

Location:                   **Oughton Head Pumping Station  
Hitchin Road  
Pirton  
Hertfordshire**

Applicant:               **Affinity Water Limited**

Proposal:               **Upgrade of existing pumping station to provide nitrate  
removal plant and equipment including change of use  
of land for operational purposes and all associated  
works.**

Ref. No:                   20/00507/FP

Officer:                 **Ben Glover**

**Date of expiry of statutory period: 28/04/2020**

**Extension of statutory period: 16/10/2020**

**Reason for Call in:** Application called in by Cllr Sam North for the following reason –  
“it is likely to have a significant environmental impact on the surrounding area”

**1.0 Submitted Plan Nos.:**

196112\_PLN\_SI\_1.1\_A – Location Plan  
196112\_PLN\_SI\_2.1\_A – Site Plan Existing  
196112\_PLN\_SI\_3.1\_A – Site Plan Proposed  
196112\_PLN\_SI\_4.1\_A – Elevations Proposed  
IWP 10025-IWS-000-XX-DR-PW-0002 P02  
Site Entrance – Vehicle Exist Tracking Articulated  
Site Entrance – Vehicle Exist Tracking Rigid Vehicle

**2.0 Planning Policies:**

**2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt  
Policy 55 – Car Parking Standards

**2.2 National Planning Policy Framework**

Chapter 2 – Achieving Sustainable Development  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt Land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

**2.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable Development in North Herts  
SP5 – Countryside and Green Belt  
SP11 – Natural resources and sustainability  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
T2 – Parking  
NE1: Landscape  
NE7: Reducing flood risk  
NE9 – Water quality and environment  
NE10 – Water conservation and wastewater infrastructure

**2.4 Pirton Neighbourhood Plan**

PNP 2 – Design and Character  
PNP 5 – Wildlife  
PNP 7 – Key Views and Vistas  
PNP 8 – Heritage Assets and Archaeological Heritage  
PNP 11 – Safety of Pedestrians, Cyclists, Equestrians and Motorists

**2.5 Supplementary Planning Document**

Vehicle Parking at New Development SPD  
Design Supplementary Planning Document

**3.0 Site History**

None Relevant.

**4.0 Representations**

**4.1 Site Notice:**

Start Date: 17/03/2020

Expiry Date: 09/04/2020

**4.2 Press Notice:**

Start Date: N/A

Expiry Date: N/A

**4.3 Neighbouring Notifications:**

N/A

#### 4.4 **Parish Council / Statutory Consultees:**

**HCC Highways** – Objections to the proposal. Three concerns are summarised below:

1. Concerns regarding the proposed widening of the vehicle access and the vehicle to vehicle inter-visibility splay that would be provided. Prejudicial to general provisions of highways safety.
2. The proposed reconfiguration of the access is inadequate to serve the range of vehicles that are likely to use the facility.
3. Insufficient information provided for the Highways Authority to fully assess the highway implications of the proposed development.

**Environmental Health (Noise)** – No comments or objections.

**Principal Strategic Planning Officer (Policy)** – No objection.

**Pirton Parish Council** – Objects to the proposal. Objections summarised below:

1. Insufficient information about the archaeology of the site. Recommend that there be a further full excavation of all parts of the site.
2. Concerns about no comments from Highways, impact of water extraction and noise and pollution.

**Pirton Neighbouring Plan Steering Group** – Objects to the proposal. Concerns are summarised below:

1. Concerns raised with regards to archaeological features on the site and road safety issues.

North Hertfordshire Archaeological Society – Objects to the proposal due to the “proximity of the site to Oughton Head Springs, an important element in the defined and published territory and sacred landscape around the ancient settlement of Baldock”.

**HCC Archaeology** – No objection subject to conditions.

**Herts & Middlesex Wildlife Trust** – Objects to the proposal. Concerned about the impact of water extraction on the hydrology of the nature reserve.

