

THE CHERRY TREES INDIAN RESTAURANT

261 LOWER LUTON ROAD,
WHEATHAMPSTEAD

PLANNING STATEMENT

**APPROVAL OF RESERVED MATTERS APPLICATION RELATING
TO 5/23/2024 - OUTLINE APPLICATION (ACCESS SOUGHT) -
CONSTRUCTION OF NINE SHARED OWNERSHIP DWELLINGS
COMPRISING THREE, THREE-BEDROOM DETACHED CHALET
BUNGALOWS, TWO, THREE-BEDROOM END OF TERRACE
HOUSES AND FOUR, TWO-BEDROOM TERRACE HOUSES**

FEBRUARY 2025

1.0 INTRODUCTION

1.1 The following Statement has been prepared in support of an application for the approval of Reserved Matters Relating to Planning Permission 5/23/2024 at The Cherry Trees Indian Restaurant, 261 Lower Luton Road, Wheathampstead.

1.2 Planning Permission 5/23/2024 is for:

“Outline application (access sought) - Construction of nine shared ownership dwellings comprising three, three-bedroom detached chalet bungalows, two, three-bedroom end of terrace houses and four, two-bedroom terrace houses.”

1.3 Planning Permission was granted in August 2024. Condition 2 requires the submission of a Reserved Matters Application for the following matters:

- Appearance,
- Landscaping
- Layout
- Scale

1.4 The conditions attached to the Outline Planning Permission require the following details to be submitted as part of the Reserved Matters application:

- **Condition 4** - Hard and soft landscaping details
- **Condition 5** - Tree Survey, Arboricultural Impact Statement, Tree Constraints Plan, Tree Retention Plan and Method Statement
- **Condition 13** – Layout details to include scheme for the parking of cycles

1.5 These details have therefore been provided as part of this application.

1.6 This Statement is set out as follows

1.0 Introduction

2.0 Site Description

3.0 Planning History

4.0 The Proposal

5.0 Planning Policy

6.0 Planning Analysis

7.0 Conclusions

2.0 SITE DESCRIPTION

- 2.1. The site is located to the rear of the former Cherry Trees Indian Restaurant on the southern side of Lower Luton Road in Wheathampstead.
- 2.2. The site is within the Metropolitan Green Belt.
- 2.3. This is a greenfield site bounded by mature trees. It is accessed off Lower Luton Road via a driveway which runs to the west of the Cherry Trees.
- 2.4. The site area is to the south of the former Cherry Trees Indian Restaurant, which is now offices. The site adjoins fields to the south and west, and Cherry Tree Lane to the east. There are dwellings on the opposite side of Cherry Tree Lane.

3.0 PLANNING HISTORY

3.1. Relevant planning history for the site is outlined below.

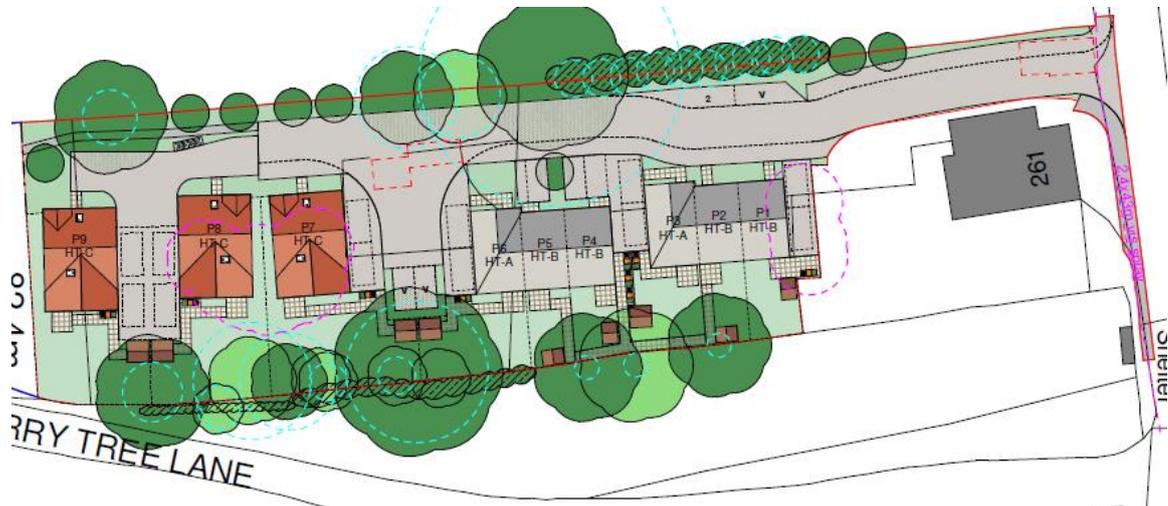
5/23/2024	Outline application (access sought) - Construction of nine shared ownership dwellings comprising three, three-bedroom detached chalet bungalows, two, three-bedroom end of terrace houses and four, two-bedroom terrace houses <i>Approved: 16/08/2024</i>
5/2022/2336	Outline application (access, landscaping, layout and scale sought) for two semi-detached four bedroom dwellings following demolition of all existing buildings <i>Approved: 22/12/22</i>
5/2022/1578	Outline application (all matters reserved except access) for Change of use of restaurant to veterinary practice and construction of six shared ownership dwellings comprising 2 x 3 bedroom semi-detached dwellings, and 4 x 2 bedroom semi-detached dwellings <i>Refused</i>
5/2021/3449	Outline application (all matters reserved except access) Change of use of restaurant to veterinary

