

Examination of the North Herts Local Plan (2011 – 2031)

Statement on behalf of Mr Neil Ross (Participant ID: 12570)

Matter 11 – The housing allocations and the settlement boundaries: the Category A Villages [Therfield]

1. Introduction

- 1.1. This statement has been prepared on behalf of Mr Neil Ross. It is made in relation to Policy TH1 and the proposed allocation of land west of Police Row.
- 1.2. Mr Ross is the sole freeholder of the proposed site allocation and the wider land interest shown in Appendix 1. There are no known delivery issues with the site and it is the intention of Mr Ross to make available the site at the earliest opportunity.
- 1.3. Policy TH1 and the proposed site allocation TH1 is supported and is considered in the most part sound. However, there are two areas where it is considered the policy is not sufficiently justified and two minor modifications are sought. These are set out in our earlier Regulation 19 representations [Representation ID: 4284], and expanded in section 3 below.
- 1.4. The site has previously been subject of an outline application (Ref:15/02010/1) which was refused by NHDC and subsequently dismissed at appeal (Ref: APP/X1925/W/16/3158998). The application was refused principally on the basis that it was submitted before the adoption of the Local Plan, sought outline permission only and that the outline application lacked sufficient detail to determine the potential impact of the scheme at that time. As set out in these representations, it is still accepted by NHDC that the site remains suitable for development and that the site will make an important and valuable contribution to Therfield (a Category A village), as well being able to support a number of lower category villages within the surrounding area.
- 1.5. This representation responds to Matter 11 of the Examination and provides clarification on the issues identified for Therfield¹.
- 1.6. This statement has been prepared alongside ongoing dialogue with NHDC in terms of recent pre-application advice as well as attempts to engage the NHDC policy team in relation to the substantive points below. Whilst limited engagement with NHDC's policy team has been forthcoming at the time of preparing this representation, ongoing efforts will be made to reach an agreement ahead of the Hearing Sessions.

2. Issue1: Is the proposed housing allocation deliverable?

a) Is the site confirmed by all of the landowners involved as being available for the use proposed?

- 2.1. The site is within the sole ownership of Mr & Mrs Ross under Title Number HD541140. The site has been actively promoted for residential development throughout the preparation of the Local Plan and will be made available for residential development at the earliest opportunity.

¹ Para 11.71 – 11.74 of the Schedule of Matters and Issues for the Examination

b) Is the allocation supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?

- 2.2. The site already benefits from an existing access onto Police Row and there is an established principle for vehicular access / egress to the site. As part of the previous outline application, a vehicle and pedestrian access was proposed which was deemed acceptable by the Local Highways Authority who didn't raise any objections.
- 2.3. Whilst concerns have been raised by the Appeal Inspector about the potential scale and 'urbanising effect' of the access, it should be noted that the original access was designed for the earlier allocation for 26 dwellings². As such a significant reduction in the capacity of the site (as per the proposed allocation) would allow for a revised access design which would still be capable of meeting the necessary technical requirements whilst reducing its overall scale and prominence so that it is proportionate to the scale of the proposed development (see layouts design below for 14 dwellings (Appendix 3).
- 2.4. This would result in a more sensitive design that would dilute any urbanising impact of an improved access. Such an approach would not be dissimilar to that which is frequently accepted across other rural village sites in Hertfordshire (Appendix 2).

c) Is the allocation deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

- 2.5. Located within a Category A Village, the site is considered deliverable with regards to the provision of infrastructure and services. Throughout the preparation of the Local Plan, the proposed allocation has been subject to an iterative and comprehensive assessment since its initial promotion in 2012. At each stage of the assessment process, the proposed allocation has been considered appropriate for development in terms of both its environmental impact and capacity of existing infrastructure and services.
- 2.6. As confirmed in NHDC's submission to Matter 2³, Therfield has been identified as a Category A village not only because of the service it supports but also because it supports a critical mass which is important in supporting services in other villages. As a modest scale allocation (less than that of other Category A villages), the proposed allocation would not overburden the existing services within the village, with the proposed allocation being delivered within the capacity of existing services or being able to mitigate any impact through appropriate use of planning obligations. This was demonstrated in the previous application whereby service providers in relation to impact on infrastructure raised no objections, and where necessary an appropriate level of obligations was sought⁴. Noting that the earlier outline application was for a larger quantum of 26 dwellings, any impact of the proposed allocation would be less than that which has already been considered acceptable.
- 2.7. When considering potential environmental and other constraints, it is recognised that part of the site can be considered to be within a sensitive location and this was raised as a concern in the refusal of the earlier outline application and dismissed appeal. Notwithstanding this, it is still considered by NHDC that the site is both suitable and

