

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



6 September 2019

Our Ref Planning Control Committee  
Your Ref.  
Contact. Amelia McInally  
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To: Members of the Committee: Councillors Terry Tyler (Chairman), Daniel Allen (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

You are invited to attend a

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERNON  
ROAD, LETCHWORTH GARDEN CITY**

On

**THURSDAY, 19TH SEPTEMBER, 2019 AT 7.30 PM**

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL  
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION  
ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

## **Agenda**

### **Part I**

Item		Page
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES - 22 AUGUST 2019</b> To take as read and approve as a true record the minutes of the meeting of the Planning Control Committee held on 22 August 2019.  <i>These Minutes are to follow.</i>	
3.	<b>NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether any item(s) raised will be considered.	
4.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5.	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
6.	<b>19/01758/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE</b> <b>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>  Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas.	(Pages 5 - 48)
7.	<b>16/01797/1 LAND REAR OF 4-14, CLAYBUSH ROAD, ASHWELL, SG7 5RA</b> <b>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>  30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).	(Pages 49 - 154)

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|-----|---|-------------------------|
| 8.  | <b>19/01213/FP BROOKSIDE, BEDFORD ROAD, HOLWELL, HITCHIN, HERTFORDSHIRE SG5 3RX</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>155 -<br>168) |
|     | Erection of one detached 4-bed dwelling with associated garden and parking area, (following demolition of existing garage) (as amended by plans received 31 July 2019).   |                         |
| 9.  | <b>19/01505/FPH KIMORO, GUN ROAD, KNEBWORTH, HERTFORDSHIRE SG3 6BP</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  | (Pages<br>169 -<br>176) |
|     | Detached garage to front of property.   |                         |
| 10. | <b>19/00455/FP LAND AT THE JUNCTION OF ASHWELL STREET AND STATION ROAD, ASHWELL, HERTFORDSHIRE</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  | (Pages<br>177 -<br>202) |
|     | Erection of 9, (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road, (as amended by plans received on 14/06/19 and 23/07/19). |                         |
| 11. | <b>19/01093/FPH THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>203 -<br>214) |
|     | Remodel brick garage in rear garden with pitched tiled roof; clad walls with timber ship lapped boards to 3 sides & knapped flint and brick banding to rear garden elevation. Rebuild front garden wall with knapped flint and brick banding, (as amended by plan received 08 August 2019).         |                         |
| 12. | <b>19/01094/LBC THE COTTAGE, UPPER GREEN, ICKLEFORD, HITCHIN, HERTFORDSHIRE SG5 3YF</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>215 -<br>220) |
|     | Rebuild front garden wall with knapped flint and brick banding.   |                         |
| 13. | <b>PLANNING APPEALS</b>   | (Pages<br>221 -<br>242) |

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire</b>
<u>Applicant:</u>	<b>Barratt David Wilson North Thames</b>
<u>Proposal:</u>	<b>Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas</b>
<u>Ref.No:</u>	<b>19/01758/FP</b>
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 22<sup>nd</sup> October 2019

**Reason for Delay**

N/A

**Reason for Referral to Committee**

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

**1.0 Site History**

- 1.1 17/02175/1: Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).

Refused planning permission 16th March 2018 for the following reasons:

1. It is considered that by reason of the dwelling numbers, site coverage, proposed dwelling types and the location of some car parking, the development will occasion harm to the setting of the grade II\* listed Old Ramerick Manor and its associated barns, hence would harm their significance. As such para 132 of the NPPF requires clear and convincing justification and this has not been demonstrated.

The proposal will fail to satisfy Section 66 of the Planning & Listed Building and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the National Planning Policy Framework

2. By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of These obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

- 1.2 18/02798/SO: Screening Opinion: Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas. Decision: Environmental Impact Assessment not required.
- 1.3 18/01622/FP: Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (as amended 25<sup>th</sup> October 2018).

Appeal lodged against non-determination by the Local Planning Authority. Public Inquiry set to commence 15<sup>th</sup> October 2019.

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 6: Rural area beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural Housing needs

Policy 51: Development effects and planning gain

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment (Pirton Lowlands Area 218)

### **2.2 National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

### **2.3 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP5: Countryside and Green Belt

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Policy CGB1: Rural Areas beyond the Green Belt

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy HS1: Local Housing Allocations

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS4: Supported, sheltered and older persons housing  
Policy HS5: Accessible and Adaptable Housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality  
Policy NEx: Strategic Green Infrastructure  
Policy NE1: Landscape  
Policy NEx: Biodiversity and geological sites  
Policy NEx: New and improved open space  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology

The application site is identified in the NHDC Submission Local Plan 2011 – 2031 as an allocated housing site – **LS1** Land at Bedford Road

**2.4 Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

**2.5 National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

**2.6 Ickleford Neighbourhood Plan**

The Ickleford Neighbourhood Plan Area was designated by North Hertfordshire District Council in September 2014. The NP Area includes the application site.

**3.0 Representations**

**3.1 Ickleford Parish Council:**

Comments will be reported at the meeting.

**3.2 Stondon Parish Council:**

Any reply will be reported at the meeting

**3.3 Henlow Parish Council:** Strongly objects to the proposed development on the following grounds:

- Lack of infrastructure provision resulting in an unsustainable development
- Environment – contrary to NHDC's Climate Emergency motion and the development does not support the Council's climate change policy
- Loss of best and most versatile agricultural land
- Impacts on the setting of the Grade II \* listed Old Ramerick Manor
- Proposed development will breach the defensible southern boundary of Henlow.

- Increased flood risk – residential development cannot be located within Flood zone 3b
- Development disconnected from the rest of Henlow Camp and is consequently unsustainable.
- Proposal is a premature and opportunistic attempt to meet and overprovide NHDC housing numbers without the appropriate amenities to support the development
- Will impact and limit the viability of identified sites in the Central Bedfordshire emerging Local Plan

**3.4 Central Bedfordshire Council:**

Any reply will be reported at the meeting

**3.5 Environment Agency**

Advises that it has no objections to the proposed development. Advises that it is for the LPA to apply the Sequential Test. Advises that the submitted Flood Risk Assessment (FRA) includes details of hydraulic modelling undertaken for the site as part of an Evidence Review Request. The modelling has been reviewed by the EA and is deemed to be fit for purpose for the planning application.

**3.6 Lead Local Flood Authority (Hertfordshire County Council):**

Advises that the LLFA have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Recommends the attachment of conditions.

**3.7 Hertfordshire County Council Highway Authority:**

Advises that it does not wish to restrict the grant of planning permission subject to planning conditions and informatives, Section 106 and Section 278 Agreements. Advises that the impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions and a Travel Plan.

Highway Authority conclusions

The Authority state that the trip generation associated with this development does not result in a severe impact on the highway network. The authority considers that the submitted Transport Assessment has demonstrated that highway junction capacity in various locations would operate acceptably with mitigation measures in place.

**3.8 Historic Environment Advisor (Hertfordshire County Council):**

Recommends a Written Scheme of Investigation condition.

**3.9 Central Bedfordshire Council (Rights of Way officer)**

Any reply will be reported at the meeting.

- 3.10 **Hertfordshire County Council (Countryside Access officer)**  
Any comments received will be reported at the Committee meeting
- 3.11 **Natural England**  
Advises that it has no comments to make on this application. Considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 3.12 **Hertfordshire Ecology**  
Any reply will be reported at the meeting
- 3.13 **Historic England**  
Refer to previous advice given in relation to application ref: 18/01622/FP.
- 3.14 **CPRE Hertfordshire**  
Comment:  
'We do not intend to respond to the new application (19/01758/FP) which has now been submitted by Barratt David Wilson North Thames, as the Committee, by its action, has effectively pre-empted the decision on that application.'
- 3.15 **Anglian Water**  
Requests a foul water strategy condition and an Informative concerning the potential impact on Anglian Water assets.
- 3.16 **Bedfordshire and River Ivel Internal Drainage Board**  
Reiterate their comments provided in response to the previous application (18/01622/FP).
- 3.17 **NHDC Environmental Health officer (Environmental Protection/Contamination)**  
Advises that in view of the submitted intrusive site investigation reports there is no requirement for a land contamination condition. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats and a residential travel plan condition. In addition, a Construction Traffic Management Plan condition is required.
- 3.18 **NHDC Environmental Health officer (Noise)**  
Considers the noise mitigation measures set out in the submitted acoustic assessment to be acceptable. Recommends a condition requiring the development to be carried out in accordance with the acoustic report and measures maintained in perpetuity. Recommends an Informative re construction phase.
- 3.19 **NHDC Housing Supply Officer**  
Reiterates previous comments – advises that the affordable housing offer has been agreed.
- 3.20 **NHDC Waste Services Manager**  
Provides technical guidance on various aspects of waste storage / collection requirements.

- 3.21 **Hertfordshire County Council (Growth & Infrastructure team)**  
Repeats a request for financial contributions towards primary and secondary education, library and youth services. Advises that, as with the previous application, the education contributions should be secured by Central Bedfordshire Council for education provision in their area due to the close proximity of the site to education facilities in Central Bedfordshire and distance to Ickleford. This is subject to assurances to guarantee the long term places for school children in Central Bedfordshire arising from the development.
- 3.22 **Hertfordshire County Council (Fire & Rescue Service)**  
Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.
- 3.23 **Bedfordshire Clinical Commissioning Group**  
Requests contributions towards GP Primary Care services, Community and Mental health care provision.
- 3.24 **Site Notice / Neighbour consultation:**  
Currently 65 responses have been received mainly from residents both in North Hertfordshire and Central Bedfordshire District and all correspondence received can be viewed on the Council's web site. The comments and objections include the following matters:
- Proposals remain an overdevelopment of a rural area
  - Unfair to tax payers of Central Bedfordshire
  - Revised proposals fail to overcome previous reasons for refusal
  - Fails to take account of cumulative impact of other approved and planned developments in Central Bedfordshire
  - Harm to setting of Grade II\* listed Old Ramerick Manor
  - More properties are proposed on the flood plain
  - Increased flood risk
  - Loss of productive agricultural land
  - Lower Stondon Doctors surgery cannot expand
  - Detrimental to wildlife / ecology
  - Insufficient schools, medical and healthcare facilities in the area
  - Existing community and service infrastructure does not have capacity to accommodate more development
  - Concern over water supply, drainage and sewage
  - Flood Risk
  - Site is isolated from existing settlements
  - Adverse impact on character and appearance of the area
  - Infrastructure funding will go to North Hertfordshire rather than Central Bedfordshire
  - Unsustainable location and development generally that will not encourage non-car modes of travel
  - Concern at noise, pollution, excessive traffic generation
  - Detrimental to highway and pedestrian safety
  - Unsafe visibility for motorists

- Lower Stondon / Henlow has already taken its share of housing
- No assessment of employment impact
- Loss of defensible boundary to Henlow
- Insufficient affordable housing
- Overuse of play area / roads in The Railway
- Risk of increased noise and crime
- No on site shop is proposed
- Remote from the rest of North Hertfordshire
- Does not take account of already inadequate drainage
- Poor quality of environment for proposed residents
- Property style, structure, layout, amount of housing, location and landscaping is negative
- No highway mitigating safety features are proposed
- Loss of privacy/overshadowing/loss of light
- Contrary to NPPF 38
- Overcrowding
- Loss of visual amenity and landscape
- Contrary to NHDC Climate Emergency decision

### 3.25 **Other correspondence**

The Ministry of Housing, Communities & Local Government has informed the LPA that it has received a third party request to call in planning ref: 19/01758/FP. The MHLG have been provided a copy of this Committee report in order to consider the key issues. Following a request from the MHLG the LPA has agreed not to issue a decision notice regarding application ref: 19/01758/FP until the MHLG has made a decision on the call-in request.

## 4.0 **Planning Considerations**

### **Site and Surroundings**

- 4.1.1 The application site is located on the east side of the A600 Bedford Road and immediately south of the existing settlement of Henlow Camp. The application site comprises 7.08 hectares of greenfield land, which is primarily an arable field and a poor semi-improved grassland field, several areas of scattered scrub and trees, a stream along the northern site boundary, a wet ditch and a pond. Immediately to the east of the site is Old Ramerick Manor, a grade II\* listed manor house and a recent small residential development that has been created from a farmyard and historic and modern agricultural buildings associated with the Manor. The site adjoins public footpath 001 which runs east to west along an informal track along the southern boundary. Public footpath 002 connects with footpath 001 and runs north east towards Henlow Camp just east of the application site and through the Old Ramerick Manor site. The application site abuts the curtilages of residential properties sited along the southern boundary – Nos 1 & 2 and 3 Ramerick Cottages. The whole of the application site is within the administrative boundary of North Hertfordshire and designated as Rural Area Beyond the Green Belt in the current North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies, 2007).



4.1.2 The application site is approximately level where it adjoins the southern boundary with public footpath 001. The land then falls approximately 5 metres overall to the north where it meets the ordinary watercourse and its embankment. A significant feature of the site is an existing former railway embankment located close to the northern boundary.

## 4.2 The Proposal

4.2.1 The proposals seek full planning permission for the erection of 144 dwellings with associated vehicular access from the A600 Bedford Road, internal site access road, parking areas, village green and other detailed landscaped areas, footpath connections, sustainable urban drainage system including 2 no. detention basins, pumping station and sub-station and ancillary works.

4.2.2 The development proposes the provision of 87 market homes comprising 2 bed maisonettes, 3, 4 & 5 bedroom houses and 57 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 & 2 bed flats, 2, 3 & 4 bedroom houses. The affordable housing amounts to 39.58% of the total number of units proposed for the site.

4.2.3 The proposed development is limited to a maximum of two storeys throughout the site. A total of 358 parking spaces are proposed (including 298 allocated spaces and 60 visitor spaces) provided through a mixture of surface spaces, garages and car ports.

4.2.4 The development is characterised by two separate areas of housing development divided on a north south axis by a landscaped corridor following the line of the old railway line (and remaining embankment). Three character areas are proposed with a density of approximately 39 dph (gross density 21 dph) with a variation in materials, colour, frontage treatment and traditional architectural styles.

4.2.5 Of the overall site area of 7.0 hectares, 2.86 hectares is proposed as public open space which will accommodate two flood mitigation attenuation basins, a locally equipped area for play (LEAP) within a village green, the retained former railway embankment and footpaths. A pedestrian / cycle link is proposed along the northern boundary and through the centre of the site.