	<p>practice and construction of nine shared ownership dwellings comprising 3 x 3 bedroom detached chalet bungalows, and 2 x 3 bedroom end of terrace houses and 4 x 2 bedroom terrace houses and associated landscape works and amenity space (Appealed against a non-determination- would have refused outline permission)</p> <p><i>Appeal Dismissed</i></p>
5/2020/2216	<p>Outline application (access, landscaping, layout and scale sought) for two detached three bedroom dwellings following demolition of all existing buildings</p> <p><i>Conditional permission: 26/01/2021</i></p>
5/2020/1289	<p>Outline application (access, landscaping, layout and scale sought) for five detached three bedroom self-build/custom build dwellings following demolition of all existing buildings</p> <p><i>Refused: 01/10/2020</i></p>
5/2020/0478	<p>Construction of five dwellings (resubmission following refusal of 5/2018/2774)</p> <p><i>Appeal Dismissed: 11/07/2019</i></p>

5/2020/0478	Permission in Principle – Construction of five dwellings. <i>Refused</i>
APP/B1930/W/20/3254484	Permission in Principle – Construction of one dwelling <i>Appeal Dismissed: 11 December 2020</i>
5/2019/0975	Permission in Principle – Construction of one dwelling <i>Refused</i>
APP/B1930/W/19/3227441	Permission in Principle – Construction of five dwellings <i>Appeal Dismissed: 11/07/2019</i>
5/2018/2774	Permission in Principle – Construction of five dwellings <i>Refused</i>

4.0 THE PROPOSAL

4.1 This is a Reserved Matters proposal for the construction of nine shared ownership dwellings.



Proposed Site Plan

4.2 The housing mix comprises of:

- 3 x three-bedroom detached chalet bungalows,
- 2 x three-bedroom end of terrace houses and
- 4 x two-bedroom terrace houses

4.3 The dwellings are laid out in a linear form fronting onto the access driveway, and there is an Infiltration Basin to the south of the dwellings.

4.4 The dwellings are to be constructed from Rijswaard Baksteen 'Rood - Red facing brickwork with matching brick head details and stone cills. The roofs will be constructed from concrete tiles which will be a mixture of Marley Modern 'Smooth Grey' and Marley Modern 'Old English Dark Red.'

4.5 Each dwelling is served by a reasonably sized rear garden, and off road car parking in accordance with the Council's parking standards. Each dwelling also has a shed for secure cycle storage.

5.0 PLANNING POLICY

5.1. The following national and local planning policies are considered relevant to this proposal.

NATIONAL PLANNING POLICY

5.2. The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied. As set out in paragraph 2, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

5.3. The Framework should be read as a whole, and therefore all policies within the Framework are relevant to the determination of an application; however, some parts are more relevant than others, and the following paragraphs are considered most relevant to this application:

5.4. **NPPF Paragraph 11**

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

5.5. NPPF Paragraph 49

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

5.6. NPPF Paragraph 135

Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);

- d) 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;
- e) 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
- f) 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.

THE DEVELOPMENT PLAN

- 5.7. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan for this location is the District Local Plan Review (November 1994). The site is also covered by the Wheathampstead Neighbourhood Plan. The Council are also preparing a new Local Plan which is currently at the examination stage with a target adoption date of March 2026. As set out in NPPF Paragraph 49, Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). Policies relevant to this proposal are set out below.