² Site TH1 was previously allocated for 26 dwelling in the NHDC Preferred Options Consultation December 2014 (Para 12.226)

³ NHDC Matter 2 submission (Para 9)

⁴ Further confirmation of this was made by HCC in their representations on the proposed submission plan where they confirmed that obligations will be sought to ensure local education infrastructure can accommodate demand.

achievable for development, demonstrating that the previous dismissal was made on the basis that there was insufficient detail to determine the overall impact of a particular scheme rather than an in-principle objection to development on the proposed allocation. Indeed Para 3.20 – 3.22 of the NHDC Housing and Green Belt Background Paper recognises that a number of sites had been subject to a refusal but that this had been fully considered as part of ongoing decision making informing the submission version of the plan, and that there were no issues that could not be overcome. This position was further clarified in the September 2017 update⁵ which confirmed that there has been no change in circumstances which would lead to the deletion of this site as an allocation.

- 2.8. It should also be noted that the major concern highlighted in relation to the previous application was in relation to an outstanding ‘objection’ by Historic England. Since the application was made, it is important to recognise that there are now appropriate safeguards within Policy TH1 which require the impact on historic assets to be adequately addressed as part of any application and as a result no objection was made by Historic England with regards to either the application or continued inclusion as an allocated site at pre-submission stage. The ongoing suitability of the site for development has also been recently confirmed by NHDC in their pre-application advice which concluded that *“the Council still remains of the view that a modest and well-designed scheme may be possible on the site”*⁶.
- 2.9. Importantly, the proposed allocation allows for some flexibility in terms of how development may be accommodated within the site to minimise any environmental impact through appropriate design solutions and if necessary the incorporation appropriate mitigation measures. Appendix 3 shows a number of indicative layouts which demonstrate the flexibility of the site and how appropriate design solutions can respond to the concerns raised in the previous dismissal. Whilst these are illustrative and would need to be tested as part of any future planning application, they demonstrate how the major concerns of previous application could be addressed, whilst maximising the benefits of developing the site given it is the only available site available to support long term needs of Therfield and other nearby villages (see Section 4). This includes the retention of a gap between Police Row and Hay Green; minimising the area of potential archaeological significance in the northern part of the site; and reflecting the setting, style and grain of wider village (including that of nearby recently developed site at Nine Elms - see Appendix 4).

3. Is the proposed housing allocation justified and appropriate in terms of the likely impacts of the development?

- 3.1. The proposed allocation is both justified and appropriate and is therefore supported in principle. Whilst NHDC accept that some Category A villages will be less sustainable than others, they have made clear that this does not mean that they are unsustainable⁷ and recognise that the proposed allocation has an important role in supporting not only Therfield’s population but also that of other lower category villages within the wider Parish.
- 3.2. Whilst the services in Therfield are more limited than other Category A villages and the proposed allocation will undoubtedly have some impact upon the character of the village in this location; this is reflected in the much smaller allocation than those in other

⁵ Housing and Green Belt Background Paper: Partial Update 2017 (Para 3.3)

⁶ NHDC pre-application advice (Ref:17/02143/1PRE)

⁷ NHDC Matter 2 Submission (Para 28)

Category A villages⁸. It is considered that any potential harm arising from the more limited development can be minimised (for the reasons set out in 2.8 – 2.9 above); and that any harm would not outweigh the benefit of the scheme in terms of its contribution to meeting NHDC’s identified housing needs and supporting local services and facilities throughout the Plan period. This benefit of the site has clearly been part of NHDC rationale for its continued allocation through the Local Plan process where it was recognised that whilst there would be some harm, the level of harm would not prevent development coming forward and was outweighed by the benefits of such sites being brought forward⁹. These conclusions were also supported in both the Site Matrix¹⁰ and Sustainability Appraisal¹¹.

