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Dear Sir/Madam,

31 May 2023

Planning Applications 23/00407/FP and 23/00408/LBC (the "Applications") at Node Court, Drivers End, Codicote, Hitchin, Hertfordshire, SG4 8TR (the "Site")

Letter of Objection

We act for Mr Edward Westwick (our "**Client**"). Our Client lives directly opposite the Site and will be detrimentally affected by the Applications should the Council resolve to grant consent.

For the record, our Client raises no 'in principle' objection to development at the Site in order to bring the Grade II listed building – Node Court – back into use following damage caused by fires. This letter of objection relates to the current proposal for the residential development at the Site which substantially exceeds the footprint of the listed building which is to be restored. Our Client sets out a number of significant concerns with the proposed development and requests that the Council refuses the Applications.

Planning History

It is understood following our review of the documents submitted in support of the Applications, and our planning history search, that the Grade II listed building (and the wider Site) has been subject to several applications. Most recently (prior to the submission of the applications of concern here), in 2018, planning permission and listed building consent were sought for:

"Conversion of Node Court to provide 9no. dwellings. Erection of 3no. dwelling-houses as enabling development to facilitate the restoration of Node Court, together with associated car parking, landscaping and boundary treatment." (Ref: 18/03366/FP)

AND



“External and internal alterations to facilitate the restoration and conversion of Node Court to provide 9no. dwellings.” (Ref: 18/03367/LBC)

These applications were withdrawn by the applicant. The Planning Statement for the current proposal notes that this was on the *“advice from the Head of Planning who advised that a fresh application be submitted not because of any technical deficiency in the original application but because of the time that had now lapsed”*.

However, at Para 1.4 of the Transport Statement submitted in support of the Applications notes that *“a formal response from Hertfordshire County Council (HCC), in their role as the Local Highway Authority (LHA), was received on 13th March 2019 highlighting reasons for objection to the development proposals”*. It is suggested in Para 1.5 of the Transport Statement that their objection was related to the *“severe impact on the local highway network”*. It is not indicated within the 2023 submission material if the Transport Note prepared in July 2021 which sought to address the LHA’s comments were accepted.

No further information regarding the withdrawal of these applications is indicated in the 2023 submission material.

The Current Proposals

The current proposals at the Site seek to deliver a residential development, with an increased number of units proposed compared to that under the 2018 submission. The description of development is provided below.

“Conversion of Node Court to 8no. dwellings. Conversion of Midden building to residential and the erection of 6no. terraced dwelling-houses and 2no. detached dwelling houses as development to facilitate the restoration of Node Court together with associated car parking, landscaping, boundary treatment and ancillary works.” (Ref: 23/00407/FP)

AND

“External and internal alterations to facilitate the restoration and conversion of Node Court to provide 8no. dwellings.” (Ref: 23/00408/LBC)

In total, the proposal seeks to deliver 17no. dwellings (9no. houses and 8no. flats).

Our Client wishes to **object** to the Applications for the following reasons:

Location of the Site in the Greenbelt

- 1) Section 13 of the National Planning Policy Framework (2021) is concerned with protecting land in the Green Belt. At Para 137, it is stated that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, with recognition that the essential characteristics of the Green Belt are its openness and permanence. Para 138 sets out the five purposes that the Green Belt designation serves. Of particular relevance here is the purpose *“to assist in safeguarding the countryside from encroachment”*.
- 2) Para 147 of the NPPF notes that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Para 149 states that *“local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt”*, subject to a list of exceptions. The Planning Statement submitted in support of the

applications highlights exceptions c)¹ and g)². Whilst it is considered that the conversion of Node Court into 8no. dwellings is in accordance with exception c), it is not considered that the wider development proposal, including the addition of a further 9no. residential units is in accordance with exceptions c), nor g). The latter accepts the *“limited infilling or the partial or complete redevelopment of previously developed land”* which would have either, no *“greater impact on the openness of the Green Belt than the existing development”* or would *“not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting and identified housing need within the area of the local planning authority”*. **The proposed development would impact the openness of the Green Belt; it introduces new development on land which has not been previously developed and would result in the intensification of the Site. Further, the proposals offer 0% affordable housing (this is considered further below).**