District Local Plan Review

- 5.8. The following policies are considered relevant to this proposal:

- POLICY 1 Metropolitan Green Belt
- POLICY 2 Settlement Strategy
- POLICY 34 Highways Consideration in Development Control

- POLICY 39 Parking Standards, General Requirements
- POLICY 40 Residential Development Parking Standards
- POLICY 69 General Design and Layout
- POLICY 70 Design and Layout of New Housing
- POLICY 74 Landscaping and Tree Preservation

Wheathampstead Neighbourhood Plan

5.9. The following policies are considered relevant to this proposal:

- W1 Location of Development
- W2 Dwelling mix
- W3 Minimising the Environmental Impact of Development
- W4 Conservation and Enhancement of Natural Habitats and delivering Biodiversity Net Gain
- W5 The River Lea Corridor
- W8 Character of Development
- W9 High Quality Design of Development
- W10 Incorporating Sustainable Design Features
- W12 Primary local access routes

Emerging Planning Policy: Draft Local Plan 2041

5.10. The following policies are considered relevant to this proposal:

- SP12 High Quality Design
- DES1 Design Of New Development

6.0 PLANNING ANALYSIS

- 6.1. The proposal is for reserved matters relating to 5/23/2024 - Outline application (access sought) - construction of nine shared ownership dwellings comprising three, three-bedroom detached chalet bungalows, two, three-bedroom end of terrace houses and four, two-bedroom terrace houses.
- 6.2. The following matters have been submitted for approval:
- Layout
 - Scale
 - Appearance
 - Landscaping

LAYOUT

- 6.3. Local Plan Review Policy 70 (Design And Layout Of New Housing) requires new housing development to have regard to its setting, and the character of its surroundings. This includes the provision of a variety of types and sizes in the mix to cater for a range of needs; roads and footpaths to minimise vehicular / pedestrian contact; privacy between dwellings; and adequate amenity space.
- 6.4. Neighbourhood Plan Policy W9 (High Quality Design Of Development) requires development to incorporate a high quality of design, which responds to and integrates well with its surroundings. This includes development being in keeping with the existing layout of the area, avoiding unacceptable loss of amenity, and the provision of adequate off street parking in accordance with the Local Planning Authorities standards.
- 6.5. Emerging Local Plan 2041 Policy DES1 (Design Of New Development) requires new development to be of a layout that takes account of the character and pattern of development in the locality; and to respond positively to its context,

taking into account the local distinctiveness of an area, in relation to its scale, form, massing, setting, height, character and building line.

6.6. Neighbourhood Plan Policy W2 (Dwelling Mix) states that the housing mix for development proposals must contribute to meeting the identified housing needs of Wheathampstead parish. Where a site is too small to secure the full required mix (10 or more), development will be expected to provide a mix of dwelling sizes which maximises the potential number of dwellings on the plot, having regard to the character and design policies of this Neighbourhood Plan. Affordable Housing shall be first occupied by households with a local connection, and where there are no applicants satisfying this requirement, the housing shall be occupied in accordance with the City and District Council's standard allocation procedure.

6.7. The scheme responds appropriately to the density, and scale of existing buildings around the area, and is in line with the established settlement pattern which comprises of backland development on the southern side of Lower Luton Road.

6.8. The houses are laid out in a linear form fronting onto the access driveway, as shown in the street scene drawing below.



Proposed Street Scene

6.9. There are two rows of terrace dwellings, and then a row of three detached bungalows. There is a Proposed Infiltration Basin to the south of the dwellings.

6.10. The housing mix is the same as that approved in the Outline Planning Permission and comprises of:

- 3 x three-bedroom detached chalet bungalows,
- 2 x three-bedroom end of terrace houses and
- 4 x two-bedroom terrace houses

- 6.11. The development delivers a good range of two and three bed dwellings including terrace dwellings and detached chalet bungalows, all of which will be shared ownership. Whilst the number of dwellings is lower than the threshold (ten plus) for the required mix in Policy W2 (B), this policy requires the vast majority of dwellings to be two and three bed dwellings, which is what will be delivered. This mix also maximises the number dwellings on the site as required by Policy W2 (E).
- 6.12. The amount of roads within the development has been kept to a minimum with a single driveway serving all of the dwellings.
- 6.13. Each dwelling is served by a reasonably sized rear garden.
- 6.14. Policy 40 requires 2 bed dwellings to provide 1 or 2 allocated parking spaces, and 3 bed dwellings to provide 2. The two mid terrace 2 beds are provided with one space each, and the other dwellings are provided with 2 spaces each. Three visitor spaces are also provided.
- 6.15. Condition 13 of the Outline Planning Permission requires the Reserved Matters submission to include details of cycle parking. Each dwelling is provided with a shed for secure cycle storage. The sheds for the 3 bedroom properties are slightly wider. Details of the sheds are provided on drawing RP001 – Cycle Storage Details.
- 6.16. The linear form of development ensures there is no overlooking between the new dwellings. There is adequate separation and mature screening with the

existing properties on Cherry Tree Lane which will ensure no adverse impacts on amenity.