4.2.6 The application is supported by the following documents:

- Planning Statement and Design and Access statement
- Transport Statement and Travel Plan
- Arboricultural Impact Assessment and Tree Report
- Archaeological Assessment and Evaluation Report
- Landscape Visual Impact Assessment & Landscape Management Plan
- Ecological Impact Assessment
- Geotechnical & Geo-Environmental Report
- Acoustic Assessment
- Flood Risk Assessment
- Heritage Statement
- Tree Survey

4.2.7 The application, including all supporting documents and plans, is identical to the previously submitted application (18/01622/FP) which is now at appeal (see paragraph 1.3 above).

#### 4.3 **Key Issues**

4.3.1 The key issues for consideration of this full planning application are as follows:

- Policy background and the principle of development
- Character and Appearance
- Highway, access and parking matters
- Impact on heritage assets
- Environmental considerations
- Sustainability
- Planning Obligations
- Planning balance and conclusion

#### 4.3.2 **Policy background and the principle of development**

4.3.3 The application site has been identified in the NHDC emerging Proposed Submission Local Plan (incorporating Main Modifications) as a housing site (LS1 – Land at Bedford Road). It should be clarified that all of the application site lies within the administrative district of North Hertfordshire and does not form part of Lower Stondon which lies within Central Bedfordshire. The LS1 allocation has a dwelling estimate of 120 homes and the following considerations for development are set out in the Plan (as amended in the Proposed Modifications):

- Appropriate junction access arrangements to Bedford Road having regard to the likely impacts of development on the A600;
- Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvement measures;
- Sensitive integration into existing settlement, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- Sensitive incorporation of Footpaths Ickleford 001 & 002 as green routes through and around the edge of the site;
- No residential development within Flood Zones 2 or 3;
- Incorporate ordinary watercourses (and any appropriate measures) and address existing surface water flood risk issues within comprehensive green infrastructure and / or SuDS approach;
- Development proposals to be informed by site-specific landscape and heritage assessment which determines the likely impacts on Old Ramerick Manor and its surroundings;
- Development-free buffer along eastern edge of site to minimise harm to adjacent listed building;
- Archaeological survey to be completed prior to development.

- 4.3.4 Although in the Rural area beyond the Green Belt this site is identified in the Submission Local Plan (incorporating Main Modifications) as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land. Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 4.3.5 Paragraph 48 of the NPPF advises that emerging plans can be afforded weight according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *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*
  - *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).*
- 4.3.6 The emerging local plan is at an advanced stage. Consultation on the Main Modifications has taken place between January 3<sup>rd</sup> – 11<sup>th</sup> April 2019. The Emerging Local Plan Inspector has requested (in July 2019) further hearings as part of his investigation into the Plan and therefore some further delay is expected before its adoption. Whilst there are still unresolved objections to the policies in the plan including the LS1 allocation, it is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the Framework.
- 4.3.7 Paragraph 49 of the Framework states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 4.3.8 In this case, the emerging local plan (over the plan period 2011 – 2031) identifies the need to deliver at least 14,000 new homes for North Hertfordshire's own needs, of which 4,860 homes are to be provided through local housing allocations including (LS1) (source: Policy SP8 ('Housing'), Submission Local Plan). This application at LS1 represents 1% and 3% of these totals respectively. In terms of the local allocations the application site represents 1 of 21 locations spread throughout the district. Whilst the

proposed development at LS1 will make a positive and meaningful contribution to meeting future housing needs, when considered in context with the overall development needs over the plan period the application cannot be considered so substantial or significant to undermine the plan making process. Given this analysis it is not necessary to consider paragraph 49 b) as both grounds need to be satisfied.

- 4.3.9 Accordingly, given the advanced stage of the emerging local plan, the absence of a five year housing land supply (currently estimated to be less than 1.5 years supply, to be confirmed in the forthcoming Annual Monitoring Report) and that the determination of this application cannot be considered premature, there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11 d) of the Framework. The Framework caveats the presumption of granting permission for sustainable development if there are clear reasons for refusing development or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against all policies in the Framework. In this case there are a number of issues of harm in terms of the economic, social and environmental objectives of sustainable development that need to be assessed such as the impact on designated heritage assets, landscape and visual effects, highway impact and flood risk and these matters are considered in more detail below.

#### 4.3.10 Summary on the principle of development

- 4.3.11 The site is immediately adjacent the settlement of Henlow Camp (Minor Service Centre) and a short distance to Lower Stondon (Large village). These settlements contain a range of facilities and services. There are bus services along the A600 adjacent to the site that serve local villages and towns including Hitchin. The site is not of high landscape value as noted in the Pirton Lowlands character area assessment. The site is clearly contained by the A600 to the west, a public footpath (002) and buildings associated with The Manor to the east and four residential properties and a public footpath (001) along the southern boundary. It has a close physical association with the settlements of Henlow Camp and Lower Stondon to the north emphasised by road access, the proximity of housing and footpath linkages. The site is not contaminated and there is no evidence of significant archaeological remains. In terms of achieving the social strand of sustainability the site has the potential to deliver much needed residential development, including affordable housing, in a location which is accessible to everyday services and accessible to neighbouring towns and villages via good transport infrastructure.
- 4.3.12 It is furthermore noted that the LPA did not raise an 'in principle' objection to the previous application (ref: 17/02175) refused in March 2018. That application was refused on grounds of harm to heritage assets and the amount and scale of development, its scale, form and appearance together with the lack of a Section 106 agreement.

Lastly, the Local Plan Inspector, in requesting the LPA to consult on its Proposed Modifications, has not asked the LPA to remove the LS1 site from its list of housing allocations or requested a further call for sites as part of its Housing Strategy.

Given all of the above factors it is considered that the site is suitable for residential development in principle. Furthermore, it is appropriate for this application to be considered now given the schemes' deliverability i.e. the site is available now, offers a suitable location for housing development now and that there is a reasonable prospect that housing will be delivered on the site within five years from the date of adoption of the Emerging Local Plan.

#### **4.3.13 Character and Appearance**

4.3.14 The application site consists of mainly arable farmland with a smaller grassed field / paddock in the north eastern corner. It forms part of a wider agricultural landscape to the south. It is generally open in character and of limited landscape features except for the remnants of the former railway embankment now overgrown and a feature which is to be retained as part of the development. The application site is not covered by any statutory designations for landscape character or quality. It lies within the Pirton Lowlands character area (218) of the North Herts Landscape Study (2011). The document describes the Pirton Lowlands area overall as of low landscape value.

4.3.15 The application site has a close physical connection with Henlow Camp settlement to the north although its open character means it is visually sensitive to new development given the proximity of the A600 and adjacent footpaths. The approach to the settlement along the A600 from the south provides clear views of the site as well as the backdrop of housing development comprising the Railway housing estate and the older Southern Avenue forming part of The Camp housing estate. The Camp development being older and of more spacious two storey development has, to an extent, blended into the landscape, whilst the Railway development with its high density and 2.5 storey scale provides for a more abrupt and hard urban edge to the village even with the play area and watercourse which defines the boundary of the settlement.

4.3.16 The LPA raised concerns with the previous larger development (i.e. application ref: 17/02175/1) in relation to the number of houses, the height, density and scale of development, excessive hardsurfacing, lack of soft landscaping and generally the urban form which was considered to be harmful to the character and appearance of the area and the setting of Old Ramerick Manor. This revised application seeks to address these issues and the following changes are proposed:

- reduction in dwellings from 180 to 144 (overall 20% reduction)
- relocation of development further away from eastern and southern boundaries
- reduction in density in eastern and southern areas of the site
- reduction in height of development (all houses are now two storey with no 2.5 or 3 storey development)
- change from urban form to village character
- provision of new village green and greenway through the centre of the site
- new orchard and avenue planting
- change in design and materials to reflect rural edge location and agrarian landscape
- improved open vistas towards Old Ramerick Manor and group of associated buildings, particularly from public footpath 001.

- general reduction in scale and density along western boundary.

- 4.3.17 The result of the above amendments to the previous scheme is a proposal that is far more sensitive to and better integrated with the surrounding pattern of development. The development is of reduced density and more appropriate to this edge of settlement location yet still well integrated with Henlow Camp to the north. Generally the density of development decreases towards the southern part of the site with a wide buffer of open space and new tree planting along the boundary with footpath 001 and the barn complex associated with Old Ramerick Manor. A key feature of the development is a wide landscape corridor through the centre of the site from north to south incorporating a village green, retention of former railway embankment and new pedestrian and cycleway routes connecting to Henlow Camp to the north and the existing footpath network. The main access into the site takes the form of a tree lined 'avenue' leading directly to the village green and play area. Highway engineering is more informal with shared surfaces and permeable block paving. Character areas are proposed throughout the site which provide local identity and distinctiveness with housing in the southern edge of the site having a more vernacular style and scale. Design features such as gables, porches, sash style windows, timber weatherboarding, chimneys and car barns create a more traditional appearance and an appropriate rural edge to the development.
- 4.3.18 Overall there is a reduction in density from the previously refused application as a result of the decrease in housing numbers and the maximum two storey height represents a transition in scale from The Railway development to the north of the site to a looser, more appropriate form of development to the south that responds to the scale of houses at Ramerick Cottages and also provides a substantial buffer with the wider open farmland landscape further south.
- 4.3.19 The development is well integrated with local footpaths. Five connection points are proposed in total including three directly onto the footpath along Bedford Road. Along the A600 boundary, pedestrians are separated from the main road by a landscaped corridor before linking onto the existing footpath in the north eastern corner. The central footpath / cycleway provides permeability through the site linking with footpath 001 to the south (and onwards further south via footpath 003). In terms of wider improvements to the footpath network the applicant has agreed to fund an upgrade of the existing footpath (to include new surface and increased width) along the A600 as far south as the Holwell Road junction.
- 4.3.20 As an agricultural field the site has limited landscape value. The proposals will introduce landscape enhancements that include new tree, hedge and shrub planting and the retention and maintenance of the former railway embankment. Together with new open space, the landscaping will be managed via a landscape management plan. The measures for landscape enhancement responds positively to the Landscape Study guidelines for Pirton Lowlands that includes the desire to protect and preserve the pattern of existing landscaping and encourage new planting to screen new development that could intrude into panoramic rural views.

4.3.21 The provision of 144 dwellings on currently open land would, inevitably, result in a change in the open character of the site. The form of development would be an improvement though on the immediately adjoining development to the north, particularly in terms of scale, design, density and landscape quality. Although physically separated from The Railway development to the north (by approximately 40 metres) the application site is closely associated with and contained by it and the adjacent footpaths, cottages and barns and new houses at Old Ramerick Manor. With the green infrastructure and open space as proposed, the proposed development would fit comfortably within this setting. The development would represent a southwards extension of Henlow however the settlement is expanding following the completion of new housing development and several permission for residential extensions having recently been granted planning permission with further planning applications pending. In particular, following the grant of planning permission for 85 dwellings construction has commenced on the Welbeck site opposite the north east corner of the LS1 site (known as 'Brunswick Gate'). This development is on a similar southerly alignment as the LS1 site and is an example of how the settlement character and form of Henlow is changing to meet local housing need.

#### 4.3.22 Summary on character and appearance

4.3.23 There would be further expansion of Henlow as a result of this development but for the reasons set out above this would not amount to significant harm to the character and appearance of the site or the settlement as a whole. There would be no substantial harm to the landscape of the site and its surroundings or to the character of the wider Pirton Lowlands landscape character area. There would, particularly in the longer term once the landscaping proposals have been established, be no significant visual effects on the wider area. The development has been re-designed to take account of the settlement edge location and the density, form and layout is responsive to and respectful of its surroundings. Overall it is concluded that the development would not be harmful to the character and appearance of the area.

#### 4.3.24 **Highways, access and parking matters**

4.3.25 The application proposes a single point of access / egress onto the A600 Bedford Road via a T – junction 6 metre wide access road with footpaths either side. A footway inside the application site will connect to the existing northbound footpath on the A600 into Henlow and existing footpath widened to 2m to tie in with the existing 2m wide footway south of Boundary Close. Two new bus stops are proposed on the A600 north of the access road and various traffic calming measures introduced on the carriageway (in conjunction with the approved development at Welbeck). The existing 30mph speed limit will be relocated further south and gateway features introduced to warn of a change in speed restriction. The applicant has agreed, via Section 106 Agreement to fund highway improvement/ capacity works to the Turnpike Lane / Bedford Road roundabout in Ickleford and to fund a widening of the existing footway south of the application site for approximately 1600 metres to the Holwell Road junction.

- 4.3.26 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such, and as with the previous application, the highway authority do not raise any objections to the proposed development on highway safety grounds.
- 4.3.27 The site will be connected to footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 and west to footpath 016 is considered achievable and is shown indicatively on the submitted plan.
- 4.3.28 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600. It is envisaged that the provision of an upgraded footpath link to Holwell Road to the south will be extended to reach Ickleford and Hitchin with financial contributions from the proposed emerging local plan site IC3 on the north side of Ickleford (Land off Bedford Road, dwelling estimate 150 homes).
- 4.3.29 On site car parking is provided in accordance with NHDC's parking standards and all garages within the scheme meet the minimum requirement of 7m x 3m for a single garage. Each dwelling with on-curtilage parking or a garage will be provided with electric vehicle (EV) recharging points and 10% of communal parking spaces will also be provide with EV recharging infrastructure.
- 4.3.30 It is acknowledged that representations have been received that claim that the development is unsustainable and that the occupiers of the site at LS1 will use cars for everyday needs and to access services. The submitted Transport Statement sets out the existing local services and facilities (Table 5.2). It is shown here that the majority of services and facilities in Lower Stondon and Henlow Camp can be reached on foot from the application site within 12 – 20 minutes with cycle journey times significantly less. Car journeys to these facilities would be short and the provision of footway linkages and improvements to existing footpaths and new bus stops would assist in facilitating and encouraging non-car movements to and from the site. This is consistent with policies in the new Local Transport Plan (LTP4) which seeks to achieve modal shift and improve sustainable travel provision.
- 4.3.31 The NPPF encourages new development *'to be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*. It is considered that with the package of transport improvements in support of the development the site will be well connected to local services and facilities to encourage sustainable transport trips. The NPPF does recognise however that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision making'*.



