500,000 over 10 years
- 238 new residents with 124 economically active
- Generation of total gross expenditure of £3,843,000 annually
- Support 98 FTE construction jobs over 3 years and 106 FTE indirect jobs in

- associated industries
- Delivery of £3.9m of direct GVA over the build period and
- Pedestrian improvements and increased connectivity between Hambridge Way and Holwell Road

4.3 Key Issues

4.3.1 The application is for outline planning permission and the key considerations relate to:

- The principle of the development;
- Sustainability;
- Character and appearance of the countryside;
- loss of agricultural land;
- highway considerations;
- archaeology;
- Section 106
- The Planning Balance

4.3.2 Principle of the development in the Rural Area beyond the Green Belt

There are three policy documents which are relevant to the consideration of this application: North Hertfordshire District Local Plan No. 2 with Alterations (adopted 1996), the emerging Local Plan 2011 - 2031 Submitted for Examination to the Secretary of State 9th June 2017, and the National Planning Policy Framework. In addition consideration should be given to the Pirton Neighbourhood Plan. The weight that should be attributed to these policies and documents are considered below.

4.3.3 Paragraph 49 of the NPPF states that:

'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five -year supply of deliverable housing sites.'

4.3.4 Paragraph 14 of the NPPF defines the presumption in favour of sustainable development for decision makers as follows:

- approving development proposals that accord with the development plan without delay; and
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

-specific policies in this Framework indicate development should be restricted.'

Under paragraphs 14 it is necessary to assess the weight that can be applied to relevant development plan policies to this application.

4.3.5 North Hertfordshire District Local Plan No. 2 with Alterations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 215 of the NPPF states that:

' due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.'

The applicant is claiming that the North Hertfordshire District Local Plan No. 2 with Alterations cannot demonstrate a five year housing supply, and so policies in that plan relating to the supply of housing are out-of-date. Policy 6 - Rural Areas beyond the Green Belt, in so far as it deals with the supply of housing, is it is considered out of date. However, it largely seeks to operate restraint in the Rural Area for the purpose of protecting the intrinsic character and beauty of the countryside and for this purpose it is in accordance with paragraph 17 of the NPPF.

This is an important point and is supported by a very recent Supreme Court decision in 2017 (in the case of Suffolk Coastal District Council v Hopkins Homes Ltd) which held that a local plan policy to protect the countryside from development (such as NHDC Policy 6) is not 'a policy for the supply of housing' and therefore is not 'out of date' and therefore should continue to be accorded weight in planning decisions insofar as it relates to countryside protection.

- 4.3.6 The applicant considers that the local plan does not meet the requirements of paragraph 47 of the NPPF to provide objectively assessed need and therefore Policy 6 carries reduced weight. This does not take into account the decision of the Supreme Court above which considers that policies to protect the countryside from development are consistent with the NPPF. Moreover the emerging local plan makes provision to meet the District's own full objectively assessed needs for housing and additionally makes positive contributions towards the unmet housing needs of its neighbouring authorities such as Luton and Stevenage. The emerging local plan achieves all of this without the need to allocate the application site for housing.

In taking the view that material weight can still be attached to Policy 6 it is clear that the proposed development does not meet any of the exceptions for development in the Rural Area Beyond the Green Belt. The development will clearly not maintain the existing countryside and the character of the village of Pirton by reason of its location, adverse visual impact on the landscape, scale and density of development contrary to the aims of Policy 6.

4.3.7 Emerging Local Plan 2011 - 2031

The NPPF offers guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:

** the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

** the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and*

** the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'*

- 4.3.8 Where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. The emerging Local Plan was Submitted to the Secretary of State 9th June 2017 and this claim will of course be tested at the forthcoming Examination in **Page 20**. Therefore, until the plan is adopted, I

consider a precautionary approach should be taken to the weight that should be given to the emerging Local Plan insofar as it argues that the Council can demonstrate a five year supply of deliverable housing sites. On this basis I assess this application on the basis that the Council cannot at this stage claim to have a five year supply of deliverable housing sites, applying the presumption in favour of sustainable development set out in paragraph 14 of the NPPF. This precautionary approach has recently been supported at appeal.

4.3.9 The emerging Local Plan does not allocate the site for development. Indeed, the site has not been identified for consideration as a possible housing site at any stage of the emerging Local Plan process. Policy CGB1 -Rural Areas beyond the Green Belt is a policy of general restraint in the countryside and is in accordance with paragraph 17 of the NPPF, as it seeks to retain the intrinsic character and beauty of the countryside. The proposed development at Pirton does not meet any of the criteria to permit development as set out in CGB1. Significantly the applicant does not make any reference to CGB1 as being relevant and considers that the emerging policies should not carry decisive weight at this stage. On the other hand the applicant acknowledges the emerging plan in so far as it directs additional residential growth to Category A villages such as Pirton and seeks to justify the development as natural extension of the village.

4.3.10 The development is not for a proven local need for community facilities, services or rural housing (in compliance with Policy 29 of NHDLP or Policy CGB2 in emerging LP. The application refers to 40% affordable housing, but this relates to Policy HS2: Affordable Housing, of the emerging plan and not to Policy CGB2: Exemption Sites in Rural Areas.

4.3.11 National Planning Policy Framework

Although the Council considers the emerging Local Plan 2011 - 2011 to hold sufficient weight for the Council to be able to demonstrate a 5 year housing land supply, this is situation that can be predicted with any certainty, as the Plan has yet to taken through EiP and adopted. The National Planning Policy framework directs us in this instance under paragraphs 14 and 49, mentioned and quoted above. I, therefore, take a precautionary approach and shall consider the proposal under these paragraphs and consider whether the development is sustainable and whether the adverse impacts of the development would significantly outweigh the benefits.

4.3.12 Pirton Neighbourhood Plan

The Pirton Neighbourhood Plan is at an advanced stage of preparation. Consultation has been undertaken on the proposed submission neighbourhood plan and the Council is in the process of appointing an independent examiner in conjunction with the Parish Council. The Neighbourhood Plan has been prepared broadly in line with the emerging Local Plan and the defined village boundary in the plan reflects the village boundary in the emerging Local Plan. In general, there has been a significant amount of support from the community in respect of the neighbourhood plan and for the proposed village boundary.

The proposal would be contrary to policies in the proposed submission version of the Neighbourhood Plan, in particular Policy PNP1: Meeting Local Need. This policy seeks to restrict development to sites within the village boundary and there are no more than 30 dwellings on any one site. There are a number of objections to this policy and it is anticipated that this policy will be considered in detail by an independent examiner.

Although at an advanced stage of preparation the Neighbourhood Plan has to still to be examined and a referendum held before it can be 'made' by the District Council. As such the weight that can be attached to it in terms of planning decisions at this stage has to be limited.

4.3.13 Summary on the principle of the development

The development site is in the rural area beyond the Green Belt. Saved Local Plan Policy 6 can still be afforded weight in determining this application in that it seeks to protect the countryside from development which would be in conformity with the NPPF which requires decision makers to recognise the intrinsic character and beauty of the countryside. The proposed development is in open countryside and fails to meet any of the criteria set out in Policy 6.

4.3.14 Furthermore, the proposed development would be contrary to policies in the Emerging Local Plan in that the development site lies outside of the proposed defined village boundary of Pirton in the rural area beyond the Green Belt where the Council intends to operate a policy of restraint. The development would be contrary to Policies SP5 and CGB1 of the North Hertfordshire District Council Submission Local Plan 2011 – 2031.

4.3.15 The applicants submissions concerning the Council's five year housing land supply are acknowledged. However even if the Council could not demonstrate a five year land supply I consider that the proposal would fail to provide a sustainable form of development for which there is a clear national and local imperative as set out in the NPPF, the NPPG and the emerging local plan. Therefore the presumption in favour of granting planning permission in paragraph 14 of the NPPF would not apply as in my view this harm and other harm identified below in my view clearly and demonstrably outweighs the benefits of delivering new homes on this site.

4.3.16 Sustainability

There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn.

4.3.17 **Economic role** – it is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. There would be a loss of high quality agricultural land and therefore some loss to the agricultural economy. It is also recognised that there would be increased expenditure in local shops and pubs and other services. Additionally there would be economic benefit from the new homes bonus which assists local authorities to maintain and provide services.

4.3.18 **Social role** – the development would provide housing to assist in meeting the needs of existing and future generations including badly needed affordable housing. It would also support community facilities such as the school and churches as well as potentially contributing towards recreational facilities and their improvement. Additional public open space will be provided within the site and some improvement in connectivity between Hambridge Way and Holwell Road.

4.3.19 **Environmental role** –the development would not be environmentally sustainable for several reasons. The facilities of Pirton consist of a primary school, two public houses, village hall, two churches, a recreation ground and a village shop which contains a post office. The shop has limited opening hours particularly on weekends. There is no doctors surgery, or other healthcare facilities and no secondary school. Employment opportunities are extremely limited. There are no proposals in the emerging local plan to allocate any employment, retail or community facilities within the village. There are 6 peak hour buses a day to Hitchin / Henlow Camp Monday to Fridays, 3 buses on a Saturday and no service on Sundays or Bank Holidays.

Holwell village has very little in the way of facilities and has no shop, pub, school or post office.

In the absence of a reasonable range of community facilities within the village or in nearby Holwell and the lack of any significant employment opportunity in the immediate locality, it is likely that the occupiers of the new development would heavily rely on private transport. As such I consider that the development would be contrary to Section 4 (Promoting Sustainable Transport) of the NPPF and in particular paragraph 34 which requires new development that generate significant movement to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The landscape impact of the development will be severe in my opinion with the urbanising of the rural environment, encroachment into open countryside and loss of rural views across the site and on approaches to the village particularly from the east.

Insufficient evidence has been submitted to demonstrate that the development will not affect the historic environment particularly with regard to assets of archaeological interest.

The development will result in the loss without replacement of grade 3A agricultural land.

4.3.20 Summary on sustainability

In summary I consider that given the significant environmental impacts the **overall** balance of sustainability would be against this development. The development would be contrary to Policies D1 (Sustainable Design) and SP9 (Design and Sustainability) of the North Hertfordshire District Council Submission Local Plan 2011 – 2031.

4.3.21 Character and Appearance of the Countryside

The site lies within the Pirton Lowlands Landscape Character Area (218) and is described as a “*large scale open, flat farming landscape given over predominantly to arable production.*”. The site is mostly open in character, although there are hedgerows around some of the perimeter. It is particularly open to public view from Holwell Road and the Hambridge Way. There are longer views of the site, including the approach road into the village from Holwell and from across the fields to footpath 006 south of Holwell.

4.3.22 The approaches to the village from the west would provide angled views across the site towards the proposed housing. Substantial planting is indicated along all of the site boundaries to ensure screening of the houses from the longer views as well as close by. I consider this would significantly change the distinctive open plateau character of the site and its contribution within the landscape.

4.3.23 The erection of dwellings on the site and the introduction of the associated infrastructure would permanently alter the appearance of the site and would represent a substantial change to the character of the area. The scheme has a heavily landscaped led approach in which in approximately one quarter of the site would be dedicated to green infrastructure. Whilst this landscaping would break up views of the proposed dwellings, it would in itself bring about changes to the character of the area. I consider that the extent of the eastward encroachment of the development into the countryside would appear incongruous in the wider views of the settlement which the landscaping would not successfully overcome, to the significant detriment of the character of the landscape.

4.3.24 The upgrading of at least the section of the Hambridge Way westwards towards the village from the site is inevitable as this would be the main pedestrian route into the centre of the village (in addition to the approved development on the adjoining site under ref: 15/01618/1). This in itself would alter the character of the Hambridge Way and give the perception of the village expanding eastwards into the countryside as a large field is lost. A similar effect would occur for those approaching the village along the Hambridge Way where the perception of approaching the settlement would be experienced much earlier than at present. I consider these impacts would cause a detriment to the visual amenity provided by the Hambridge Way.

4.3.25 Summary on character and appearance

It is considered that the proposed development would be harmful to the intrinsic beauty and character of the countryside, contrary to Policy NE1 of the emerging local plan and paragraphs 17, 109, 116, 156 of the NPPF.

4.3.26 **Agricultural Land**

The application site is Grade 3a agricultural land. Paragraph 112 of the NPPF states:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. There is no evidence to demonstrate that the use of high quality agricultural land for housing and public open space is necessary.

4.3.27 Summary on loss of Agricultural land

The development would result in the loss of high grade agricultural land and would therefore be harmful to the natural environment and contrary to the NPPF, paragraph 112 and to Planning Practice Guidance - Natural Environment para 026.

4.3.28 **Highway Considerations**

The means of access to this development would be via Holwell Road and through the approved development of 78 dwellings on the immediately adjoining site. The District Council has approved a new Y – junction at Holwell Turn to serve the 78 unit scheme. This development will therefore access the site through this same new junction.

4.3.29 The Highway Authority have provided detailed comments and analysis of this application in terms of the highway impact of this proposed development having regard to the submitted Transport Assessment. The Highway Authority is satisfied with the parameters used to anticipate traffic flows from the development and considers that the Multi-model trip generation figures produced in the TA to be acceptable and which can be accommodated on the existing highway network. The

Authority have considered the relevant junction capacity modelling provided and have concluded that the development will not have a severe impact on the highway network. The Authority recognises that there are some detailed aspects of the development that require further information such as parking and refuse and service delivery however the overall conclusion of the Highway Authority is that it does not wish to object to the development subject to planning conditions.

4.3.30 As there are no objections from the Highway Authority I am of the opinion that the proposed development would not cause harm that can be sustained by way of objective evidence in terms of highway impacts.

4.3.31 Summary on Highway issues

The Highway Authority raises no objections to the proposal and I can see no sustainable planning objections on highway grounds. However, a S106 Agreement is required to secure a Construction Traffic Management Plan and Travel Plan and although a draft Heads of Terms has been submitted it does not include any reference to highway matters.

4.3.32 Archaeology

The proposed development site lies adjacent to two areas of archaeological significance which has been documented as containing prehistoric / Roman / Anglo-Saxon remains. The village also has three Scheduled Monuments. The County Archaeologist has advised that recent field investigations on the immediately adjoining site to the west of the application site has identified significant later prehistoric remains and therefore there is reason to suggest that the application is also likely to contain features of archaeological interest.

Given the archaeological potential of the site, the County Archaeologist recommends that investigations should be undertaken prior to determination. An informed decision can then be made with reference to the impact of the proposal on the historic environment. Where archaeology is identified, but does not meet NPPF para 139, an appropriate level of archaeological mitigation can then be secured by negative condition (NPPF, para 141).

4.3.33 At present the submitted desk based archaeological assessment concludes that the site has a generally low archaeological potential and that the 'modest archaeological interest of the site can be secured by an appropriately worded condition' The comments received from the County Council's Historic Environment Advisor would appear to place a much greater importance on the archaeological potential of the site.

4.3.34 Summary on archaeology matters

At present not enough information is provided to demonstrate the archaeological significance of the site and therefore the proposed development would be contrary to Section 12 of the NPPF.

4.3.35 Section 106

At the time of submission the application did not include a draft Section 106 document and the applicants agents were asked to make a submission in regard of Section 106 matters. A short Heads of terms document has now been submitted listing the following Heads of Terms :

- Affordable Housing
- Education
- Open Space
- Community Facilities
- Rights of Way upgrades

The document is inadequate for the purposes of mitigating the impact of the development on all relevant infrastructure. As such and given the substantial

planning objections to this proposal no further negotiations have been undertaken in respect of S106 matters. As a satisfactorily completed S106 obligation agreement has not been completed this forms a separate recommended reason for refusal as set out below.

4.3.36 **The Planning Balance**

As set above I have identified broad areas of how I consider this planning application is unacceptable in terms of the principle of development in addition to other planning considerations. As a result of these significant objections to the application no further negotiations have been undertaken with regard to a Section 106 agreement as there is no realistic prospect of such an agreement overcoming the fundamental objections to this proposal.

Whilst paragraph 187 of the NPPF requires local planning authorities to act pro-actively and seek to find solutions, in my view the substantial and compelling planning objections to this development are not capable of resolution in my judgement.

- 4.3.37 In the absence of a five year land supply where relevant policies which restrict the supply of housing can be considered out-of-date (paragraph 14 of the NPPF) the weighted planning balance is tipped in favour of granting planning permission for sustainable development. Planning permission should only be refused in such circumstances where:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of [of delivering new homes], when assessed against the policies in this Framework taken as a whole.'

- 4.3.38 Whilst the Council now claims to be able to demonstrate an up to date five year land supply of deliverable housing sites (since the submission of the Local Plan to the Secretary of State in June 2017) I have applied a precautionary approach and have assessed this application against paragraph 14 of the NPPF whereby any adverse impacts must significantly and demonstrably outweigh the benefits of delivering new homes.

- 4.3.39 This planning application proposes up to 99 new homes which would make an important contribution towards improving the five year land supply but also helping to meet the objectively assessed housing need for at least 14,000 (+ 1,950 for Luton's un-met need) new homes across the District through the plan period (2011-2031). Meeting housing need is in itself a clear benefit of the proposed development.

- 4.3.40 The applicant also offers 40% affordable housing and there are clear social and economic benefits arising from the delivery of the new homes as I have acknowledged above and the case for which has been clearly made by the applicant

- 4.3.41 Applying the presumption in favour of sustainable development it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole before judging whether any identified harm as a result of this analysis would 'significantly and demonstrably' out weigh the benefits of delivering new homes on this site.