- 3.3. Although the allocation is supported in principle, changes made to Policy TH1 within the proposed submission version of the Plan are not clearly justified and require minor changes to ensure that the Plan remains justified and supported. Those areas which remain a concern include the inclusion of an *estimated 12 dwellings* and the specified requirement for *‘frontage development facing Police Row only’*.
- 3.4. Taking first the issue of ‘frontage’ development, there is no clear evidence as to why frontage development has been specified and this wording should be removed from the Policy. The only evidence or reference to limiting the site to frontage development is in the NHDC Site Selection Matrix (Appendix 6). However, the reference in Policy TH1 to frontage development facing Police Row is taken from the Site Selection Matrix which refers to a much larger area originally promoted (Site 119) and does not reflect NHDC’s own conclusions relating to the splitting of this larger site into two smaller sites in the NHDC SHLAA (2014) - site 119w and Site 119e (Appendix 7). Site 119e is the proposed allocation.
- 3.5. As part of this assessment, the 2014 SHLAA assessment concluded that only the front part of the larger site [119e] would be suitable for allocation, concluding that it would be *“logical infill”*. It was only in relation to the western part of the original site [119w] that was considered to be *“poorly related to the built form in the village”* and it was only this part of the site that would be *“out of character with the village”*.
- 3.6. At no point during the assessment has there been a clear rationale that Site 119e [site allocation TH1] should be limited to frontage development ***‘facing Police Row only’***. Doing so would unduly restrict development within the site, limiting the ability for flexibility in the design required to respond to the sensitive features which have been recognised as potentially constraining development on the site, and unnecessarily restrict the ability of the site to maximise its wider contribution towards local services and ability to help sustain other nearby settlements. It is considered that Policy TH1 contains a number of other safeguards relating the need to assess and take account of environmental impacts and the need to adequately consider the impacts on the historic environment as part of any future application would ensure that the site is sufficiently safeguarded from inappropriate or substantial harm, without the need for further restrictions which could prejudice the achievability of the site.
- 3.7. It is also noted that NHDC have indicated their acceptance of potential non-frontage development in the recent pre-application advice which recognised the possibility of

⁸ Similar nearby Category A villages Barkway and Reed have allocations for 137 and 22 dwellings respectively.

⁹ NHDC Full Council Meeting July 2016 North Herts Local Plan 2011 – 2016 Minutes (Appendix 5)

¹⁰ NHDC Site Information Matrix (p112 -114)

¹¹ Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan September 2016 (p.655) / p.1224 Reasons for selecting housing sites

“compact courtyard style of development” and some limited depth would not be out of character with recently permitted development such as that at nearby Nine Elms.

3.8. In terms of the site capacity, the potential sensitivity of the site is recognised and it is considered that a reduction from the 26 dwellings allocated in earlier versions of the Plan is acceptable. However, given the importance of the site both in terms of meeting the long-term housing needs of Therfield and supporting services within wider area (see Section 3.2 and Section 4.1), it is considered that the capacity ‘estimate’ of 12 should be explicitly referred to as a minimum. Such an approach would suitably reflect the potential for flexibility in the final design solution so that the benefits of developing the site can be maximised.

4. Is the proposed allocation the most appropriate option given the reasonable alternatives?

4.1. Yes. The proposed allocation is the only site identified as being suitable for development within Therfield and the surrounding villages. It is therefore the only opportunity to help meet the long-term housing needs and support a sustainable level of growth within the village and wider Parish up to 2031. Should the site not progress; or the opportunity to make most efficient use of the site’s development capacity be unnecessarily restricted, then there are no other suitable development sites currently identified that would be able to meet sustainably, the long term needs of a thriving rural community in North Hertfordshire. Such a scenario would undermine the core objectives of the NPPF which are to promote sustainable patterns of development and support thriving rural communities¹².

5. Is the proposed settlement boundary:

a) Consistent with the methodology for identifying the settlement boundary?

5.1. Yes. The settlement boundary has been identified consistent with the adopted methodology. It has arisen from the need for NHDC to consider suitable sites outside of existing settlement boundaries in order to meet the objectives of the NPPF when taken as a whole; and has been brought forward as part of a proactive change in the boundaries of one of the more sustainable settlements¹³. As set out in Section 3.4 above, the site has been subjected to an iterative assessment of its suitability and appropriateness for development and has performed well both in times of NHDC’s own site information matrix and independent Sustainability Appraisal.

b) Appropriate and justified?