- 4.3.32 It is also acknowledged that a number of representations have been received raising concerns over pedestrian and highway safety. The submitted TA and the response from the Highway Authority reveal no evidence that this would be the case taking into account the off-site measures to mitigate the impact of the development on road safety. Indeed, the NPPF states at paragraph 109 that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 4.3.33 The proposed Main Modifications to the emerging Local Plan for the LS1 site includes additional highway criteria as follows (new text in bold):
- Appropriate junction access arrangements to Bedford Road **having regard to the likely impacts of development on the A600;**
  - **Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvements measures;**
- 4.3.34 In terms of junction access arrangements both Central Bedfordshire and Herts County Council highway authorities raised no objection to the proposed access arrangements at the pre-application stage and no objection is raised by either authority to the current application.
- 4.3.35 A financial contribution will be secured from the approved development on the opposite side of Bedford Road (known as the Welbeck site, (permission ref: 16/05229/OUT) towards traffic management measures on Bedford Road. This will be in addition to the traffic mitigation measures and financial contributions offered by the applicant for LS1.
- 4.3.36 The cumulative traffic impact issue has been addressed in section 6 of the Transport Assessment and this takes into account committed development in the area. The TA confirms that the affected junctions will operate within capacity and/ or that development proposals will not severely impact on the operation of these junctions. The Welbeck development, sites IC2, IC3 and LS1 would amount to 419 units which is below the allowance estimated for growth in the transport modelling set out in the TA. The cumulative growth factors have been used to calculate highway impact and the required mitigation measures agreed by the Highway Authority.
- 4.3.37 Summary on highway matters
- 4.3.38 The submitted Transport Assessment has been scrutinised by the Highway Authority and found to be acceptable in highway terms. The development can be integrated with Henlow Camp and Lower Stondon (and the wider footpath network) via suitable and achievable footpath connections. The developer is willing to make significant contributions towards mitigating the highway impact of the development and to ensure that there are sustainable transport options. Traffic calming proposals would improve highway safety on the A600 in the vicinity of the site. There is no evidence to suggest that the residual cumulative impact of the development in highway terms is severe and as such the development would be compliant with the Framework in this regard.

#### 4.3.39 Impact on heritage assets

- 4.3.40 Old Ramerick Manor House is located to the east of the application site and the vehicular approach to it is along the access track from the A600 which is also public footpath 001. The Manor House is grade II\* listed and dates from the 13<sup>th</sup> Century. The house has recently been refurbished following the redevelopment of farm buildings that formed part of its historic curtilage. Historic barns located to the west of the Manor House have been converted to residential use forming part of the redevelopment scheme and they are considered non-designated heritage assets (they are not curtilage listed buildings). Two modern dwellings have been added to the former farm buildings group. There is no conservation area designation around or including the Manor house or the associated former farm buildings.
- 4.3.41 The Manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. The form of the Manor can be partially seen from the access track from Bedford Road which forms part of footpath 001. The application site contributes to the significance of the listed building in an agricultural context by virtue of the site forming part of the former agricultural land attached to the farmhouse. The adjacent barns are no longer in agricultural use and their functional association with the application site has been lost as a matter of fact. Nevertheless the converted barns, as mentioned above, are considered non designated heritage assets and an assessment of the impact of the development on them as well as the Grade II\* listed manor house is required.
- 4.3.42 In response to the previously refused proposal for 180 dwellings, the current application shows that densities of the housing have been reduced along the southern and eastern edges of the site where the development is closest to the former farm complex and public footpath / trackway access. The height of proposed houses has been reduced and more traditional materials and vernacular form introduced to reflect the rural edge / agrarian landscape. Car parking has also been reduced along the eastern edge of the site. A wide landscape belt is proposed along the southern / eastern edge of the site including a new orchard. Landscaping as now proposed is intended to provide filtered views to and from the Manor house as opposed to more dense planting.
- 4.3.43 In responding to this application, Historic England (HE) reiterate their previous comments (on application 18/01622/FP) as follows:
- 'The revised submission now consulted on is for a reduced density of development across the whole site, providing a total of 144 dwellings. The design modifications would remove housing from the immediate setting of Old Ramerick, and give a landscape buffer to the approach road to the Manor and manorial group of buildings. The proposed revisions to the design would substantially reduce the impact of development on the setting of Ramerick Manor, although inevitably the rural setting of the building would be further eroded as a result of development. Such an erosion should be seen as a harm to the historic environment as defined by the NPPF. In determining this application, your authority should weigh that harm against the public benefit that might accrue as a result of the development'*

- 4.3.44 The current proposal is clearly an improvement on the previous 180 unit scheme in terms of the impact on the designated asset and HE acknowledge this in their comments that *'the design would substantially reduce the impact of development on the setting of Ramerick Manor'*. It is considered that the new layout reduces the harm previously identified by the 180 dwelling scheme. The nearest part of the housing development to the Manor is now 90 metres (295 feet) in between which are the barn conversions and new dwellings recently constructed. In addition to this separation distance is the setting back of the development from the approach road to the Manor allowing uninterrupted views of the Manor group from this track. The open setting to the Manor to the north and east is retained.
- 4.3.45 The conservation of heritage assets is a core planning principle under the NPPF. Paragraph 193 of the NPPF requires that 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). Paragraph 194 of the NPPF requires that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*. If it is judged that harm would be occasioned to the significance of a designated heritage asset, depending on whether this is substantial or less than substantial, will determine whether the aims of Paragraph 195 or 196 respectively should be applied. Paragraph 197 also requires the significance of a non-designated heritage asset to be taken into account.
- 4.3.46 The Council's attention has been drawn to the recent case of *Steer vs SoS for Communities and Local Government and Ors* ([2017] EWHC 1456 (Admin)). This is a decision made by the High Court in July 2017 that considers the interpretation of 'setting'. This case relates to a proposed development where it was deemed that harm would be caused to the setting of the grade I listed Kedleston Hall (hereinafter "the Hall"), grade I listed Kedleston Hall Registered Park and Garden (hereinafter "the Park"), and the Kedleston Conservation Area, as well as Kedleston Hotel and Quarndon Conservation Area. Whilst Old Ramerick Manor and Kedleston Hall are both designated heritage assets of high significance within a rural setting, this is where the similarity between the current proposal and the High Court judgement stops in that there are no other designated heritage assets to consider in the current proposal. Notwithstanding that, the Kedleston case provides a useful and rigorous 'framework' when assessing the current scheme.

4.3.47 The setting of a heritage asset and its significance are defined as follows:

***“Setting of a heritage asset:*** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

***“Significance (for heritage policy):*** *The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

4.3.48 The High Court case refers to Historic England’s publication: *The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning: 3*. Although HE’s ‘Good Practice Advice’ does not constitute a statement of government policy. It is intended to provide information on good practice in implementing historic environment policy in the NPPF and PPG. Paragraph 9 provides:

***“Setting and the significance of heritage assets***  
*Setting is not a heritage asset .... Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset’s surroundings.”*

4.3.49 Under the heading “A staged approach to proportionate decision-taking”, a five stage approach is recommended: Step 1: identify which heritage assets and their settings are affected; Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s); Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; Step 4: explore the way to maximise enhancement and avoid or minimise harm; Step 5: make and document the decision and monitor outcomes. There is a degree of overlap between these stages.

4.3.50 Each of these steps is then considered in more detail. Paragraph 13 provides guidance on Step 1:

***“Step 1: identifying the heritage assets affected and their settings.***

*The starting point of the analysis is to identify those heritage assets to be affected by the development proposal. For this purpose, if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting.”*

Paragraphs 18 to 21 provide guidance on **Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)**. Paragraph 18 states:

*“18. The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and/or nature of that contribution. We recommend that this assessment should first address the key attributes of the heritage asset itself and then consider:*

- the physical surroundings of the asset including its relationship with other heritage assets*
- the way the asset is appreciated, and*
- the asset’s associations and patterns of use.”*

Paragraph 19 refers to a non-exhaustive check-list of potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset’s heritage and significance.

- 4.3.51 The application site remains in its historic agricultural use and it is noted that the manor dates back to the C13 and was conveyed to St John’s College, Cambridge, in 1520 -1 by Anthony Wroughton and, after a brief period of dispute, remained in the College’s ownership until 2014 (4.2 of Heritage Statement).
- 4.3.52 At 4.5 of the HS it states that in the mid-18th century, the manor was surveyed as part of Dury Andrews’s ‘Map of Hertfordshire’, published in 1766. The farm is shown as a complex of buildings, with the manor house identifiable as a L-shape building with the eastern cross wing. It sits within a farmstead with outbuildings to the north and west. A track from what is now Bedford Road would appear to be the main access, however, there are two treelined avenues from the southwest leading to the complex.
- 4.3.53 It is understood that the land has not been farmed by the occupants of Old Ramerick Manor for some years and that the land was, until recently, farmed by K Parrish & Son – a third generation family run farm, first established in 1932. Furthermore, in the C18 and C19, this agricultural land was traversed by the old railway line from Bedford to Hitchin. This can be seen by virtue of the embankment within the middle of the site area and Historic England has stated that this is an important feature in its own right. The raised profile of the railway embankment together with the vegetation, interrupt views eastwards from Bedford Road to the manor where they would be seen across this feature. The 1901 OS extract clearly shows this branch line but it is acknowledged that other than the embankment, the route of the railway line is no longer evident through the remainder of the site. According to the submitted HS, by 1960, The Manor remained largely isolated and by this time the railway was disused and had been partially dismantled.

- 4.3.54 At 4.26 of the HS it says that *“As well as a visual connection, the land is presumed to have formed part of the farmland attached to the farmstead and therefore shares a functional and historic associative relationship with the manor”*. The above, however, indicates that the historic associative relationship between the land and Old Ramerick Manor had become fragmented in recent decades. Notwithstanding this, Old Ramerick Manor has evidently been of high status throughout its history, having originated as a moated medieval hall house before its adaptation to a high status farmhouse by the early C17 and then major refronting in the early C18. As such, it has been an important holding within the local area. In addition to which, its farmstead use over the past centuries contributes to the rich agricultural history of the site.
- 4.3.55 The experience of the approach from the trackway is agricultural in character, although noting that the existing development on the southern edge of Lower Stondon is visible. Nevertheless, the informal approach along the trackway together with the open agricultural land to either side does lend it an agricultural character that allows an interpretation and understanding of the former use of the farmstead complex and its position located away from the main road within its surrounding farmland. In terms of the historic relationship between Old Ramerick Manor and its surrounding landscape, the site previously formed part of an estate which would have been managed historically as an economic and social entity. Thus, the preservation of this site in its historic form as agricultural land associated with the Old Ramerick estate would contribute materially to the significance of this highly graded designated heritage asset which is in part derived from its setting.
- 4.3.56 A view may be that no amount of mitigation measures could realistically offset the harm that would be caused by the transformation of agricultural land to housing and as such the principle of development in this location may be called into question. The High Court case highlights the fact that the physical and visual connection between the agricultural land and The Manor should not be determinative and having considered the site beyond purely the visual, there would still be harm occasioned to the asset’s significance derived from the impact of this amount of development within its setting.
- 4.3.57 The Manor is grade II\* and therefore an asset of the highest significance and whilst The Manor’s rural setting is not a heritage asset in its own right, it is acknowledged that this setting does make a positive contribution to the asset’s significance. The submitted Heritage statement considers in some detail the contribution made by the designated asset, through paragraphs 4.23 – 4.33 and acknowledges the functional and historic associative relationship of the application site to Old Ramerick Manor (paragraphs 4.25 – 4.26). It assesses the impact of the proposed development through the loss of the associated open space beyond the non-designated assets to the west and how this will change the setting of the Manor. The HS addresses the agricultural character of the setting and the contribution that this makes to the significance of the asset. The functional and historical relationship is assessed. The HS also assesses the wider

setting of the asset to the north south and east and how the landscape features proposed will help to mitigate the change to the setting to the west. I consider that the potential impacts on the setting of the designated asset has been properly assessed and justified in the HS.

- 4.3.58 Concern has been raised at the 'proposed tree belt' adjacent to the eastern boundary of the site and the implications this planting has in terms of the setting of the Manor and the farm complex. The concern is misguided as the planting here is shown clearly on the submitted landscape plan (drawing CSA/3739/107) as consisting of fruit trees within a wildflower meadow resulting in filtered views through to and from the application site as opposed to a dense tree belt. Even so, the concern does not take account of or acknowledge the existing substantial trees and other landscaping immediately to the north west of the Manor and farm complex which have formed part of the setting of the group for many years.
- 4.3.59 With regards to the impact of the proposed attenuation pond on the setting of the asset it is noted that the County Council's Historic Environment Advisor has some concerns with regard to lack of evaluation of this area and therefore has requested further archaeological monitoring of groundworks associated with the pond. However these works are not required pre-determination of the application. The attenuation pond is proposed to be over 70 m distance from the Manor and beyond a tree belt and intervening public footpath. No structures are proposed in association with the pond. Given this context it is considered that the attenuation pond will have limited impact on the significance of the designated asset.
- 4.3.60 Taking all these factors into account and the need to look beyond the visual connections toward other environmental factors, thus endorsing J Lang's interpretation of 'setting', it is considered the overall effect of the proposal on the designated and non-designated heritage assets, including the converted barns, would fall within the 'less than substantial' category for the purposes of paragraph 196 and 197 of the NPPF.
- 4.3.61 Summary of heritage impact
- 4.3.62 Paragraph 193 of the NPPF states that when considering harm to the significance of a designated heritage asset great weight should be given to the asset's conservation and that such weight increases the more important the asset. In this case, a balanced judgement is required between the conservation of the asset and the public benefits that result from the proposal and these are set out in the planning balance below.
- 4.3.63 The recent case of *Steer vs SoS for Communities and Local Government and Ors* ([2017] EWHC 1456 (Admin)) is relevant even though the factors relating to that case are different to those under consideration here. An attempt has been made to assess this proposal in line with Mrs Justice Lang DBE's interpretation of 'setting' and taking into account a range of both visual and non-visual attributes which are capable of contributing to the significance of Old Ramerick Manor, it is concluded that the application site contributes to the significance of Old Ramerick Manor. Most significantly,

the land provides the agricultural setting to Old Ramerick Manor, however, it is also noted that this land is no longer farmed by the occupant of Old Ramerick Manor.