- 4.3.42 I have identified however that there would be significant and demonstrable environmental harm caused by this development relating to the following:

- The development would cause harm to the intrinsic beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- The development would be harmful to the character and appearance of the landscape

- There would be cumulatively harmful impact of the development when taken with recently approved new development in the village.
- If the recent planning permission at Elm Tree Farm is not implemented this current proposal would be completely divorced from the village and isolated completely as not adjoining the current village boundary and on this basis would be further injurious to the character of the countryside
- The development would be unsustainable due to its location, the lack of community infrastructure to serve the development and likely high dependence of the occupiers of the new development on the private car
- The development would result in the loss of grade 3A agricultural land
- A pre-determination archaeological survey has not been carried out

4.3.43 The application is also unacceptable because it is not accompanied by a satisfactory Section 106 Planning Obligations agreement

4.3.44 In my view the environmental harm arising from the proposed development significantly and demonstrably outweighs the benefits of delivering new homes on this site.

4.4 **Conclusion**

4.4.1 The benefits of allowing the development do not outweigh the harm and, as such, planning permission should be refused.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That permission be **REFUSED** for the following reasons:

1. By reason of its siting beyond the built limits of Pirton; the location with open farmland within the Pirton Lowlands Landscape Character Area (218); and the heavy use of planting to screen the largely open site, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significantly and demonstrably harm to the intrinsic beauty of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraph 17, 109, 116, 156 of the National Planning Policy Framework. The development would also be contrary to Policy CGB1 of the North Hertfordshire Emerging Local Plan 2011 - 2031.
2. Given the lack of essential services in the vicinity of the site, the occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In addition to this, the land on which the site is located is Grade 3A agricultural land, which constitutes the best and most versatile land. As well as being harmful to the natural environment, this would amount to development of the land which is both environmentally and economically unsustainable. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to

the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14, 49 and 112, and to Policies SP1 SP6 and SP9 of the Emerging Local Plan 2011 - 2031, and to Planning Practice Guidance - Natural Environment para. 026.

