



BVA Planning
Town Planning Consultancy

Planning Statement

NODE COURT, DRIVERS END LANE, CODICOTE, HITCHIN,
HERTFORDSHIRE, SG4 8TR

Prepared on behalf of:

Mr. Eric Smart

January 2023

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1.0 Introduction

1.1 This Statement has been prepared in support of a planning and listed building application seeking detailed permission for the works described below on land known as Node Court, Drivers End Lane, Codicote, Hitchin, Hertfordshire, SG4 8TR (**“the site”**).

- Planning Description of Development: *Conversion of Node Court to 8no. dwellings. Conversion of Midden building to residential and the erection of 6no. dwelling-houses and 2 Gate Lodges as development to facilitate the restoration of Node Court together with associated car parking, landscaping and boundary treatment.*
- LBC Description of Development: *External and internal alterations to facilitate the restoration and conversion of Node Court to provide 8no. dwellings.*

1.2 This Statement has been prepared by BVA Planning Ltd. on behalf of Mr. Eric Smart. (**“the applicant”**). The redline site area is 0.92ha.

1.3 The purpose of this Planning Statement is to examine the merits of the development proposal in the context of the relevant planning policies of the Statutory Development Plan and to consider other material considerations of relevance.

Format of Planning Statement

1.4 This statement is structured as follows:

- **Section 2** describes the site and surrounding area including relevant planning history;
- **Section 3** describes the proposed development in more detail;
- **Section 4** sets out the relevant national and local planning policy context pertaining to the site and the proposed scheme;
- **Section 5** appraises the proposed scheme against the relevant planning policies; and

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- **Section 6** provides an overall summary and conclusions.

1.5 This Planning Statement should be read in conjunction with the accompanying plans and technical reports prepared by other specialist consultants, submitted in support of the detailed planning application, namely:

- Design and Access (DAS).
- Transport Statement.
- Arboricultural Impact Assessment.
- Flood Risk Assessment & Drainage Strategy.
- Costings & Sales Report.
- Landscape Plan.
- Ecological Assessment.
- Ecological Mitigation Plan.
- Building condition survey and LB Works.
- Heritage Assessment.

Planning History & case for the proposed works

1.6 The site has been subject to a number of applications in the past for alterations and additions to the Grade II listed Court. In recent times Node Court, a significant thatched Listed Building, has suffered two arson attacks. The most recent was catastrophic and a known serial arsonist was jailed following successful Police prosecution and following the extensive fire.

1.7 Following the fire, the applicant sought planning permission and LBC (ref: 18/03366/FP) for a similar scheme following positive pre-application advice from officers who have accepted that finding suitable tenants has always been a difficult challenge. The result of the fire was that all tenants have moved elsewhere so any investment to reinstate offices would require multiple lettings or otherwise finding a single tenant. Market testing has concluded that finding a single tenant is challenging given better modern and less compromised offices in nearby towns. Embarking on a costly speculative office renovation is not an option in commercial terms. This application was submitted in 2018 but following 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. The applicant agreed and withdrew the original application in May 2022 and this now represents a fresh application for the works described above.

- 1.8 Having maintained and cared for the building and its landscape over the years, the applicant, a genuine victim of crime, views this revised application as a responsible way forward, seeking the Council's support in reaching a positive conclusion. This statement demonstrates how Node Court readily lends itself to a residential change of use and encompasses the preservation of an important historic building. The erection of additional homes in the grounds will help fund the important heritage works and provide much need new homes in the area. In our opinion, the issues surrounding this application provides a case of Very Special Circumstance (VSC) in relation to the new build elements within the grounds of Node Court in this Green Belt location.