**Environment Agency** – No objection subject to conditions.

**Lead Local Flood Authority** – No objection. Clarification needed from applicant to address concerns relating to drainage strategy and the provision of appropriate SuDS management.

**Ecology** – Any comments will be reported at the Committee meeting.

**NHDC Landscape and Urban Design officer** - Requests additional planting along the new site boundaries. Landscape conditions will be required to ensure that the development is assimilated into its surroundings and mitigation is provided for the landscape and visual impact

## 5.0 **Planning Considerations**

### 5.1 **Site and Surroundings**

5.1.1 The application site is an existing enclosed water extraction site situated on the east side of Hitchin Road, south of the village of Pirton. The existing site contains a number of existing small buildings accessed via a tarmacked road via Hitchin Road. The application site is situated within the Green Belt and within a Pirton Parish Archaeological Alert Area.

Pirton 020 Restricted Byway runs alongside the southern boundary of the site.

### 5.2 **Proposal**

5.2.1 Planning permission is sought for the change of use of the land to operational land that would allow for the erection of a 25m x 11.5m x 6.5m building. The proposal also includes the installation of equipment on site including 2 salt saturator tanks. The existing access to the site will also be widened.

5.2.2 The development would allow for the reinstatement of the water extraction site and allow the supply of water to the Hitchin Area.

5.2.3 The application is supported by the following documents:

- ☐ Planning supporting statement (including Flood Risk Assessment)
- ☐ Ecological Impact assessment
- ☐ Oughton Head Archaeological assessment
- ☐ Archaeological Evaluation report
- ☐ Archaeological Written Scheme of Investigation (August 2020)

### 5.3 **Key Issues**

5.3.1 The key issues for consideration are as follows:

- The principle of the proposed development and its impact upon the openness of the Green Belt.
- Design and appearance of the development and its impact to the amenity of neighbouring properties.
- The impact of the development upon the safe use of highways.
- Other impacts including to wildlife and archaeological areas.
- Climate change mitigation.

#### Principle of the Proposed Development within the Green Belt:

5.3.2 The application site is situated within the Green Belt. Considering that the most important policies for determining this application are out of date, paragraph 11 of the NPPF is engaged as follows:

*“for decision taking... granting permission unless... the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*

- 5.3.3 Section 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 of the NPPF goes on to states that *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 5.3.4 Saved Policy 2 of the District Local Plan states that *“Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.”*
- 5.3.5 The development would result in the change of use in the land to allow for the expansion of the existing water pumping station. This would involve the erection of a large detached building. The development would not fall within any of the exceptions offered within Paragraph 145 of the NPPF. The erection of a new building for water treatment is therefore, by definition, inappropriate development.
- 5.3.6 Given that the proposed development is considered inappropriate development in the Green Belt, a case for Very Special Circumstances needs to be considered. As states in Paragraph 144 of the NPPF, *“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*. This assessment is set out within the ‘Planning Balance’ section of the report following a review of the other key issues relating to the proposal.

Impact on the Openness of the Green Belt:

- 5.3.7 Paragraph 133 of the NPPF states *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. Paragraph 134 of the NPPF goes on to state the five purposes the Green Belt serves.
- 5.3.8 The existing site is a large unused field owned by the applicants. Within the site is a decommissioned water pumping station with two single storey buildings. The proposed development would result in the part of the field being converted for use by the pumping station allowing for the erection of a 25m x 11.5m x 6.5m building.
- 5.3.9 The building would be sited to the east of the existing site and therefore partially screened behind the existing buildings. To the south of the site there is a public footpath lined by mature vegetation including trees that would screen the view of the proposed building from the south.

Land is open to the north of the site and the building would be partially visible from within the area. Given the size of the proposal building and its location in open countryside there would be an impact to the openness of the Green Belt.