3. The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.
4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



17/01543/1 Land off Holwell Road, Pirton



Scale: 1:2118
Date: 29:08:17

This page is intentionally left blank

Pirton Parish Council



Parish Clerk:
Mr Stephen Smith
The Old Post Office, 6 Great Green, Pirton, Hertfordshire SG5 3QD
Tel: 01462 712279
Email parishclerk@pirtonparishcouncil.org.uk

~~~~~  
Development Control  
North Hertfordshire District Council  
Gernon Road  
Letchworth  
SG6 3JF

25th August 2017

## **Objection to Application no: 17/01543/1**

**Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access. Application reference: 17/01543/1**

These comments represent, in the strongest terms, the **OBJECTION** to the proposed development by Pirton Parish Council. They provide the justification for North Hertfordshire District Council (NHDC) to refuse the application on the grounds of prematurity alone. The Parish Council has also sought to tie together all the issues that have been raised by others, which cast indisputable doubt on the sustainability of the proposed development. The application is not sustainable and so outline permission cannot be granted.

The application should be refused, based on the reasons detailed below.

### Reasons for Refusal - Prematurity

The Government provides Planning Practice Guidance notes on how decisions on applications for planning permission should be made. A section in that guidance '*In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?*' describes the circumstances where refusing a planning application on the grounds of prematurity can be justified. In the case of this proposal the Parish Council believe that prematurity is a justified reason for refusal.

The presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) can be overridden where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

This is normally limited to situations where both:

- The cumulative effect of the development would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage (e.g. it has been submitted for examination) but is not yet formally part of the development plan for the area.

The Pirton Neighbourhood Development Plan (the Neighbourhood Plan) is at an advanced stage as it has been submitted for examination, and the submission version of the North Herts Local Plan (the Local Plan) is also being examined.

The examination version of the Local Plan does not allocate any housing sites in Pirton. It justifies this decision by saying that around 94 homes have been built or granted planning permission in the village, since 2011.' (Paragraph 13.267) It goes on to say in Footnote 147 on Page 195 that:

*'Outline planning permission has been granted for up to 82 new homes at Holwell Turn. The precise number of homes to be built will be determined by a detailed, 'reserved matters' application. An estimate of 70 homes has been used for the purposes of calculating overall housing numbers in this Plan. This figure is without prejudice to the determination of any future planning applications on this site.'*

The application site subject of this objection is situated immediately adjacent to the site of the outline permission mentioned above. The reserved matters application for the layout of 78 new homes was approved in May 2017, providing 8 more homes than NHDC had estimated in its housing calculations.

The 94 new homes built or approved in the last six years, which include the 78 approved in May 2017, represent an 18% increase in the size of the village. The Local Plan and the Neighbourhood Plan both allow for additional new homes within the proposed new village boundary during the life of both plans, but do not support development beyond the proposed new village boundary.

If permission were to be granted for the 99 homes sought in this application, the increase in the size of the village would equal a mammoth 37%, which is more than that planned for the towns in the District (the exception being Baldock), let alone a village. The cumulative impact of the combined developments would undermine the current plan-making process. The development is in conflict with both the emerging Local Plan and the Neighbourhood Plan and approving the development would be predetermining decisions about where new development should be located in the District.

The Government's Planning Practice Guidance, which helps Local Planning Authorities to implement the NPPF, also says that where planning permission is refused on the grounds of prematurity, the Local Planning Authority (NHDC) must indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process currently in progress.

The Neighbourhood Plan's objectives seek: sensitive development, which prevents sprawl and urbanisation; and development which is in accordance with the character of the village, its archaeological heritage and its connection to the countryside. Granting Outline permission for the development of 99 new homes, which would be contrary to both the emerging Local Plan and Neighbourhood Plan, would prejudice the outcome of the examination of both plans. It would also challenge NHDC commitment to the Localism agenda and devalue the concept of neighbourhood planning.

In relation to the outstanding matters on the adjacent development site at Elm Tree Farm, at the time of writing, Condition 10 of application 15/01618/1 has still not been discharged. In addition, the Construction Management Plan for the application for 78 homes on the adjacent part of Elm Tree Farm has still not been approved. At the time of writing, there is no agreed construction route to this area of the village. The current estimate of the number of construction vehicles that would need to access Elm Tree Farm for the 78 home scheme is between 25 and 30 vehicles a day during delivery hours in the main part of the build. If the Construction Management Plan

issues cannot be resolved on a smaller scheme, how can permission be granted for an additional larger scheme?

#### Reasons for Refusal – Negative Cumulative Impact

We echo the sentiments of the Hertfordshire branch of the Campaign to Protect Rural England (CPRE), that the cumulative impact of the recently approved 78 homes together with this application for 99 homes would certainly cross the bar of 'harm outweighing benefits' to 'harm significantly and demonstrably outweighing the benefits'.

The Parish Council also supports the objection that has been submitted by the Chair of the Governors of Pirton School. The school has an intake of 21 pupils per year with a maximum capacity of 147 children. At the end of this school year there were 143 pupils and so is effectively full. The cumulative impact of a further 198 households in the village over the next 5 years would mean that pupils from Pirton, as well as the adjacent village of Holwell would have to travel to a school 4 miles away.

The capacity of the school is not simply about classrooms, other facilities such as toilets, amenity space, cloakroom and changing facilities would also not be able to cope with a significantly increased intake of pupils and staffing levels would have to be increased for all aspects of school performance, such as teaching, administration, catering etc.

The application on this site cannot simply be considered on its merits alone and must be assessed in the context of the recently approved permission for 78 homes on land immediately adjacent. The cumulative impact on social, health, education and community facilities in the village has not been assessed.

#### Reasons for Refusal – Conflict with Local Planning Policy

This site is outside the current and proposed development boundary of Pirton Village as shown in the emerging Neighbourhood Plan and the submitted Local Plan and is contrary to the policies in both plans. Policy SP2 of the Local Plan allows development within the defined settlement boundaries of the Category A villages of which Pirton is one of those listed, but not outside the boundary. Policy PNP1 of the Neighbourhood Plan supports development within the boundary of the village.

The Local Plan promotes a design-led approach to development and so does not set out district-wide density standards for housing development. However, it does say that development on the periphery of settlements should generally be at a lower density than that within the settlement, to mark the transition to the rural area beyond (Paragraph 8.21). The density of the proposal exceeds that of the nearest existing development to the east of Royal Oak Lane and so increases the urbanisation of the eastern edge of Pirton Village. If considered together, this development combined with the 78-home scheme, which lies between the development site and Royal Oak Lane, would effectively create a new housing estate adjacent to a rural village. This is contrary to NHDC's 'design-led' approach to development.

Policy SP9 of the Local Plan – Design and Sustainability, supports new development where it is well-designed and located and responds positively to its local context. The Framework Plan submitted with the application shows quite clearly that no attempt has been made to design this development, or the adjacent development (subject to an Outline permission by the same applicant) to relate positively to the village.

In terms of location, the proposal is contrary to both Policy 6 – Rural Areas beyond the Green Belt (North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)) and Policy CGB1 of the Submission Local Plan 2011 – 2031. The Parish Council believes that both these policies are relevant. The recent Supreme Court case decision (Suffolk Coastal DC v Hopkins Homes Ltd. [2017 UKSC 37]) supports the contention that the policy is not out of date because it is a policy to protect the rural area and not to restrict the supply of housing. In addition the submission policy for the Rural Area Beyond the Green Belt is relevant in the context that the plan is in the process of examination and NHDC can demonstrate at least a 5-year housing supply. Whichever of these policies the proposal is compared against, it fails.

#### Reasons for Refusal – Poor Connectivity (for cars and pedestrians)

Connectivity from the development site is extremely poor. Vehicular connections rely on a scheme where an archaeological condition on the Outline permission has not yet been satisfied and the Construction Management Plan is pending the resolution of numerous issues. One connection leads into the adjacent site over a raised roadway. This is effectively the emergency access for 99 homes, onto Hambridge Way, through the adjacent site and exiting in the extreme south west corner. The main vehicular access is via a Y-junction for both the 78 homes and the 99 homes, onto a rural lane, at a right-angled bend in the road.

Two of the pedestrian connections access the rural, unlit and unmade Icknield Way. Although Icknield Way is well used during the day for leisure purposes, it is not used at night. The third pedestrian access leads onto one of the main entrances to the village where there is no pedestrian footway and minimal street lighting, as in most rural villages.

This lack of connectivity will effectively create a new community tagged onto the eastern edge of the village. New occupiers will be isolated and will feel as though they live in a peripheral 'estate', apart from the rest of the village, relying heavily on the use of the private car.

In 5.7.2 of the Transport Assessment, Gladman state that 'A key theme of national and local policy is that development should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.' They also say that the proposed development accords with the NPPF as it is located and designed to give priority to pedestrian, cyclist and public transport usage.

Section 5.3 of the Transport Assessment promotes the use of a bicycle, including as a means of travel to work e.g. Hitchin Town Centre (and railway station) and Henlow Camp, both estimated to be a little over 20 minutes' cycle ride. In theory these distances could be covered in the time estimated in the Transport Assessment, but not at the time that the majority of others will be travelling to work. Local rural lanes are well used at busy times with traffic speeds that would not make for safe cycling and the B655 into Hitchin queues back from its junction with the A505 making it impossible for cyclists to pass the queue. The Transport Assessment is theoretical and lacks practical application.

The Assessment mentions there is a regular bus service. In fact, there is no public transport for the village on Sundays and Bank Holidays. On Saturdays you can only travel to Hitchin between 8.30am and 2.30pm (6 buses) and on weekdays between 7.00am and 2.30pm (8 buses). This service is effectively a school bus service. It would not be sufficient for workers who need to travel to work outside these hours or at weekends. In addition, the nearest bus stop is 380m away along a busy road with no pavement or street lighting. The Transport Assessment is not fit for purpose. It does not satisfy the requirements of the NPPF or the current Local Transport Plan and does nothing to promote Sustainable Transport.

### Reasons for Refusal – Impact of Traffic

The impact of construction traffic during the build of this site as well as the adjacent site plus the cumulative impact of additional car journeys will impact on the quality of life of village residents, both current and future.

The Governors of Pirton School believe that the escalation in traffic caused by the cumulative development of 198 homes, combined with narrow roads with narrow footpaths or no footpaths at all, will represent a significant danger to pupils. The school encourages sustainable travel to school using bikes and scooters but has legitimate concerns that parents will change their behaviour and resort to bringing their children to school by car for safety reasons. This would count against the sustainable credentials of the development proposal.

Moreover, Pirton Parish Council voiced an objection to application 16/02256/1 (on the adjacent site) based on the issues for those living on and walking along Holwell Road, to the bus stop, the school and other facilities. Holwell Road is effectively a single carriageway as it passes the 12 Apostles terrace. These houses front directly onto the carriageway, with no footpath, and so have historically parked their vehicles in front of their homes. Without some protection from oncoming vehicles, their front doors would be unusable as they would be unsafe.

Cala Homes proposed the construction of a footpath from their site to beyond the frontage of the cottages and replacement parking spaces for residents of the terrace, within their development site. However, this would still result in a single carriageway along Holwell Road but for a longer stretch.

It is difficult to understand why the Highway Authority is not raising an objection to this Outline application. The Highway comments rely on the preparation of a satisfactory Road Safety Audit, which has not been submitted as part of the application. The Parish Council contend that Condition 8 requested in the Highway Authority's comments which requires that access arrangements for all users are safe and suitable for their intended use, cannot be achieved.

### Reasons for Refusal – Impact on Hambridge Way and the Icknield Way

The submitted Transport Assessment (Paragraph 5.2.7) says that Gladman is willing to offer a contribution towards improvements to the Icknield Way and other PRowS in Pirton, which should encourage their use by pedestrians. The Hambridge Way is part of the Icknield Way, as it runs through the village of Pirton. Although the Parish Council understands the sentiment behind this offer, i.e. to increase the use of sustainable modes of transport (walking) to and from the development site, the Icknield Way is a unique and ancient long-distance track used for leisure purposes. It was the subject of the first episode of a Channel 4 series 'Britain's Ancient Tracks' first shown in October last year and is characterised by miles of beautiful green lanes offering striking panoramic views and passing through some charming villages.

It is not clear exactly what 'improvements' the applicant might propose to the Icknield Way, but any suggestion of hard surfacing or urbanisation of this track would not meet with the approval of the Parish Council. The route is well used by long-distance walkers and cyclists who bring trade to the village pubs and shop. Any development that impacts this peaceful rural path would be contrary to policy PNP13 of the Neighbourhood Plan.

The applicants' Landscape Assessment (LA) concludes at paragraph 8.7 that the proposed development would not give rise to any unacceptable landscape and visual harm. However, the LA includes pictures and a description of the views that pedestrians and cyclist have from the Icknield Way, over the site, as it passes along the southern boundary. It is described in paragraph 4.41 as 'largely open along its southern boundary with the PRoW permitting extensive views across the ground plane of the site, comprising arable land.' Clearly the development of the arable field with 99 houses will substantially alter the view from the Icknield Way and cause substantial harm to the amenities of all users of this ancient path.

#### Reasons for Refusal – Landscape Impact and Setting of the Village

The site is not situated adjacent to the built form of the village, contrary to the claims in the application documents. It is adjacent to a greenfield site with planning permission for 78 homes. The site is not seen in the context of Royal Oak Lane, as the LA states, because it is separated from the rear of properties on Royal Oak Lane by a distance of some 75m.

As you enter the village from Holwell you currently have a view over the site to the Chiltern Hills, a designated area of outstanding natural beauty (AONB). This is one of Pirton's iconic views, placing the village in its setting in the countryside. The view (View 8) is identified in the Neighbourhood Plan and is protected by policy PNP7 of that plan. The development will have a severe adverse impact on the setting of the village with reference to the Chilterns, as identified in both the Neighbourhood Plan and its attendant Character Assessment.

Paragraph 4.34 of the LA says that a very short section of the northern boundary of the site is open to Holwell Road at the north-west corner. This may be the case currently, however if a new access is built for the cumulative total of 177 new homes, the gap in the boundary vegetation will necessarily be much larger than the existing field gate to achieve a safe access with compliant sight lines.

The site itself is an arable field outside the village, but paragraph 8.2 of the LA describes the proposal for 99 new homes as a 'change of modest scale and nature'. For this to be written into a landscape appraisal must throw considerable doubt on the whole assessment.

Paragraph 8.3 of the LA says that the impact of the proposed development and the consequential effects would be localised and limited in their extent. This is contrary to the evidence provided within the assessment, which shows how open and rural this agricultural site at the foot of the Chiltern Hills actually is.

Finally, the LA concludes, in Paragraph 8.7, that the proposed development of up to 99 dwellings and associated green infrastructure would be appropriate within this landscape context. It is not possible to visit this site and draw such a conclusion.

#### Reasons for Refusal – Loss of Best and Most Versatile Agricultural Land

Unlike the adjoining site, the whole of this site is categorised as Grade 3a agricultural land. The NPPF, paragraph 112 states that '*Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*' This proposal would sterilise a large area of the best and most versatile agricultural land before the examination process of two levels of local plan are being examined and may well conclude that the loss of such agricultural land is unnecessary.



### Reasons for Refusal – Loss of Biodiversity

Herts & Middlesex Wildlife Trust have commented on the application, which they feel contains insufficient information on which to judge whether there will be a gain or at least no net loss of biodiversity. The applicants' Ecological Appraisal fails to quantify either the impacts of the development or the measures that will be put in place to ensure no net loss to biodiversity. Without the surety that the development is ecologically sustainable, permission cannot be granted.

### Reasons for Refusal – Potential Impact on Significant Heritage Assets

The Parish Council is very concerned about the lack of archaeological investigations taking place. Full field evaluation should be carried out over the whole field, before an outline consent is considered. The justification for this is that there have been important archaeological finds on the adjacent site, which may extend into this development site. An archaeological condition requiring a desk-based assessment is not sufficient in a village with as much important archaeology as Pirton (with three scheduled monuments already).

The County Council's Historic Advisor points out that the desk-based assessment identifies only low potential for prehistoric, Anglo-Saxon and medieval remains. However, recent field investigations on the adjacent site have revealed significant later prehistoric remains from the Late Bronze Age or Early Iron Age, close to the boundary of the proposed development site and these may continue into the site.

The Historic Advisor goes on to say that because of the known presence of archaeological features and the large scale of the proposal, the development is likely to have an impact on significant heritage assets, which may be of sufficient importance to trigger paragraph 139 of the NPPF. The significance of the remains on the adjacent site could call into question the deliverability of the 78-home development making any decision on the development subject of this application unviable, unsuitable and undeliverable.

The advice of the County Council's Historic Advisor is that a geophysical survey and archaeological trial trenching should be undertaken before this application is determined, to properly assess the impact on the historic environment. The North Hertfordshire Archaeological Society (NHAS) support the County Council's Historic Advisor in seeking trial trenching over an area of at least 5% of the development site. The potential importance of the site cannot be underestimated with significant remains already discovered on the adjacent land, close to or on the boundary of the two sites.

An application for scheduling of the site has been made to Historic England. Historic England need the District Council's co-operation to ensure that all archaeological assessments are prepared to an adequate standard and made available to them, in order that they can make an informed decision on the scheduling application.

NHAS has also offered the applicant assistance with field investigations using experienced metal detectorists under archaeological supervision and a detailed geophysical survey close to the area of the remains found on the adjacent site. A report of these investigations will not be available by the 14<sup>th</sup> September. Only once further investigations have taken place and an assessment of impact has been made can the application be determined.

**Finally, the Parish Council formally requests that NHDC consult Historic England on this application so that as a Statutory Consultee, it is given the opportunity to consider the**

**impact of the development proposal on potential nationally-significant heritage assets.**

This takes the argument round full circle to the fact that planning permission cannot be granted for Outline permission on this site, because it is premature to the continuing investigations of the archaeological significance of the site in addition to prematurity in the light of the examination of the Local Plan and the Neighbourhood Plan.

Conclusion

The Outline application for up to 99 new homes is contrary to existing and emerging planning policy and does not represent sustainable development as defined in the NPPF.

The development has no particular economic merits beyond the provision of new homes. There are no identifiable social or community benefits, indeed the negative impact on the school, the lack of social integration of new residents and the impact of increased traffic on sustainable travel around the village and its knock-on impact on social interaction and health, all add up to a considerable contradiction to social sustainability.

Environmental impacts including loss of open countryside and good-quality agricultural land, negative effects on a national long-distance route, the Chilterns AONB and the rural landscape setting of the village, and the potential harm to nationally-significant heritage assets add together to equal a damning indictment of the lack of environmental sustainability of this development.