4.3.64 In addition, it is noted that the application site was traversed by a branch railway (evidence of which is to be retained within the development) during C19 and C20 leading to a fragmentation of the agricultural land in its more recent history. Finally, Old Ramerick Manor is also on the far side (north-east) as opposed to the near side (south-west) of a range of converted barns (non-designated heritage assets) as seen from Bedford Road, therefore, the manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. It is considered the overall effect of the proposal on the heritage asset would fall within the 'less than substantial' category for the purposes of paragraph 196 of the NPPF. However, it is considered that the public benefits of this proposal are significant to outweigh the limited harm to the designated heritage assets that have been identified. For clarity the public benefits are considered as follows:

- The site will significantly assist in addressing the Council's housing shortfall
- 57 affordable homes would be secured
- Benefits to the local economy from construction and on-going expenditure in local shops and services
- Improved connections to public footpaths and upgrading of public footpath south towards Holwell
- Upgraded bus stops and traffic calming measures on the A600

#### 4.3.65 **Environmental considerations**

##### 4.3.66 Drainage and flooding

The submitted Flood Risk Assessment confirms that although the site falls mainly within Flood Zone 1, the watercourse running along the northern boundary of the site lies within Flood Zone 2 and 3. However there is no development proposed within this area. The FRA advises that a drainage strategy, incorporating SUDs attenuation features, has been devised for the site following hydraulic modelling to ensure that the site can be adequately drained. The SUDs drainage system will be maintained by a management company. Foul drainage will be connected to the public sewer network north of the site in accordance with a Section 98 agreement with Anglian Water. A maintenance / access zone is to be maintained along the northern boundary for future water course maintenance operations.

The Lead Local Flood Authority, the Environment Agency and Anglian Water raise no objections to this development proposal subject to conditions. The FRA advises that the development will not result in flood risk elsewhere and it proposed to adopt a sustainable urban drainage system to manage surface water run-off from the development. It is acknowledged that separate licensing agreements will be necessary from the River Ivel Drainage Board – this will be a matter for the applicant to address.



- 4.3.67 Some concerns are expressed that development is within Flood Zones 2 and 3. This is addressed in paragraph 4.2 and appendix F of the submitted FRA. Appendix F provides the results of detailed hydraulic modelling which accurately identify the flood zones on site. The results of the study show that taking into account of the 1 in 1,000 year event plus climate change allowance that water remains contained within the banks of the watercourse which runs along the northern edge of the site and as such the site to the south of the watercourse falls within flood zone 1 (lowest risk from flooding).

In the light of these measures and the responses received from the relevant statutory consultees it is considered that the proposals comply with the advice in Section 14 of the Framework in terms of managing flood risk.

4.3.68 Ecology

The application site does not contain any specific wildlife / habitat designations. The majority of the application site is arable and with little ecological value however the field margins and the grassland, railway embankment, watercourse and ponds to the north all have potential habitat conservation issues. The Council's ecological advisors have previously not objected to the proposals on nature conservation grounds however due to the potential impact on farmland birds have suggested alternative off-site mitigation measures. The applicant has agreed to fund an ecological enhancement project in the parish to off-set the potential impact. This solution would be consistent with the principle adopted in paragraph 175 of the NPPF. Overall it is considered that the proposals will not result in any adverse ecological impacts and will potentially lead to biodiversity enhancements with the establishment and managed of the landscaped areas and public open space.

4.3.69 Archaeology

On site archaeological investigations have been completed and an archaeological evaluation report published. Hertfordshire County Council's Historic Environment officer has noted that the majority of the site has been sufficiently evaluated to establish that no significant archaeological features are present. Some concerns remain regarding the extent of the attenuation areas and the potential for archaeology in these areas therefore a further Written Scheme of Investigation (WSI) is required by planning condition should permission be granted.

4.3.70 Noise

The main source of noise affecting the site is the A600 Bedford Road. The acoustic assessment accompanying the application advises that external amenity areas on the site will not be exposed to excessive levels of road traffic noise. The dwellings which face the A600 Bedford Road can achieve acceptable internal noise levels with the use of acoustically upgraded glazing and ventilation incorporated into dwelling design. The Council's Environmental Health officer raises no objections subject to a condition requiring compliance with the recommendations in the acoustic report.

4.3.71 Living conditions

Concern has been raised from residents living nearby to the proposed development with regard to loss of privacy, overshadowing and loss of light. The nearest residents to the north of the site in The Railway are some 40 metres distant from the nearest proposed dwellings and are located on higher ground and are therefore unlikely to be affected.

Residents in Ramerick Cottages and Ickleford Cottages are closer however these dwellings have large established gardens that provide adequate separation distance. Residents in the converted barns and new build properties close to Old Ramerick Manor are similarly well separated from the new development (by at least 45 metres including the intervening public footpath and landscaping). The detached triple garage block associated with the barns provides additional buffering from the development. The levels difference between the Old Ramerick barns and the boundary of the site is not significant and the proposed orchard planting will mature to provide filtered views over time.

In terms of the direct impact of the proposed planting on daylight and sunlight on the converted barns regard has to be had to the dual aspect of the barns which have private gardens to the east, the distance of the barns from the planting (35 metres), the westerly orientation of the planting and the long term height of the fruit trees proposed (between 2 – 7m). All of these factors combine in my opinion to conclude that the living conditions of existing residents would not be significantly affected.

#### Summary on environmental impact

No technical objections are raised to this development by the relevant statutory consultees and the layout of the development would not prejudice the living conditions of existing residents. The Environmental harm arising from this development is not considered to be significant particularly when taking into account mitigation measures proposed.

#### **4.3.72 Sustainability**

4.3.73 To achieve sustainable development the economic, social and environmental objectives set out in Section 2 of the Framework must be met.

4.3.74 In terms of the economic objective the development will provide homes that will support economic growth, innovation and productivity in a location close to employment sites and employment opportunities further away through the nearby transport network. The construction of the development and on-going maintenance of it will result in construction jobs and employment in the service sector. The development will result in increased expenditure for local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services. Increased Council tax revenue will help to maintain public services.

4.3.75 In terms of the social objective, a number of community benefits will accrue from this development. Firstly, it will provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply. A range of house types and tenures will assist in meeting this need. The proposal will boost the supply of housing in the district in accordance with Section 5 of the Framework ('Delivering a sufficient supply of homes'). Secondly, the site will deliver housing in a high quality residential environment featuring a large amount of public open space and ready access to a network of public footpaths. The development would be well connected to the existing community of Lower Stondon and Henlow Camp and by public transport to larger towns. As such the development will provide access to the social, recreational and cultural facilities and services that the community needs. The

proposal will achieve a well-designed sense of place and make effective use of land. The development will be in accordance with sections 8, 11 and 12 of the Framework.

4.3.76 In terms of the environmental objective it has been concluded above that this revised development will not be harmful to the character and appearance of the locality. The visual effect of this development has been evaluated as not having an adverse impact on the Pirton Lowlands landscape character area which is identified as being of low overall landscape value. The loss of high grade agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. Even so, the site is part of a wider agricultural landscape within which arable farming is the predominant land use and therefore the magnitude of the loss is considered proportionately acceptable. The impact on heritage assets is considered less than substantial and the harm outweighed by the public benefits. The site has limited ecological interest and there is potential for a net increase to biodiversity through additional landscaping in accordance with Section 15 of the Framework. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework.

#### 4.3.77 Summary on sustainability

Overall, it is considered that the proposals have the potential to create a sustainable form of development that complies with national and local planning policy and guidance.

#### 4.3.78 Planning **Obligations**

4.3.79 In considering Planning obligations in relation to this development the Framework (paragraph 56) advises that:

*Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

In discussions on the previous application now at appeal the LPA has held detailed negotiations with the applicant and agreement has been reached on the required Heads of Terms and financial contributions including Education contributions and where such contributions should be spent. The applicants have committed to the following list of S106 matters as set out below and a draft Section 106 document is in circulation between the relevant parties that would be signatories to the Agreement:

Element	Detail and Justification	Secured by condition or Section 106	Status
Affordable Housing	<p>On site provision of 57 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% intermediate tenure ( units of mixed size)</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	S106 obligation	Agreed by applicant
Primary Education educations	<p>Contribution of <b>£1,918,226</b> based on a 0.44 FE (Form of Entry) primary pupil yield arising from the site . Contribution to be spent on expansion of Derwent Lower School in Henlow Camp following agreement between Hertfordshire County Council and Central Bedfordshire Council education authorities.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>	S106 obligation	Agreed by applicant
Secondary Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of The Priory School, Hitchin Approx amount before index linking : <b>£371,931.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC</p>	S106 obligation	Agreed by applicant

	Toolkit		
Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a CreatorSpace and reconfiguring of floorspace at Hitchin library. Approx. contribution: <b>£25,999.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation	Agreed by applicant
Youth Services	<p>Contribution calculated on the basis of a payment per dwelling towards providing additional capacity at the training kitchen based at Nightingale House in Hitchin.</p> <p>Amount before index linking : <b>£7,024.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation	Agreed by applicant
Health Services	<p>Contribution towards GP Core Services (expansion of Lower Stondon Surgery): <b>£117,346.22</b></p> <p>Possible contribution towards Community and Mental Health Services (£35,208.00)</p> <p>Policy SP7 'Infrastructure requirements and developer</p>	<p>S106 Obligation</p> <p>S106 Obligation</p>	<p>Agreed by applicant</p> <p>To be confirmed</p>

	contributions'		
Sustainable Transport contributions	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>To be spent on:</p> <p>1)Upgrading roundabout on A600 / Turnpike Lane junction at Ickleford Amount before index linking: <b>£60,000</b></p> <p>2) Widening of existing footway to footway/ cycleway on east side of A600 south of the site for a length of approximately 1600 metres to junction with Holwell Road. Amount before index linking: <b>£202,000</b></p> <p>3) Travel Plan contribution to HCC to cover assessment and monitoring costs: Amount before index linking <b>£6,000</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Local Transport Plan (LTP4)</p>	S106 obligation	Agreed by applicant
St. Katherine's Church, Ickleford	<p>St. Katherine's Church Room-for-all community project. An extension to the grade I listed building for community use.</p> <p>Contribution <b>£10,000</b></p> <p>North Hertfordshire Partnership Sustainable Community Strategy</p>	S106 obligation	Agreed by applicant

	2009 - 2021		
Ickleford Parish Council community sports	Playground equipment: <b>£20,000</b> Ickleford Sports Club Facilities and Equipment: <b>£20,000</b>	S106 obligation	Agreed by applicant
NHDC Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: <b>£8,919</b>  Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD	S106 obligation	Agreed by applicant
Central Bedfordshire Council Rights of Way Unit – public access improvement	Access improvement projects: - Dedication of approximately 30 metres length of public footpath to link the north-east corner of the site to Henlow Public Footpath No. 16. Requires compensation to landowner: <b>£3,500</b>	S106 obligation	Agreed by applicant
Ecological off-site compensation scheme	Contribution towards restoration of lagoon and reedbed, Burymead Springs, Ickleford Contribution : <b>£10,000</b>	S106 obligation	Agreed by applicant
Open space/Landscape buffer management and maintenance arrangements	Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure  Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation	Agreed by applicant

Fire Hydrants	Provision within the site in accordance with standard wording  Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation	Agreed by applicant
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4.3.79 Whilst the applicant has agreed to the education contributions negotiations have been held between the education authorities at Herts County Council and Central Bedfordshire Council to determine the most suitable schools to receive the contribution. In terms of the main part of the contribution (primary education) agreement has been reached that the funding should go to capacity improvements at the nearby Derwent School in Henlow within Central Bedfordshire. This is consistent with the Memorandum of Understanding signed between the two authorities to recognise cross-boundary impacts on services and infrastructure and to agree to work together to deliver the services and infrastructure required to support development. The distribution between the two Local Authorities of Section 106 contributions and proposed infrastructure improvement projects also reflects the specific circumstances of the site and the major transport corridor on which the site is located together with the proximity of nearby settlements in both local authority districts.

4.3.80 Having had regard to paragraph 56 of the Framework and the guidance set out in the Community Infrastructure Levy Regulations 2010 I conclude that the proposed planning obligations comply with Regulation 122 and 123 of the CIL Regulations and the tests at paragraph 56 of the Framework.

#### **4.3.81 Planning balance and conclusion**

4.2.82 Site LS1 is a housing allocation in the EML which is at an advanced stage. Its development will make a significant contribution towards the Council's planned supply of housing land. At present the Council does not have up-to-date housing policies in its adopted local plan and cannot demonstrate a five year deliverable supply of housing land. Further, the site will make a valuable and much need contribution to the supply of affordable housing in the district. These benefits are considered to have considerable weight in the planning balance.

4.3.83 The development will have an impact on designated and non-designated heritage assets. It has been demonstrated above however the development would not have a direct adverse effect on the historic building at Old Ramerick Manor. Historic England consider that this revised scheme '*would substantially reduce the impact of development on the setting of Ramerick Manor..*' although they consider that the rural setting of the building would be further eroded. It is acknowledged above that the wider rural setting of the Manor will be further diminished by the development however there is no functional association with the surrounding farmland and the setting has been further eroded by the residential conversion of the adjacent barns and new build housing on the site of previous farmyard buildings which formed part of the Manorial group. Views of the Manor house are limited on approaches to it along the access track and from large parts of the application site. It has been concluded above that the development will lead to less than substantial harm to heritage assets. This harm should be given moderate weight in the planning balance.

4.3.84 The site is located in a relatively sustainable location immediately adjacent to the combined settlements of Lower Stondon and Henlow Camp designated as a large village and minor service centre within which there is a range of shops and community services. The site is not a town centre location and cannot be regarded as highly accessible. The NPPF does however advise in paragraph 103 that opportunities to

maximise sustainable transport solutions will vary between urban and rural areas and therefore this should be taken into account in decision making. Given the range of facilities in Lower Stondon / Henlow and the proposed transport infrastructure improvements any environmental harm in terms of accessibility has limited weight.

4.3.85 The application site is not in the Green Belt and does not fall within a protected landscape and the landscape value of the area is considered low. The site is immediately adjacent the built up edge of Henlow Camp and contained by the A600 Bedford Road, public footpaths and cottages along the access track to Old Ramerick Manor. In view of amendments to the scheme to reduce visual and landscape impact it is considered that limited weight must be attached to landscape harm.

