

## EXTRACT FROM PLANNING CONTROL COMMITTEE MINUTES – 16 MARCH 2017

**88. 16/02256/1 - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON**

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.

[Note: Prior to the consideration of this application, Councillor Fiona Hill made a Declarable Interest in the matter, as she knew the Highways Consultant for the scheme in a personal capacity. She would listen to the Senior Planning Officer's presentation and the public speakers on this matter, and would then withdraw from the meeting before the Committee debated and voted on the application.]

The Senior Planning Officer (JG) reminded Members that planning permission was resolved to be granted for outline permission for up to 82 dwellings on this site in December 2015. Planning permission was granted in May 2016, following completion of the Section 106 Agreement. The current application (16/02256/1) was for the reserved matters of access, layout, scale, appearance and landscaping, providing 78 dwellings.

The Senior Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation. The slides presented in respect of the plans were as follows:

- Location Plan - The site lied to the east of the village and comprised two fields of land adjacent Elm Tree Farm, of 4.4 hectares in area;
- Layout Plan – This was the layout of the proposed development, with access via a proposed mini roundabout from Holwell Road, and with a spine road through the site and side cul-de-sacs through the development. The development would provide a mix of terrace, semi-detached and detached dwellings and the full layout details were set out in the report;
- Street elevations – These elevations showed a part street scene of the development and the dotted lines above the ridges were the previously proposed heights. 43 of the dwellings had been reduced in ridge height of up to 1.25 metres, with all now being 2 storey from the previously proposed 7 x 2.5 storey units;
- House type A – this was of a two bedroom proposed unit, shown on the slide as a pair;
- House type L – this was of the largest in footprint, proposed to the southern end of the site;
- Apartment block – this is one of the three proposed apartment blocks for part provision of the affordable housing, reflective of the buildings of Elm Tree Farm Close, located near the site;
- View from the east – the top elevation view showed the ridge heights set behind the existing long hedgerow, which was conditioned to be maintained at this height.

The photograph slides showed the following:

- the boundary hedging at various parts of the site, as well as the main hedge to the eastern boundary;
- Site entrance – this showed the roundabout and entrance to the site, with the proposed terrace to the right, and an open and attractive approach into the development;
- View across open space – this was of the central village green open space, with the variety of house types and apartment blocks behind;
- View of apartments – the three apartment blocks set back from the road with open space surrounding them;
- View from play area – the proposed childrens' play were with woodland theme equipment providing open space to this corner of the development, being highly accessible to the rest of the village, as well as occupiers of the scheme;
- Photo – view from Hambridge Way showing the long hedgerow to the right and the hedgerow within the site, much of which was to be retained;

The Senior Planning Officer (JG) commented that, in addition to providing 78 dwellings toward the Council's supply of housing, the benefits of the scheme were:

- 40% affordable housing, by way of 31 dwellings;
- Provision of 10 car parking spaces for the existing terrace on Holwell Road;
- Financial contribution towards a new pavilion at the Pirton Recreation Ground;
- Financial contributions towards education, youth and library services, sustainable transport, waste and recycling, open space management and maintenance, whereby the open space would be for the use of the village, not just the residents of the development.

He explained that the above benefits were secured via the Section 106 Agreement on the outline permission.

In respect of updates on comments received since the writing of the report, the Senior Planning Officer (JG) advised that further objection had been received from the Pirton Neighbourhood Plan Steering Group, stating again that the proposal did not conform to much of the draft Neighbourhood Plan, and that the applicant had not worked closely with those directly affected by their proposals, as stated in the National Planning Policy Framework (NPPF), which was in contrast to the extent of community consultation to inform the draft Neighbourhood Plan.

Further comments had been received from the occupiers of 10 Cromwell Road, Pirton, stating the urbanising effect of the proposed mini-roundabout and this was damaging to the setting of Pirton in the countryside. Also that the alternative of a T-junction was equally viable in terms of highway safety and questioning the safety of the roundabout option in light of statements made in the Stage 2 Road Safety Audit. Also as part of the Audit, a concern was raised over the driveway access to serve the rear parking spaces for the existing terrace and new terrace and that the layout clearly needed revising in this regard. Critical comments were made over the frontage terrace to Holwell Road, in that this would block views of the Chiltern Hills. Comments urged the layout to be rejected regarding the terraces and insisted on more emphasis on green space and soft edging to the village approach.