The development proposal should be refused based on the multitude of reasons detailed in this objection, with particular emphasis on the prematurity of the application pending the examination of both the North Herts District Council Local Plan and the Pirton Neighbourhood Development Plan.

Pirton Parish Council  
25<sup>th</sup> August 2017.

25 August 2017

NHDC Planning and Development Control

Dear Mr Rea,

Re: Application No. 17/01543/1 Land off Holwell Road Pirton

I write on behalf of the Pirton Neighbourhood Plan Steering Group to OBJECT to this planning application by Gladman. The application should be refused on the following bases:

**1. The land is outside of both the current and prospective development boundary for the village.**

Under the current Local Plan, saved policy 7, there should be no development outside of the visual character area on this, the eastern boundary to the village. The policy is clear, if not always applied consistently by the NHDC. Saved Policy 6 also applies.

The emerging Neighbourhood Plan is now at the beginning of the Examination Process, an Examiner having been identified who has agreed to conduct the Examination. The site is outside of the proposed development boundary in the emerging Neighbourhood Plan. The proposed new Local Plan is now within the Inspection system. This site is not allocated to Pirton in the emerging Local Plan, as being outside of a new development boundary for Pirton. This new boundary has been the subject of much public consultation, not only during the various "SHLAA" processes since 2013, but also in relation to the emerging Local Plan itself, and the various consultations on the emerging Neighbourhood Plan for Pirton.

**2. The land is "Best and Most Versatile Agricultural Land"**

The whole of the site is Grade 3A agricultural land. To utilise this site for development would be contrary to NPPF para.112, and not in keeping with the emerging Neighbourhood Plan which values our agricultural industry.

**3. Inability to rely on the applicant's reports due to their poor quality.**

For example: The Landscape Assessment at para.8.2 describes the proposal for 99 homes as a "change of modest scale and nature". This cannot be right; the proposal is to change a Grade 3 A agricultural field into a major housing development. This development would completely block the view of the Chiltern Hills as one enters the village, thus completely removing the visual aspect of the village from its setting in

the landscape. This is important within the emerging Neighbourhood Plan as it helps to establish the rural character of Pirton Village.

The Transport assessment says there is a regular bus service, implying that it is adequate to sustain an influx of some 99 households (not to mention the 78 proposed for the site next door). The emerging Neighbourhood Plan discusses bus service provision which is not adequate enough to seriously displace the need for reliance on cars to travel to shops, station, work, in some cases school, and so on. The alternative proposals within the Transport Assessment, that people should walk or cycle into Hitchin for their shopping and for their commuter trains is frankly nonsense.

The Built Heritage Report: is seriously flawed. The map of Pirton's Heritage Assets is labelled "Project: Land off Dover Road, Deal". More importantly for a Built Heritage Assessment Report, it does not discuss the large scale of the development within the historic context of Pirton's incremental, small scale development along this side of Pirton from the 19th to the 21st century. Little regard has been had to the Neighbourhood Plan and its supporting Character Assessment, save to quote very selectively from it. .

Archaeology: The emerging Neighbourhood Plan and its supporting Character Assessment details the rich archaeological and historical remains that are part of the character of Pirton, and which are valued by the community. There is no Archaeology Assessment Report at all. There must be a detailed assessment of the archaeological potential on the site before any consideration of granting the application. Given the significance of the material found on the adjacent site, mostly Prehistoric Bronze Age and early Iron Age, including human burials, and the interest of Historic England in the site, it is essential that a detailed assessment report is prepared and available for consultation and comment, before decisions are made. No work on the adjacent site was carried out in the area near Hambridge Way where high status Roman finds were discovered as casual finds ;further work on this area and into this current site is needed to establish what Roman period activity was happening on this site.

The existing desk based appraisal is inadequate in many respects, not least that the sources of information are limited and, as has been the case on the adjacent site, important information is missing.

#### **4. Green Space and biodiversity**

The emerging Neighbourhood Plan places considerable emphasis on green space and biodiversity issues. Gladman propose that access should be through the adjacent site and down one small side street. The use of the small side road within the planned development on the adjacent site for all traffic to ingress and egress will involve the removal of part of a hedge, and cross the newly approved "green corridor" for wildlife as well as a proposed cycle path/footpath.

## **5. Connectivity and Safety**

The proposal is to more than double the use of the Y junction on the adjacent site as well as the narrow lane of Holwell Road in and out of the Pirton village, and through Holwell to the A600. There is no road safety audit to comment on. The residents of Holwell Road are without pavement, and we have particular concern about the effect on those living along Holwell Road, and in the terraced houses known as "The 12 Apostles". Further, there is little concern within the Gladman proposal for pedestrians. Except for access to the Hambridge Way, which is itself often wet and muddy, there are no proposals for direct access to the remainder of the village. It will be a nearly 400 meter walk partly on unpaved and unlit roads to the nearest bus stop. Thus safe connectivity to the main village and beyond is very poor, contrary to the design aspects of the emerging Neighbourhood Plan and Character Assessment, the NPPF and good design generally.

## **6. Overdevelopment**

The emerging Neighbourhood Plan already proposes a minimum 18% increase in housing provision within Pirton Village to 2031. This is already more than is proposed in the draft Local Plan for Hitchin (11%) or Letchworth (15%). With "windfall" development within that period Pirton could see an increase of more than 20%. If proposals for 99 houses are approved, then, with the recent approval of 78 houses on the adjacent site, and other approvals/building since 2011, the NHDC will be expecting Pirton to expand by 34%. This is considerably more than the NHDC's expectation for Hitchin (11%), Letchworth (15%), or Royston (25%). Whilst Pirton is designated as a Category A Village, capable of taking some housing development (as opposed to other categories of villages), such an enormous increase in a very short space of time is not sustainable and would be contrary to the NHDC's policy both now and in the emerging Local Plan for where most development should take place. Additionally, 99 dwellings on this site would be of far too high a density for an edge of village development and so constitutes gross overdevelopment on the site itself.

## **7. Adverse Impact on the Character and Setting of Pirton in the countryside.**

Pirton is a rural village, with an identifiable centre, and development has been steady and small scale, covering a wealth of architectural types and periods. An overwhelmingly large development in the countryside, beyond a planned/possible contemporaneous and large development, is very out of character for Pirton; will adversely affect the symmetry of the village, urbanise this side of the village and indeed fulfil the description of a "monstrous carbuncle" that I see others have used. It would be quite contrary to how development is proposed within the emerging Neighbourhood Plan.

## **8. Adverse Impact on Hambridge Way, part of the Historic Ickniel Way.**

The Hambridge Way is well used by both villagers and visitors, as part of the long distance and historic Ickniel Way and an important feature of Pirton and Pirton Parish (emerging Neighbourhood Plan and Character Assessment). A significant adverse impact will be the loss of the views across arable land to the Stondon Ridge, along with an urbanising of the landscape, and noise. This will cause substantial harm to the amenities of all users of this ancient path. Additionally, visiting walkers and cyclists bring trade in to the village, and we would be very concerned if this trade was discouraged in any way.

## **9. Negative Cumulative Impacts.**

The cumulative impacts of this application, if granted, on top of the recently approved 78 houses on the adjacent field to this application would of itself mean that the development would lead to harm that significantly and demonstrably outweighs the benefits of any development (para14 NPPF). The proposal is to urbanise this side of the village. The cumulative impact on social, health, education and community facilities has not been assessed. The emerging Neighbourhood Plan only supports development that enhances village facilities and will not approve development that adversely impacts on facilities and amenities in the village.

## **10. Prematurity**

Both the new Local Plan and the Neighbourhood Plan are within their relevant Inspection/Examination processes. The impact of this development is contrary to both Local and Neighbourhood Plans, taken as a one off development or as cumulative with the adjacent site. To grant permission would undermine the plan making process by pre-determining issues about character, scale, location, and phasing of new development contained in both Plans and which, in relation to both Plans, have been the subject of thorough public consultation.

The application is also premature in that there are still outstanding matters relating to the adjacent site, which may prevent development of that site. If this application were to be granted before it is clear that the adjacent site will be developed, this site would be entirely isolated in the countryside, and without any method or mode of access to it.

For all of the above grounds, the Pirton Neighbourhood Plan Steering Group urges that this application be Refused.

Yours sincerely,

Diane Burleigh OBE

Chair, Pirton Neighbourhood Plan Steering Group.

|                 |                   |                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM NO:</b> | <u>Location:</u>  | <b>1 Avenue One, Letchworth Garden City, SG6 2HB</b>                                                                                                                                                                                                                                                                                                                                                          |
|                 | <u>Applicant:</u> | <b>Maizelands Limited and Arringford Limited</b>                                                                                                                                                                                                                                                                                                                                                              |
|                 | <u>Proposal:</u>  | <b>Erection of single storey retail foodstore (Use Class A1), a three storey hotel (use Class C1), a single storey restaurant/drive-thru (Use Class A3/A5), a single storey coffee shop/drive-thru (Use Class A1/A3), new access arrangements, car parking, service areas, landscaping and other associated works following demolition of existing building (as amended by drawings received 02/06/2017).</b> |
|                 | <u>Ref. No:</u>   | <b>17/00477/ 1</b>                                                                                                                                                                                                                                                                                                                                                                                            |
|                 | <u>Officer:</u>   | <b>Tom Allington</b>                                                                                                                                                                                                                                                                                                                                                                                          |

**Date of expiry of statutory period:** 07 June 2017

**Reason for Delay** (if applicable)

N/A

**Reason for Referral to Committee** (if applicable)

The application is required to be determined by the Planning Control Committee, in accordance with the Council's constitution, as the site area exceeds 1 hectare (1.8ha. in this instance) and the floorspace of the proposals exceed 500sq.m (in this instance 4,887sq.m).

## **1.0 Relevant History**

- 1.1 The site, No.1 Avenue One, Letchworth Garden City has a long and detailed planning history. These include a number of applications for advertisement consent during the 1980s and 1990s and up until 2001.
- 1.2 Of the other applications at this site, permission was granted in March 1998 for the 'change of use from Use Class B2 (General Industrial) to Use Class B8 (Storage and Distribution)' under referenced 98/00076/1. Permission was then granted in August 2001 for the 'change of use of part of building to use class B2 (general industrial)' under reference 01/00974/1.
- 1.3 A pre-application enquiry was submitted to the Council in June 2016 under planning reference 16/01553/1PRE. This sought the Council's advice on a potential re-development of the site, comprising 'Retail foodstore (A1), Hotel (C1) restaurant/drive-thru (A3/A5) together with car parking, landscaping and associated works'. A response letter dated 20<sup>th</sup> September 2016 outlined that given the 'out-of-town-centre' location and the sites designation as employment land, further information would be required before the application could be supported.

## **2.0 Policies**

North Hertfordshire District Local Plan no.2 with Alterations 1996

- Policy 8 – Development in towns
- Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

- Policy 21 – Landscape and open space pattern in towns
- Policy 36 – Employment Provision
- Policy 42 Shopping
- Policy 51 – Development effects and planning gain
- Policy 55 - Car Parking Standards

## 2.2 Submission North Hertfordshire Local Plan 2011-2031.

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Policies of the draft Local Plan therefore carry relative weight at this stage. The policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

- Section 2: Strategic Policies-
  - SP1: Sustainable development in North Hertfordshire;
  - SP2: Settlement Hierarchy;
  - SP3: Employment;
  - SP4: Town and Local Centres;
  - SP6: Sustainable transport;
  - SP7: Infrastructure requirements and developer contributions;
  - SP9: Design and Sustainability;
  - SP10: Healthy Communities.
- Section 3 – Development Management Policies -
  - ETC1: Appropriate uses in employment areas;
  - ETC3: New retail, leisure and other main town centre development;
  - T1: Assessment of transport matters;
  - T2: Parking
  - D1: Sustainable Design;
  - D3: Protecting Living Conditions;
  - D4: Air quality;
  - NE1: Landscape; and
  - NE8: sustainable drainage systems;
  - NE9: Water quality and environment; and
- NE11: Contaminated Land.

## 2.3 National Planning Policy Framework

- Section 1: Building a strong, competitive economy
- Section 2: Ensuring the vitality of town centres
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities

## **3.0 Representations**

3.1 **Neighbours** - Application consulted on via neighbour notification and the display of site notices. One letter of objection has been received from planning consultants Rapleys LLP, on behalf of Lidl UK. Objections are summarised as follows:

- The proposed retail unit (Aldi) does not constitute ‘exception al circumstance’ as required by Policy 42.
- The proposal would have a detrimental impact on the vitality and viability of Letchworth Garden City and Baldock town centres as it would draw visitors away from the town centres.
- Town Centre sites are being put forward as part of the submission Local Plan which could accommodate each of the proposed uses separately.
- The proposed Aldi store would have a significantly adverse impact on the



- established Lidl store in terms of trade draw, especially given the proximity of the site to the existing Lidl.
- The sequential test is insufficient. Although it considers three potential town centre sites, it states that these are too small. However, the test fails to consider these sites in terms of splitting the proposed uses up.
  - The proposal would result in the loss of employment land. It has not been sufficiently demonstrated that the site has been adequately marketed for employment use.
- 3.2 **Letchworth Garden City Heritage Foundation** – No objection. However, ‘we request that careful consideration is given to the impact on the vibrancy and vitality of Letchworth town centre’.
- 3.3 **NHDC Environmental Health (Noise and nuisance)** – No objections, subject to informatives.
- 3.4 **NHDC Environmental Health (Contamination and air quality)** – No objections with regard to contamination, following the submission of additional information. However, further conditions are recommended to clarify this matter. With regard to air quality, no objections are raised, however the scope of the submitted Travel Plan should be expanded. Therefore a travel Plan should be required (to be subject of s106, as required by the HCC Highway Officer). In addition, a condition is recommended that requires Electric Vehicle charging Points at each aspect of the proposals.
- 3.5 **NHDC Waste Services** – No objection, subject to conditions
- 3.6 **Hertfordshire County Council Highway Officer** – No objections, subject to a conditions and s106 obligations, including the requirement for a Full Travel Plan to cover at least 5 years of the first occupation of the site and sum of £6,000 to be paid to HCC to cover the costs of the assessment of the Travel Plan. In addition, a further contribution of £16,000 is required for improvements to public transport (in this instance, towards the improvement of nearby bus stops adjacent to the site on Avenue One).
- 3.7 **Lead Local Flood Authority** – No objection, following the submission of additional information. Two conditions are recommended with regard to details of the final drainage scheme.
- 3.8 **Environment Agency** – No objection, following the submission of additional information. Four conditions are recommended which relate to surface water drainage and ground contamination.
- 3.9 **Hertfordshire Fire and rescue Services** – No objection, subject to s106 obligations regarding the provision of fire hydrants.
- 3.10 **Affinity Water** – No objections, subject to conditions.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site comprises Unit 1 on Avenue One, at the corner with the A505 Baldock Road. The site includes an existing building which consists of a large warehouse/ production building and a associated two storey office building, which is link attached to the warehouse. The main warehouse provides approximately 5,000sq.m of employment space and the offices provide approximately 2,000sq.m. the existing buildings are boarded up and have not been used for some time.

4.1.2 The site is accessed via Sixth avenue which bounds the northern boundary of the site and there are two further access points on Avenue One, which bounds the eastern part of the site, however these access points are blocked up and not used. The northern part of the site is covered in hardstanding which provides a car park for 180 car parking spaces and for lorries.

4.1.3 The site is located within the LE1 Employment Zone, as designated under both the North Hertfordshire District Local Plan no.2 with Alterations 1996 and the submission Local Plan 2011-2031.

## 4.2 **Proposal**

4.2.1 Planning permission is sought for the demolition of the existing warehouse and office buildings and for the redevelopment of the site to provide a mixed use development comprising four main elements, including:

- A single storey food supermarket (Use Class A1 – Retail), to be operated by Aldi Stores Ltd and which would include a Gross Internal Area (GIA) of 1,802sq.m
- A three storey hotel (Use class C1) to be operated by Travelodge with a GIA of 815sq.m and which would include a total of 73 rooms and together with ancillary facilities such as a restaurant and bar at ground floor level.
- A single storey restaurant/ drive- through unit (Use Class A3/ A5), to be operated by McDonald's restaurants and which would have a GIA of 443sq.m.
- A single storey coffee shop also with a drive-through facility and which would have a GIA of 196sq.m.

4.2.2 The application also includes for associated landscaping and parking areas to serve each of the four elements and for revised access arrangements, whereby visitors would access the site via Avenue One and would exit the site at Sixth Avenue.

4.2.3 Each of the four elements would be located in each of the four quarters of the square site. The proposed food super store would be located at the south-eastern corner of the site, the hotel would be located within the south-western boundary and the café and restaurant/ drive-through would be located wither side of the access from Sixth avenue, within the north-west and north-eastern corners respectively. The areas of parking and the 'communal access road' would be located towards the middle of the site, between the four proposed uses.

## 4.3 **Key Issues**

4.3.1 Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, members should be aware that given the location of the proposed mixed-use development, the key issue in this instance is whether or not the proposal is acceptable in principle, in light of the following:

- Non-employment uses on designated employment land/ Loss of employment land;
- Impact on the viability and vitality of Letchworth and Baldock town centres;
- Whether or not there are any other suitable sites for the proposed development, other than this out-of-town-centre location

### 4.3.2 Principle of the proposed development within this employment location

The proposal seeks a change of use from general employment for which the site is allocated in both the Saved Local Plan (2007) and Emerging Local Plan - Policy 36 and ETC1 respectively. Both policies are not so tightly worded as to prohibit non-B uses as Policy 36 allows for "... *development and redevelopment to meet the needs of the available labour supply and changes in the local economy...*" and ETC1 states: "*other uses will only be granted (as an exception to the above criteria) where they: iii) Would bring comparable benefits to a B-use class use in the same*

*location or; iv) Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.*

- 4.3.3 Paragraph 22 of the NPPF (the framework) also provides guidance relating to the protection of allocated employment areas, and states that '*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*'.
- 4.3.4 The application is accompanied by an 'Employment Land statement' by Lambert smith Hampton. This statement outlines that the site has been marketed for B-class employment uses by both LSH and by CBRE for nearly four years and without success. The marketing campaign has included 'V' Marketing boards outside the premises, in a prominent location opposite the roundabout, a marketing brochure and direct mailing. The site has been advertised for either sale or rent and has been made available in part or as a whole. Although there was initial interest from a potential tenant; Tyco Safety Products; after lengthy negotiations, this was not successful and Tyco withdrew their interest. There has been little in the way of any other interest since and only negative responses have been received from potential tenants/ purchases.
- 4.3.5 Both LSH and CBRE have identified a number of shortcomings with the site and the existing accommodation to seek to explain the lack of interest and/ or demand for the existing premises. Firstly, there is a high percentage of office accommodation whereas the majority of potential tenants require only a small amount of office space. The warehouse has a lack of loading doors and the eaves height is particularly low which only allows for limited racking heights reducing storage capacity. Lastly, it is noted that the site is exposed to public access on three sides and so security is also an issue.