2.0 Site and Surroundings

- 2.1 The application site lies 980m North of Codicote in North Hertfordshire, accessed via Drivers End. The application site lies between the Node Conference Centre to the West and Nup End Business Centre to the West.
- 2.2 The application site itself forms the South boundary of an established mixed-use development at Drivers End. To the South, open views extend towards Rabley Heath. Node Court comprises two structures: Node Court (former dairy, now derelict offices) and 'the Midden' currently B1 offices. The buildings are set within a mature treed landscape setting with large areas of surface parking, somewhat distracting from the 'Sylvan' nature of the development.
- 2.3 The site is bounded on three sides by open, agricultural land. The closest buildings front Driver's End Lane to the north and comprise Node Farmhouse and associated outbuildings.
- 2.4 The Grade II Listed model dairy was begun in 1927 according to a dedication plaque, though the list description and associated literature implies it was completed the following year. It is circular on plan with four short projecting wings and distinguished by a tall circular tower which functioned as a silo. A second building lies a short distance away, known as the Midden, which formed a processing centre for the cattle manure and is connected to the main complex by a formerly thatched pergola or covered walkway which transferred the manure via an overhead rail. The site is laid out with mature trees and some landscaping, which to the east has been given over to car parking for offices at the Midden building.
- 2.5 The building had already partly been converted to office use when the fire on the 12th July 2015 destroyed a large portion of the thatched roof on the south side and caused considerable damage. Subsequently, disuse and general exposure to the elements has begun to have a detrimental effect on the surviving portions.

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- 2.6 Internally the building has been effectively sterilised, its earlier use being barely legible, though a few ephemeral features such as the wall cladding and the original floor drainage etc. was set to disappear behind dry-walling and raised floors with the office conversion.
- 2.7 The land falls within Flood Zone 1 (low risk) as defined by the Environment Agency's Online Flood Mapping. There are no statutory or local listed heritage assets within the area that would be affected by this proposed scheme other than Node Court itself.

3.0 Proposed Development

3.1 The application site is well suited for residential use given its highly sustainable location and close proximity to a wide of range of local amenities within walking and cycling distance of the site. The proposed planning application seeks detailed planning permission and LBC for:

- Planning Description of Development: *Conversion of Node Court to 8no. dwellings. Conversion of Midden building for residential use and the erection of 6no. dwelling-houses and 2no. gate lodges as development to facilitate the restoration of Node Court together with associated car parking, landscaping and boundary treatment.*
- LBC Description of Development: *External and internal alterations to facilitate the restoration and conversion of Node Court to provide 8no. dwellings.*

3.2 As outlined in section 1, and as shown in the DAS, the submitted scheme shows how the site could be successfully developed. The proposed scheme is informed by:

- National and local planning policy and guidance.
- The need to ensure that the important preservation works are sympathetic and proportional.
- The need to deliver a scheme that is both viable and delivers new housing.
- The creation of a high-quality environment that is sensitive to the setting of the Grade II listed Court.

Unit Size

3.3 As outlined above, the proposed scheme looks to build upon the withdrawn application by making efficient use of the site with the introduction of additional units to help facilitate the restoration of Node Court. A range of unit sizes are proposed:

- 1 x 4 bedroom conversion (Midden Building).
- 3 x 2 bedroom apartments.
- 5 x 3 bedroom apartments
- 6 x 2 bedroom cottages.
- 2 x 2 bedroom gate lodges.

Layout/Materials

- 3.4 The site will be accessed via the existing access entrance flanked by two new gate lodges. Having regard to the heritage asset and surrounding area, it is proposed that the style of the properties would be traditional in appearance and would look to pick up on the local vernacular as detailed in the DAS.
- 3.5 The mixture of proposed materials look to enhance the appearance of the houses with high quality materials and provide interest to the setting of the development, avoiding a uniform appearance and respecting the setting of Node Court.
- 3.6 The form of the elevations is linked to Node Court and the surrounding locality, elements such as two storey splayed bays, varying roof forms, gable ended elements, brick detailing all proposed to fit in with the sense of grandeur afforded by Node Court, but also to be subservient to it.

Building heights

- 3.7 All the proposed units are houses and are 2 storeys in height to reflect that found in the immediate area. The properties are similar to those previously proposed and are located discreetly around the site so as not to overly impact upon Node Court.