Comments had been made as to the implications on the layout due to the outstanding archaeology investigations and reporting of the site. The Senior Planning Officer (JG) stressed that the archaeology of the site was subject to a condition from the outline permission, for details of investigation work to be submitted to and consulted upon with Hertfordshire County Council. The initial Written Scheme of Investigation had been approved by the County Council, the investigation works had been carried out and the further report of the findings was awaited. This issue was therefore covered by condition already, and any further conditions on this issue could not be attached to any planning permission granted for this application.

He added that archaeology was not a reserved matter and, like the construction management plan, was completely separate from this application. The matters that were the subject of this application were solely access, layout, scale, appearance and landscaping as these were the reserved matters from the outline planning permission.

In respect of updates to the report, the Senior Planning Officer (JG) stated the following:

- Section 2.4 – Emerging Neighbourhood Plan – the last sentence, starting as “It is anticipated”, to be replaced with “Consultation is currently taking place on the proposed submission version of the neighbourhood plan, which will run to 23<sup>rd</sup> March 2017”;
- Section 4.3.51 – This dwelling had actually now been built to the west of the site, to the rear of 18 and 20 Royal Oak Lane. The impact upon this property was considered as detailed further in this section; and
- Section 6.1 - Change recommendation on to read – “Recommend approval of the reserved matters, subject to the following conditions...”.

In respect of updates to conditions, the Senior Planning Officer (JG) advised:

- Condition 7 – the requirement for the Stage 2 Road Safety Audit to be submitted to the Planning Authority, was confirmed as not required by the Highway Authority, as the Audit was required as part of the separate Section 278 Agreement with the Highway Authority. This condition could therefore be omitted;
- New Condition - The emergency access located to the southern boundary with Hambridge Way shall remain for the use of emergency vehicles only, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and amenity;

- In order to reduce all ridge heights to 8.97 metres or below, he recommended a condition for the 5 houses that were over this figure which were at 9.3 metres, as follows:  
New condition - No development shall commence on plots 12, 13, 14, 69 and 70 until revised plans for the houses on those plots have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans.  
Reason: In the interests of the scale of the development;
- There was a concern over safety of the attenuation pond, regarding children potentially entering this area. This matter would be dealt with on the revised landscaping plans in relation to Condition 3 of the outline permission, which required further finer details of landscaping of the development, including means of enclosure, such as this matter.

Parish Councillors Diane Burleigh (Pirton Parish Council) and Yvonne Hart (Holwell Parish Council) addressed the Council in objection to application 16/02256/1.

Parish Councillor Burleigh advised that Pirton Parish Council maintained that there was a benefit for some development on the application site, but was of the view that the current application was not appropriate for the following reasons:

- Highways layout and access to the site – she felt that these were contrary to Paragraph 131 of the NPPF, as there was an inappropriate roundabout proposed, with associated urbanisation. The applicant had stated that the roundabout was needed for safety reasons, but the Stage 2 Road Safety Audit had indicated concerns about cars speeding at the proposed roundabout. This had not hitherto been an area prone to accidents as the sharp bend in this location was a natural traffic calming measure. She referred Members to a report prepared by Curtin & Co which had indicated relatively low speed values, and so a roundabout in this location was unnecessary. The traffic flow past the existing row of cottages would make it hazardous for the extra pedestrians that would emerge from the site and be walking along Holwell Road (including parents and children walking to school). The egress from the additional parking area to be provided for those would also be hazardous, in view of the limited visibility splays when turning left out of this area;
- Layout issues – she felt that the proposals were contrary to saved Local Plan Policy 57 and, again, Paragraph 131 of the NPPF. The urbanising effect of the roundabout, the signage and lighting, and the suite of small terraced houses proposed at the front of the development, would prevent a soft edge as motorists approached the village. She used a similar development in Offley as an example as to how developers could locate housing away from the road to provide a soft edge. She considered that there was also insufficient green space in the site, with gardens that were much smaller than the average size of gardens in Pirton. There would also be a depreciation in the view of the iconic Chiltern Hills when entering the village;
- Density – she considered that this was too high and contrary to Saved Policy 7 of the Local Plan and emerging Policy HDS4. The proposed density remained above that in Pirton generally. Edge of village developments should acknowledge that they were the “bridge” between the village and the landscape, not simply tagged on to the existing housing;
- Housing mix – this did not meet evidenced local need and was contrary to Paragraph 50 of the NPPF. There were insufficient small family houses for sale, particularly 3-bedroom units, and she asked Members to disregard Paragraph 4.3.32 of the Officer’s report, which was a comment rather than evidence of local need. Furthermore, there was nothing suitable on the site for elderly downsizers;
- Housing Design – this did not reflect the local vernacular architecture, particularly as to the height of the dwellings. Even with a ridge height of 8.8 metres, this was far above the normal height of properties in Pirton. In spite of so called “character areas” in the development, much of what was offered was either pastiche or standard design;
- Adverse impact on the character of Pirton and the surrounding area – she believed the development to be contrary to saved Policy 7 of the Local Plan, the Pirton Village Design Statement (which was Supplementary Planning Guidance), the emerging Local Plan Policy HDS4 and Paragraphs 58, 61 and 131 of the NPPF. The density was too high and there was insufficient green space and garden space to reflect the character of Pirton;
- Emerging Local Plan – this was undergoing its second public consultation, and was therefore of some importance and was referred to by the applicants in their Design and Access Statement. The development also failed to meet the demands of the emerging Pirton Neighbourhood Plan;

- Stage 2 Road Safety Audit – there was no indication as to how the concerns identified in this Audit could be met by the development. The safety issues mentioned in the document could well result in layout changes;
- Archaeology – if this was to be preserved in situ, then the layout of the development could well be affected. The Parish Council was seeking a condition to ensure that observation, excavation and recording took place to ensure that all archaeological remains were appropriately evaluated and protected.

Parish Councillor Hart stated that she was speaking on behalf of Holwell Parish Council and the residents of Holwell. She commented that the number of objections indicated quite clearly that Holwell residents were opposed to this application. A development of this size and location would affect a large number of residents, not only during the construction period, but thereafter.

Parish Councillor Hart stated that the proposal for 78 dwellings would increase the size of Pirton by some 15-20%. This would be totally unreasonable in terms of its impact on local services, roads and schools in the area. The application did not meet the community's needs and therefore failed to deliver the requirement for sustainable development in Pirton.

If the development was to proceed, Parish Councillor Hart considered that the traffic implications for Holwell and Pirton and the surrounding area would be totally unacceptable. The proposed route for construction vehicles through Holwell had not been analysed thoroughly enough, and Holwell's quality of life would be threatened.

Parish Councillor Hart commented that the solitary daily bus which served the villages had a limited timetable and no service on Sundays. The morning and evening services which transported pupils to secondary schools in Hitchin was already overflowing. Children were regularly standing by the highway in a very vulnerable position waiting for the bus. This matter had been notified to the Local Education Authority on a number of occasions.

Parish Councillor Hart advised that the infrequent bus services meant an increased likelihood of commuters using their cars. The applicant's three year plan did not show any proposed improvement in the bus services serving Holwell and Pirton.

Parish Councillor Hart considered that the area could not sustain such an intrusive development as the one proposed. She felt that it would only be a matter of time before a serious incident occurred.

In conclusion, Parish Councillor Hart stated that the proposals showed a complete disregard for the community and its wishes, and she urged that the application should be rejected.

Following some questions and answers, the Chairman thanked Parish Councillors Burleigh and Hart for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate.

Councillor Claire Strong (Member Advocate) addressed the Committee in respect of application 16/02256/1.

Councillor Strong advised that she had been one of the councillors representing Pirton and Holwell for the past 22 years. The residents of Pirton were not against development, as at least 70 new houses had been built in the village over that time (mainly small, sympathetically designed in-fill and brownfield developments).

Councillor Strong considered that an application the size of the one now proposed would result in a detrimental effect on the locality, particularly with the use of a roundabout to gain access to the site.