- 4.3.6 The Employment Statement by LSH concludes that having marketed the site for nearly four years, it is their opinion that 'the configuration and specification of the premises are increasingly obsolete for the majority of warehouse occupiers' and that 'it is unlikely a warehouse occupier will be found for the premises'
- 4.3.7 It is the officers opinion that the site has been adequately marketed for a significant period of time and there would appear to be a lack of demand for the existing facilities at this site. As such, in accordance with paragraph 22 of the NPPF, the Council's should not seek protect this employment land whereby it has been demonstrated that there is a lack of demand for premises such as this and there is not likely prospect of the site being put back into use which falls within a Class B employment use. This is particularly the case in this instance, as it is noted that an alternative use for the site has been found which albeit does not fall under any of the Class-B uses, it proposed mixed-use redevelopment of this site would generate a significant amount of employment.
- 4.3.8 The Design and Access statement submitted with this application states that the four aspects of the proposal (food superstore, hotel and restaurant/ drive-through and café/ drive-through) would generate the equivalent of 150 full-time jobs. On the basis of the plot ratio and density assumptions from the NHDC Emerging Local Plan, in comparison to potential B uses for a site of this size, the jobs generated would be:
- Class B1(a)/(b) (office) and light – 523 jobs
  - B1(c)/ B2 (light industrial) – 175 jobs
  - B8 (storage and distribution) – 121 jobs

- 4.3.9 It is clear from these figures that the number of jobs created is comparable to B1c/B2 type uses which would be acceptable in this location and the proposal reflects an uplift of jobs in relation to the existing permitted B8 use.
- 4.3.10 In light of the above considerations, it is found that the proposed development would comply with Policy 36 and emerging policy ETC1 and the NPPF in that the proposal would make use of an otherwise vacant site which has little prospect of being put to use in the immediate or short term future. In addition, the alternative use which is being proposed in this instance would bring comparable benefits to Class B uses, in terms of both generating similar levels of employment and it is also considered that at least three of the four proposed uses would compliment the employment area (The hotel, restaurant and café would provide services and facilities to the surrounding business within the employment area). As such, in this regard, the proposal complies with policy.
- 4.3.11 The Sequential test  
The proposed mixed-use redevelopment of this site includes a number of uses which are considered 'town centre uses' whereby it is preferable that such uses be located within a town centre to seek to ensure the future viability and vitality of town centres and so that these which would be sited within the most sustainable locations. Although the site is located within the built limits of Letchworth, is outside of the town centre and so cannot be considered either a town centre location or an 'edge of town centre location'. Paragraph 5.7 of the emerging Local Plan and which forms part of the supportive text under policy ETC1, states that as part of the assessment of an application such as this, an application will need to demonstrate that '*no other suitable sites outside designated employment areas are viable and available; and details of any sequential and/ or impact testing*'.
- 4.3.12 In this instance, the application is accompanied by a 'Planning and Retail statement' which includes a sequential test and this has been independently assessed by Nathaniel Lichfield & Partners Ltd ('Lichfields') at the request of the Council officers.
- 4.3.13 This assessment by Lichfields (as well as the application statement) makes reference to the Tesco Stores Ltd v Dundee City Council legal decision (21 March 2012 in the Supreme Court) which provides guidance on the sequential approach. Whilst the NPPF requires some flexibility in terms of the sequential approach, this case outlined that '*it is the proposal for which the developer seeks permission that has to be considered..... not some other proposal which the planning authority might seek to substitute for which is for something less than that sought by the developer*'. Therefore, when applying the sequential test and assessing alternative sites, flexibility relates to format and scale but does not mean the developer should reduce the size of development and suggestions and proposals that the proposed development could be accommodated within the town centre but on separate sites would be contrary to this case law.
- 4.3.14 In assessing alternative sites, these must be of a suitable size to accommodate the proposals and should be available within the same timeframe. The application indicates that that the development will be completed in 2018.
- 4.3.15 The submitted sequential test considered three sites, which are within the emerging Local Plan and which include site LG19 The Wynd, site LG20 Gernon Road and site LG21 Arena Parade. At 0.5ha The Wynd is too small to accommodate the proposals. At 1.2ha and 1.7ha respectively, the Arena Parade and The Wynd could, in theory, accommodate the proposals in a higher density form and with reduced parking (which would be viable in this highly sustainable, town centre location). However, the key issue with all three sites is their availability within a timeframe similar to the Avenue One site. All three sites are currently occupied and redevelopment would require the sites to be assembled and demolished. It seems unlikely these sites can be brought forward for development within the next two years, and on this basis these sites can be discounted as unavailable for the

proposed development.

- 4.3.16 Following the Lichfields 'review' the applicant was invited by the Council to address the issues in terms of the potential for The Wynd and the Arena Parade sites to accommodate the development (albeit not within the same/ suitable timeframe) and has provided a further statement whereby they have explored the options for accommodating the proposals within these sites. It has been found that it not likely that a suitable scheme could be accommodated and in each instance the proposals would either have to be reduced (contrary to the case law discussed above) or these would require buildings of multiple storeys and which would be much taller than any existing building within the town centre.
- 4.3.17 In light of the above, officers are satisfied that the required sequential test has been completed and the application demonstrates that there are no other suitable sites either within or on the edge of the town centre which could either accommodate the proposed development both spatially and which are available within the same/ similar timeframe. The proposal is therefore acceptable in this regard.
- 4.3.18 Retail Impact assessment with regard to Letchworth and Baldock Town Centres  
In addition to the sequential test, both the emerging local plan and the NPPF require that proposals for out of town centre locations also include a retail Impact Assessment, so as to take account the proposed development would have on the existing shops and services within nearby town centres.
- 4.3.19 A retail Impact Assessment has been included as part of the Planning Retail Statement, submitted with the application and which again has been assessed by Lichfields. Broadly speaking, the Lichfields assessment is consistent with and agrees with the findings of the RIA submitted with the application. In terms of 'comparison goods trade diversion' it is considered that *'a maximum comparison goods trade diversion of £0.35 million would represent an impact of -0.4% in 2021. ...this would be offset by expenditure growth between 2016 and 2021 (16%) and is unlikely to result in a significant adverse impact on comparison goods shops within the town centre'*.
- 4.3.20 With regard to the proposed restaurant and café, the maximum 'food and beverage trade diversion' of £2.7m would represent an impact of -6.9% in 2021. This level of trade diversion will be offset by expenditure growth between 2016 and 2021 (10.7%) and is unlikely to result in a significant adverse impact on food and beverage outlets within the town centre.
- 4.3.21 Most of the trade diversion to the proposed Aldi store would come from the out-of-centre Sainsbury's and Lidl. However, trade diversion and impact on out-of-centre food stores is not a retail planning consideration. Impact and trade diversion from Letchworth town centre will be concentrated primarily on the Morrison's and Iceland stores (-4.1% and -5% respectively). However, the impact on these would be relatively low and these stores would not be forced to close as a result of the proposed Aldi store. Impact levels on small convenience shops would also be low (-3.2%) and whilst the impact on food and beverage outlets in the town centre would be higher (-6.9%), this level of impact would still be offset by population/ expenditure growth.
- 4.3.22 In terms of the impact on Baldock, this would be focused on the Tesco store and the impact would again be at an acceptable level (-3.2%) and the store would be required to close as a result of the development whereby proposed. In addition, the loss of linked trips to Baldock would be minimal and although Baldock has a limited number of other convenience stores, the impact on the town centre is expected to be very limited.

- 4.3.23 In light of the findings of the retail impact assessment, together with the 'review and findings of Lichfields, it is found that the proposals at avenue One would not have a significantly adverse impact on the existing shops and facilities within the town centres of Letchworth and Baldock and so the proposal is acceptable in this regard.
- 4.3.24 Summary on the principle of the proposed development  
The application is accompanied by a Planning and Retail statement and by an Employment Lane Statement' both of which have been independently assessed by Lichfields. Whilst some minor concerns were raised with regard to the findings of the sequential test (regarding insufficient flexibility when looking at alternative town centre sites), additional information has been submitted as part of the application to satisfactorily address any issues. Essentially, it is the officers view that the employment land can be released for alternative uses, as it has been demonstrated that it is not likely to be occupied for a class B employment use in the near future. In any case, the proposals would generate a significant amount of employment in themselves. In addition, it is found that the necessary sequential test has been carried out and that there are no other suitable sites, which are available within the same timeframe, which could accommodate the proposed development. Lastly, a Retail Impact Assessment has also been carried out and the Lichfields review is in agreement with the findings of the review, in that any impacts on the existing shops and services within the town centres of Letchworth and Baldock would be relatively limited. As such, the proposed development is acceptable in principle.
- 4.3.25 Impact on the character and appearance of the site and surrounding area  
As noted, the site is situated within a designated employment area and so is surrounded on two sides (to the north and t the east) by large, industrial buildings which are relatively functional and utilitarian in design and appearance. The application site includes the existing warehouse building and associated office buildings, located towards the southern half of the site. These are of a tired and run-down appearance, with the offices boarded up, having been vacant for a number of years and having been subject to vandalism.
- 4.3.26 The proposed redevelopment of the site would include four new buildings, with each one located approximately within the four quarters of the site. The proposed Travelodge Hotel and the Aldi superstore would be located within a similar location to the existing buildings, towards the southern end of the site, near to Baldock Road. The smaller single storey restaurant/ drive-through and café/ drive-through would be located towards the northern end of the site, near to Sixth Avenue.
- 4.3.27 The Aldi superstore would be of a similar height and sale to the existing buildings and the proposed restaurant and café would be relatively small buildings, set within their own 'plots'. The three storey Travelodge hotel would be the tallest building and would measure approximately 10m in height. However, the Travelodge would be located within the south-west corner of the site whereby it would sit well below the level of Baldock Road, at the bottom of a steep back and where it would be screened by a significant amount of existing trees and vegetation along both the southern boundary and along the western boundary of the site, along Dunham's Lane, which would be retained as part of the proposed development. Owing to the positioning of the proposed hotel and the existing screening, this part of the proposal would not be particularly visible from the surrounding area.
- 4.3.28 All four of the proposed buildings would be finished with contemporary materials, which are popular with modern commercial buildings, such as white and grey panelling, white render, large areas of glazing and the use of aluminium detailing. It is considered that each of the proposed buildings would be of a suitable design and would certainly represent a significant improvement on the appearance of the existing buildings on site.

- 4.3.29 The application is also accompanied by a detailed tree survey and proposed landscaping plan. The existing, larger areas of landscaping along the southern and western boundaries of the site would be retained. In addition, the amended landscaping details show increased landscaping to the northern boundary and the eastern boundary, along Sixth Avenue and Avenue One respectively. Additional planning would also be provided towards the centre of the site, which would line the exit onto sixth Avenue, which would help to separate and demarcate the four proposed buildings/ uses and trees are also proposed at regular intervals across the large areas of parking, which would help to soft and break-up the areas of hardstanding.
- 4.3.30 Lastly, the proposed plans also include for two 'totem' signs to be positioned along Baldock Road. Whilst no objection is raised with regard to these, it is noted that notwithstanding the plans, these signs would require separate Advertisement Consent. An informative to this effect is to be included in any grant of planning permission
- 4.3.31 In conclusion, officers are of the view that the proposed development would not harm the character and appearance of the site or the surrounding area and so would be acceptable in this regard.
- 4.3.32 Matters of access, highway safety and parking  
In this regard, a Full Travel Plan and a Transport Assessment, both by I-Transport LLP have been submitted together with the application and a full and comprehensive consultation response has been received from the HCC Highway Officer, who has assessed these submitted documents together with the rest of the application and has not raised any objections.
- 4.3.33 The proposed access/ egress points onto Sixth Avenue and Avenue are considered to be suitable and of a suitable width. The access has also been subject to a swept path analysis which demonstrates that there would be suitable access for larger vehicles (for example, refuse vehicles, larger delivery lorries and emergency vehicles). The access point would also benefit from adequate visibility splays and pedestrian visibility
- 4.3.34 With regard to the impact on local traffic, traffic data has been obtained using an assessment of the TRICS database to calculate additional trip rats generated by the development. There would be some queueing on nearby junctions during peak hour travelling periods, however the HCC highway Officer advises that this would not be significant and certainly not so detrimental so as to warrant the refusal of the proposed development.
- 4.3.35 In terms of public transport, the existing bus service has been considered to be a viable service to meet the needs of the businesses in order to reduce the use of the private car. The Highway Officer has recommended that s106 contributions (£16,000) be sought to provide upgrades to the existing bus stop on Avenue One and to provide a new bus stop on the opposite side of the road, both of which would be accessibility compliant to encourage usage.
- 4.3.36 As mentioned above, a Travel Plan has been submitted with the application. Whilst this provides a useful basis for assessment, it is lacking in terms of some information. As such, the Highways Officer has also recommended that a full and thorough Travel Plan be provided as part of a s106 obligation, to cover at least the first 5 years of the commencement of the development. This would also include a financial obligation of £6,000 to allow for the necessary evaluation and monitoring by the HCC Highways team.
- 4.3.37 Subject to the required s106 obligations, which are included as part of the s106 which has been provided in this instance, together with a number of conditions which have also been recommended by the Highway Officer, the application is found to be acceptable in terms of access and highway safety.

4.3.38 The existing area of parking, which totals some 180 spaces, would be replaced with various car parks which would serve each of the four aspects of the redevelopment of the site and which would total 219 spaces, including 14 disabled spaces and 33 cycle spaces would also be provided. A breakdown of the spaces available to each use is provided below:

- Aldi superstore – 92 associated parking spaces (of which would be 5 accessible bays and 11 parent and child spaces)
- Travelodge Hotel – 58 spaces
- McDonalds Restaurant – 49 spaces
- Café – 20 spaces.

4.3.39 It is the officers view that each of the proposed uses would be provided with sufficient parking provision, in accordance with the Council's minimum standards. It is also noted that each of the units could provide 'overspill parking' for the other units, if for example, on occasion, one of the four uses is particularly busy, customers would be able to use the car parks serving the other three units. No objections are raised with regard to parking provision.

#### 4.3.40 Further considerations

- Impact on residential amenity

As noted above, the site is located within a designated employment area and is largely surrounded by existing industrial and commercial uses. The proposed development would likely compliment these neighbouring uses, in providing new facilities for these businesses.

4.3.41 The nearest residential neighbours are quite some distance from the site, some 400metres away to the west at Jackmans Place. These neighbouring properties are separated from the site by the recreation ground, Dunhams Lane and the tall, dense vegetation along the western boundary of the application site. Owing to this distance, officers are of the view that the proposed development would have little or no impact on the living conditions and residential amenity of these or any other neighbouring properties.

#### 4.3.42 – Drainage and contamination

Initial concerns and objections were raised by the Council's Environmental Health Officer, the Lead Local Flood Authority (LLFA), and the Environment Agency with regard to insufficient information on matters of surface water drainage and contamination (ground contamination and contamination of water sources). Subsequently, an updated Drainage Strategy by Nolan Associates and a Phase I and Phase II Ground Investigation and Test Report by GIP Ltd has been submitted. The LLFA, the EHO and the EA have been re-consulted who have considered this additional information and the initial concerns have been overcome, subject to various conditions which require further information.

#### 4.3.43 – S106

At the time of writing this report, a s106 legal agreement was in the process of being completed (with a mind that it would indeed be completed by the date of the committee meeting on 14<sup>th</sup> September). The s106 in this instance is relatively straightforward and only includes the following obligations:

- At the request of HCC Highways that a Travel Plan be submitted, agreed and monitored and that a sum of £6,000 be provided in order to cover the costs of assessment and Travel Plan Evaluation.
- That a sum of £16,000 be provided towards improvements to the bus stop on Avenue One immediately outside of the site and to provide a new bus stop on the opposite side of the road (based on providing easy access kerbs).



- That Fire Hydrant provision also be included as part of the development, as requested by HCC Fire and Rescue Services.

4.3.44 These provisions are considered to be both reasonable and necessary in order to ensure that the proposed development would be acceptable and these obligations would also directly relate to the proposed development, in accordance with the Community Infrastructure Levy Regulations (CIL) 2010.

#### 4.4 **Conclusion**

The proposed development would be an appropriate form of development, as it is found that there is no reasonable demand for this designated employment land, the necessary sequential test has been carried out which demonstrates that there are no other viable, alternative sites which could accommodate the proposed development and a Retail Impact Assessment has been carried out which demonstrates that the proposed development would not have a significant impact on the viability and vitality of the town centres of Letchworth Garden City and Baldock. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below and subject to the necessary and reasonable obligations which have been secured via a s106 agreement.

#### **5.0 Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of each of the individual units of development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the commencement of groundworks for that individual unit of development and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Prior to the commencement of groundworks for each of the four individual units of development, full details of the on-site storage facilities for commercial waste, including waste for recycling for that particular unit of development shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

9. The development hereby permitted shall not be brought into use until the proposed accesses have been constructed, as identified on the 'in principle' details on drawing number AP(0)002 revision G that shall include pram crossings complete with tactile features to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

10. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

11. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The siting and details of wheel washing facilities; d. Cable trenches within the public highway that affect traffic movement of existing businesses and highway users;

Reason: In order to protect highway safety and the amenity of other users of the public highway.

12. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy carried out by Nolan Associates, project No. 2016-238-RP-100, dated May 2017 and the following mitigation measures detailed within the FRA:

1. Final detailed scheme with updated calculations including all site area and not only the impermeable area.
2. Demonstrate that attenuation can be provided to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% of climate change event.
3. Implementing appropriate drainage strategy based on attenuation and discharge into the surface water sewer network as indicated on drawing No. 2016-238-101 Rev. T1 – Drainage Layout.
4. Limiting surface water discharge off the site at a maximum rate of 5.0 L/s for each discharge point for the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall include.

1. Final detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Final detailed maintenance and management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

14. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.

3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reasons: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and protects groundwater through ensuring that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The previous use of the proposed development site (including undertaking coating and enamelling activities) presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons To protect groundwater through ensuring that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 109 of the National Planning Policy Framework. Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination.

16. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems.

17. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To protect groundwater. Piling or any other penetrative groundworks can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the Environment Agency guidance. During piling works, due to the proximity of nearby potable abstractions weekly groundwater monitoring for insitu parameters and turbidity should be considered. This condition is in line with paragraph 109 of the National Planning Policy Framework.

18. Prior to occupation of the development there shall be provision of electric vehicle recharging infrastructure at the level specified here:

- (a) Prior to occupation, the food-store shall include provision for 4 (4%) of the car customer parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV charging points.

Prior to occupation, a signed 4 customer car parking spaces (4% of the

total provision) shall be made ready and available to be phased in for EV parking and served by EV charging points by the food-store. Prior to occupation, the food-store shall include one EV charging point and designated parking bay for its staff car parking area.

- (b) Prior to occupation, the hotel shall include provision for 2 (3%) of the customer car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV charging points. Prior to occupation, a further 2 car parking spaces (3% of the total provision) shall be made ready and available to be phased in for EV parking and served by EV charging points. Prior to occupation, the hotel shall include a minimum of one EV charging point and designated parking bay for its staff car parking area.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

19. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Environment Agency Informative 1: Groundwater Protection**

We welcome the revised preliminary risk assessment to controlled waters, and the explanation of the permits related to this site. The site investigation undertaken to date does provide some conceptualisation of the site, however, we do not believe that the risks to controlled waters have been fully investigated considering the proximal location to a Source Protection Zone (SPZ) borehole.

The samples analysed as part of this investigation have been restricted to the top 0.5 metres (m) (with the exception of CP7 taken at 2m bgl). It was stipulated within the report that made ground extends to 2.3m bgl in CP1 and >2.45m bgl in WS6. We believe it would be prudent to undertake further sampling at appropriate depths beneath the made ground across this site. This will endeavour to provide greater characterisation of the site and the risks to controlled waters. We believe it would be most practical to undertake this sampling during demolition and excavation of the made ground. The samples must undergo leachate analysis due to the sites setting. If groundwater is encountered once more (even as perched groundwater), sample analysis of this would provide valuable information to inform the conceptual site model.

The report also indicated that soakaway drainage may be utilised discharging into the chalk as infiltration rates appeared more appropriate. If this is to be progressed we would remind the developer that we would not accept any infiltration system deeper than 2m bgl. Considering the sites location within an SPZ1 we would more than likely object to the use of deep borehole soakaways. We consider any infiltration Sustainable Drainage System (SuDS) greater than 2m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

#### Highway Informative 1

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact <https://www.hertfordshire.gov.uk> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

#### Highway Informative 2

Prior to commencement of the development the applicant shall contact <https://www.hertfordshire.gov.uk> or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

#### Environmental Informative 1

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

#### Environment Agency Informative 2: Sources of Information

We recommend that the developers should refer to:

1. Our “The Environment Agency’s approach to groundwater protection”, formally “Groundwater Protection: Principles and Practice (GP3)”: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620438/LIT\\_7660.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620438/LIT_7660.pdf)
2. The risk management framework provided in CLR11, “Model Procedures for the Management of Land Contamination”, when dealing with land affected by contamination: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>;
3. Our “Guiding Principles for Land Contamination” for the type of information that we require in order to assess risks to controlled waters from the site: <http://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/192-guiding-principles-for-land-contamination-gplc>. The

Local Authority can advise on risk to other receptors, for example human health);

4. Our “Verification of Remediation of Land Contamination” report:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>;

5. The CL:AIRE “Definition of Waste: Development Industry Code of Practice” (version 2) and our related “Position Statement on the Definition of Waste: Development Industry Code of Practice”:  
<http://www.claire.co.uk/component/phocadownload/category/8-initiatives?download=212:definition-of-waste-development-industry-code-of-practice> and  
[http://www.claire.co.uk/index.php?option=com\\_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230](http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230);

6. British Standards BS 5930:2015 and BS10175:2011 and our “Technical Aspects of Site Investigations” Technical Reports P5-065/TR:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR-e-e.pdf> and  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR1-e-e.pdf>;

7. Our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>;

8. Our “Good Practice for Decommissioning Boreholes and Wells”:  
<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>;

Environmental Health Informative: EV Charging Point Specification:

The charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.



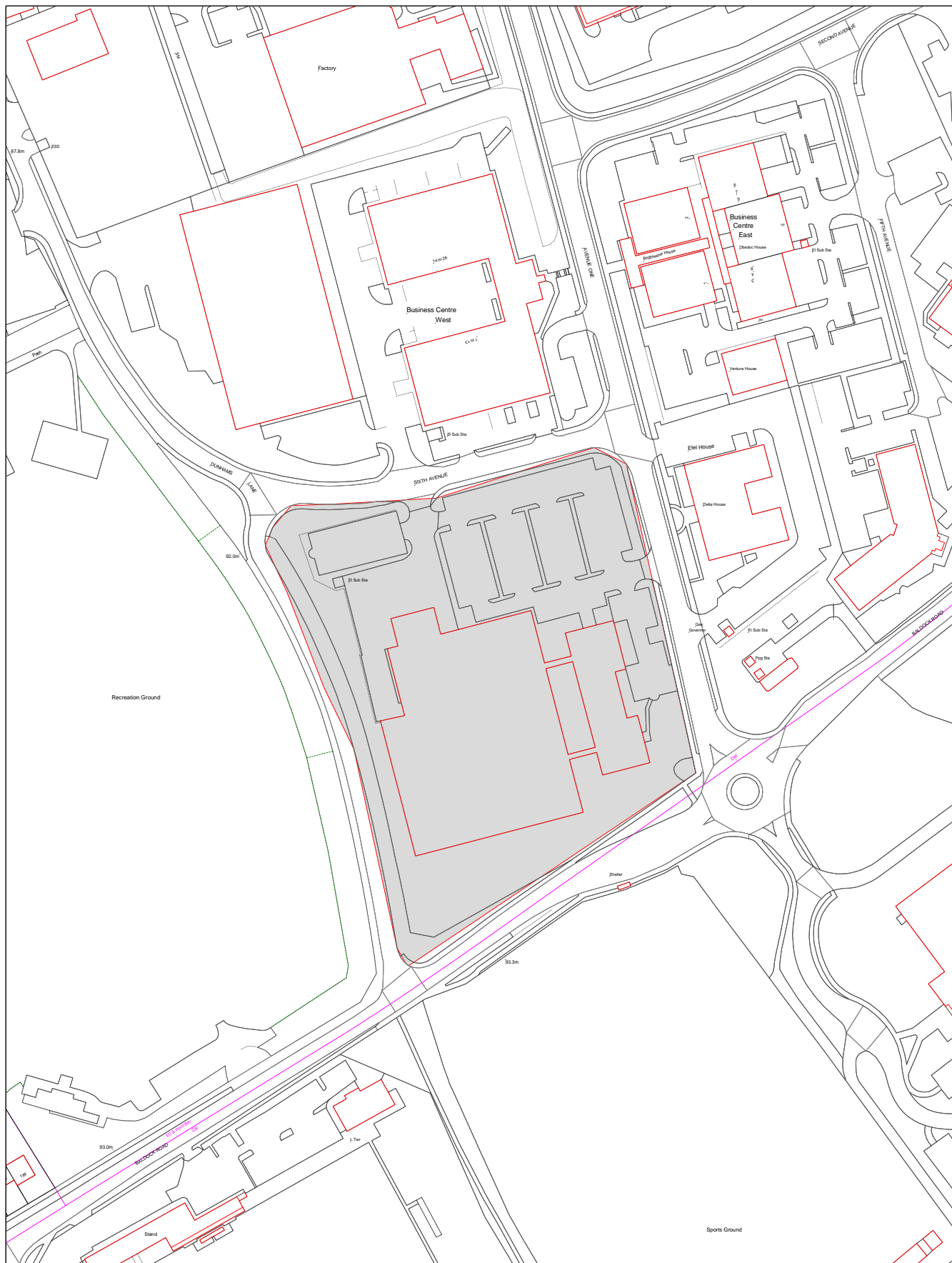
Anglian Water Informative

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

This page is intentionally left blank



Scale: 1:2000  
Date: 29:08:17

This page is intentionally left blank

|                 |                   |                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM NO:</b> | <u>Location:</u>  | <b>67 High Street, Whitwell, Hitchin, SG4 8AH</b>                                                                                                                                                                                                                                                                                                                                           |
|                 | <u>Applicant:</u> | Mr Coleman<br>Haut Limited                                                                                                                                                                                                                                                                                                                                                                  |
|                 | <u>Proposal:</u>  | <b>Change of use from Public House (Class A4) to use as a single dwelling house (Class C3); Single storey rear extension following part demolition of existing rear extension; Insertion of dormer window to rear roof slope; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch.</b> |
|                 | <u>Ref. No:</u>   | <b>17/00442/ 1</b>                                                                                                                                                                                                                                                                                                                                                                          |
|                 | <u>Officer:</u>   | <b>Tom Rea</b>                                                                                                                                                                                                                                                                                                                                                                              |

**Date of expiry of statutory period:** 27 April 2017

**Reason for Delay** (if applicable)

Negotiations and submission of additional information. Extension of time to the statutory period agreed until 18th September 2017

**Reason for Referral to Committee** (if applicable)

Councillor J. Bishop has called in this application on the grounds of public interest.

**1.0 Relevant History**

- 1.1 15/01183/1 Change of use from Public House (Class A4) to use as a single dwelling house (Class C3); Single storey rear extension; Insertion of dormer window to rear roof slope; Demolition of existing single storey rear extension and front porch. Withdrawn 15/9/15

15/01184/1LB Single storey rear extension following part demolition of existing rear extension; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch. Internal and external alterations to facilitate change of use and refurbishment of building. (As amended by drawings W601A, W602A, W603A and W606A received 13/08/2015). Withdrawn 15/9/15

**2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)**
- 16 - Areas of Archaeological Significance and other Archaeological Areas;
  - 26 - Housing Proposals;
  - 55 - Car Parking Standards;
  - 57 - Residential Guidelines and Standards.

## 2.2 North Hertfordshire Submission Local Plan 2011 - 2031

- SP10 - Healthy Communities
- ETC7 - Scattered local shops and services in towns and villages
- HE1 - Designated Heritage Assets
- HC1 - Community facilities
- Policy D3 - Protecting Living conditions

The Submission Local Plan proposes to classify the village of Whitwell (including the application site) as a Category A village and to exclude the settlement from the Green Belt.

## 2.3 National Planning Policy Framework

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

## 2.4 Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

## **3.0 Representations**

- 3.1 **St. Pauls Walden Parish Council:** 'Objects to this proposed change of use to the premises becoming a private residence/ dwelling as it will materially alter the balance of village life and would result in the loss of a community asset'.

The reasons for our objections have not changed, and the village still regards the Maiden's Head as a AOCV. There is a clear demand for more than one pub in the village and should any further development go ahead locally, this would become an even greater need.

It is important to retain the sense of community in Whitwell and pubs are an obvious choice for societies and groups to get together. The NPPF states that pubs should be preserved for rural communities unless there is a good reason not to and the Parish Council believe that there isn't one here.

Nothing has changed since the last application and the village would still like to run it for the benefit of the community and have tried to engage with the owner on a sensible commercial basis. The price put on it by the owner bears no relation to this, and we assume is being used as a tool to say that there is no interest, and therefore change of use should be granted. **This is not the case.**

The Parish Council fully supports the village in their efforts to acquire the premises and realise the potential for some local employment, and opportunities for local food and drink producers in the area.

Please note that this letter of submission and objection should also be taken as expressing complete and formal support for the group SPPIW, and confirms that the aims and objectives of their application carry the full support of the Parish Council.

- 3.3 **NHDC Conservation officer:**

Refers to previous advice - raises no objections to the proposed change of use subject to viability testing conclusions.

### 3.4 Hertfordshire County Council Highways

No objections - recommends a Highway Informative.

### 3.5 Environmental Health officer (Noise)

Raises no objections to this proposed development within an existing residential area. The only concern relates to the demolition/construction phase and the associated potential for nuisance to the surrounding existing residents and therefore recommends an informative in accordance with the guidance in BS5228-1:2009 (Code of Practice for noise control on construction and open sites).

### 3.6 Site Notice/ neighbour consultation :

Following consultation and advertisement of the application 36 responses have been received objecting to the application and 1 in favour.

#### Comments against the proposal:

- There is a clear demand for more than one pub in the village
- The pub is a much needed social and community facility
- Loss of a valued local service and asset of community value
- The local community wish to run the pub for the benefit of the local community
- Significant demand exists for the pub to re-open
- A dwelling use would be contrary to the Asset of Community Value process
- The 'Society for the Protection of Pubs in Whitwell' (SPPIW) has a viable business plan to re-open the pub
- The significant membership of the Society for the Protection of Pubs in Whitwell illustrates the demand for the property to remain as a pub
- SPPIW considers that the loss of the pub is wholly unnecessary and would adversely impact on the community's needs to meet its day to day needs
- Would provide a useful outlet for local produce suppliers
- A Fair Market Value has been offered to purchase the pub
- The owners continue to market the pub at a residential value when its value should reflect its authorised use as a pub
- A submitted chartered surveyors report on behalf of SPPIW suggests the property value is £215,000 (August 2013)
- Use contrary to NPPF advice
- The pub provides local employment and useful networking space / venue
- The pub is an important part of the heritage of the village having been a pub for 240 years
- No evidence that the pub is not viable
- The Maidens Head and The Bull attracts two different markets
- Concern at amount of building work
- Damage to neighbouring property
- Removing the facility for people to wait for buses is a safety hazard
- Loss of light and privacy
- Landscaping may damage adjacent property
- Pub is beginning to deteriorate
- Pub was mismanaged by the last owners contrary to what the village wanted
- More housing in the village must be supported by local services

#### Comments in favour of the proposal

- Conversion to a house is preferred
- Removal of front porch and replacement with canopy would improve the front elevation

### 3.7 Asset of Community Value

North Hertfordshire District Council listed the building as an Asset of Community Value on 12th August 2015.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 67 High Street is a grade II listed building which is situated within the Whitwell Conservation Area. It was previously known as The Maiden's Head Public House. The public house closed in September 2014. There is significant garden land to the rear of the building whilst the area immediately at the front of the site is paved and has a continuous dropped-kerb between the front of the two properties either side of the site. Two detached outbuildings are situated along part of the western boundary of the site.

*The listing description reads as follows:*

*"Public house. C18 or earlier origin, recorded as the Queen's Head in 1774, altered C19. Red brick possibly encasing a timber frame. Front roughcast with applied half-timbering to 1st floor; steep old red tile roof, main part hipped. A long 2-storeys and cellar building set back from the road facing N. Lower 2-storeys wing at E. E bay of main range has lower ground floor and 1st floor levels concealed by uniform roof. N front has central entrance up 4 steps with gabled trellis porch. 4 windows to ground floor. 3-lights small-pane casements but 2-light lower window to E bay, with a similar window over under the eaves. 2 gabled dormers on front eaves light the 1st floor. E wing has small 2-lights small-panes flush casement window to 1st floor and half-glazed 5 panels door. Cellar flap under W window of front. Interior has axial chamfered beams, large rearwall chimneys to 2 bays to E of door. Included for group value."*

### **4.2 Proposal**

- 4.2.1 Change of use of from Public House (Class A4) to use as a single residential dwelling (Class C3). Various internal and external alterations are required to enable the proposed conversion of the building into a four bedroom dwelling and this includes the following:

A) Single storey rear pitched roof extension to provide reception room. The extension will have the following measurements: width of 4.6m, maximum depth of 4.3m, eaves height of 2m and ridge height of 4.3m. Plain clay tiles are proposed for the roof of the addition whilst the walls will have a brick plinth using bricks to match the existing with dark stained feather-edged boarding above.

B) Insertion of rear dormer window at first floor level on the rear elevation. The dormer window will be of a similar design and size to the existing dormer windows on the rear of the building although the cill will be raised to avoid the existing wall plate. The dormer window is proposed to serve bedroom 1.

C) Single storey rear extension following demolition of existing linked extension/ outhouse. The extension will have the following measurements: width of 2.5m, depth of 3.6m, eaves height of 1.7m and ridge height of 3m. The extension will provide a shower room for the bedroom situated at ground floor level at the east wing of the property. Plain clay tiles are proposed for the roof of the addition whilst the walls will be rendered to match that section of the existing building.

D) Demolition of existing front porch and provision of a lead roof painted timber canopy.

E) New frames in existing openings and enlarged openings on rear elevation.

F) Replacement of existing door on left-hand side of front elevation with fixed stable door with window.

G) Replacement of existing door on west facing flank elevation with openable stable door.



H Internal alterations detailed on drawing W602A.

I) Alterations to frontage to include new landscaping. Conversion of outbuilding for garaging.

4.2.2 The application is supported by a Planning & Listed Building statement and a Public House Viability Test report.

#### 4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- Whether the principle of the use is acceptable
- Viability considerations
- Impact on the listed building and character and appearance of the Conservation Area
- Asset of Community Value considerations
- Living conditions
- Access and parking

#### 4.3.2 **Principle of the use**

In the absence of a saved local plan policy the policy basis is paragraphs 28 and 70 of the National Planning Policy Framework (NPPF). Paragraph 28 encourages local planning authorities to:

*"Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship."*

Paragraph 70 of the NPPF expands on this yet further:

*"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*--plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venue, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*--guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs;*

*--ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;"*

Paragraphs 28 and 70 of the NPPF clearly put the retention of valued community facilities and services as a key aspect of planning, both in terms of policy making and decision taking.

4.3.3 The emerging Local Plan (Submission Local Plan deposited with the Secretary of State on 9th June 2017) reflects the guidance in the NPPF. Policy ETC7 states that planning permission for the loss of a facility in a village will only be permitted if a) there is another facility of a similar use available for customers within a convenient walking distance and b) the proposed replacement use would complement the function and character of the area. An exception to this will only be permitted if it can be demonstrated that the unit has remained vacant for a year or more and documentary evidence has been provided to show that attempts to let the premises have failed.

I consider that the proposed use meets a) in that there is similar facility nearby - i.e. The Bull Public House, also in the High Street. It also meets b) in that a residential unit as proposed would complement the existing residential properties in the area would not be uncharacteristic of the High Street where there are many residential properties and the use would secure the long term future of this listed building.

In planning policy and land use terms the proposed change of use is considered acceptable in my opinion.

#### 4.3.4 **Viability considerations**

The question of the viability of the The Maidens Head is a key planning consideration - i.e. whether the business has the commercial potential to be successful and an operator could be expected to make a reasonable living. Planning Inspectors when considering a number of appeals have considered viability to be a relevant factor in deciding whether the loss of a valued local service or facility is justified (having regard to section 8 of the NPPF)

4.3.5 To support this application the applicant has submitted a public house viability report - an objective assessment about the likely future viability of the pub using the structure and principles of the Campaign for Real Ale's Public House Viability Test. The report is based on site visits to the area and in internal inspection of the pub and research into various aspects of commercial viability. It records the marketing of the property and sets out business investment appraisals based on a refurbishment / local pub with food scenario and a refurbishment/ extended/ reconfigured/ pub with quality food scenario. Both scenarios are based on Fair Maintainable Trade standards. The report concludes that on either scenario the business would not be commercially viable and unsustainable as a pub serving food. The report highlights that the limited car parking and general access and egress issues will undermine trading opportunities directly impacting on the commercial viability and sustainability of The Maiden's Head.

4.3.6 The Planning Authority has had the submitted viability report independently assessed by a chartered surveyor specialising in the retail and leisure market with considerable experience in pub estate management. This separate report is critical of a number of assumptions made in the Viability report and queries the absence of assessment of some factors. However, crucially, the independent assessment also concludes that The Maiden's Head is no longer economically viable or a sustainable business. The key reasons for this are as follows:

- The property is in need of refurbishing and redecorating requiring a substantial capital investment
- There is not the local population or sufficient local businesses to support The Maiden's Head
- There are plenty of alternative pubs and restaurants in the local area - 7 pubs being within 3 miles including the Bull Inn, Whitwell
- People's eating and drinking habits have changed in recent years
- Increased competition from supermarkets, heavy taxes on alcohol, high business rates, uncertainty over Brexit, lack of banks willing to lend finance all contribute to a declining pub sector
- The pub was suitably marketed for a reasonable period of time for pub use at a realistic guide price

4.3.7 From the submitted evidence and the independent assessment it would appear beyond reasonable doubt that to re-open The Maiden's Head would not be commercially viable.

4.3.8 The submissions made by the 'Society for the Protection of Pubs in Whitwell' are noted and it may be that insufficient effort was undertaken by the brewery to continue the apparent good service that was provided by the previous long standing tenants Mr and Mrs Jones and that this, in part, explains the decline in trade.

Nevertheless the pub is in need now of substantial capital investment and this is recognised even with the SPPIW's Community Business Plan where a repair and improvement budget of £200,000 excluding fees is estimated.

The scope for expansion to meet the number of table covers required to make it a viable commercial proposition in today's market is severely hampered by the listed building status of the property and the lack of parking facilities.

#### 4.3.9 **Impact on the listed building and character and appearance of the Conservation Area**

Due regard needs to be given to the grade II listed status of the building and its position in the Whitwell Conservation Area. Paragraph 131 of the NPPF encourages local planning authorities to take account of:

*"the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
--the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;"*