- 3) Para 148 of the NPPF states that ‘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”*. The Applicant has put forward in their Planning Statement that a ‘very special circumstances’ case exists in relation to the proposals. This is based on the proposed development *“largely”* reusing existing buildings, *“without any extension or enlarged footprint or floorspace”* which is considered acceptable in relation to Node Court (and to some extent the Midden building). However, it is contended that ‘very special circumstances’ case does not apply to the ‘enabling development’ (i.e., the additional 6no. terraced houses and 2no. detached houses).
- 4) Policy SP5 of North Hertfordshire’s Local Plan accords with the NPPF (2021), and as such the proposals are not in accordance with national, nor local Green Belt policy.

The impact on the setting of the Grade II listed building

- 5) Section 16 of the NPPF concerns the conservation and enhancement of the historic environment.
- 6) North Hertfordshire Development Management Policy HE1 – Designated Heritage Assets states that planning applications relating to designated heritage assets, or their setting are to be accompanied by a Heritage Assessment / Justification Statement providing the information set out in parts i)-iii) of the policy. It goes on to say that planning permission for development proposals affecting designated heritage assets, or their setting will be granted where they (as applicable):
 - a) *Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
 - b) *Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*

¹ “The extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building”

² “Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- c) *Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use.*
- 7) Whilst it is acknowledged that the fires on the Site have damaged the building, it is not considered that they have diminished from its historic listing with regard to its former use. The residential development has the potential to distract from its historic listing and it is not considered that the public benefits of the scheme (notably with the absence of affordable housing) outweigh the harm caused by the intensification of the wider Site. It is considered that the proposals would lead to substantial harm, rather than the "less than substantial harm" required by local and national policy.

Viability

- 8) It is noted in the Planning Statement submitted in support of the development that the "*only option for the Applicant is to seek permission for residential development as this could raise the funds required*" for the refurbishment of listed building. However, there is no transparency within the documents that are publicly available as to the costs and viability of the scheme, or indeed whether other, smaller proposals would also provide the funding required for the restoration of the listed building. It is also noted, as set out below, that the Council's Housing Development Officer has requested additional information with regard to viability and affordable housing which has not been forthcoming.

Lack of affordable housing

- 9) North Hertfordshire's Development Management Policy HS2 – Affordable Housing requires that 35% of dwellings on sites delivering 15 – 24 dwellings are affordable, and that these are delivered on-site unless robustly justified, subject to viability.
- 10) No affordable housing is proposed as part of this development and there is insufficient information available to the public to determine whether its exclusion is robustly justified, as required by local policy. Communication with the Case Officer has indicated that the Viability Statement submitted in support of the application contains sensitive information and advised that in order to receive this, it would be necessary to submit a FOI request.
- 11) Further, it is noted that the Council's Housing Development Officer has commented on the lack of affordable housing provision in Codicote since 2007, when the rural housing needs survey was last undertaken. It also noted that the Applicant has been requested to "provide documentary evidence of any viability issues using a recognised financial toolkit, which the Council will have independently assessed at full expense to the Applicant". On this basis, it is considered that the Viability Statement initially submitted to the Council (which is not available in the public domain) was not deemed to be sufficient, with additional information required ahead of the determination of the applications.

6no. units fail to meet Nationally Described Space Standards

- 12) North Hertfordshire's Development Management Policy D1 – Design (Part e) requires that residential schemes meet or exceed the Nationally Described Space Standards.
- 13) Nationally Described Space Standards require a GIA of 70sqm for 2-storey 2B3P residential units (which the 6no. cottages are proposed to be).

- 14) The 6no. terraced dwellings do not accord with the Nationally Described Space Standards, which are all proposed to be 61.9sqm, and therefore the development proposal does not accord with the local, nor national requirements.

Transport Matters

Access

- 15) North Hertfordshire's Development Management Policy T1 – Assessment of Transport Matters (Part e) requires that for major developments (which the proposal is), Applicant's demonstrate how:

- i) a proposed scheme would be served by public transport;
- ii) safe, direct and convenient routes for pedestrians and cyclists will be provided; and
- iii) comprehensive integration into the existing pedestrian and cycle, public transport and road networks will be secured.