Movement and Parking

- 3.8 The proposed scheme would be accessed via the existing entrance, and each unit will be provided with 2 car parking spaces and 2 bicycle spaces.
- 3.9 Efforts have been made to position parking away from the main access road to reduce its impact on the setting and character of the development and would be delivered in accordance with the Council's current standards.

Landscaping, Open Space and biodiversity

- 3.10 Whilst the site is relatively clear of any vegetation, it is proposed to retain as much as possible and to enhance that which exists around the boundaries. In addition, new structure planting would be introduced within the site at key points and within the private gardens of the new homes.
- 3.11 The biodiversity value of the site is limited. That said, the detailed landscaping scheme will set out how the planting choices would improve biodiversity and fit in to the wider biodiversity initiative.

Sustainability

- 3.12 The site is located in a sustainable location with good access to already established public transport routes and pedestrian and cycle routes.
- 3.13 In respect of sustainable drainage, and given the ground conditions, it is proposed the foul and surface water would discharge into the existing public sewer and water system in the area.
- 3.14 The dwellings will be constructed with high levels of fabric insulation and low air permeability to an overall standard that will meet current UK Building Regulations to ensure that dwellings provide long-term, low-cost living. PV panels will be located to optimise solar gain to converted energy, and will also allow discreet placement of these panels for visual amenity reasons. EV charging will also be facilitated via the development.

Delivery Timetable

- 3.15 The need to save this listed building is now critical as elements of it are deteriorating fast and starting to collapse into the centre of the site. It is envisaged that on receiving planning permission and LBC a suitable developer will be identified who would be responsible for the discharge of any pre-commencement conditions in order for works on site to commence as quickly as possible. We can confirm that there are no landownership or technical constraints that would prohibit the proposed works commencing as envisaged above.

S106 Obligations/CIL and Conditions

- 3.16 The extent to which obligations including planning conditions are required will be a matter of detailed discussions with officers during the application process.

4.0 Planning Policy

- 4.1 This section outlines the key planning policy considerations relevant to the proposed development at both the local and national level.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that local planning authorities should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 At the national level, relevant policy and guidance is set out within the National Planning Policy Framework (“**NPPF**”) published July 2021 and the associated Planning Practice Guidance (“**PPG**”). This proposal has also had regard to the heritage advice in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.4 The Development Plan (and associated guidance) for the area currently comprises of the North Hertfordshire Local Plan adopted in November 2022. The Council is preparing a new Local Plan which has taken a considerable amount of time to go through examination. The Council is now awaiting the Inspector’s final report. As such, and given the level of objections to the Plan, it carries reduced weight, but has been considered in preparing this application.
- 4.5 In support of the development plan, the council has also adopted several Supplementary Planning Documents (SPDs) including those on vehicle parking and design.

North Hertfordshire Local Plan (2011-2031)

- 4.6 The key policies are:

Strategic Policies

- SP1 – Sustainable development in North Hertfordshire
- SP5 – Countryside and Green Belt
- SP6 – Sustainable transport
- SP7 – Infrastructure requirements and developer contributions
- SP8 – Housing

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- SP9 – Design and sustainability
 - SP11 – Natural resources and sustainability
 - SP12 – Green infrastructure, biodiversity and landscape
 - SP13 – Historic Environment

Development Management Policies:

- T1 – Assessment of transport matters
- T2 – Parking
- HS2 – Affordable housing
- HS3 – Housing mix
- D1 – Sustainable Design
- D3 – Protecting living conditions
- D4 – Air quality
- NE2 – Landscape
- NE7 - Reducing flood risk
- NE8 – Sustainable drainage systems
- NE9 –Water quality and environment
- HE1 – Designated heritage assets
- HE2 – Heritage at risk

National Planning Policy Framework

- 4.9 The revised National Planning Policy Framework (“NPPF”) was published in July 2021 and replaces the previous NPPF published in July 2019. The NPPF sets out the Government’s planning policies for England and how these should be applied and is a material consideration in planning decisions.
- 4.10 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which at a very high level, means meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.11 Paragraph 8 goes on to add that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are economic, social, and environmental.