- 5.3.10 With regards to the five purposes of the Green Belt set out in Paragraph 134 of the NPPF, the proposed development would not result in urban sprawl or the merging of neighbouring towns. The development would however encroach upon open countryside given its siting within a field adjacent to other agricultural holdings. The development would not impact the setting or special character of a historic town given its remote siting. Finally, p.134 (e) is not considered relevant in this case.
- 5.3.11 Given the above, the proposed development would result in an impact upon the openness of the Green Belt and would conflict with p.134 (c) "to assist in safeguarding the countryside from encroachment" of the NPPF.

#### Design and Appearance:

- 5.3.12 The NPPF attaches great importance to the design of the built environment, stating "*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve*". The NPPF goes on to states that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities*". The aims of the NPPF are reflected in the Saved Local Plan in Policy 57 (Relates to residential development but the principles can be applied) and in the Emerging Local Plan Policy D1.
- 5.3.13 The proposed building would feature a gabled roof form and will be clad in steele with Kingspan roof tiles that would have a ceramic effect. The building would have a barn like appearance given the materials proposed. Given the agricultural landscape it is considered that the development would be of an acceptable design that would not result in any detrimental impact upon the character and appearance of the area. The proposal would be in compliance with both local and national planning policies insofar as they relate to the issue of design.
- 5.3.14 To mitigate the visual impact of the proposed nitrate treatment building new landscaping is proposed along the new compound site boundary and also along the northern boundary of the bridleway. Full details of this landscaping can be secured by a planning condition set out in the recommendation below.

#### Impact on Neighbouring Properties:

- 5.3.15 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 (House extensions) of the Local Plan and D3 of the Emerging Local Plan.
- 5.3.16 Given the remote siting of the application site, the development would result in no detrimental impact upon the amenities of residential properties in my view.

### Highways impact

- 5.3.17 The development would result in the widening of the existing access road. The works to the site entrance would include the removal of hedging to provide increased visibility. The access gate will then be reinstated to its existing position following completion of works.
- 5.3.18 The County Highways Authority has been consulted on the application and have objected to the scheme on public safety grounds. It is expected that the concerns raised by the Highway Authority can be resolved and an update on this matter will be reported at the Committee meeting.

### Archaeology:

- 5.3.19 The application site is situated within a Pirton Archaeological Alert Area. An investigation of the site has been carried out and has identified several archaeological features within the trenches. Hertfordshire County Council Archaeology states that “*the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest*”. HCC go on to state that “*three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants*”. These conditions are recommended below.

### Impact to Wildlife:

- 5.3.20 The site is opposite the eastern boundary of the Chilterns AONB and the Hitchin Road verge LWS. The development site is also located only 30 metres west of the western edge of the Oughtonhead Common Wildlife site and within 500m of the Oughton Head Local Nature Reserve (LNR).
- 5.3.21 The submitted Ecological Impact Assessment (EIA) includes a desk based study setting out the designations and habitats within the vicinity of the site and the results of a habitat survey including preliminary bat roost assessment. The EIA provides an assessment of the potential impacts of the development and mitigation measures proposed. The EIA provides the following conclusion:

*The site supports locally and nationally common habitats and is not considered critical for populations of any species of fauna of nature conservation importance. However, two Local Wildlife Sites occur within a short distance, a number of notable or protected species may potentially be present and mitigation measures are proposed to minimise the risks to individual animals and to ensure that wildlife legislation is adhered to.*

*Assuming the mitigation is implemented as described, no residual impacts are anticipated as a result of the proposal.*

- 5.3.22 It is recommended that should planning permission be granted for the development that a condition is imposed that requires the development to be carried out in accordance with the proposed ecological mitigation measures and proposed biodiversity enhancements set out in the submitted Ecological Impact Assessment by Integrated Water Services Ltd dated February 2020.

5.3.23 Any comments from Hertfordshire Ecology, including any planning conditions required, will be updated orally at the meeting.

#### Flooding and surface water drainage

5.3.24 The Environment Agency have advised that they have no objections subject to the imposition of two conditions firstly to secure a remediation strategy if unsuspected contamination is found and secondly a pre-commencement condition requiring the submission of a surface water disposal scheme. The applicant has agreed to both conditions.