5.2. Yes. The identified site boundary has been selected following an iterative assessment process which reduced the overall site area from that originally submitted in 2012 to that shown in the proposed allocation. The reduction in site area reflects the sensitivity of the site and ensures that any development would avoid the most sensitive features within this edge of village location, whilst allowing flexibility in any future design solution to accommodate and maximise the potential to avoid and where necessary mitigate any impact on sensitive landscape or heritage features.

5.3. Whilst other representations have quoted the NHDC Design SPD (2011) which suggests that development in the southern part of the village should be resisted, the status of the SPD should be recognised, and it is reasonable to consider that the iterative

¹² NPPF Para 17; Para 28

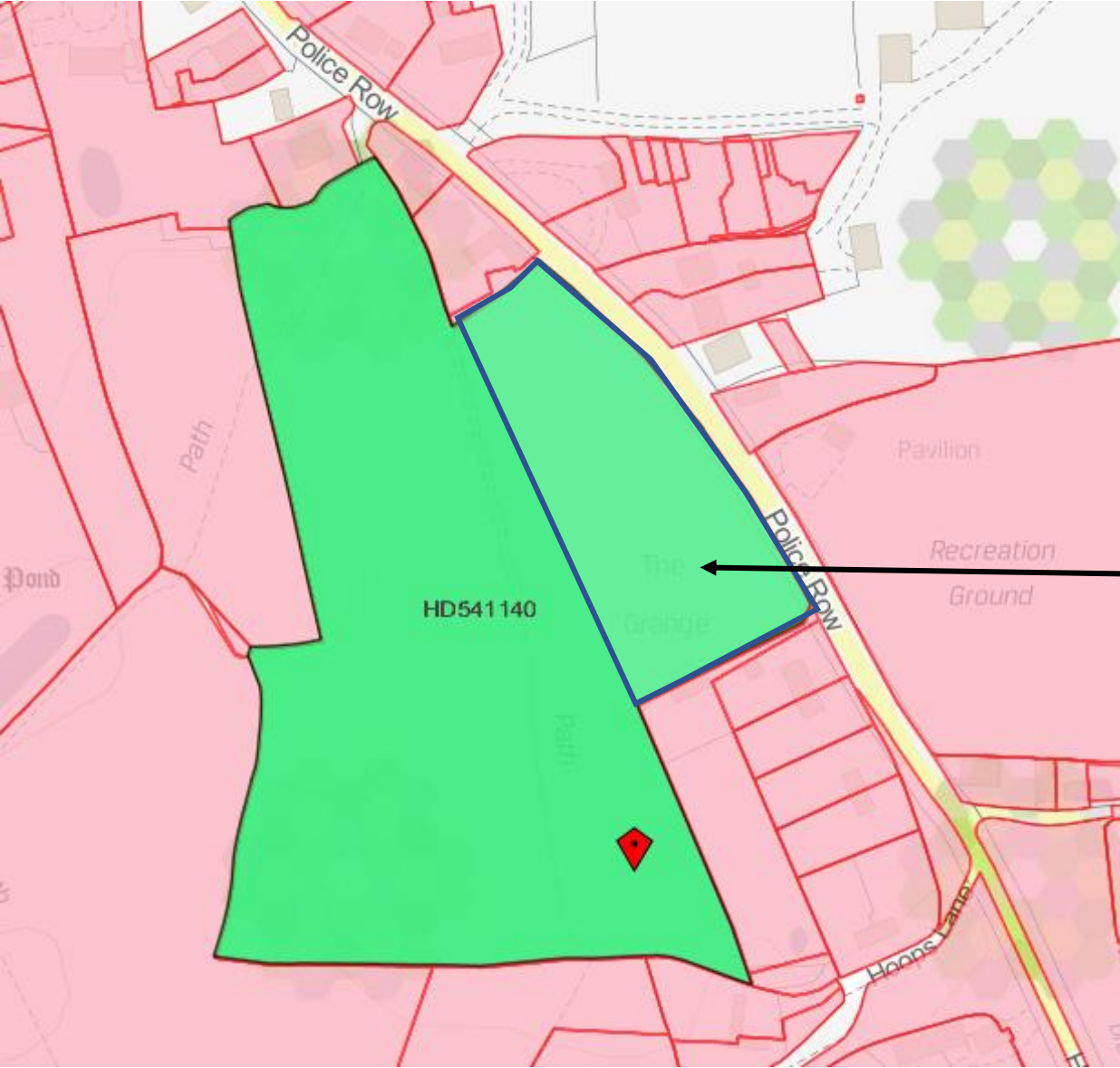
¹³ NHDC Housing and Green Belt Background Paper (Para 5.34)

assessment process as part of the formal Local Plan has fully taken into account the potential harm of the scheme alongside its overall benefits (see Section 3) – especially in the absence of any suitable alternatives.