4.3.86 It is acknowledged that the development will have some impact on the setting of the heritage assets (including non-designated heritage assets) and that there will be a level of car dependency that may not be the case with an urban development site. Balanced against this are the significant social and economic benefits of additional housing (including affordable housing) and the benefit to the local economy in the short term through construction and in the longer term through expenditure in the local economy and service sector once the development is operational. The planning obligations offered will help to offset the harm to local infrastructure.

4.3.87 Overall I consider that the application proposals would amount to sustainable development and would be in accordance with the Framework as a whole and in accordance with the site specific criteria set out in the EML for housing allocation LS1. I conclude that the balance is in favour of granting planning permission.

4.3.88 Overall summary

4.3.89 Application ref: 19/01758/1 is an identical application to the previously submitted application (18/01622/FP) which is now the subject of an appeal against non-determination.

4.3.90 The NHDC Planning Control Committee resolved, at its meeting on 18<sup>th</sup> July 2019, that, had it been determining application ref: 18/01622/FP, it would have granted planning permission for that development subject to a satisfactory Section 106 being signed and planning conditions. Furthermore, the Committee resolved not to contest the appeal against non-determination at the forthcoming Public Inquiry scheduled to commence on 15<sup>th</sup> October 2019.

4.3.91 At the NHDC Planning Control Committee on 18<sup>th</sup> July 2019 the Members attention was drawn, via a verbal update, to the Emerging Local Plan Inspector's letter dated 9<sup>th</sup> July 2019 which set out a number of issues that require examination through further hearing sessions that would have implications for the local plan timetable. Members were

advised that with the potential delay in the adoption of the emerging local plan the unfavourable position of the Council in terms of maintaining a five year supply of deliverable housing sites as required by National Planning Policy Framework becomes even more acute. This situation adds even more weight to the argument that the Council should maintain the delivery of its housing strategy and approve development without delay in sustainable locations particularly on those allocated and planned housing sites that are not in the Green Belt such as the LS1 site.

- 4.3.92 The Committee will note that with this duplicate application to 18/01622/FP there are still no objections to this proposed development from the statutory consultees on technical matters such as highway safety, flood risk and drainage, noise, contamination, air quality, ecology, landscaping and archaeology.
- 4.3.93 In the light of the above and particularly in view of the Committee's unequivocal support for this development at its meeting in July 2019 on an identical proposal, together with the fact that there are no other material changes that would warrant a different conclusion being reached, the Committee are recommended to agree the recommendation as set out.

#### **Alternative Options**

None applicable

#### **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following:
- (A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required. If no such agreement is signed between the relevant parties then authorisation is hereby granted under delegated authority for officers to refuse planning permission on the grounds of a lack of a satisfactory legal agreement necessary to mitigate the effects of the development.

(B) The following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. No part of the development shall be occupied until the proposed works shown on 'in-principle' I Transport drawing ITB12014-GA-101 revision E and Drawing: P18-0685\_01 SHEET NO: REV: M; on the A600 are completed to satisfaction of the Highway Authority.

Reason: To ensure that the impact of development traffic on the local road network is minimised.

4. No part of the development shall be occupied until the proposed principal access road is provided as defined on I Transport drawing ITB12014-GA-101 revision E and Drawing: P18-0685\_01 SHEET NO: REV: M; 6.0 metres wide for at least the first 100 metres thereafter the access roads shall be provided 5.0 metres wide to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety, amenity and free and safe flow of Traffic

5. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard

6. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan/Statement.

The Construction Management Plan/Method statement shall address the following matters

- (i) Details of a construction phasing programme (including any pre-construction or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other highway users;
- (v) Details of provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site access roads and the adjacent public highway and;
- (xii) Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RCP reference LAD/BNL/E4483/16718 dated June 2018 and following mitigation measures;

1. Limiting the surface water run-off to a maximum of 13.4l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The following rates should be provided as maximum for each development area;

- Detention basin 1: 5.0l/s
- Detention basin 2: 7.9l/s

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

3. Undertake drainage strategy to include to the use attenuation basin as indicated on drawings BNL-E4483-014E and BNL-E4483-013F

Reason: To reduce the risk of flooding to the proposed development and future occupants

8. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;
1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
  3. Silt traps for protection for any residual tanked elements.
  4. Identification of any informal flooding areas and exceedance routes.
  5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details  
Reason: To reduce the risk of flooding to the proposed development and future occupants

9. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
1. Provision of complete set of as built drawings for the site drainage
  2. Maintenance and operational activities
  3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

10. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of

the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. The development shall take place in accordance with the approved Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

10. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

11. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

12. The development hereby permitted shall be carried out in accordance with the noise mitigation measures detailed in section 4 and appendix 5 of the Cass Allen Associates report reference RP01-17634 Revision 1 dated 15th June 2018 (Acoustic Assessment- Land to the east of Bedford Road, Ickleford) relating to glazing, ventilation and acoustic fencing specifications. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenities of future occupiers of the development

13. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the agreed foul water strategy unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding

14. Prior to occupation, each of the residential houses with a garage or alternative dedicated car parking space shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality

15. Prior to occupation, the development shall include provision for 10% of the car parking spaces in the parking courtyards to be designated for plug-in Electric Vehicles (EV) and served by EV Charging Points.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality

16. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity

17. Prior to the occupation of any part of the development details of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

18. No development shall take place until a Construction Traffic Management Plan, which includes specified routes for HGV construction phase traffic and how emissions from construction vehicles can be reasonably minimised, is submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the construction work traffic has no, or a minimal, impact on existing levels of air pollution within established Air Quality Management Areas within North Hertfordshire

19. Prior to the commencement of the relevant phase of the development hereby approved, full details of the pumping station and sub-station buildings and enclosures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



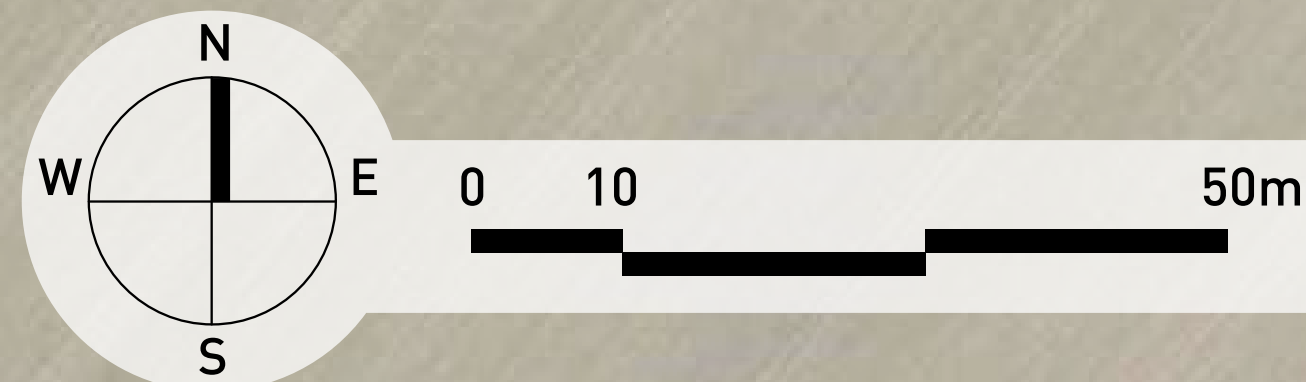
Reason: In the interests of visual amenity and to ensure that development is implemented as approved.

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEGASUSPG.CO.UK | TEAM/DRAWN BY CCW | APPROVED BY P.M: MCC | DATE: 26/03/2019 | SCALE: 1:500 @ A0 | DRWG: P18-0685 01 | SHEET NO: REV: M | CLIENT: BARRATT DAVID WILSON NORTH THAMES



PERMEABLE BLOCK PAVING OR SIMILAR APPROVED



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land Rear Of 4-14 Claybush Road Ashwell SG7 5RA</b>
<u>Applicant:</u>	<b>Mr Evans</b>
<u>Proposal:</u>	<b>30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).</b>
<u>Ref. No:</u>	<b>16/01797/1</b>
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 26.10.2016

## **Reason for Delay**

Time taken to receive amended plans and the Land Tribunal issue.

## **Reason for Referral to Committee**

At 1.74 hectares, the site area is larger than 0.5 hectares and therefore has to be presented to Planning Committee for determination.

## **1.0 Policies**

### **1.1 National Planning Policy Framework February 2019**

In general and with regard to:

Section 2 – Achieving sustainable development;

Section 4 – Decision-making;

Section 5 – Delivering a sufficient supply of homes;

Section 11 – Making effective use of land;

Section 12 – Achieving well-designed places;

Section 16 – Conserving and enhancing the historic environment.

### **1.2 North Hertfordshire District Local Plan No. 2 with Alterations 1996:**

Policy 6 - Rural areas beyond the Green Belt;

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas;

Policy 26 - Housing Proposals;

Policy 29A – Affordable Housing for Local Needs;

Policy 51 – Development Effects and Planning Gain

Policy 55 – Car Parking (SPD Car parking);

Policy 57 – Residential Guidelines and Standards.

**1.3 North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission - October 2016:**

SP1 - Sustainable development in North Hertfordshire;  
SP2 - Settlement Hierarchy;  
SP8 - Housing;  
SP9 - Design and Sustainability;  
SP10 - Healthy Communities;  
SP11 - Natural resources and sustainability;  
SP12 - Green infrastructure, biodiversity and landscape;  
SP13 - Historic Environment;  
T2 – Parking;  
HS1 - Local Housing Allocations  
HS2 - Affordable housing;  
HS3 - Housing mix;  
D1 - Sustainable design;  
D3 - Protecting living conditions;  
D4 - Air quality;  
NE1 - Landscape;  
NE5 - New and improvement public open space and biodiversity;  
NE7 - Reducing flood risk;  
NE8 - Sustainable drainage systems;  
HE4 - Archaeology.

**1.4 Supplementary Planning Document.**

Ashwell Neighbourhood Plan – Our Parish – Our Future – Our Say. Planning the development of Ashwell up to 2031. Pre-submission Consultation Version September 2018.

**2.0 Site History**

- 2.1 A pre-application request (16/00480/1PRE) was made to the Council regarding the residential re-development of this land with 33 houses. At that time the Council commented that the site is currently outside of the village boundary for Ashwell, and if any planning application were forthcoming, the application would need to address whether the Council had an up to date five year supply of housing land. Guidance was also provided regarding site layout, garden sizes, drainage, affordable housing, parking, highways and impact on historic assets.

**3.0 Representations**

- 3.1 **HCC Lead Local Flood Authority** - no objection subject to a condition and informative.
- 3.2 **HCC Hertfordshire Highways** - no objection subject to conditions and an informative.
- 3.3 **HCC Development Services** - HCC do not require a contribution towards Ashwell Primary School, as there is existing capacity within this school. HCC sought a contribution towards an existing youth service project in Hitchin to provide a training kitchen at Bancroft Youth Centre. However, due to the geographical distance from the site, the case officer decided that this requirement cannot be reasonably linked to this proposal consequently, this contribution has not been sought from the developer.
- 3.4 **HCC Hertfordshire Ecology** - no objection subject to conditions.
- 3.5 **HCC Historic Environment Advice** - no objection subject to a condition.

3.6 **HCC Fire Services** - the provision of fire hydrants is required within the development, which are to be secured by condition.

3.7 **NHDC Affordable Housing Officer** - no objection to 12 units being provided for social housing which is a contribution of 40%. The proposed units are:

Affordable Rent:

- 4 x 1-bed flats (plots 14, 15, 29 and 30);
- 3 x 2-bed houses (plots 16, 17 and 28);
- 1 x 3-bed house (plot 27).

Affordable Shared Ownership:

- 2 x 2-bed houses (plots 25 and 26);
- 2 x 3-bed houses (plots 18 and 19).

The affordable homes should be restricted to people with a local connection to Ashwell in the first instance, at least for first lettings. As Ashwell has a population of 3,000 or less, protected status will be applied. Therefore, stair casing on any shared ownership properties is restricted to 80% to ensure that the home remains affordable in perpetuity, and any social rented properties are excluded from the Right to Acquire and the new Right to Buy. The affordable housing is to be secured via the S106 Obligation.

3.8 **NHDC Waste Services** - each property has sufficient space off street for the storage of bins. The surface to collection point should be uninterrupted.

3.9 **NHDC Environmental Health** - no objections subject to an informative regarding the hours of construction.

3.10 **NHDC Environmental Protection** - no objection subject to conditions.

3.11 **Anglian Water** - no objection subject to condition.