- 16) The application documents set out that the Site is to be accessed via Driver's End. However, this is a narrow, single-track road which is not currently lit. The Transport Statement notes that there are bus stops approximately 450m west of the Site and 800m east of the Site. Whilst this is the case, the stops are only served by one route (the 314) and two routes (the 44 and 45), respectively, and these services only run every 90-120 minutes between the hours of c.7:00 and c.17:00. Further, there is no footpath from the Site providing safe pedestrian access to these bus stops. Due to this, the proposals do not align with Policy T1 Part e), and we would highlight again that the previous application for the redevelopment of the Site received an objection from the LHA (ref: 18/03366/FP and 18/03367/LBC).

Car Parking

- 17) North Hertfordshire's adopted Development Management Policy T2 – Parking requires that parking for residential development is provided with the minimum standards set out in Appendix 4. For 2- 3-bed units, this is 2no. spaces per dwelling (minimum). It understood that this also applies to 4-bed units. As it is proposed that each unit is provided with 2no. parking spaces, this is policy compliant, with 34no. parking spaces provided in total.

- 18) However, Appendix 4 also requires an additional 0.75no. spaces per dwelling to accommodate visitor / unallocated parking (based on the absence of garages), which equates to 13no. spaces. The Transport Statement notes only 0.25 spaces per dwelling are required to accommodate visitor / unallocated spaces, but it is clear in Appendix 4 that if garages are not provided, 0.75 should be applied, not 0.25. Whilst the Transport Statement does state parking will be provided on an *"unallocated, first-come-first-serve basis to allow for communal and visitor use of the parking bays"*, the additional 13no. visitor / unallocated spaces are not provided. In the absence alternative publicly available off-street parking, on-street parking, or relevant evidence which supports a reduction in the standards set out, parking provision is not compliant with local policy.

Ecology Matters

Biodiversity Net Gain

- 19) Para 174 of the NPPF states that *"planning policies and decisions should contribute to and enhance the natural and local environment"*, in part through *"providing net gains for biodiversity"*.

- 20) Biodiversity net gain is also a requirement of the North Hertfordshire Local Plan at Policy SP12 – Green Infrastructure, Landscape and Biodiversity. This states that the Council will “*ensure measurable net gains for biodiversity*”. This is also required by Development Management Policy NE4 – Biodiversity and Geological Sites.
- 21) The Ecology Report submitted in support of the application does not provide any information of the biodiversity net gain on the Site to be achieved, hence the statutory consultee, Herts and Middlesex Wildlife Trust, have raised an objection to the application, citing one reason for this being that a biodiversity net gain has not been demonstrated (e.g. an increase in habitat units and hedgerow of 10%). **It is noted that this information is required before the application can be determined, and therefore the Council cannot recommend the application for approval, until after this has been submitted to the Council for consideration.**

Bat Surveys

- 22) North Hertfordshire Development Management Policy NE4 – Biodiversity and Geological Sites states that Applicants should have regard to the status of any affected site(s) or feature(s) and submit an ecological survey that is commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of the site, and demonstrate that adverse effects can be avoided and / or satisfactorily minimised having regard to the hierarchy of protection set out at part b) i.-iii. of the policy.
- 23) The Applicant’s submission does not accord with policy. It is noted in their Ecology Report that there is a requirement for further bat surveys to be carried out during the bat survey season (May and September) on three identified structures, B1, B2 and B3. B1 requires a further three of bat emergence / re-entry surveys to be carried out between May and September, with at least two of these visits required between June and August. B2 and B3 require a minimum of one further bat emergence or re-entry survey, which is required during the optimal months of June and August. This has also been raised as another point of objection by Herts and Middlesex Wildlife Trust, where they state, “the ecological survey is a preliminary survey, not a full survey” and it is “not appropriate to support a planning permission in light of the CIEEM EclA guidelines”.
- 24) For the reasons set out above, the Council does not yet have sufficient information to recommend the application for approval, noting that it is not possible to condition bat surveys.

For the reasons set out above our Client respectfully requests that the Council refuses the Applications.

Yours faithfully,



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