6. Summary

- 6.1. It is considered that the proposed allocation in principle is justified and has been brought forward by NHDC as a result of the Local Plan being positively prepared and responding to the wider objectives of the NPPF. Specifically, the proposed allocation is located within a more sustainable location (Category A settlement) and; in the absence of any other suitable alternative sites being identified in the locality, has been recognised throughout NHDC's assessment as being able to help sustain local services and facilities both in Therfield and beyond.
- 6.2. Two minor changes are required so as to ensure that Policy TH1 is fully justified and accurately reflect the evidence provided in support of the Plan and to ensure that the benefits of development on the site can be realised. Without such changes, the proposed allocation will lose the flexibility required for any future development to respond to the sensitive and important edge of village location.

Appendix 1: Site Location and Ownership



Proposed Site Allocation TH1

Appendix 2: Examples of Rural Accesses



Example access to edge of village site (East Herts)

Appendix 3: Indicative site layouts



Indicative scheme for 14 dwellings



Indicative 'Frontage only' Scheme (full benefits of site unable to be realised)

Appendix 4: Nine Elms Layout Plan and example development



Appendix 5 – Extract of Minutes from NHDC Full Council Meeting 20 July 2016

The Executive Member for Planning and Enterprise recognised that, in addition to Green Belt, the proposed sites would collectively result in development upon, or close to, other features or assets. These included higher quality agricultural land, heritage assets and nationally and locally designated sites of importance for biodiversity. Specific additional assessments had been carried out, where necessary, to inform the decision-making process and these formed part of the background papers and evidence base. Although it was fully accepted that the release of certain sites would result in some harm, it was considered that these were:

- i. below the thresholds at which the National Planning Policy Framework (NPPF) advised an outright restriction on development or at which a planning inspector might support a policy of restraint;*
- ii. capable of appropriate mitigation where relevant and necessary; and*
- iii. outweighed in the planning balance by the pressing need for additional homes (and the onus placed upon this in other relevant examinations) and the lack of likely plausible alternatives should the Council determine not to meet its housing requirements.*

The Council noted that each proposed site allocation would be accompanied by a set of criteria which would need to be taken into account by any development proposals. These were set out in the draft Communities section of the Local Plan (Appendix 2). These criteria would apply over and above the general requirements - in relation to issues such as design, car parking and housing types - that would be placed on all proposals by the detailed development management policies of the Plan.

Appendix 6 – Extract of NHDC Site Selection Matrix (2014)

New Ref	Old Ref	Site	Place	Type	Summary of evidence and reasoning	Conclusion
n/a	225	Land west of Hitchin Lane at junction with A602	St Ippolyts	Housing	Access direct from A602 Stevenage Road unacceptable, and Folly Lane unsuitable for access without major reconfiguration. Edge of site in areas of Flood Zone 2 and 3. Adjoins wildlife site. High landscape sensitivity. Green Belt Review says site makes a moderate contribution, within a wider area which makes a significant contribution to green belt purposes. Erodes vulnerable bit of green belt between Stevenage and Hitchin (by eroding gap between Hitchin and St Ippolyts and Little Wymondley). Some known surface water flood risk on site.	Do not allocate site.
n/a	Sl/b1	West of High Street, Gosmore	St Ippolyts	Settlement boundary amendment	Settlement boundary amendment.	Amendment made.
SP1	WH/r1	Land south of High Street	St Paul's Walden	Housing	Adjoins conservation area, listed building and tree preservation area. Access needs to be carefully designed in relation to listed building. Site well contained by boundaries. Adjoins development to north-east and north-west.	Allocate site.
n/a	116	The Estate Yard, Hoo Park	St Paul's Walden	Housing	Conversion scheme may be acceptable, but this to be negotiated through planning application rather than requiring allocation. Site within historic park and garden.	Do not allocate site.
n/a	NH16	West of The Bury, Lilley Bottom Road, Whitwell	St Paul's Walden	Gypsy and Traveller	Site considered under the East of England Plan's redistributive policy. Most up to date evidence does not indicate significant additional need in North Hertfordshire. Considered better to meet need through modest expansion of existing site at Codicote than create new site.	Do not allocate.
n/a	WH/r2	Land south of High Street, Whitwell	St Paul's Walden	Housing	No sensible boundaries. Adjoins conservation area. No current access.	Do not allocate site.
TH1	119	Land at Police Row	Therfield	Housing	Close to wildlife site ecology study required, adjoins conservation area and listed buildings. Front part of site to Police Row would be logical infill. Rear part of site would be development in depth, out of character with village, therefore only allocate front part.	Allocate site.