3.12 **Historic England East of England Office**

*"the proposed housing development lies within long views from the hill fort Arbury Banks, which is the earthworks and buried archaeological remains of an Iron Age hill fort, designated as a scheduled monument, which sits on high ground to the south-west of the application site. However, given that the application site and these views are already framed by modern development to the south of the conservation area, and the height of the building does not exceed two storeys, the degree of harm which this would cause to its significance would be modest. In line with paragraph 134 of the NPPF the Local Planning Authority should consider this harm in relation to the public benefits of the proposals.*

*The site should be assessed and evaluated by means of a pre-determination archaeological evaluation, to ensure that if there are any important remains the application mitigates any harm to these".*

***"we maintain that this site is unsuitable for housing development. There is overwhelming opposition among the local community. The draft plan sets out that the District needs to provide 14,975 new homes, with the implication that this overrides all other considerations. We consider that these figures are overstated. There is no requirement on the Council to set such a figure. Ministerial statements have been clear that housing figures do not over-ride Green Belt policies and the overall quantum of housing should be adjusted to reflect this. This lowers the figure, which impacts on the Rural Area Beyond the Green Belt, in which this site lies.***

***The planning statement submitted in support of the application repeatedly refers to the Council's inability to demonstrate a five year housing land supply, and the implicit limited weight which can be given to the Saved Local Plan policies as a result. The Council should give due worth to the National Planning policy Framework and the Saved Local Plan policies in determining this application and note that the lack of a five year housing land supply does not constitute a reason to justify the development. Under those policies this site should be inappropriate. The development is outside of the settlement boundary and in our view would cause harm to the character and appearance of the area. The pattern along both Claybush Road and Ashwell Street is not one of backland development and the proposal would be intrusive and clearly visible from the east to the south and west.***

***The Council has rejected previous applications for development on this site as it is unsuitable for residential use, decisions which were upheld on appeal. Nothing has materially changed and it is not consistent to now include it as a 'preferred option' in the emerging Local Plan"***

**3.14 Ashwell Parish Council - object to the application, including all the amended plans, for the following reasons:**

- ☐ ***concern regarding drainage and flooding downhill from the development. In particular with regard the long term maintenance of the of the soakaway drainage proposed in the site and what will happen in the future if this does not work, or gets blocked up and houses downhill get flooded. Express concern that the developer is passing the responsibility of this development onto the new individual home owners and that the management company will not effectively manage the drainage or provide compensation for home owners downhill who get flooded.***
- ☐ ***The application fails to protect valued landscapes and heritage.***
- ☐ ***The proposal fails highway safety and we have concerns regarding pedestrian access and the use of a private road, where refuse vehicles have to reverse up. There is no footpath along the road and this is near a very busy junction where school buses park. The existing footpath extends up to the junction of Bear Lane and Ashwell Street and includes many (19) steps. It is steep and dangerous in icy weather. The residents of Ashwell Street are seeking legal clarification whether the pedestrian link can use their private street.***
- ☐ ***The site is outside of the village boundary and the PC have objected to this site's inclusion in the Land Allocations Plan.***
- ☐ ***Object to the adverse visual impact the development will have on the scheduled ancient monument, the protected landscape of the chalk uplands and the views into the conservation area.***
- ☐ ***The proposal is unacceptable as views from Claybush Hill as large buildings would dominate.***



- ☐ ***We do not consider that this proposal is consistent with the Heritage Assessment of Ashwell June 2016, which stated that development should be limited to the north west of the site and only 1.5 storeys high to protect long range views of the ancient monument.***
- ☐ ***Concern regarding the long term protection of the tree boundary to protect the views from the village.***
- ☐ ***The PC are of the view that even though the District Council cannot provide a five year land supply, the adverse impacts of this development on the landscape, the heritage setting and the failure to demonstrate highway safety significantly outweighs the benefit of housing on this site.***
- ☐ ***Other sites have been identified in Ashwell that would meet our local housing need.***
- ☐ ***Our objections and those of local parishioners are real concerns and not of a 'nimby' nature. People from across the village have expressed concern, not just residents of Claybush Road.***
- ☐ ***The emerging Neighbourhood Plan Housing Survey has identified a lack of provision for the elderly, and this development does not meet this need. Recent development a Walkdens and Philosophers Gate has addressed some need for social and small family units.***
- ☐ ***There are inaccuracies in the application and documents have been worded to favour the development.***
- ☐ ***The design is not reflective of the village of Ashwell.***
- ☐ ***The height of the dwellings is not compliant with the good design for a landscape sloping site overlooking a settlement that includes a conservation area and the Grade 1 listed St Mary's Church.***
- ☐ ***This is an area of archaeological significance and we are concerned that this has not been adequately considered.***
- ☐ ***There is insufficient infrastructure in the village and the application does not adequately address this and problems will be exacerbated.***
- ☐ ***We expect to be included in the negotiation of S106 obligations to ensure that the needs of the village are adequately taken into account.***

3.15 **Neighbour views** - the Council has received replies from approximately 300 respondents (running total is available to view on the website), with many people responding more than once, as local residents have been consulted four times on this application when amended plans have been received. Three replies have been in support, with the rest all objecting to the application. Due to the number of replies, the key points are grouped and summarised below:

3.16 Support

I have no objection. Layout looks good

3.17 Objecting - Principle:

- ☐ we object to any development of the proposed site.
- ☐ The site is outside of the village boundary. The village voted with a large majority to keep the boundary in a recent survey.
- ☐ We need to preserve our boundaries and remain as a village.
- ☐ The previous Inspector rejected the previous Planning Application for good reason.
- ☐ Other suitable sites have been and still are being identified for building new houses. We are not objecting to building just for the sake of it.
- ☐ There are better sites to build in Ashwell than this.
- ☐ The village has already had built 69 houses since 2011 and at least five other sites have been identified where you can build so we do not have to have these 33 houses.

- ☐ The village has been growing at 2% per year and this is not sustainable growth and additional development of this size is entirely inappropriate.
- ☐ Over 260 people have objected to this application along with the Parish Council. To approve this application is contrary to the Localism Act 2011 which states: *'that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhoods and shape the development and growth of their local area'*.
- ☐ The application fails to comply with Saved Policy 7 of the Local Plan.
- ☐ We need houses for the elderly. The village has struggled to find buyers for the recently built affordable housing.
- ☐ This proposal is contrary to the Ashwell Housing Needs survey, and these houses have already been built elsewhere.
- ☐ The village survey and the draft Neighbourhood Plan make it very clear that this proposal is against the village's wishes.
- ☐ Why should our heritage be sacrificed?
- ☐ Large scale developments in such a location are unnecessary and do not fit with the majority of the residents needs and wants.

### 3.18 Objecting - Layout and design:

- ☐ the scheme still shows the tallest plot (14-16) next door, on a higher elevation than plots 11-13. This plot will tower over anything in the area at a height that will dominate the landscape and intrude on us and neighbouring properties which are much smaller.
- ☐ The height of no.14 Claybush Road should not be used to mitigate the new location of the dwellings as due to the topography of the land they stand more than 3m higher than no.14.
- ☐ The density is significantly higher than development surrounding it and is contrary to the Ashwell Design Plan which states that lower densities should be favoured on the edges of the settlement where this respects the established local character. New development on the periphery of the settlements should be at a lower density to mark the transition to the rural area beyond.

### 3.19 Objecting - Landscape:

- ☐ the developers cannot and must not be allowed to propose a development which shows such disregard to the landscape.
- ☐ Towering houses will dominate the skyline.
- ☐ It will ruin the entrance into the village / visually impact on the horizon from the North.
- ☐ This will extend ribbon development considerably higher than the existing houses on Claybush Road.
- ☐ This is a protected landscape and on a high point of the village.
- ☐ A proper analysis of the impact on Arbury Banks has not been undertaken. It is unacceptable to say 'small possibility that the roof lines'. This needs to be objectively assessed by accurate cross-sections especially as the plans place the taller building at the higher (southern) end of the site. The fact that some buildings can already be seen is not relevant.
- ☐ It will impact the setting and views of St Mary's Church.
- ☐ There is no assessment of the impact on the landscape when viewed from the north-west of the village. The skyline behind the village is very significant and largely unspoiled. That is all part of the village setting and its relationship with the Historic Landscape.
- ☐ I object to the light pollution this site will introduce.
- ☐ Widening the road will change the character of this entrance into the village from a country road into a large expanse of suburban tarmac.

- ☐ When building our home we were informed by the planning office that this entrance into the village was vitally important as it was the first impression of the village.
- ☐ If a 15m level platform is being proposed to connect to Claybush Road I would have expected plans and a 3D diagram to show it for people to make a reasonable response considering how visible this would be when exiting the village.
- ☐ I object to the removal of the hedgerows and trees along the access track. This provides our screening.
- ☐ I object to the loss of this view where I enjoy walking my dog
- ☐ The houses are so close to the trees that new owners will probably cut the trees down.

### 3.20 Objecting - Highways issues:

- ☐ Ashwell Street is to be gated as it has been determined that it is unsuitable for pedestrian access. We cannot afford to pay for any injury to the public. Five houses on the street have agreed to this and the gate will be open on Mondays for refuse collection.
- ☐ Pedestrian and vehicle access is dangerous. Pedestrians will have to walk along unlit roads with no pavements.
- ☐ Any new housing development in the village needs to provide level pedestrian access to the High Street to allow people to walk to the village amenities,
- ☐ Visit the High Street on any weekday at school drop or pick up. It's mayhem. I watched a police car trying to drive up the High Street, they got so frustrated they parked up on the grass verge and started directing traffic. More houses means more cars it won't work. It's unsafe and nonsensical.
- ☐ Cars park along Claybush Road which blocks access for large vehicles and when bins are left out on collection day this block sight lines even more.
- ☐ There appears to be no assessment of the impact of 70% of the traffic turning left and impact upon the village. These corners - Silver Street / Bear Street / Back Street / High Street are often dangerous at peak times and school bus times and there is a risk to pedestrians and property damage.
- ☐ Safe access for mums with children, elderly and disabled has not been provided.
- ☐ These houses are isolated. People will have to drive down into the village.
- ☐ It is dangerous for the number of cars that will come from this development to discharge onto country roads and enter the village. The village cannot cope with any more cars.
- ☐ The recent Cooks development will exacerbate the parking problem in this part of the village.
- ☐ The whole of Claybush Road has a speeding problem. How can a plan requesting access for 90 more cars on Claybush Road be a good idea.
- ☐ The access crossed the driveway of no.14 making a very dangerous situation especially if there is a parked car to block the sight lines.
- ☐ The refuse lorry sweep path goes across both sides of the carriage way making a very dangerous situation.
- ☐ The highways sight line also extends across the lines of the deeds of no.12.
- ☐ My right of access has not been taken into account. The proposed alterations to my driveway are completely unacceptable because they are dangerous. The sight lines fabricated by Croudace go through my hedge - do they propose that I remove it? They will also create a steep incline from my drive, expect me to take a sharp turn into traffic and block my current access. They cannot do this, we have right of access to this road which they cannot remove.
- ☐ It is not possible to achieve the sight lines the plans / report set out.

### 3.21 Objecting - Drainage:

- ☐ soakaways do not work. There is a similar soakaway in Philosopher's Gate which does not work. A house there keeps flooding. These soakaways are costly to maintain, need maintenance every year and are ineffective as they get blocked up.
- ☐ The plans show two drainage grids immediate west of the junction discharging into the site. It is stated that the road access will be level with the road. A very considerable volume of rainwater flows down Claybush Road. This will divert into the development discharging into the site and no consideration has been given to this at all.
- ☐ I definitely do not want a soakaway behind my hedge because it is up hill and all the water will run into my house.
- ☐ What plans are there in place to stop water running down the palaeo-channel and flooding houses down the hill and into the High Street?
- ☐ The flooding specialists have turned this application down for good reason.
- ☐ It is difficult to assess what the likely permeability of the palaeo-channel might be since there is no real evidence presented beyond a description of the infill material. The permeability will be mainly controlled by the degree of fissuring in the 'friable sandy clay' and its gravel content. The Croudace letter makes sweeping statement and the permeability of 'clay' but does not entirely reflect the description from the trial pit logs.
- ☐ I do not consider proper inflation tests were carried out in the pits that intercept the palaeo-channel.
- ☐ The projection of the palaeo-channel from the site toward West End is speculative.
- ☐ Whilst it might be possible to demonstrate that the site will not flood, the flooding of other houses off site has not been demonstrated.
- ☐ The flood Risk Report does not take into account the extent of non-permeable surfaces in the development that will be inevitably be taken up over time with extensions, conservatories, sheds, patios and flower beds with weed membranes.
- ☐ My house and my neighbours are downhill to this site and already get flooded due to the inadequate drainage being overwhelmed by surface water being discharged. This development will be unable to suitably contain all of its run-off in thunderstorm conditions. The water will be unable to soak away fast enough and will enter the street drain which is already failing to cope with the quantity of water they already receive in thunderstorms.
- ☐ I am concerned that if the run off water goes into the palaeo-channel the water will flood up from underground.
- ☐ Forget about chimneys, no one cares about them. Think what will happen if lots of houses in West End become uninhabitable because of flooding. How would your feel if it were your home regularly flooding?

### 3.22 Objecting - Amenity issues

- ☐ It will place unacceptable demand on local amenities and infrastructure.
- ☐ The sewage infrastructure cannot cope with this development. Pipes are old and frequently block.
- ☐ This site is important for tourism.
- ☐ All my privacy will be lost. The windows of the house behind me will look into my bedroom windows.
- ☐ The shadowing from the houses will put our garden into the shade.

### 3.23 Objecting - Other issues:

- ☐ the re-consultation process is confusing and unclear. It is not clear if my earlier comments have been passed to the developer as my objection to the plans still exists.
- ☐ The lack of a detailed response on the amendments does not mean a change of view or an acceptance of the development.
- ☐ Are we to assume that the Council now supports this development even though other sites have been offered in the village?
- ☐ The amendments have in no way addressed my objection and I assume that my objections are being completely ignored. Is there any point in making objections? Is anyone listening to the views of those most directly affected by this disastrous development? It would appear that the legitimate concerns and objection of the hundreds of people most closely affected by their development are being completely ignored.
- ☐ It seems to me that the decision to go ahead with this development was made quite some time ago - once a suitable 'arrangement' between yourselves and the developers was made - and that any form of public consultation is a sham and a waste of time as our views will be ignored. You should be ashamed of yourselves for behaving in such a corrupt and undemocratic manner, but instead you are probably rubbing your hands with glee at the prospect of the rearwards coming your way.
- ☐ NHDC needs to take local democracy seriously and consider the will of the vast majority of Ashwell's residents. We are growing tired of hostile planning applications, such as this one, driven by avaricious landowners who have no interest in local concerns and wishes.
- ☐ The plans on the website are hard to read and the time scale for consultation is too short and over the holiday period so many people will miss it.
- ☐ I feel it is disingenuous that this is the third time we are being consulted on this application when nothing materially has changed to alter the validity of my previous objections.
- ☐ The amended plans have not overcome the objections stated on this application.
- ☐ It is disgusting that the proposed developer has been taking steps as if planning permission has already been granted. Including marking out plots and netting up the hedgerows. Acting as if permission is a foregone conclusion is outrageous behaviour and does nothing to breed confidence in the overall planning permission process.
- ☐ It is immoral that our previous objections have not even been read, let alone taken into account.
- ☐ You are determined to sacrifice the village because some greedy person is willing to sell the land.
- ☐ I urge you to reject this application which has been the most objected to planning application in living memory in the village for very good reason.
- ☐ Ashwell school is oversubscribed with no more space for expansion even if finance were available.
- ☐ Ashwell school is reducing its size down to one class group per year to balance its budget.
- ☐ The proposal does not meet the needs of the many older people in the village who need appropriate housing within the village. If they could move into flats / bungalows within the village that would free up family sized houses within the village.