Councillor Strong referred to the history of the application site. The site had been subject to two previous planning applications, both of which were refused and dismissed at appeal. She quoted a Planning Inspector on one of the previous appeals against refusal of 8 houses on the site as stating "The houses, which would form a natural extension to the village, together with any street lighting deemed necessary, would inevitably detract from the visual openness of the surrounding rural character and appearance of the area".

Councillor Strong considered that the current proposed development contained no softening as road users approached the village. In addition, the scale, density and mix of housing would be totally inappropriate. 55% of the development would be 4 or 5 bedroom homes. There was some smaller homes and a percentage of affordable housing, but were the larger homes really what the village wanted?

Councillor Strong stated that when the site was first referred to in the Local Plan it indicated an allocation of 47 houses, not the up to 82 homes now proposed. She considered that this was an overdevelopment of the site.

Councillor Strong was of the view that the access to the site would generate increased traffic. It would cause an additional highways risk. Indeed, the Planning Inspector had stated as much in the aforementioned dismissed appeal letter for just 8 houses on the site.

Councillor Strong felt that the Committee had justifiable reasons to refuse the application on the grounds of overdevelopment (scale, density and mix) and on site access issues, because of known traffic problems in that part of the village. In addition, the row of nearby cottages was in a narrow part of Holwell Road and to be subjecting those cottages to the increased traffic movements was likely to cause highway safety problems.

Councillor Strong concluded by asking Members to consider the impact of the application upon the village and to therefore refuse planning permission, asking the developer to submit a more modest fresh application, which fitted in with the existing village and which was acceptable to existing residents.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Mike Lake (Applicant's Agent) addressed the Committee in support of application 16/02256/1.

Mr Wright advised that he was the Senior Planning and Design Manager for Cala Homes. He stated that Cala Homes took pride in delivering high quality homes, evidenced in the recent Paddocks development in Hitchin.

Mr Wright commented that the Pirton scheme represented a culmination of negotiations with Pirton Parish Council and regular dialogue with NHDC Planning Officers. A great deal of attention to detail had been made in respect of design, layout and houses types, in order to reflect the character of development in Pirton. This included the provision of traditional roof forms, contrasting brickwork, selective use of renders and slate tiling. To add interest, the dwellings would be of variable height across the site.

Mr Wright believed that the scheme made a positive contribution and added to the character and distinctiveness of the area, with its carefully designed layout.

Mr Mike Lake (Applicant's Agent) advised that the application site was identified in the Strategic Housing Land Availability Assessment (SHLAA), which had informed the emerging North Hertfordshire Local Plan. The site was within the village envelope, was allocated in the emerging local Plan and referenced in the emerging Pirton Neighbourhood Plan. Mr Lake reminded Members that outline planning permission for up to 82 houses had already been granted. There was a general thrust of acceptance for some development on the site. This was a reserved Matters application dealing with the details of the scheme.

Mr Lake commented that one of the reasons that the outline permission had been granted was due to the lack of a five year land supply for the District, and on the back of the Government's identified need for additional housing in the South East. He summarised the major components of the proposed scheme as follows:

- The application was for 78 units;
- The layout contained a major spine road running through the site, with various side roads. He contended that the front of the site matched the terraced cottages further up Holwell Road. This reflected the rural nature of the site, and would be supplemented by green areas in this location. Further green spaces would be provided throughout the site;

- The dwellings had been designed to reflect the traditional design of the existing houses in Pirton. There were three clusters of dwellings with timber cladding and tiled roofs. At the rear of the site there was a lower density of larger houses;
- The average density on the site was 17.7 dwellings per hectare, against an average for the village of 17 dwellings per hectare. The density varied throughout the site;
- He realised that access to the site was a contentious issue, but the applicant had erred on the side of safety by including a roundabout at the Holwell Road junction, as recommended by Hertfordshire County Council as Highways Authority;
- It was proposed to use traditional fenestration and materials in construction, and all ridge heights had been reduced to under 9 metres;
- The scheme included appropriate landscaping (including hedging, screening and three areas of open space). The open spaces would all be linked via footpaths, which in turn would link into the village footpath network on Hambridge Way;
- Two additional car parking spaces would be provided for the residents of the existing row of terraced cottages in Holwell Road;
- The proposed apartment blocks on the site had been separated to protect views into the Conservation Area; and
- 31 affordable dwellings would be provided on the site. Various financial contributions would also be made for the new pavilion, play equipment, recreation ground, all levels of education, cycleways and library provision.