6.17. The access driveway and parking areas are to be constructed from a mixture of permeable paving (tanked), and permeable paving (infiltration). There is an infiltration basin to the south of the dwellings with 118m³ capacity at 1m deep.

6.18. The drainage details are set out on the following plans:

- 24018 – PDL1 – Private Storm Drainage Layout
- 24018 DRD CON1 – Drainage Construction Details – Sheet 1
- 24018 – ECON – External Works Construction Detail

6.19. The proposal is therefore considered to comply with the requirements of Policy 70 of the Local Plan Review, policy DES1 of the emerging Local Plan 2041, and policies W2 and W9 of the Neighbourhood Plan.

SCALE

6.20. Local Plan Review Policy 69 (General Design And Layout) requires new development to have an adequately high standard of design, taking into account the height, size, scale, and density of it's surroundings.

6.21. Neighbourhood Plan Policy W9 (High Quality Design Of Development) requires development to be in keeping with the scale of existing buildings.

6.22. The terrace dwellings are two storeys high, and the bungalows are 1.5 storeys high. This is consistent with the scale of the dwellings on Lower Luton Road and Cherry Tree Lane.

6.23. The proposal is therefore considered to comply with the requirements of policies 69 and W9.

APPEARANCE

- 6.24. Local Plan Review Policy 69 (General Design And Layout) requires materials to relate to adjoining buildings.
- 6.25. Neighbourhood Plan Policy W9 (High Quality Design Of Development) requires development to be in keeping with the character of the area, and responds to the local distinctiveness of its immediate surroundings.
- 6.26. Emerging Local Plan Policy DES1 (Design Of New Development) requires new development to use high quality materials with good long-term weathering characteristics; and provide high quality detailing that adds to the visual interest and distinctiveness of the building.



Terrace Dwellings



Chalet Bungalow

- 6.27. The dwellings are to be constructed from Rijswaard Baksteen 'Rood - Red facing brickwork with matching brick head details and stone cills. The roofs will be constructed from concrete tiles which will be a mixture of Marley Modern 'Smooth Grey' and Marley Modern 'Old English Dark Red.' Full details of the materials are provided in drawing EMP01 – External Materials Plan.

LANDSCAPING

- 6.28. Policy 74 of the Local Plan Review requires detailed landscaping schemes to be provided, including existing trees and planting to be retained and provided, and details of paving.

- 6.29. Neighbourhood Plan Policy W9 (High Quality Design Of Development) requires development to provide landscaping which compliments and enhances the characteristics of the surrounding area.
- 6.30. Condition 4 of the Outline Planning Permission requires full details of soft and hard landscape works to be submitted as part of the Reserved Matters application.
- 6.31. Landscaping details are set out on GL2389 LP 01 – Landscape Proposals, and GL2389 SP 01 - Landscape Specification & Designers Risk Assessment.
- 6.32. Shrubs and turf are to be planted to the front of the properties. Native hedgerow will be planted along the boundaries of the open space area to the south of the dwellings.
- 6.33. Condition 5 of the Outline Planning Permission requires full details of tree works to be submitted with the Reserved Matters application. This includes a Tree Survey, Arboricultural Impact Statement, Tree Constraints Plan, Tree Retention Plan and Method Statement.
- 6.34. The following reports have therefore been submitted with this application:
- Tree Survey, Arboricultural Implications Assessment And Method Statement
 - Tree Constraints Plan
 - Tree Protection Plan
- 6.35. The Arboricultural Implications Assessment found that three groups of Grade C trees require removal to facilitate the development, and concludes that the losses will have no immediate impact on the prevailing landscape. The Method Statement sets out measures to protect the root protection areas of trees which will be affected by the proposed development.

6.36. The proposal is therefore considered to accord with the requirements of policies 74, and W9.

7.0 CONCLUSIONS

- 7.1. The proposal is for reserved matters relating to 5/23/2024 - Outline application (access sought) - construction of nine shared ownership dwellings comprising three, three-bedroom detached chalet bungalows, two, three-bedroom end of terrace houses and four, two-bedroom terrace houses.
- 7.2. The submitted details demonstrate that the proposed development constitutes good design and complies with policies in the Local Plan Review, emerging Local Plan, and the Neighbourhood Plan.
- 7.3. We therefore commend these proposals to the Council and request approval of the submitted details.



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