Appendix 7 – Extract of NHDC SHLAA (2014)

Changes made to SHLAA sites in NHDC SHLAA (2014) [p.14]

*North Hertfordshire Local Plan
Background Papers*

Other changes:

Site	Location	Place	Reason
205	Codicote Garden Centre, High Street	Codicote	Split into north and south parts: 205N and 205S.
208	Land at Milksey Lane	Graveley	Split into north and south parts: 208N and 208S.
EL	Luton East	Luton (adjoining)	Split into east and west parts: ELE and ELW
85	Land north of Newmarket Road	Royston	Split into north and south parts: 85N and 85S to match the current planning application areas.
221	Land south of Waterdell Lane	St Ippolyts	Split into north and south parts: 221N and 221S.
WS	Stevenage West	Stevenage (adjoining)	Split into north and south parts: WSN and WSS
119	Police Row	Therfield	Split into east and west parts: 119E and 119W.

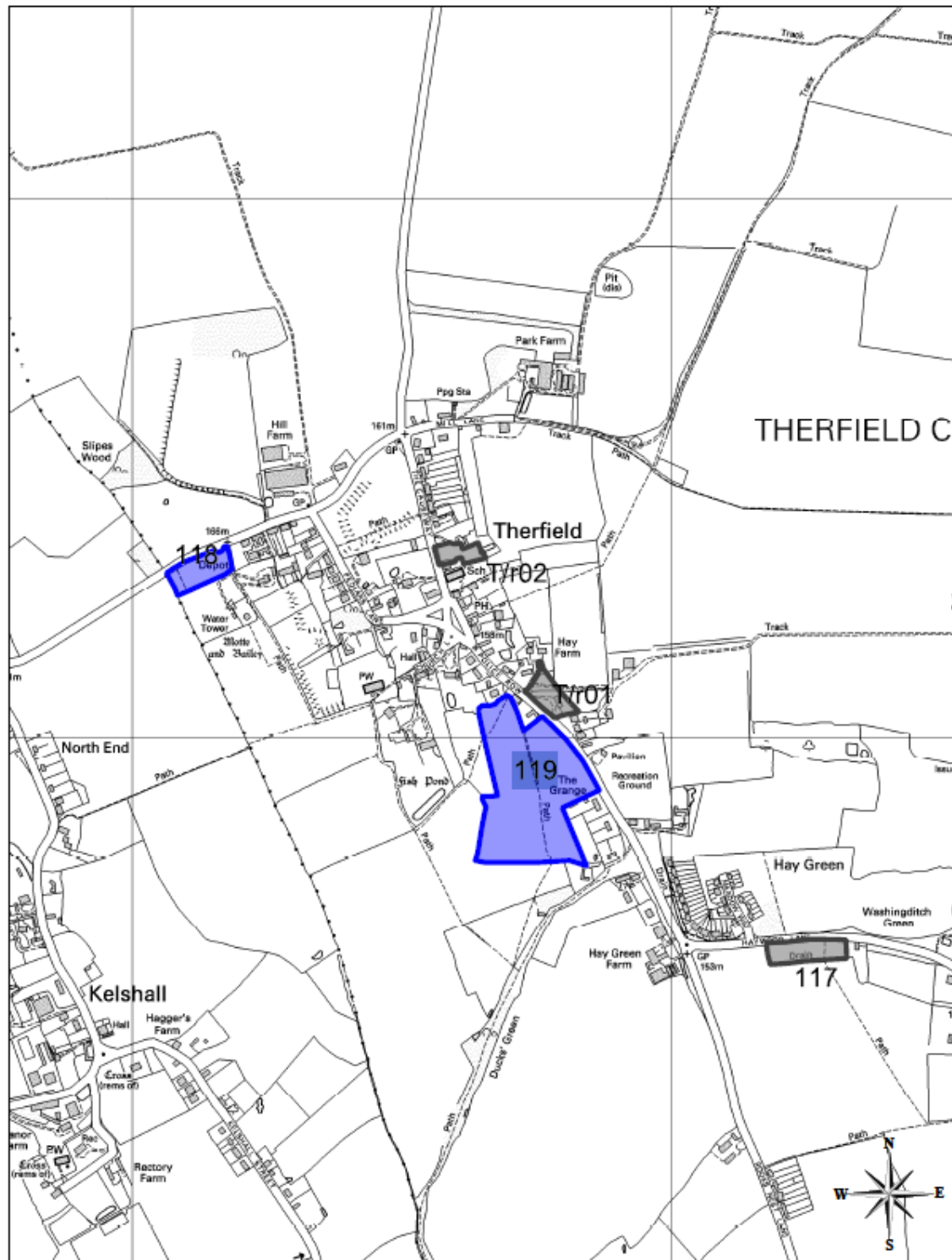
Appendix 7 – Extract of NHDC SHLAA (2014)