Mr Lake concluded by stating that he believed that the application was a well thought out, well developed proposal, linking the existing village and integrating into the countryside. He asked the Committee to support the Planning Officer's recommendation that the Reserved Matters application be granted.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Lake for their presentations.

The Senior Planning Officer (JG), in response to the presentations, informed Members that the roundabout option for site access had been considered a safer option than the T- or Y-junction option, as confirmed by the Highways Authority. The safety benefits were considered to outweigh the urbanising effect of the roundabout.

The Senior Planning Officer (JG) confirmed that the development density of 17.7 dwellings per hectare was marginally above the village average of 17 dwellings per hectare.

The Senior Planning Officer (JG) stated that saved Policy 7 of the Local Plan had been referred to in the presentations. However, the site was outside the Policy 7 boundary, and so did not apply in respect of application 16/02256/1.

The Senior Planning Officer (JG) felt that the design of the scheme was reflective of the mixed character of Pirton, and the proposed use of high quality materials was commended.

The Senior Planning Officer (JG) explained that, at the current time, the emerging Neighbourhood Plan for Pirton carried limited weight in this case, as did NHDC's own emerging Local Plan.

In respect of any archaeological implications, the Senior Planning Officer (JG) advised that a report on this matter was still awaited, and would not be required to be completed prior to the Reserved Matters application. However, if the report when received required any layout changes to the development then these changes would need to come back to the Committee for decision.

In respect of the Stage 2 Road Safety Audit, the Senior Planning Officer (JG) explained that if any layout or access changes were needed then this, too, would be required to come back to the Committee for decision. However, he reminded Members that there had been no Highways Authority objection on the outline permission granted for up to 82 dwellings on the site.

The Committee debated the application. A number of Members spoke in support of the development, whilst others expressed their concerns about various aspects of the application.

A Member commented that, although he had some empathy with the residents of Pirton regarding this application for 78 homes, the District had to build 14,000 houses by 2031 and most areas had to make a contribution. In respect of application 16/02256/1, he could see little wrong with it. He felt that it was of good design and that the proposed mix of dwellings was excellent. Another Member considered that a roundabout would be the safest means of access into and out of the site.

It was therefore moved and seconded that the Reserved Matters application be granted. Upon being put to the vote, this motion was lost.

The Members who had expressed concerns over the development made the following points:

- It appeared that an alternative proposal for a T- or Y-junction access to the site (rather than a roundabout) had not been put forward to the Highways Authority;
- The urbanising effect of the roundabout when approaching the site and the proposed new terraced housing at the front of the site nearest to the roundabout; and
- The mix of the proposed development, especially the fact that it paid little heed to the housing needs of the village.

In respect of the latter point regarding the housing mix, the Development and Conservation Manager cautioned against using this as a potential reason for refusal, in that the Committee had already granted outline planning permission for housing. The mix and whether or not it met an identified need was not about layout, appearance or scale, and so that particular concern was not a Reserved Matter.

The Development and Conservation Manager commented that, should Members be minded to refuse the application on highway safety grounds, then at any subsequent appeal the Committee would need evidence to support its highway safety concerns. Expert evidence would therefore be required to demonstrate how the Committee considered that there were highway safety concerns.

As it appeared that the reasons for any potential refusal of permission may not be the most robust, the Committee considered an option of deferring the application, to enable officers to negotiate with the applicant to endeavour to address Members' concerns about the urbanising effect of the roundabout and terraced houses proposed at the front of the site and to consider the alternative of a T- or Y-junction, instead of the roundabout, to gain access to and from the site. Upon it being moved and seconded that the application be deferred, and upon a vote being taken, it was

**RESOLVED:** That, subject to the applicant agreeing to an extension to the statutory period determination period, the determination of planning application 16/02256/1 be **DEFERRED**, to enable further negotiations between officers and the applicant to endeavour to address Members' concerns about the urbanising effect of the roundabout and terraced houses proposed at the front of the site and to consider the alternative of a T- or Y-junction, instead of the roundabout, to gain access to and from the site.