The Senior Conservation Officer has been consulted on the proposal and has responded with the following comments:

*"The heritage value or significance of the area derives not only from the massing and detail of buildings in their setting but also from other aspects of individual assets such as their history and communal value to society. The central location and function of the Maidens Head within the village and the fact that the High Street is a local commercial thoroughfare, forms a valuable contributor to understanding the fabric and evolution of the place. For this reason, the proposed change of use could be seen as eroding the village's cultural heritage value. Given the development value that would attach to the building in residential use, it is extremely unlikely that in the event of conversion, a return to pub use would occur.*

*A large part of the building's architectural and historic interest derives from its traditional use as a pub. Many internal features are not original or have been replaced. It is noted that level access to the building is problematic as is the rather fragmented, split level arrangement of rooms on the ground floor. The proposed change of use would introduce significant changes, including a new staircase and ground floor cloakroom in what would be a new hallway entrance. It has not been shown that the change of use is necessary to preserve the building, which is considered to be in overall reasonable condition. If one takes the view that part of the building's special character is its historic use then a case could be made that the change of use would cause harm. If, on the other hand, one accepts that the current use is non-viable then a case could be made that re-ordering the interior to facilitate a change of use to residential, would perhaps safeguard the building's long term future.*

*Although I am prepared to support a slightly reworked single-storey, rear extension, it is questionable as to whether this increased ground floor footprint would provide sufficient cover space for a potentially improved food offer should the conversion to residential be refused - this, however, is not a matter for the conservation officer to judge.*

*The building is in need of some modernisation which require investments; the concern is that this would also have an impact upon the viability. Although mainly a commercial decision, there is no documentary information to show the nature or scale of the necessary work and potential costs. In the absence of a structural survey, and on face value, it did not appear to me that the building was in need of significant or extensive refurbishments. There is no evidence to suggest that the current condition of the building is totally unsuitable for the PH to operate from."*

The key issue pertains to the viability or otherwise of the public house. The first bullet point in paragraph 131 of the NPPF encourages LPA's to sustain heritage assets by putting them to viable uses consistent with their conservation. I do not consider that converting this building to residential would necessarily result in any significant harm to the heritage asset itself, indeed if evidence supports the assertions made in the PS then it would be beneficial to grant planning permission and safeguard the long term future of the listed building. That said, as the Senior Conservation Officer has pointed out in his comments, the value or significance of an area derives from other aspects of individual assets such as their history and communal value to society. As previously pointed out, at the time of listing part of the building was operated as a public house and this use has continued for many years since. However, it is difficult to argue that the use of the building as a public house has significant historic value in the Whitwell Conservation Area.

In summary, I consider that the uncertainty regarding the viability or otherwise of the public house is key. Safeguarding the future of the listed building is a vital consideration and, based on the information submitted, the trends appear to show a declining public house. I therefore consider that the proposal would be compliant with paragraph 131 of the NPPF.

- 4.3.10 The Senior Conservation Officer has made detailed comments regarding the proposal on listed building application 15/01184/1LB. For the purposes of this planning application, he has concluded as follows:

*"The single-storey rear extension, insertion of dormer window to rear roof slope, single-storey rear extension following demolition of existing single storey lean-to extension and front canopy following demolition of existing front porch, will not harm the special character of the listed building or harm the character or appearance of Whitwell Conservation Area. I, therefore, raise **NO OBJECTION** on the basis that the scheme satisfies the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 12 of the NPPF."*

4.3.11 **Asset of Community Value considerations**

It is noted that the building was registered as an Asset of Community Value. However, this process has not resulted in the building being acquired successfully by a local community group. It is therefore considered that very limited weight can be given to the issue that the building has been registered as an Asset of Community Value in the consideration of this change of use planning application. The ACV process did not result in its purchase by the protected party and continued management as a public house as the legislation enables.

4.3.12 **Living conditions**

The majority of the physical alterations required to convert the building to residential are internal. However, single storey extensions and a rear dormer window are proposed for the rear of the property. The proposed extensions are fairly modest and would be set away from the nearest neighbouring properties. The dormer window would face into the rear garden and would not result in a loss of privacy for neighbouring properties.

The proposals include soft landscaping for part of the front hardstanding and concerns have been raised by the adjacent occupier over potential to an adjoining wall. This is largely a civil matter between the two parties.

In my view the proposed physical alterations to the building would not result in any harm to the living conditions of the neighbouring properties.

The proposed change of use and extensions would provide a good standard of accommodation for a future residential occupier. More than adequate amenity space is provided at the rear of the building and sufficient off-street car parking is provided. Noise and disturbance from the High Street is not excessive and no

objections are raised from the Council's environmental health officer in terms of the location adversely affecting the living conditions of a prospective residential occupier. In summary I consider that living conditions would be acceptable.

#### 4.3.13 **Access and parking**

Hertfordshire County Council Highways have been consulted on the proposal and have not raised any objections on Highway safety grounds. There is space for several cars to be parked to the front of the former public house whilst it is also proposed to use an existing access in order to utilise the existing garaging at the rear of the main building. The site provides ample car parking to serve the proposed development.

#### 4.4 **Conclusion**

- 4.4.1 Whilst I am sympathetic to the view of local residents, the Parish Council and the Society for the Protection of Pubs in Whitwell, the commercial viability of re-opening The Maidens Head is a key factor. There is little doubt that over the last 15 years the trading position of the pub had suffered a steady decline - even under the tenancy of an established previous landlord, Mr Jones. This has been compounded by the general change in drinking and eating habits of the population, the availability of other pubs and restaurants in the area and the significant capital investment required to bring this pub back into use.

In summary, given the viability and marketing evidence submitted, together with the presence of another public house in the vicinity as well as other community facilities and meeting places, I am not convinced that the permanent loss of this public house would be significantly harmful to the provision of community facilities in the village.

With regards to this specific scheme I am satisfied that the proposal would not result in any harm to the living conditions of proposed or neighbouring properties, the special character of the listed building or the character or appearance of the Whitwell Conservation Area. Moreover, the proposal would satisfy paragraph 131 of the NPPF in that it will sustain and enhance the significance of the heritage asset and would put it to a viable use consistent with its conservation.

With due consideration to all of the information I have seen, it is my view that there are no material planning grounds to object to the proposal and my recommendation is that planning permission be **GRANTED**.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A, B, C, D, E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

Planning Informatives:

Highway Informative: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Storage of materials AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Environmental Informatives:

During the change of use phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed

contractors and waste disposal sites licensed to receive asbestos.

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

This page is intentionally left blank





Scale: 1:500  
Date: 29:08:17

This page is intentionally left blank

|                 |                   |                                                                                                                                                                                                                                                                                            |
|-----------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM NO:</b> | <u>Location:</u>  | <b>67 High Street, Whitwell, Hitchin, SG4 8AH</b>                                                                                                                                                                                                                                          |
|                 | <u>Applicant:</u> | Mr Coleman<br>Haut Limited                                                                                                                                                                                                                                                                 |
|                 | <u>Proposal:</u>  | <b>Single storey rear extension following demolition of existing rear extension, shed and front porch. Consequential internal and external alterations to facilitate change of use from Class A4 (Drinking Establishment) to use as a single dwelling house Class C3 (Dwelling House).</b> |
|                 | <u>Ref. No:</u>   | <b>17/00443/ 1LB</b>                                                                                                                                                                                                                                                                       |
|                 | <u>Officer:</u>   | <b>Tom Rea</b>                                                                                                                                                                                                                                                                             |

**Date of expiry of statutory period:** 27 April 2017

**Date of Expiry of Statutory Period:**

30th July 2015. Extension of statutory period agreed until 18th September 2017.

**Reason for Referral to Committee** (if applicable)

Councillor Bishop has 'called-in' the application in the wider public interest

**1.0 Relevant History**

- 1.1 15/01184/1LB: .Single storey rear extension following part demolition of existing rear extension; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch. Internal and external alterations to facilitate change of use and refurbishment of building.(As amended by drawings W601A, W602A, W603A and W606A received 13/08/2015). Withdrawn 15/9/15

**2.0 Policies**

- 2.1 **National Planning Policy Framework**  
Chapter 12 - Conserving and enhancing the historic environment
- 2.2 **Submission Local Plan 2011-2031**  
Policy HE1 - Designated heritage assets

**3.0 Representations**

- 3.1 **Local Residents**  
See representations received under planning application 17/00442/1.

**NHDC Conservation officer:**

Does not raise any objections to the proposals. Recommends a number of conditions.

**4.0 Planning Considerations**

- 4.1 **Site & Surroundings**

- 4.1.1 67 High Street is a grade II listed building which is situated within the Whitwell Conservation Area. It was previously known as The Maiden's Head Public House. There is significant garden land to the rear of the building whilst the area immediately at the front of the site is paved and has a continuous dropped-kerb between the front of the two properties either side of the site. Two detached outbuildings are situated along part of the western boundary of the site.

*The listing description reads as follows:*

*"Public house. C18 or earlier origin, recorded as the Queen's Head in 1774, altered C19. Red brick possibly encasing a timber frame. Front roughcast with applied half-timbering to 1st floor; steep old red tile roof, main part hipped. A long 2-storeys and cellar building set back from the road facing N. Lower 2-storeys wing at E. E bay of main range has lower ground floor and 1st floor levels concealed by uniform roof. N front has central entrance up 4 steps with gabled trellis porch. 4 windows to ground floor. 3-lights small-pane casements but 2-light lower window to E bay, with a similar window over under the eaves. 2 gabled dormers on front eaves light the 1st floor. E wing has small 2-lights small-panes flush casement window to 1st floor and half-glazed 5 panels door. Cellar flap under W window of front. Interior has axial chamfered beams, large rearwall chimneys to 2 bays to E of door. Included for group value."*

## 4.2 **Proposal**

- 4.2.1 Various internal and external alterations are required to enable the proposed conversion of the building and this includes the following:

A) Single storey rear pitched roof extension to provide reception room. The extension will have the following measurements: width of 4.6m, maximum depth of 4.3m, eaves height of 2m and ridge height of 4.3m. Plain clay tiles are proposed for the roof of the addition whilst the walls will have a brick plinth using bricks to match the existing with dark stained feather-edged boarding above.

B) Insertion of rear dormer window at first floor level on the rear elevation. The dormer window will be of a similar design and size to the existing dormer windows on the rear of the building although the cill will be raised to avoid the existing wall plate. The dormer window is proposed to serve bedroom 1.

C) Single storey rear extension following demolition of existing linked extension/ outhouse. The extension will have the following measurements: width of 2.5m, depth of 3.6m, eaves height of 1.7m and ridge height of 3m. The extension will provide a shower room for the bedroom situated at ground floor level at the east wing of the property. Plain clay tiles are proposed for the roof of the addition whilst the walls will be rendered to match that section of the existing building.

NB. The adjacent boundary wall will be re-capped with a solid brick course following the removal of the existing outhouse and its corrugated roof.

E) Demolition of existing front porch and provision of a lead roof painted timber canopy.

F) New frames in existing openings and enlarged openings on rear elevation.

G) Replacement of existing door on left-hand side of front elevation with fixed stable door with window.

H) Replacement of existing door on west facing flank elevation with openable stable door.

I) Internal alterations detailed on drawing W602A.

### 4.3 Key Issues

4.3.1 The key issue here and with reference to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is as follows: ***"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special interest or historic interest which it possesses"***.

4.3.2 Whilst an alternative use to residential use may result in less harm to the building's significance such a use has not been proposed. Balanced against this is that residential use is more likely to secure the long term future of the building.

4.3.3 The Conservation officer concludes the following:

*If the viability testing proves that the building is unviable with an A4 use, I conclude that an objection on conservation grounds would be counter intuitive i.e. it would only serve to place an obstacle in the way of seeking an alternative (ideally optimum) long term viable use for this heritage asset. If this is the conclusion of the viability testing and if significant weight is given to this, then I will conclude that whilst a limited degree of harm would be occasioned to the listed building and to the conservation area, this would be less than substantial and outweighed by the aims of paragraph 134 of the NPPF. I would, therefore, find the internal and external alterations **UNOBJECTIONABLE**.*

### 4.4 Conclusion

4.4.1 Based on the comments received it is my view that the proposed development will not harm the special character of the listed building. It is therefore my recommendation that Listed Building Consent be **GRANTED**.

## **5.0 Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

6.1 That Listed Building Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the commencement of that part of the development hereby approved samples of the following:
  - i) Plain clay tiles for the external roof;

- ii) Weatherboarding with stain finish to Reception Room extension;
- iii) Brick type for plinth to Reception Room extension

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To preserve the special character of the listed building

- 4. Details of the external finishes to all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

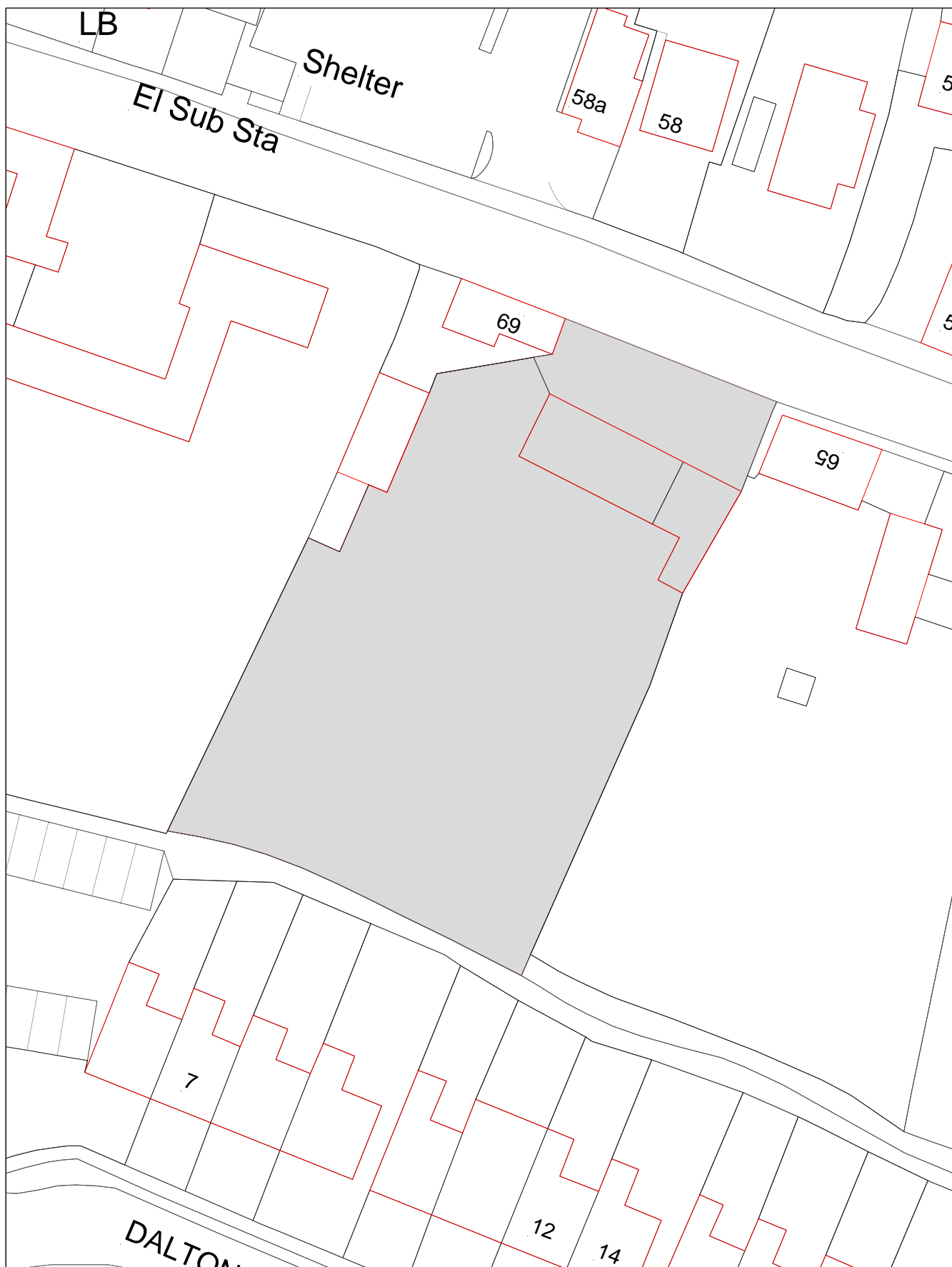
Reason: To preserve the special character of the listed building.

- 5. All new windows shall be constructed in timber and full joinery section details thereof (including glazing bar profiles) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: To preserve the special character of the listed building.

- 6. Notwithstanding the approved plans, the precise size and position of the opening between Bedroom 1 (Room 11) and its associated Dressing Area (Room 13) shall be agreed and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby approved.

Reason: To preserve the special character of the listed building.



Scale: 1:500  
Date: 29:08:17

This page is intentionally left blank



|                 |                   |                                                         |
|-----------------|-------------------|---------------------------------------------------------|
| <b>ITEM NO:</b> | <u>Location:</u>  | <b>Calders Cottage, Putteridge Park, Luton, LU2 8LB</b> |
|                 | <u>Applicant:</u> | <b>Mr R Langeveld</b>                                   |
|                 | <u>Proposal:</u>  | <b>Timber clad barn</b>                                 |
|                 | <u>Ref. No:</u>   | <b>17/01214/ 1</b>                                      |
|                 | <u>Officer:</u>   | <b>John Chapman</b>                                     |

**Date of expiry of statutory period:** 20 July 2017

**Reason for Delay** (if applicable)

Seeking further clarification from applicant and Committee cycle

**Reason for Referral to Committee** (if applicable)

Officer recommendation contrary to that of a statutory consultee.

## **1.0 Relevant History**

- 1.1 Permission granted for the erection of a 5 bedroom replacement dwelling following the demolition of the existing house and garage and the retention of the current residential use of the garden area as delineated on the submitted plans (app no 11/00979/1HH). This permission was subject to a condition which removed Class A & E "permitted development " rights, and although a subsequent appeal was lodged against the above condition this appeal was dismissed.
- 1.2 Permission granted for two and single storey side extension, insertion of dormer windows to front roof slope, side conservatory. Detached double garage and retention of summerhouse (app no 12/01054/1HH).
- 1.3 Permission granted for two and single storey side extension, insertion of dormer windows to front roof slope, side conservatory; detached double garage (app no 12/01694/1HH).
- 1.4 Permission granted for the erection of a timber stable block with tack room and covered hay store within the paddock area to the south west of the residential curtilage (app no 15/00417/1).
- 1.5 Permission granted for a timber gazebo in rear garden (app no 16/01089/1HH).

## **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**  
Policy 2 - Green Belt  
Policy 19 - Historic Parks and Gardens
- 2.2 **National Planning Policy Framework**  
Section 7 - Requiring good design  
Section 9 - Protecting Green Belt land.  
Section 11 - Conserving and enhancing the natural environment  
Section 12 - Conserving and enhancing the historic environment.

- 2.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017).**  
Policy SP5 - Countryside and Green Belt.  
Policy NE1 - Landscape  
Policy HE1 - Designated heritage assets.

### **3.0 Representations**

- 3.1 **Offley Parish Council** - no comments received.
- 3.2 **Hertfordshire Gardens Trust** - initially commented as follows:

"Hertfordshire Gardens Trust, a member of The Gardens Trust, has commented on applications on this site which is within the HE Registered Putteridge Bury parkland. Since 2011, the house has been enlarged twice, a garage and a stable block added and a 'gazebo' installed. The addition of a timber barn to an already overcrowded section of the open parkland further reduces the significance of the parkland and the accumulated clutter of buildings is not consonant with historic design.

We therefore consider that this application should be refused. "

Following the response above they later wrote and commented as follows:

"HGT object in principle to the building of this barn. It is outside the immediate curtilage of the house and therefore extending the built area of the park. This area of the park has been cluttered with ancillary buildings and extensions over the past few years so the cumulative effect of designed parkland has been harmed and its significance diminished.

However, we do have a number of concerns about the design should it be granted planning permission

1. Why does it need insulated roof panels if it is merely for equipment? It suggests that a residential change of use may be a future planning application
2. If it is an agricultural/equestrian building in a rural area then we object strongly to black metal panels. These will cause glare in strong sunlight and should be replaced by oak shingles or clay tiles to match surrounding buildings.
3. Timber cladding is acceptable in a rural building of this nature. We are unclear why it needs to be black
4. It seems out of scale with other buildings at the Cottage, being much larger in area. This does not appear strictly necessary given the use proposed in this application. The roof design also appears to be inappropriate for rural barn, being more industrial in character compared to the usual pitched roof. The use of a roller shutter is far too industrial for such a rural building, especially as it is not on a working farm.

If permission is minded to be granted we would propose that a more appropriate design and materials be required and a more modest scale."

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

- 4.1.1 The application site is located along a single width track which leads south from the main estate road and serves this property and Mangrove Lodge. To the north west of the proposed barn is Calders Cottage, which is a white rendered property above a brick plinth with a grey tiled roof. Beyond the north, south and east boundaries of the residential curtilage is a paddock area, which is bounded along its northern and eastern boundaries by a line of trees which screens the site from longer views from these directions. To the east of the paddock area is an open field, as there is beyond the track opposite the house. The stables and tack room granted under the planning permission referred to in paragraph 1.4 are sited alongside the western

boundary of the paddock area. The application site is situated within the East of Luton Green Belt and also forms part of the Putteridgebury Registered Park and Garden of special historic interest.