Appendix 2: Matrix of sites

Ref	Site	Place	Dwelling estimate	Area (hectares)	Suitable	Suitability comment	Available	Availability comment	Achievable	Achievability comment	Category	New ref (sites in draft Local Plan)
118	Land south of, Kelshall Road	Therfield	12	0.576	Yes	Site capable of delivering residential development. Outside existing settlement boundary.	Yes	2013 Survey	Yes	May need some decontamination, but should still be viable to develop.	C	TH2
119E	Police Row (east)	Therfield	26	1.265	Yes	Site capable of delivering residential development. This part of site fronting Police Row more contained and better able to accommodate development than the rear part of site.	Yes	2013 Survey	Yes	Green field site with no obvious factors that would influence viability.	C	TH1
119W	Police Row (west)	Therfield	67	3.396	Yes	Site capable of delivering residential development. This part of site more sensitive to development, extending into relatively open countryside poorly related to the built form of the current village.	Yes	2013 Survey	Yes	Green field site with no obvious factors that would influence viability.	C	
T/r01	Nine Elms, Police Row	Therfield	12	0.420	Yes	Site capable of being redeveloped.	No	2013 Survey	-	Achievability of unsuitable / unavailable sites not considered.	F	
T/r02	Adjacent Tussocks, The Causeway	Therfield	5	0.275	Yes	Site capable of being developed.	No	No response to the 2013 Survey	-	Achievability of unsuitable / unavailable sites not considered.	F	
228	Land off Hitchin Road	Weston	25	1.291	Yes	Site capable of delivering development. In green belt.	Yes	Within Consultation Paper 2013	Yes	Green field site with no obvious factors that would influence viability.	D	WE1
120	Land west of Gypsy Lane	Wymondley	24	1.211	No	Awkward shaped site with no direct road access. Does not adjoin any identified settlements	No	No response to the 2013 Survey	-	Achievability of unsuitable / unavailable sites not considered.	F	
121	Land north of Stevenage Road, Little Wymondley	Wymondley	63	4.692	Yes	Site capable of delivering residential development. Outside existing village boundary. Not previously developed land. Southern part of site floodplain; dwelling estimate assumes no building on this area.	Yes	2013 Survey	Yes	Greenfield site with no obvious factors that would influence viability.	D	
122	Land within Wymondley Bypass (parts which do not overlap site 232)	Wymondley	184	14.592	Yes	Site capable of delivering residential development, although only if land to north also developed. Outside existing village boundary, in green belt. Not previously developed land.	No	2013 Survey	-	Achievability of unsuitable / unavailable sites not considered.	F	

Appendix 7 – Site 119 taken from NHDC SHLAA (2013)

NORTH HERTFORDSHIRE DISTRICT COUNCIL
Strategic Housing Land Availability Assessment - 2013 Update
Therfield Sites