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- 4.12 Paragraph 10 of the NPPF makes it clear that a presumption in favour of sustainable development is at the heart of the Framework.
- 4.13 Paragraph 11 of the Framework **sets out the presumption in favour of sustainable development**. For decision making this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.14 Section 5 of the NPPF relates to the delivery of new homes. With respect to delivering a sufficient supply of homes, paragraph 60 makes clear that to support the objective of *“significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...”*.
- 4.15 Paragraph 92 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, among other criteria, promote social interaction; are safe and accessible; and enable and support healthy lifestyles.
- 4.16 Section 11 seeks to make effective use of land. Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.17 Paragraph 124 goes on to add that planning policies and decisions should support development that makes efficient use of land, taking into account:
- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - Local market conditions and viability;
 - The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

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- The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - The importance of securing well-designed, attractive and healthy places.

4.18 Section 12 of the Framework seeks to achieve well-designed places. Paragraph 126 begins by declaring that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to add that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.19 Paragraph 130 of the NPPF states that Planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.20 Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design

standards or style guides in plans or supplementary planning documents. Conversely, significant weight should be given where the design of a development accords with clear expectations in plan policies, design guidance etc.

- 4.21 Section 13 deals with the Green Belt and at paragraph 137 advises that 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 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '*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.
- 4.22 Paragraph 149 sets out a list of exceptions to the above rule which include the following:
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - g) 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.
- 4.24 Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it including the re-use of buildings provided that the buildings are of permanent and substantial construction.

4.25 Section 15 of the NPPF is about conserving and enhancing the natural environment. Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of the trees and woodland;
- c) Maintaining the character of the undeveloped coast, while improved public access to it where appropriate;
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.26 Section 16 of the NPPF is about conserving and enhancing the historic environment. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

4.27 In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.28 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

4.29 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.30 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies (paragraph 208).

5.0 Scheme Justification

- 5.1 This section of the Statement provides justification for the proposed scheme in the context of the relevant adopted planning policies and the NPPF.

Case for Enabling Works and Very Special Circumstances (VSC)

- 5.2 It has already been established with the LPA the need for works to be undertaken to the fire damaged Node Court which is Grade II Listed. In the past, the Court had been marketed for office use but given the requirement for modern office layouts, more people working from home together with the significant costs associated with its refurbishment the Court did not raise any significant interest. Therefore, the only option for the applicant is to seek permission for residential development as this could raise the funds required. As part of this process, we have submitted an appraisal that shows the costs/potential returns involved in this project. What is clear is that significant funds are required and that even with some allowance for an uplift the case for the works are marginal and only works with the allowance of new additional cottages/lodges in the grounds of Node Court and the conversion of the Court to residential use.
- 5.3 The main thrust of this application is to demonstrate the overall balance of public benefits versus harm of the proposed development to the Green Belt and the heritage asset. The principle of development should be assessed relative to the guiding Green Belt Policies. Section 13 of the NPPF offers supporting justification. Paragraph 138 seeks to '*encourage the recycling of derelict land*'. Paragraph 147 sets out the requirement for very special circumstances – which this proposal provides by complying with Paragraph 149. Paragraph 149 sets out exceptions for inappropriate development. These include c) alterations of a building provided it does not provide disproportionate additions over and above the original size of the building; and g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use and which would '*not have a greater impact*' and which would 'not cause substantial harm to the openness of the Green Belt'.