## 4.2 **Proposal**

- 4.2.1 This application seeks permission for a timber clad barn with a black metal roof, within the paddock area associated with Calders Cottage, which would measure 12 metres in width and depth and have a maximum height of 4 metres. The barn would be located to the south east of the residential curtilage of the dwelling and, as set out in the application forms, would be used for the storage of agricultural and equestrian equipment that is used on the paddock land and for family vehicles.

## 4.3 **Key Issues**

- 4.3.1 The key issues to the determination of this application relate to the acceptability of the proposed development in terms of Green Belt policy and its impact upon the Historic Park and Garden, having regard to advice set out at Sections 9 & 12 of the NPPF.
- 4.3.2 With regard to the first issue since the proposed development would be used for the storage of agricultural and equestrian equipment I consider that it does not constitute "inappropriate development " within the Green Belt, having regard to the first and second bullet points of paragraph 89 of the NPPF. Furthermore, given the height and floor area of the proposed barn I do not consider that the overall openness of the Green Belt would be compromised by this proposal.
- 4.3.3 Turning to the second issue I was sympathetic with the concerns raised by the Hertfordshire Gardens Trust and therefore advised the applicant of their objection and subsequent comments to this application. A copy of the appellants response is attached as Appendix 1 of this report.
- 4.3.4 On balance, I am persuaded by the applicants arguments. In reaching this view I have taken into account the limited area from within the Historic Park and Garden from which this building would be viewed. This part of the park is somewhat divorced from the main historic area, which is centred on the main house and grounds of Putteridgebury and Home Farm Court (extending to their vehicular access routes off the A505 and Putteridge Road) together with the public footpath leading to Lilley Bottom and agricultural land to the north.
- 4.3.5 In my opinion the conversion of the previous agricultural buildings at Home Farm Court, the soon to be provision of school playing fields between Old Hayes Wood and Home Farm, the planting of trees along the northern and western boundaries of the applicant's paddock land, together with the selling off of homes with their own curtilage and paddock land has all contributed toward the dilution of the overall landscape character and appearance of the Historic Park, thereby creating the sub-division of land which once formed a whole. As a result I do not consider the siting or appearance of this building, which as stated above is not seen in the overall context of the main part of the Historic Park and Garden, would cause harm to its overall landscape character and appearance, so as to justify the refusal of planning permission in this instance. Furthermore, in the event that members agree with the later comments made by the Hertfordshire Gardens Trust, insofar as the proposed materials are concerned, this could be dealt with by a suitably worded condition which would require that (notwithstanding the submitted details) materials should be subsequently agreed by the Local Planning Authority.

## 4.4 **Conclusion**

- 4.4.1 Whilst it may be argued that the proposed barn could be of a more traditional design (and as a consequence allow the use of tiles or replica slates for the roof material, as opposed to the black metal roof proposed), for the reasons set out

above, I consider that the proposed building is acceptable in terms of its impact upon the overall character and appearance of the Historic Park and Garden.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

### **Proactive Statement**

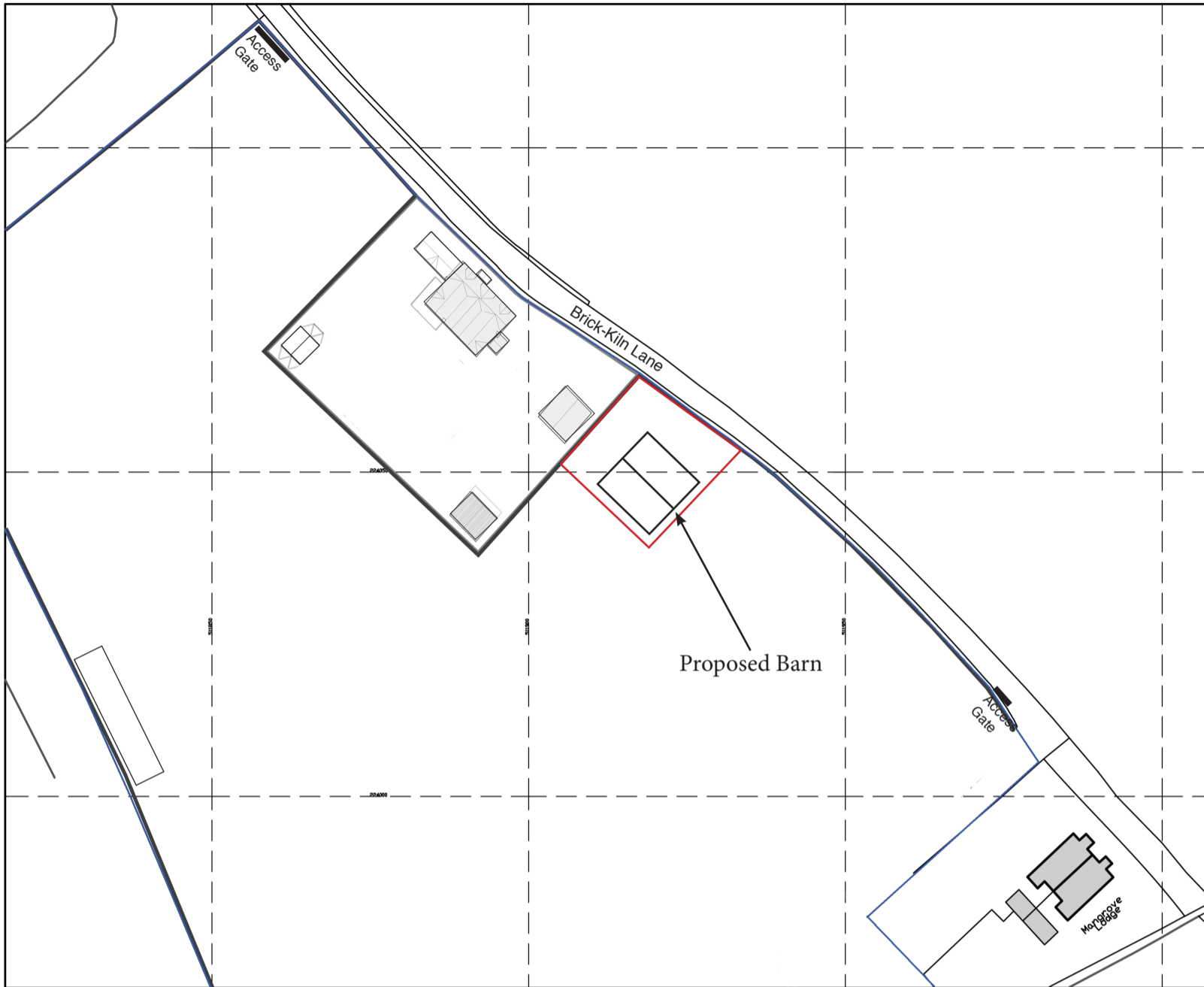
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

THIS DRAWING IS A PRINT AND MUST NOT BE SCALED.  
 ANY QUERIES REGARDING DIMENSIONS TO BE TAKEN UP WITH  
 PENTANGLE DESIGN GROUP.

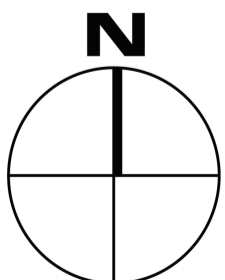
ALL DIMENSIONS OF EXISTING BUILDINGS TO BE VERIFIED ON SITE.

THIS DRAWING IS THE COPYRIGHT OF PENTANGLE DESIGN GROUP  
 AND SHALL NOT BE IN ANY WAY USED OR REPRODUCED WITHOUT  
 THEIR PRIOR WRITTEN CONSENT.

**NOTES**



Ordnance Survey, (c) Crown Copyright 2011. All rights reserved. Licence number 100020449



# PENTANGLE

D E S I G N G R O U P

3 TILEHOUSE STREET HITCHIN HERTS SG5 2DW  
 FAX(01462) 420918 TEL(01462) 431133

JOB TITLE  
 Calders Cottage, Putteridge Park

For Mr Langeveld  
 DRAWING TITLE  
 Location Plan

|                      |                             |                        |
|----------------------|-----------------------------|------------------------|
| SCALE<br>1:1250      | DRAWING NUMBER<br><b>01</b> | REVISION<br>Revision A |
| DATE<br>29 June 2017 | Sheet Size<br>A4            |                        |
| JOB NUMBER<br>2955   |                             |                        |

ARCHITECTS & INTERIOR DESIGNERS

This page is intentionally left blank

## John Chapman

---

**From:** Richard J Langeveld <rjl@langeveld.co.uk>  
**Sent:** 20 July 2017 12:45  
**To:** John Chapman  
**Subject:** Re: Calders Cottage, Putteridge Park (app no 17/01214/1)

Afternoon John

Many thanks for your correspondence, apologies for the delay but I have just been incredibly busy with work.

In answer to your question regarding the position of the proposed barn, I gave it considerable thought and consideration and consulted my neighbours as to where it would be best positioned, and it's current proposed location is the most sensible.

I viewed Calders Cottage back in 1998, it was the first tied cottage of the Estate to be sold and what attracted me was the semi isolated location. What I have since discovered is that when we are here we are on our own and it is lovely, but if we are out or on holiday or at work, then any one else who should not be there is also on their own to do what ever they want without being disturbed!

It is a desperate shame but criminal activity has increased over recent years and having consulted my local Rural Police Unit, they have confirmed this. To this end, recently a number of gates have been put on the Estate in an attempt to reduce crime levels, fly tipping and make 'criminal get-aways' harder.

I have now lived here now for over 18 years and unfortunately I have been the victim of criminal activity over the last seven years on ten separate occasions, all reported to the Police:

- trailer stolen
- motorbike stolen
- garage broken into and £10K worth of equipment stolen
- car trailer stolen
- house broken into and attempted arson attack on house whilst being extended
- copper theft whilst being extended
- attempted theft of trailer - locks drilled but neighbour disturbed them
- copper theft from garden
- vandalism
- trespassing

in addition:

- I have lost count of the numerous fly tipping, of sometimes hazardous materials, on the lane blocking the track for us and the emergency services.

The purpose of the barn is for safe secure storage of belongings, equipment etc etc. Necessary security demands that it is positioned as per my application and I want it in the proposed location for the following reasons:

- relatively close to the house
- I can keep an eye on it because of its close proximity
- if it is a distance away I would not keep a regular/daily check on it
- if it is a distance away I would not hear anything untoward
- it is easily accessed from my track and drive

- the security alarm can easily be extended to include the proposed barn.

In addition I feel that the proposed location is far neater cluster, opposed to buildings sprawling. To move it will give the impression of random development, and vastly increase the real risk of burglary, which is why the building is proposed in its current position.

With respect to Kate Harwood's (HGT) concerns, please accept the following assurances.

I can categorically state and hereby formally document in writing that I have absolutely no intention to convert this into a residential dwelling either now or in the future - this is to be a secure storage facility that is attractive and in keeping with the rural surroundings and other storage barns in Hertfordshire.

I have undergone extensive research into the construction of barns in Hertfordshire and they now have powder coated corrugated metal roofs which are competitively priced, attractive, safe (replacing corrugated asbestos roof panels), durable and can have light insulation thus avoiding condensation i.e. water pouring on the contents of the barn below. From a purely scientific and physics perspective, of all colours black reflects light the least, so I simply thought black would be darker, less intrusive and of course give less 'glare', however I would be more than happy to concede and move to a 'clay-tile' coloured finish.

Old barns were typically timber clad historical and treated with creosote which has a black tar type look, again I was attempting to make this look traditional. Whilst creosote is no longer used because of toxicity, external timber treatments come in a dark oak wood colours - which is very dark and pretty close to black, that is why I specified 'black', but of course I would be more than happy to concede and move to a brown coloured treatment.

I used the phrase 'roller shutter', I would actually use an attractive roller door which is pleasing to the eye and secure and can be bolted at the ground.

Ms Hardwood has commented that the plot is over crowded and that the barn is too big. I request that anyone with concerns visits just to see that the plot is far from 'crowded'. As far as the barn being too big, having gone through the process of Pre Application Advice with NHDC Planners I have reduced the footprint and height quite dramatically and is now as negotiated and agreed upon with NHDC Planners. It is not large, it is quite modest now at 144m<sup>2</sup> on a plot that is 18,211m<sup>2</sup>, that is 0.8% of the plot. Also may I add that we are extending the curtilage, which is a line on a drawing, to include the proposed barn, and also the adjoining land is in my ownership and control.

Barns in Hertfordshire are obviously a lot larger, but given that this is quite small in comparison I opted for a Dutch barn roof profile, so as to create an attractive looking building and also gives me the option to store in the roof space.

Finally you asked whether I give NHDC permission for an extension of time for determination of my application, the answer is of course yes, many thanks.

Kind regards

Richard

Richard J Langeveld  
Calders Cottage  
The Putteridge Bury Estate  
Offley  
Hertfordshire  
LU2 8LB



|                                  |                                     |
|----------------------------------|-------------------------------------|
| <b>*PART 1 – PUBLIC DOCUMENT</b> | <b>AGENDA ITEM No.</b><br><b>11</b> |
|----------------------------------|-------------------------------------|

**TITLE OF REPORT: PLANNING APPEALS**

**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**

Two planning appeals have been lodged and one planning appeal decision has been received.

Details are attached.

PLANNING APPEALS LODGED

| APPELLANT    | Appeal Start Date | DESCRIPTION                                                                           | ADDRESS                                                  | Reference  | PROCEDURE               |
|--------------|-------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------|------------|-------------------------|
| Ms Roymon    | 16 August 2017    | Outline application for 1 two bed dwelling (all matters reserved).                    | 1 Ryder Way, Ickleford, Hitchin, SG5 3XL                 | 17/00918/1 | Written Representations |
| Ms G Adamson | 16 August 2017    | One detached 3 bedroom dwelling with associated parking and new access off Payne End. | Wootton Cottage, Payne End, Sandon, Buntingford, SG9 0QU | 16/02890/1 | Written Representations |

PLANNING APPEAL DECISIONS

| APPELLANT | DESCRIPTION                                               | SITE ADDRESS                                         | REFERENCE  | APPEAL DECISION                    | COMMITTEE/ DELEGATED | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-----------------------------------------------------------|------------------------------------------------------|------------|------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Powell | Erection of a two bedroom dwelling for a disabled person. | Rose Farm, Codicote Road, Whitwell, Hitchin, SG4 8AB | 16/03115/1 | Appeal Dismissed on 02 August 2017 | Delegated            | <p>The Inspector concluded that the proposed development would have a detrimental impact on the character and appearance of the area. The development would therefore be contrary to Policies 6 (Rural area beyond the green belt), 29 (Rural housing needs) and 57 (Residential Guidelines and standards) of the local plan which seek, amongst other things, to protect the countryside from development that would harm its character and appearance.</p> <p>The Inspector also concluded that the proposed development would harm the setting of the listed building. The development is therefore in conflict with paragraphs 126 – 141 of the Framework and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires, amongst other things, that great weight and special attention is paid to the desirability of preserving the listed building or its setting.</p> |

This page is intentionally left blank



---

# Appeal Decision

Site visit made on 4 July 2017

by **Graham Wyatt BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 August 2017

---

**Appeal Ref: APP/X1925/W/17/3172798**

**Rose Farm, Codicote Road, Whitwell, Herts SG4 8AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Marcus Powell against the decision of North Hertfordshire District Council.
  - The application Ref 16/03115/1, dated 6 December 2016, was refused by notice dated 27 March 2017.
  - The development proposed is a 2 bedroom house for a disabled person.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the development on:
  - The character and appearance of the area.
  - The setting of the nearby listed building.

## Reasons

### *Character and Appearance*

3. The site lies outside of the settlement boundary of Whitwell and forms part of the countryside. The appellant has applied to the Council to extend the settlement boundary to include the site. However, the Council have not altered the settlement boundary at Whitwell.
4. As a consequence, Policy 7 of the North Hertfordshire District Local Plan (the Local Plan) does not bear. Policy 6 sets out where, in rural areas beyond the green belt, development may be acceptable. The policy identifies criteria for acceptable development, none of which apply here. The primary purpose of the Policy is to protect the character of the countryside outside of defined settlement boundaries from unplanned development.
5. The site forms an open field to the northwest of Rose Farm. An existing access would be utilised and the proposed dwelling would be sited behind an existing 3 bay detached garage building. The appeal site is open with fields continuing further north giving the site a distinct rural and spacious character. The erection of a dwelling would urbanise the site and would erode the spacious qualities of the countryside. Moreover, the domestic paraphernalia associated with the occupation of the dwelling would add to this urbanising effect, which would adversely affect the character and appearance of the area.

6. I acknowledge that on the opposite side of Codicote Road is a row of dwellings which extend towards the centre of the village in a linear manner. This side of the road has quite a different character and is clearly distinct from the appeal site in that, with the presence of dwellings and other domestic buildings, it does not possess its open and spacious character.
7. Policy 29 of the Local Plan permits small scale housing to meet a proven need as an exception to Policy 6 and lists where a development may be acceptable. One such exception is where the occupation of a dwelling would be by a disabled person. The Policy also makes it clear that the need must not be able to be met elsewhere, must be secured to meet those needs for the long term and must be visually sympathetic. The dwelling would be occupied by the appellant's son who is profoundly deaf. The appellant's planning application was supported by Action on Hearing Loss, his consultant surgeon and others, including an Office for Disability Issues document<sup>1</sup>.
8. The appellant has approached the Council's Housing Needs Officer to establish whether a suitable property for his son is available. The Council confirm that one with facilities such as flashing lights linked to doorbells and fire alarms is not currently available. However, the Council do suggest that the appellant contact the County Council as a grant may be available to fund the cost of future adaptations.
9. From the evidence provided, the appellant has not considered any private housing, whether for sale or rent, that may be available and could be adapted to meet his son's needs. Moreover, there is no evidence that the appellant has taken up the Council's suggestion to contact the County Council or whether a housing needs assessment has been undertaken, which was also suggested by the Council. Consequently, I can only give the appellant's evidence little weight that the needs of his son cannot be met elsewhere.
10. Furthermore, Policy 29 of the local plan also seeks to ensure that development proposals are visually sympathetic to the existing character of the settlement to which it would relate and does not detract from that character or the landscape around it. I have found that the proposed dwelling would have a detrimental impact on the character and appearance of the area.
11. I do not agree that the site is sufficiently shielded by landscaping and fencing so that the development would not be visible from public views. Moreover, there is no guarantee that existing or even proposed planting would remain permanently to screen views of the dwelling.
12. On the first main issue I therefore conclude that the proposed development would have a detrimental impact on the character and appearance of the area. The development would therefore be contrary to Policies 6, 29 and 57 of the local plan which seek, amongst other things, to protect the countryside from development that would harm its character and appearance.

#### *Listed building*

13. The proposed dwelling would be sited adjacent to Rose Cottage which is a Grade II listed building. The glossary at Annex 2 of the National Planning Policy Framework (the Framework) tells us that the significance of a heritage asset derives not only from its physical presence but also from its setting. Paragraph 131 of the Framework emphasises the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. The listed building is a

---

<sup>1</sup> Office for Disability Issues. Independent Living: A cross-government strategy about independent living for disabled people, February 2008

- designated heritage asset and paragraph 132 of the Framework states that great weight should be given to the asset's conservation.
14. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals which affects a listed building, special attention is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
  15. The appellant has provided a drawing to demonstrate the amount of development that has taken place at Rose Farm from 1989 to 2004. This includes several extensions and alterations to the listed building and a detached garage building. Nonetheless, Rose Cottage is clearly read as a detached farmstead, associated with a small group of buildings and set within open countryside. The more recent additions are reflective of the agricultural vernacular and relatively sympathetic to the setting.
  16. The appellant states that the proposed dwelling would follow the design of a rural barn, which was considered an acceptable extension to the listed building in 2001 by English Heritage and the Council's Conservation Officer. In addition, the appellant maintains that the site already contains buildings and that there are other buildings in the vicinity of Rose Farm that were not deemed to harm its setting. However, no other analysis of the significance of the heritage asset, as required by paragraph 128 of the Framework, has been put forward by the appellant.
  17. The proposed building is overtly residential in appearance as a result of the dormer windows, roof light, porch and chimney. Furthermore, the development would urbanise an area of the site that is currently open and devoid of development. Although sited outside of the central core of the listed building it would still have an impact on its setting by eroding the openness and rural setting that surrounds Rose Farm, which is a key contributor to the significance of the listed building. I am mindful that the Framework places considerable importance and weight which must be given to the desirability of preserving the setting of heritage assets, and any harm should require clear and convincing justification. English Heritage's acceptance of an extension to the listed building in 2001 is quite different to the detached dwelling before me and does not justify harming its setting.
  18. I have identified that the setting of Rose Farm would be harmed directly as a result of the proposed development, by eroding the rural setting that surrounds the designated heritage asset. However, I find this harm to be less than substantial, and as result I must weigh it against the public benefits of the proposal, as required by paragraph 134 of the Framework. The appellant has not advanced any public benefits as a result of the development. Consequently, no evidence has been put forward that would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets.
  19. On the second main issue, I conclude that the proposed development would harm the setting of the listed building. The development is therefore in conflict with paragraphs 126 – 141 of the Framework and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires, amongst other things, that great weight and special attention is paid to the desirability of preserving the listed building or its setting.

#### *Planning Balance*

20. The Council cannot demonstrate a 5 year supply of housing land. Paragraph 49 of the Framework tells us that in such circumstances relevant policies for the supply

of housing should not be considered up-to-date. Paragraph 14 of the Framework makes it clear that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole. However, specific policies are referred to under Footnote 9 to this paragraph, which include those relating to heritage assets.

21. I recognise that the proposal would contribute to the overall provision of dwellings in the district, and would therefore have a small beneficial effect in terms of the social and economic strands of sustainability. However, I have found that the proposed development would have a harmful impact on the setting of a designated heritage asset and that the planning balance set out in the Framework does not support the proposal; accordingly the presumption in favour of sustainable development does not apply. As such, the proposal would not amount to sustainable development in the terms of the Framework.
22. The appellant makes reference to a previous decision<sup>2</sup> that dismissed an appeal for 6 dwellings on the site. However, this decision was made before the Supreme Court judgment<sup>3</sup> which clarified that if there is a shortfall in housing land supply, it does not matter if this is because of the policies which specifically deal with housing provision. It is the shortfall itself that that is the trigger for bullet point 4 to paragraph 14 of the Framework and all relevant policies in the circumstances of the individual case must be considered. Notwithstanding that the previous Inspector reported that, with reference to paragraph 215 of the Framework, the settlement boundaries within the district are out-of-date, I concur with his assessment that the site is within the countryside.

#### *Other Matters*

23. The appellant also makes reference to a recent application<sup>4</sup> submitted to the Council for 40 new dwellings and further comments that it has been recommended for approval by Officers. I have no details of this application and whether it actually benefits from planning permission. However, a development of 40 homes would make a significant contribution towards the Council's housing shortfall, in contrast to the single dwelling proposed.
24. In considering this appeal I have also had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. Following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.

#### **Conclusion**

25. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**

---

<sup>2</sup> APP/X1925/W/16/3145309

<sup>3</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

<sup>4</sup> Application 16/03155/1