5.3.25 The Lead Local Flood Authority requires similar details of a surface water drainage strategy to include the provision of appropriate SuDS management and it is recommended that a further condition is included to include the SuDS details.

#### Climate Change

5.3.26 On 21 May 2019, the Council passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. As one of the first councils to pass this motion, NHDC is leading the way on climate action. As part of its climate emergency action plan the Council has adopted the Council Plan 2020 – 2025. Objective 3 of the Plan seeks to respond to the challenges to the local environment.

5.3.27 The proposed development is designed to provide a long term, safe, efficient and reliable supply of water for the residents of Hitchin, reinstating and adapting an existing pumping station. It is considered that this is a sustainable solution to a key local infrastructure and therefore can be considered to make a positive contribution to the mitigation of the climate emergency.

#### Planning Balance:

5.3.28 Paragraph 144 of the NPPF states that “*substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”

5.3.29 The development proposed would, by definition, be inappropriate development in the Green Belt. It is accepted therefore that there would be harm to the Green Belt. Harm has been identified including harm to the openness of the Green Belt considering a new building would be erected within the Green Belt.

5.3.30 Aside from concerns raised by the Highways Authority which it is expected can be resolved, the development has the potential to result in some additional harm through visual impact and some short term impact on existing flora and fauna. Such harm can be reduced by the proposed new planting and the package of mitigation measures set out in the Ecological Impact Assessment.



The Environment Agency has raised no objection in terms of flood risk and have agreed to conditions to manage the impact of the development on the water environment. In terms of the historic environment archaeological work carried out on the site has demonstrated that the development is unlikely to have any significant impact on archaeological remains.

- 5.3.31 The development would allow for the reopening of the water pumping station which would be used to supply clean water to the Hitchin area and increasing water resilience whilst reducing the dependence on imported water from the Grafham area. It is considered that substantial weight can be attributed to this benefit.
- 5.3.32 The tilted balance in favour of granting planning permission as set out in paragraph 11 d) of the NPPF is not engaged in this instance as the site lies within the Green Belt and therefore paragraph 11d (i) applies. In this case however it has been demonstrated that very special circumstances exist which outweighs the harm by reason of inappropriateness in my judgement.
- 5.3.33 The development would increase water resilience within the district that would prevent future potential water shortages and the reliance upon importing water to the Hitchin Area. It is considered therefore that the adverse impacts of the proposals are limited and would be significantly and demonstrably outweighed by the benefits when assessed against the policies set out in the NPPF as a whole and that planning permission should be granted.

### **Conclusion**

- 5.3.34 That planning permission be granted subject to the resolution of the highway objection and planning conditions as set out below.

### **Alternative Options**

None applicable

### **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

## **6.0 Legal Implications**

- 6.1 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.

## 7.0 **Recommendation**

7.1 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. If, during development, previously unsuspected contamination 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 has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

4. 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.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with NPPF paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

5. Prior to the commencement of the development hereby permitted, details of any external lighting, including security lighting 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: In the interests of nature conservation.

6. Prior to the commencement of the development hereby permitted full details of all landscaping proposed within the site 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: In the interests of maintaining the rural character and visual amenity of the landscape

7. (A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

8. (B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

9. (C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

## Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### Informatives:

#### Environment Agency informative:

##### Preliminary Risk Assessment

The PRA should include historical plans of the site, an understanding of the sites environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections will support the understanding of the site as represented in the CSM.

#### Lead Local Flood Authority informative:

The proposed development is upstream of Oughtonhead Nature Reserve. The River supports this environment; therefore, any impacts to the River may also have an adverse impact on the nature reserve. The applicant should ensure that this is taken into account when looking at the number of surface water quality treatment stages within the proposed drainage scheme and where possible provide environmental benefits to the site and the surrounding area.

Site Investigation - Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must