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- 5.4 These proposals largely re-use existing buildings without any extension or enlarged footprint or floorspace. On this basis there would be no harm to openness in relation to the conversion of Node Court Dairy and Midden.
- 5.5 Where it comes visual impact and the enabling development of the new coach and lodge houses, these are positioned within the interior of the site and in the proximity of existing buildings to the North. On this basis visual impact would be negligible, unseen from public view. The submitted historical buildings impact assessment concludes how these dwellings would be subordinate to Node Court and consequently would affirm Node Court as the primary building in the landscape. The proposed lodges would frame the entrance to Node Court and are designed to be subservient to the main building.
- 5.6 In relation to openness by potential subdivision of amenity land, these proposals very carefully place existing buildings in a refurbished landscape completely free of any new subdivision or domestic paraphernalia. Large areas of open surface parking are reduced in size and new lawns thus improve the openness of the setting of the Listed Building. Enabling development is positioned to the North allowing clear and unobstructed views across and through the landscape. This 'open landscape' concept allows the focus to rest upon the refurbished link and thatched pergola, a key organising element for the historically correct complex and relationship of buildings.
- 5.7 With regard the impact of the proposals on the character, setting and significance of the Listed Building the submitted report conclusively supports both the approach to the subdivision of the main building and the sensitive assimilation of the new enabling buildings. When considered together with landscape preservation and enhancement of natural landscape features – altogether these proposals provide a robust high-quality balance of benefits versus harm.
- 5.8 The VSC/public benefits can be summarised as follows:
- a) Node Court and its landscape would be preserved and enhanced to the highest historic buildings conservation standards;
 - b) the proposals would not harm the visual appearance or setting of the Listed building;
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- c) the proposal would secure any remaining historic fabric together with the coherent historic arrangement of buildings;
 - d) the proposals would secure the long-term maintenance of the landscape setting;
 - e) the proposals would reduce the vehicular intensity of the site and the harm that would be caused to the Green Belt if the buildings were used to a maximum office capacity;
 - f) the proposals are sustainable in relation to public transport, footpaths and cycle paths making these services and facilities will be more viable in use;
 - g) the proposals would meet the objectives of the 'Golden thread' running through the National Planning Policy Framework– that of economic, social and environmental benefits. New dwellings would provide homes for working people and would provide employment for construction workers. New families would bring spending and investment opportunities to existing leisure and businesses in the Codicote Parish.
 - h) the proposal would reduce the potential for future crime and lastly;
 - i) the proposals offer enhanced ecological measures and a sustainable diverse flora and fauna.

5.9 Overall, we believe that VSC exist that are directly related to this site and so justify the need for enabling works within the grounds of Node Court in order to secure its long-term future in line with the advice in the NPPF and policies SP5, SP13 and HE2.

5.10 If permission is not forthcoming, then there is a real prospect of the building remaining stagnant and falling further into disrepair to a point where the building will need to be demolished in its entirety. In our view, this is a real and very significant material/fall-back position that the Council needs to give great weight to in its assessment of the application.

Achieving Sustainable Development

5.11 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate

otherwise. The Local Plan constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives: economic, social and environmental. This is also set out in paragraph 8 of the NPPF, achieving sustainable development. In respect of this application the proposed scheme would deliver the following:

1. **Economic objective:** Provision of employment and supply of associated materials, goods, and services in the construction of the new dwellings and refurbishment of Node Court. The application site would deliver new housing to improve choice and competition in the marketplace. The construction of the units would also bring some increased spending by residents in local shops and increased demand for local services.
2. **Social objective:** The scheme would deliver additional homes in the short term and be delivered in a well-designed and sustainable scheme.
3. **Environmental objective:** Any necessary development brings about change. The application site is previously developed and is not considered to hold any significant ecological value. The proposal provides new areas for planting within the private gardens to each unit and in the public spaces within the site.

5.12 Overall, the application is suitable for residential use and, therefore, is in general compliance with the guidance in the NPPF and policies SP1, SP5 and SP11.