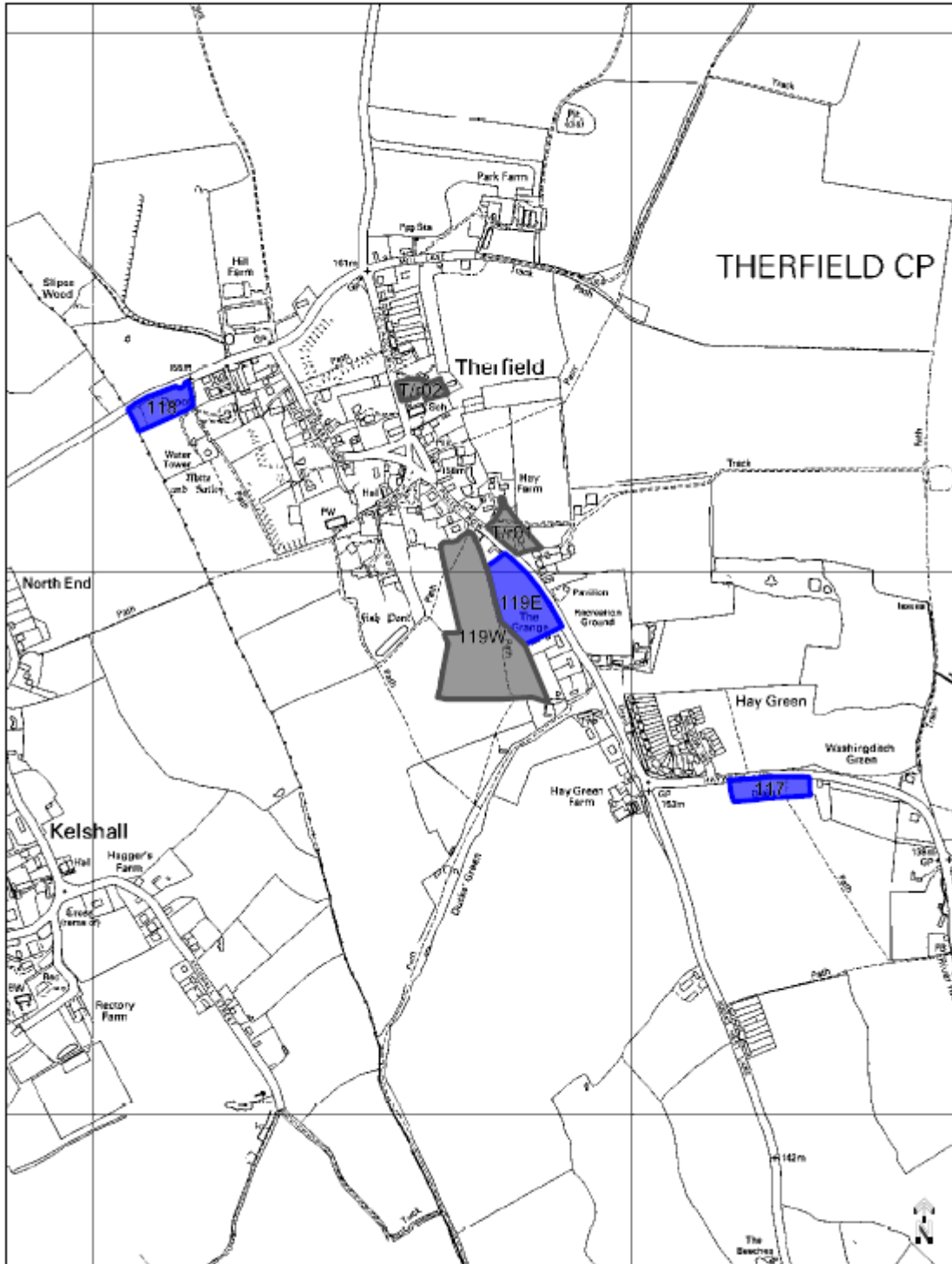
Scale: 1:10000 at A4
 Date: 19 Mar 2014

- 85 District boundary
- Category A
- Category B
- Category C
- Category D
- Failed one of the tests

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Appendix 7 – Site 119e / 119w taken from NHDC SHLAA (2014)

NORTH HERTFORDSHIRE DISTRICT COUNCIL
Strategic Housing Land Availability Assessment - 2014 Update
Therfield Sites



Scale: 1:10000 at A4
 Date: 26.10.14

72

Failed one of the tests



Category A



Category C



Category B



Category D

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N.B. Site 117 and 118 went on to fail one or more of the delivery tests in 2016 SHLAA update.