- ☐ the residents of numbers 47, 49, 51, 53, 55, 57 and 59 Ashwell Street do not agree to the re-surfacing of Ashwell Street, or to any trees being cut back, or to the road being widened.
- ☐ The sight lines required by the DOE cannot be provided.
- ☐ We object to the development as the pedestrian link via Ashwell Street is not safe.
- ☐ Croudace does not own the land required to undertake the works set out in the Road Safety Audit. Therefore, these works cannot be done.
- ☐ Any attempt to undertake these works without the consent of the owners of the properties fronting Ashwell Street is in contravention of the 1862 Ashwell Enclosure Map and Awards, which the applicant is relying on to say they have access over the lane in the first instance.
- ☐ The owners along here are keeping the road not repaired and the hedges unclipped as a strategy to keep traffic speeds low as there have been many near miss accidents over the years.
- ☐ The applicant has no right to use the area of the site marked as 'public open space' as this is outside of these awards. Mr Gurney realised this a number of years ago and tried to sell this land to the neighbours.
- ☐ The Enclosures Award state that this route is only for fit able bodied people to work the land and to provide food for the poor. Therefore, this cannot be considered a suitable right of way for everyone, including mothers with buggies and those in wheelchairs.
- ☐ The new vehicle sight lines for the access on Claybush Road goes through the front garden of no.12 and therefore this fails DoE advice and cannot be delivered on site.
- ☐ The Transport Statement undertaken by Transport Dynamics advises that the pedestrian route is not safe.
- ☐ The Parish Council are concerned at not being included in the negotiations of the S106 Document.

3.25 New issues raised by neighbour's following re-consultation in July 2019 of the Council's commissioned RSA documents:

- ☐ The recently provided RSA includes a number of significant omissions or statement that do not necessarily reflect the true position.
- ☐ This section of Ashwell Street is a private carriageway, not a public right of way;
- ☐ The photo in the document shows a car on the road but this is mis-leading as refuse vehicles and other large vehicle use this road and there is not space around these vehicles for a pedestrian at all. Many of these large vehicles have to reverse 100 plus metres as there is no where to turn and there is no where along this 20m section of road for pedestrians to step off.
- ☐ This proposed pedestrian access fails Manual for Street as there is no adequate visibility for either vehicles or pedestrians of each other.
- ☐ The re-surfacing of this section of Ashwell Street would result in vehicles travelling faster which would only increase the risk of accidents.
- ☐ Any lighting of Ashwell Street would not be acceptable to local residential and this would be vigorously opposed.
- ☐ It is not physically possible for pedestrians to pass vehicles.
- ☐ The safety audit fails to take into account the safety of pedestrian crossing to the nearest footpath at Bear Lane.
- ☐ The route is not suitable for disabled, elderly, mothers and buggies and children. The average gradient between Claybush Fields and the Village High Street is 1 in 10 which exceed mobility access recommendation of less than 1 in 20 so is unacceptable for a new access.
- ☐ We believe the Safety Audit is inadequate, incomplete and unsound. For the reasons of Safety Risk and limitations of accessibility to the village amenities we object to this planning application.

- ☐ We continue to object to this development. Nothing alters the fundamental unsuitability of the site.
- ☐ Since the report was written the junction has changed due to the new housing estate on the Cooks site. Cars and off road motor bikes wizz up and down the newly tarmacked road. There is an increased threat to pedestrian safety. This three way junction is now a four way junction.
- ☐ There are unsold new homes in Ashwell so I do not understand why any developer would want to risk losing money which so many building company have lost money in Ashwell.
- ☐ The builder at The Limes said he wished he has never set eyes on the site because he has had so many problems with water and the drains.
- ☐ In the last few day the head teacher has informed parents the school is full.
- ☐ We strongly object to the development of AS1 as it does not pass the NPPF test of Soundness and Sustainability and it does not accord to the relevant Local and Central Government Policy Guidelines.

New comments from the Parish Council:

- ☐ We object to these documents as we consider they contain significant errors as this part of Ashwell Street is a Private Road not a Public Right of Way.
- ☐ The PC has been informed that legal disputes with the residents of the Private Road remain unresolved. It is understood that the recent claim by the applicant that they are the dominant landowner and are thus entitled to undertake repairs to the private road to make it safe is disputed and there is evidence to support this.
- ☐ Unless the issues of safety can be fully resolved then the application fails to comply with the requirements of AS1.
- ☐ NHDC should not be considering this application until all issues have been resolved. Any grant of permission at this stage would potentially open their decision to legal challenge and potential litigation on safety grounds in the event of an accident involving pedestrians.
- ☐ The PC maintains its objections to the allocation of this site as AS1.

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The application site is a greenfield site (1.7 ha) positioned on the south side of the village of Ashwell. The site lies to the west of Claybush Road, rear of houses numbers 4 - 14 Claybush Road. The site extends to the north, adjoining the rear of houses 41 - 57 Ashwell Street. There is an existing gated, track access off Claybush Road, between no.14 and an existing pumping station. Whilst the field itself is open, there is a belt of mature trees rear of 4 - 14 Claybush Road, and some trees around the site along the field boundaries. The land is a hill, with the land sloping downhill to the north and west. As a result, the change in levels across the site is quite significant.

### **4.2 Proposal**

- 4.2.1 The application is seeking full planning permission for the residential development of the land of 30 dwellings comprising 26 houses and four flats. The layout plan, drawing no. 1130.P1.400.Q shows that a vehicle access would be created off Claybush Road on the south side of no.14. This would lead down into the site forming a circular ring road, with the houses positioned around this.

- 4.2.2 In summary the proposed dwellings comprise:  
 - 2 x 5-bed detached houses;

- 3 x 4-bed detached houses with detached garage with studio accommodation above;
- 2 x 4-bed detached houses;
- 7 x 3-bed detached houses;
- one pair of 3-bed semi-detached houses (2 houses in total);
- one pair of semi-detached houses comprising 1 x 3-bed house and 1 x 2-bed house;
- two pairs of 2-bed semi-detached houses (4 houses in total);
- 4 x 2-bed detached bungalows;
- 4 x 1-bed flats in two two storey buildings.

4.2.3 All the detached houses have garages or car ports and off street parking. The semi-detached houses, bungalows and flats have off street parking and no garages. Each dwelling has a private garden area, including the flats. On the east side of the site the mature belt of trees is to be retained, and the grass area rear of the trees bordering up to the houses in Claybush Road is being retained and proposed as an area of public open space.

4.2.4 The application is supported by the following documents:

- Planning Statement;
- Design and Access Statement;
- Open Space Assessment;
- Sustainability Statement;
- Affordable Housing Statement;
- Statement of Community Involvement;
- Transport Statement;
- Flood Risk Assessment and letter dated 24th January 2017 regarding the palaeo-channel;
- Desk Based Assessment - Land West of no.1 Claybush Road, Ashwell;
- Specification for Archaeological Evaluation;
- Heritage Impact Assessment - Land West of no.1 Claybush Road, Ashwell;
- National Vegetation Classification (NVC) Report - Land to the West of 1 Claybush Road, Ashwell;
- Arboricultural Report for Lane to the West of Claybush Road, Ashwell;
- Extended Phase One Ecology Report;
- Southern Testing Site Investigation Report;
- Stage 1 Road Safety Audit;
- Landscape Screening - Additional Information

4.2.5 All these documents are available to view on the Council's website. Some key points are summarised below:

4.2.6 Planning Statement - this sets out the policy background for the application and sets out that as the Council does not have a five year land supply and that the site is not a Green Belt location, there is no objection to the principle of this proposal. Furthermore, that the published Strategic Housing Land Availability Assessment (SHLAA November 2014) identifies this site as a deliverable site within the housing trajectory (set out in the SHLAA) and that this site should be able to deliver on completions from the financial year 2016 -17.

4.2.7 Design and Access Statement - that sets out that this site has a long history of refusals over a 30 year period, but that now the site is an allocated site for housing in the new local plan. It sets out the design process the applicant has gone through. It also states that the application site has excellent transport and pedestrian links, and due to the layout of the land the site is well screened from views around the site. It also sets out an appraisal of design styles of existing dwellings within the village, and states that the design of the proposed houses is in keeping with local character.



- 4.2.8 Landscape screening - the site has a mixed boundary of mature hedgerow and mixed mature field trees, forming a strong characterful boundary screen to the site. This asset will be retained and enhanced as part of the development. Part of the landscape proposal is to plant approximately 40 additional native trees within the development, with the intention of further softening and screening the built elements.
- 4.2.9 Flood Risk Assessment - The proposed residential development will result in an increase in impermeable area, therefore the risk of flooding compared to the current situation is considered to increase. It is proposed that wherever possible private house soakaways will be utilised in back gardens in order to attenuate and discharge via infiltration the surface water produced as a result of each house and its associated hard standing. The site will be drained by a combination of private soakaways and cellular storage. The application regarding drainage has not been updated following the amendment of the application from 33 dwellings to 30. The drainage strategy for the site when 33 dwellings was proposed, confirmed that the site has been split into two catchment areas and each will have its own cellular storage structure which has been sized to accommodate the surface water run off in order to result in no flooding for the 1 in 100 year plus climate change event, before discharging via infiltration, and this was concluded to be a sustainable solution in terms of flood risk. The applicant has confirmed that this was a strategy only, and that the principle of this will not be greatly different following the amendment of the application. A condition is recommended to cover the issue of drainage from the site.

4.2.10 Letter dated 24th January 2017 from Croudace (applicant)

***" I can confirm that though a palaeo-channel is present it will not aggravate off-site flooding. Furthermore, the development itself will utilise SUDS to mitigate future flooding events rather than cause additional flooding. Palaeo-channels that consist of sands and gravels offer a permeable route for ground water to travel, hence the level of concern regarding palaeo-channels. We have undertaken extensive ground investigation activities at the development site and reviewing the Site Investigation Report it is demonstrable from trial pits 5, 7, 8 and 9 which are clearly aligned with the palaeo-channel, show the channel to be entirely comprised of a band of clay. As the palaeo-channel is formed of secondary clays which are highly impermeable and do not offer a viable drainage route, the groundwater will infiltrate through the surrounding chalk, which is highly permeable, rather than along the palaeo-channel.***

***Furthermore, it is unreasonable to claim that the proposed development will overall increase the volume of surface water infiltrating into the ground, thus affecting the ground water table. The volume of water is wholly controlled by the weather and the build up of the site makes no difference to the resulting volume of water from precipitation. Thus, it is unreasonable to argue that the development will affect the local ground water table, as presently precipitation must primarily infiltrate into the ground. The drainage system proposes utilising a permeable pavement as the primary infiltration device on the site and utilises checkdam structures to control water levels within the permeable subbase of the pavement. This avoids the focused outlet nature of individual soakaways as our proposed permeable pavement structure is spread across 2000m2 of land".***

- 4.2.11 Archaeological Report - Oxford Archaeology East was commissioned by Croudace Homes to evaluate the application and trial trenching was done on site before determination. This work took place between the 3rd to 7th October 2016. As a result of the evaluation a pre-historic palaeo-channel, two small features relating to the Roman period, a post-medieval field boundary and windmill mount were recorded.

### 4.3 Key Issues

#### 4.3.1 The key areas for consideration are:

- Policy context and principle of development;
- Layout, design and site context;
- Access and highways issues;
- Landscape and heritage considerations;
- Environmental matters - drainage, sewage, ecology and archaeology;
- Amenity issues;
- Sustainability;
- Planning Obligations;
- Ashwell Plan;
- Planning balance and conclusion.

#### **Policy context and principle of development**

4.3.2 The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan no.2 with Alterations (1996). Saved Policy 6 - Rural areas beyond the Green Belt, is applicable as the proposed development site is outside of the village boundary of Ashwell. Saved Policy 6 is a rural restraint policy which seeks to prevent new development in rural areas outside of existing settlements.

4.3.3 The application site has been identified in the NHDC emerging Proposed Submission Local Plan (incorporating Main Modification) as a housing site – AS1. Paragraph 13.7 of this plan states that this housing site is identified for up to 33 homes with the following policy criteria:

- Provision of a vehicular and pedestrian access into the village;
- Sensitive design and layout required in terms of ridge line and setting within the landscape, retain existing boundary hedgerows and supplement with additional planting on the east and west boundaries to improve views from Arbury Banks and screen properties on Claybush Road;
- Heritage Impact Assessment required informing design and layout at southern extent of site to respect setting of Arbury Banks Schedule Ancient Monument and the views of St Mary's Church; and
- Provide archaeological survey prior to development.

4.3.4 Although in the Rural Area beyond the Green Belt under the Saved policies of the 1996 Local Plan, this site is identified in the Submission Local Plan (incorporating Main Modifications) as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land, which is currently estimated to be between to be less than 1.5 years supply (exact figure to be published in forthcoming Annual Monitoring Report (AMR)). Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed, and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years worth of housing against their housing requirement set out in adopted strategic policies.

4.3.5 Paragraph 48 of the NPPF (Framework) advises that emerging plans can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that can be given).

- 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
- 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).

4.3.6 The emerging Local Plan is at an advanced stage. Consultation on the Main Modifications took place between 3<sup>rd</sup> January – 11<sup>th</sup> April 2019. Whilst there are still unresolved objections to the policies in the plan, including with regards to AS1 (see below for more discussion on this point), it is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the NPPF.

4.3.7 Paragraph 49 of the NPPF states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) The emerging plan is an advance stage but is not yet formally part of the development plan of the area.

4.3.8 In this case, the emerging Local Plan (over the plan period 2011 – 2031) identified the need to deliver at least 14,000 new homes for North Hertfordshire's own needs. Policy SP8 of the emerging plan sets out that 4,860 of these homes are to be provided through local housing allocations, such as AS1. In total, 21 housing sites are recommended / allocated to meet the target of 4,860 new homes, and given that this site is proposing only 30 of these 4,860 new homes, the delivery of these houses, when combined with the other allocated housing sites, will make a meaningful contribution to meeting future housing needs. When considered in isolation, this proposal is not considered to be so significant or substantial as to undermine the plan making process. As this proposal does not meet the requirements of test (a) above, test (b) is not applicable, as both grounds need to be satisfied. Therefore, I do not consider that a reason for refusal of this planning application based on prematurity in advance of the Local Plan could be sustained at an appeal.