Housing Mix, Density and Affordable Homes

5.13 The proposed refurbishment scheme has dictated the housing mix that can be achieved on this site. That said, a mix of houses and flats are proposed and will cater for a wide range of income groups. The density of the scheme (circa. 18dph) is irrelevant given the previously developed nature of the site and the need to re-use existing buildings including the Grade II listed Court together with some limited new build elements.

5.14 With regard to affordable provision, Policy HS2 requires a provision of 35% for schemes of between 14-20 homes. Given the uniqueness of this application and the significant viability challenges it is not possible to provide any affordable homes as part

of this scheme which is accepted under the provisions of the policy and the NPPF. Overall, the scheme would generally accord with policies SP8, HS2 and HS3.

Character, Appearance and Layout

- 5.15 The design and appearance of the new build elements are sympathetic to the setting of the site and that of Node Court. The DAS sets out how sensitivity and discreetly the new cottages have been placed within the rear part of the site whilst the 2 new gate lodges provide a befitting entrance to the Court not previously seen. In all, the proposed new build elements along with the conversion of the heritage asset and Midden building all come together to provide a cohesive and well mannered scheme that does not negatively impact upon the heritage asset that we are trying to save for future generations to enjoy.
- 5.16 In general, the proposal is in accordance with the advice on design set out in the NPPF and key local policies SP8, SP9, SP13, HS2, D1 and D3.

Sustainability/Energy

- 5.17 The proposed site is sustainable as the purpose if this application is to reuse and restore the listed court and to provide modern well insulated and energy efficient homes. As part of the proposals, energy efficient measures will be explored including the use of PVs, water collection points, enhanced insulation etc.

Ecology/Biodiversity/Trees

- 5.18 The ecological assessment in support of the proposal confirms that the site has some potential but that further studies would be required and would be agreed with officers.
- 5.19 The Arboricultural Report concludes that specifications for the protection of trees are proposed in the Arboricultural Method Statement. These include the use of Tree Protection Fencing and Ground Protection Measures and should be implemented to prevent, or limit, any significant damage to the roots of trees. Protective fencing would be erected as shown on the Tree Protection Plan. It is proposed to mitigate for the removal of some of the trees through the planting of trees which will have long term amenity value and viability as well as offering benefits to wildlife. Overall, the development is considered to be acceptable in arboricultural terms having regard to

the wider restoration proposal. Key policies complied with include SP11, SP12, NE2 and NE5.

Heritage

- 5.20 The accompanying Heritage Report has assessed the significance of the listed building along with the impact of the new build elements. The report concludes that regarding the proposed new dwellings, it was found that their construction would alter some views of the heritage asset. Of most impact would be the construction of the north-west dwelling where a view of the listed building from the public road would be altered. However, in general the new buildings and change within the setting of the heritage assets would not adversely affect the ability to recognise and understand those elements and features of the Dairy that confers its heritage significance, principally its layout and relationship with the Midden to the south to which is linked via the covered walkway.
- 5.21 The new dwellings are proposed as enabling development and are found to be of a scale required to provide financially to allow the repair and preservation of an innovative and rare building which has sadly suffered repeatedly but is nevertheless worthy of repair and continued use in accordance with the advice in the NPPF and key local policies SP13, HE1 and HE2. Without intervention it is clear that the heritage asset would fall further into disrepair and to a point that its restoration would not be considered viable and, therefore, could lead to pressure for its total removal.

Transport, Accessibility and Parking

- 5.22 As part of the proposed scheme, access and parking arrangements have been provided in discrete areas to the front and within the main body of the site so as not to create a sea of parking that would visually be harmful to this location.
- 5.23 The accompanying Transport Assessment concludes that the proposed residential use will attract a more diluted highway impact with lower peak period vehicle trip generation than the previous office use. Whilst the conversion of the site, principally to secure the long-term future of an important listed building, will result in vehicle trip generation, there are a number of options for users to make multi-modal journeys, for example through integration with nearby rail and bus services.

- 5.24 No road safety issues have been identified in the vicinity of the site. There does not appear to be any common causality or cluster of collisions and it is noted no collisions have been recorded at the existing site access. The relatively small scale of the development and resulting trip generation does not require further assessment and will result in an imperceptible impact on the surrounding road network.
- 5.25 The Assessment has identified that the development would not result in an adverse transport impact and the development is therefore supported by transport planning policies at a national, regional and local level (policies SP6, T1 and T2), particularly when considering the balance of retaining and providing a sustainable long-term use for this listed building.

Flood Risk and Drainage

- 5.26 The accompanying FRA and drainage strategy provides details of how this element of the scheme would be managed in accordance with the advice in the NPPF and key local policies SP9, SP11, NE7, NE8 and NE9.

Construction Method and Waste Management

- 5.27 On construction projects, impact upon the public and adjacent owners is an important consideration. A pre-engineered approach ensures that proper consideration is given to forming a Good Neighbourhood Policy. This extends to the appearance of the site and its impact on the adjacent buildings and includes:
- Minimising noise and dust disturbance.
 - Planning deliveries to be out of peak hours where possible, and ensuring all materials are immediately incorporated into the project as soon as practically possible.
 - Advising the adjacent users of the master programme and sectional completion plans.
 - Showing consideration to local residents, businesses and the general public to ensure that construction works and operatives do not intrude on normal day to day activities.

5.28 In considering a Waste Management strategy, the four criteria listed below for effective waste management will be taken into consideration in formulating a suitable strategy:

1. Minimise / Reduce
2. Re-use
3. Recycle
4. Disposal

5.29 In particular, opportunities will be investigated to maximise the practicable recycling potential of construction material. The following are identified at this stage:

- Re-use excavated spoil within landscape/other areas of fill if suitable;
- Timber waste considered for recycling for use of by-product;
- Arrange recycling of packaging with suppliers; and
- Prevention of over-ordering/damage of materials on-site.

5.30 In respect of waste management once the units are occupied, it is proposed that each house is provided with its own refuse storage area at ground level.

Viability and Deliverability

5.31 The extent to which limitations, undertakings and other requirements arising from the proposal can be covered by planning conditions and/or legal obligations will require further consideration and will be the subject of separate discussions between the applicant and officers.

6.0 The Planning Balance

- 6.1 This section draws together the information set out in the preceding sections to provide a summary of the case for granting detailed planning permission and LBC on this site.
- 6.2 This application is made in the context that the Grade II listed court has suffered extensive fire damage following two previous arson attacks. The site currently lies empty and is deteriorating and requires intervention if the listed structure is to survive. This requires significant funds to be raised for its restoration and a new viable use found if it is flourish for decades to come. This proposal looks to achieve that by proposing a well-considered and sensitive restoration scheme that would see the former Court restored to its glory and house much needed new homes. The new cottages/Lodges would help fund the works and are proportionate to the funds needed and sympathetic to the listed Court and its setting.
- 6.3 In addition, the Government's objective of significantly boosting the supply of housing, and the NPPF's presumption in favour of sustainable development applies and which requires development proposals to be approved unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits. We do not believe that this threshold has been breached in this instance.
- 6.4 The site sits within a sustainable location. In this context, the site will provide much needed new homes within a high-quality residential environment which respects the amenity of existing residents as set out in the DAS.
- 6.5 The technical reports that underpin this application demonstrate that residential development can be satisfactorily delivered on this site without any negative impact upon the amenity of surrounding occupiers.
- 6.6 In terms of heritage impact, this would be localised and needs to be considered in the context of the overall restoration works proposed and the significant public benefits. Put blatantly, without the enabling works the building is likely to remain as it stands and fall further into disrepair which goes against national and local policies that seek to preserve and conserve heritage assets. This is a real and significant material

consideration (and VSC) that needs to be given great weight against harms that are identified. To be clear, we believe there are no significant harms in this case.

- 6.7 In the light of the above, it is our view, that this application has demonstrated the case for VSC to allow permission for the proposed scheme and **should be approved without delay.**