#### Unresolved objections

4.3.9 A number of parties have made objections to emerging Policy AS1. These include objections with regards to heritage and landscape issues. Local residents and amenity groups raised objection to this part of the policy at the Examination in Public (EiP). The Inspector has not expressly said how he intends to deal with the objections. To that extent, they remain 'unresolved'. However, set against this, to date, the Inspector has not required the Council to make any substantive changes to the wording of this policy with regards to these two issues.

4.3.10 As a result, in my view, substantial weight can be given to the conclusion that the wording as set out within the emerging Policy AS1 is likely to remain unchanged throughout the remaining stages of plan preparation. Therefore, consideration of these issues is discussed in more detail below, along with all the other development management considerations.

- 4.3.11 In light of the policy context for this application, namely the advanced stage of the emerging Local Plan, the absence of a five year housing land supply and the analysis that the application cannot be considered to be premature, there is no objection to the principle of residential development on this site, as there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11d of the NPPF. I consider that this outweighs the relevance of Saved Policy 6 of the 1996 Local Plan and that as the site has locus in the emerging the Local Plan, that a refusal of permission on the basis of prematurity cannot be sustained and the Council currently has less than a 1.5 year land supply of deliverable housing sites, well short of the five year supply required in the Framework, that no sustainable objection can be raised to the principle of new housing on this site. As such this report moves on to assess more detailed development management considerations.

### **Layout, design and site context**

- 4.3.12 The site amounts to an outward expansion to the village although there is existing residential development on two sides of the site, which the proposed development will be an extension to. As existing the land is open agricultural land with important screening along the western boundary and to the rear of the houses in Claybush Road. The important tree screen rear of Claybush Road is being retained with an area of open space rear of these houses. The proposed new dwellings form a circular cul-de-sac with the gardens extending out to the site boundaries.
- 4.3.13 This proposal is for 30 dwellings, formed by 22 houses, four bungalows and four flats (with the flats appearing as two two storey houses), set around a circular road. The bungalows are 6m in height, and the houses vary from 7.2m (the two bed semi-detached houses) to 8.5m in height, with most of the detached houses being 8.3m to 8.5m tall. Each property, including the flats, has its own private rear garden area and off street parking for at least two vehicles. The garden sizes and off street parking varies, with larger houses having the larger rear gardens and double garages with parking for a further two to four cars on the driveway. Nine of the three bed houses have three off street car parking spaces including a car port and around the development there is lay-by parking for a further six vehicles. As each house / flat has its own rear garden area, there is space for bin storage for each property within the garden and not in the road frontage.
- 4.3.14 With regards to garden size, gardens are adequate in my judgement. The houses along the west boundary have rear gardens of 10m to 15m in depth, with the three bedroom houses having gardens 10m to 12m wide, and the four and five bed houses having gardens between 18m to 30m wide. These gardens are west facing and run up to the important west boundary of the site.
- 4.3.15 The bungalows on the north boundary also have 10m deep rear gardens, which are 15m wide. These are north facing rear gardens, but given the spacing around the bungalows with the parking areas, sufficient sunlight should reach the back gardens to make these useable and enjoyable spaces in my judgement.
- 4.3.16 The houses in the central part of the site have opposing rear elevations. This back to back distance varies from 24m between the rear of plots 18/19 to 22 to a more generous distance of 37m between plots 14/15 and 25/26. Saved Policy 57 of the existing Local Plan requires a back to back distance of 30m. Given that this can be considered to be a generous allowance and that this is a factor that future owners can take into account, I consider the relationships to be satisfactory. Some effort has been made to site the houses on slightly different angles so that windows are not

directly opposing, although this is not fully achieved and there would be some overlooking between the rears of these houses and over each other's rear gardens. In summary however, it is my view that the occupiers of these new dwellings will experience some loss of amenity as a result of the design, but this has to be balanced against the need to make effective use of land and other material considerations.

4.3.17 There is a significant levels change across the site. The Indicative Levels Plan (DES/072/100C May 2016) indicates that the works to create the vehicle access will result in this access having a 3m drop in levels from Claybush Road to the point where the access road joins the inner ring road. Furthermore, the inner ring road in front of plots 2 and 3 is 5m higher than the level of the ring road in front of plot no. 11. The proposed street scene elevations shown on drawing no. 1130.P1.600.J shows that the houses do drop in ridge height level as they go down the hill. The tree belt on the west boundary will effectively screen the development in my view. Given that the trees are approximately 6m in height and the houses are 8.3m to 8.5m in height, the roofs of the houses will be visible above the trees. The impact this will have in the landscape is discussed in more detail below.

4.3.18 I have no objection to the design of the proposed houses or chosen external materials with sections of brick work, timber cladding and render, which will provide for visual variation within the street scene and is complementary to the character of Ashwell village. However, for two storey houses the houses would have a prominent appearance and several of the designs do appear to have very tall roofs. However, on balance, no objection is raised to the layout and design of the proposed dwellings and the scheme layout is considered to be appropriate for the site context with existing residential development on two sides of the site.

### **Access and highway issues**

4.3.19 The proposed pedestrian and highway accesses have been a contentious issues in relation to this application. To comply with Policy AS1 this site must deliver both a vehicular and pedestrian access.

#### Vehicle Access

4.3.20 The site layout plan, drawing no. 1130.P1.400.Q shows a vehicle access joining Claybush Road to the south of no.14, and a pedestrian pathway linking down past plot no.11 to an access track linking down to Ashwell Street. This track is grassed over in the rear part and the front half is used as a driveway access by numbers 47 and 51 Ashwell Street.

4.3.21 With regards to the vehicle access, the latest layout plan, drawing no. 1130.P1.400.Q shows that the vehicle access is to be relocated to the south side of the existing access track with the long hedgerow leading from the lane to the site to now be retained. A section of hedgerow along the road frontage is to be removed and the lane will have a wider section where the access road joins the highway of Claybush Road. The roadway of Claybush Road is just over 5m wide with a grassy verge on either side. The plans do not show any significant works to widen the lane other than at the point where the new vehicle access way joins. A 13m wide section of hedgerow from the lane frontage is to be removed to allow the space for the access to be constructed and to allow necessary vision splays.

4.3.22 With regards to impact on no.14, the access has been amended so that it now no longer impacts the right of way to no.14 and the existing access track into the field.

- 4.3.23 A benefit of the access way being sited on the south side of the track, means that the shared surface access way is now further away from no.14. The shared surface vehicle access way is now just over 14m away from the side flank wall of no.14, and the retention of the existing hedgerow on the north side of the proposed shared surface will help to block noise and screen number 14 from vehicles coming and going from the development, and will help to reduce any adverse impact on the residential amenities of no.14 from the proposed development.

#### Pedestrian Access

- 4.3.24 The application proposes a pedestrian access on the north side of the site, adjacent to plot no.11. As existing there is a field gate in this location which connects down to a grassy track in the rear part of the land between numbers 47 and 51 Ashwell Street, with the front part hard gravel and used as driveway access for numbers 47 and 51. The plans show a pedestrian pathway to connect down, with the front section re-paved (the details of this are not provided at this stage) to still allow access into the front gardens / parking areas for numbers 47 and 51. This pedestrian link has proved to be contentious locally, both in terms of the use of Ashwell Street as a pedestrian link for the development, and the safety of it. I shall discuss each issue separately.

#### Use of Ashwell Street

- 4.3.25 It is a requirement of the emerging local plan Policy AS1, that to deliver this site as a local plan housing allocation there must be the provision of pedestrian access into the village. Given that Claybush Road does not have pavements, this cannot be realistically considered to form an effective pedestrian link. Furthermore, due to land ownership and the extent of front gardens it is not possible for the applicant to enter the necessary agreements with the Highway Authority to create a new pedestrian footpath link along Claybush Road. Therefore, the application is proposing the pedestrian link from the north side of the site via Ashwell Street.
- 4.3.26 In terms of establishing the right of access, the applicant has referred back to the 1862 Enclosure Award for Ashwell. Allotments 249, 250 and 285 comprise most of the development area of the site, and the area within these allotments have a right of way over the 'road no.251' owned by field number 253. The applicant sets out that field 253 is land now owned by Mr Farr, but that all houses fronting Ashwell Street and the majority of the land within the application site (within the areas of old allotments plots 249, 250 and 285) have an equal right of way over Ashwell Street for the use of it.
- 4.3.27 On this basis the applicant applied to Land Registry to seek amendments to the deeds of the land, which resulted in a Tribunal in January 2019. On 29/05/19 the Lands Tribunal found in favour of the applicant and has confirmed that the application site does have the right to use the un-adopted stretch of Ashwell Street and the Court has instructed the Land Registry to update the property title information accordingly. The decision letter from the Tribunal at paragraph 37 states:

***"I have found that Mr Gurney did use Ashwell Street to access the Field (the application site). However even if he had not used it, I would not have found that the right of way over Ashwell Street to the field had been abandoned..."***

- 4.3.28 Therefore on this basis, the applicant has set out that the application site does have a right of way over Ashwell Street and pedestrians from the proposed new housing would have a legal right to use Ash well Street to walk to the village centre from the new dwellings. It is therefore acceptable for the layout plan (plan 400Q) to show a pedestrian footpath coming down past the side of proposed plot 11 adjoining onto Ashwell Street between numbers 47 and 51. This route would therefore form the

required pedestrian access from the development to the village centre, as set out in Policy AS1 of the emerging Local Plan.

### Safety

- 4.3.29 Local residents have also raised concerns about the safety of the proposed pedestrian link over Ashwell Street. The proposed pedestrian route off the application site will lead to the short un-adopted section of Ashwell Street to then reach the junction of Ashwell Street with Bear Lane. Whilst being relatively short in distance, this section of Ashwell Street is very narrow with the concrete roadway being 2.6m wide, with extra width to the bank (a muddy channel next to the edge of the concrete roadway) of 0.3m taking the total width to 2.9m. Owners along this section of Ashwell Street state that when cars, refuse vehicles or other vehicles are using this lane, pedestrians have to 'duck off' the pathway into front gardens / driveways as it is too narrow to allow a pedestrian to pass by a car. There are no pavements or street lights, and the road surface has dips and pot holes. Local residents have expressed concern that if an increased number of pedestrians start using this lane, and in particular school children walking to school and parents with pushchairs, there is the fear that this could increase the risk of accidents.
- 4.3.30 As a result, the developer was asked to carry out a Safety Audit this route. The results of this are contained in **Appendix 1**. In summary this raises concerns with safety, and concludes that to improve visibility and safety, trees and hedgerows should be cut back and the road re-surfaced.
- 4.3.31 Following the Land Tribunal Result, the applicant has set out that as they now have a proven right of way, they also have the right to carry out the works to re-surface the road and cut back the vegetation overhanging this section of Ashwell Street to make this short un-adopted section of Ashwell Street as safe as possible, in accordance with the requirements of the Safety Audit. A letter confirming this right and an extract from the Practical Law Property encyclopaedia are attached at **Appendix 2**.
- 4.3.32 Attached at **Appendix 3** is the RSA by Transport Dynamics, which was submitted by the local neighbour objection group, and attached at **Appendix 4** is the RSA prepared by Transport Planning Associates. This document was commissioned on behalf of the Council. The reason officers commissioned this independent reports was because Hertfordshire County Council (Highways) would not comment on the safety or otherwise of an un-adopted street. Both these reports refer to the un-adopted section of Ashwell Street as Public Rights of Way, which neighbour's have objected to, stating that this section of Ashwell Street is in fact private carriage way. Whilst I note this error in both of these documents I do not consider that this incorrect use of terminology is significant or affects the conclusions of these reports.
- 4.3.33 The Transport Dynamics report sets out concerns regarding pedestrian safely along the Ashwell Street section and states that a lack of continuity for pedestrians along Ashwell Street and Bear Lane may result in an increased risk of slip / trip hazards for pedestrians or vehicle / pedestrian collisions. This report states that signs should be erected on Ashwell Street warning that pedestrians may be in the carriageway.
- 4.3.34 The Transport Planning Associates report, commissioned by officers, refers to the section of Ashwell Street as being *'not an adopted highway and does not confirm to any Highway Standards and/or safety regulations. ...it is accepted therefore that it operates outside of any Highway Traffic Act's, Regulations and / or Standards. There is currently no priority hierarchy given to pedestrians or vehicles except it is known that pedestrians tend to use private driveways to avoid vehicles on Ashwell Street PRow, which is an accepted practice by all residents.'*

*There is insufficient room for pedestrians and vehicles to pass safely along the length of Ashwell Street PRow. Where currently it is accepted that pedestrians use local resident's driveways to take refuge to avoid vehicles, this practice is not expected to be allowed to continue with the increased number of pedestrians expected to use the link from the development site".*

- 4.3.35 The report concludes that this section of Ashwell Street is essentially a 'shared space for vehicles and pedestrians' with the level of visibility allowing drivers to give way to pedestrians and other vehicles from both directions during the hours of daylight. However, there is no street lighting along this section of Ashwell Street and during the hours of darkness visibility of pedestrians would be reduced and would have to be picked up by vehicle headlights.
- 4.3.36 It states that there is no data to set out if the increased or new pedestrian movements would be at new or the same peak times. It concludes that this section of Ashwell Street should be re-surfaced to stop pedestrians from stepping round potholes, and thus more likely to increase collisions by then stepping in front of vehicles, and that this section of Ashwell Street should have lighting to further increase safety.
- 4.3.37 The report concludes by stating that the interaction of pedestrians and vehicles along this section of Ashwell Street has taken place for many years and it cannot be determined at this stage as to whether any increased pedestrian use along this section of Ashwell Street is likely to increase the risk of collisions as it has not been determined whether the increased use is in addition to existing pedestrian traffic flows at the same times, or whether the increased pedestrian use would be at different times with less or more vehicle traffic. It does however seem likely to me that the proposed addition of 30 dwellings would increase pedestrian use of this section of Ashwell Street. However, with the increased demand from the residential development site, it is likely that there may be more of a tendency for drivers to give way more to pedestrians under this new regime as drivers will be more aware of pedestrians thus being slower and more aware of pedestrians using the shared space. Finally, the point is made that although this section of Ashwell Street is very narrow, it is possible for a pedestrian and a vehicle to pass by each other.
- 4.3.38 As the road is un-adopted, Hertfordshire County Council (Highways) state that they are not in a position to comment on the safety audit reports as they deal with safety issues for a pedestrian route that is outside the limits of the adopted highway. My own view is that the applicant is proceeding with caution and taking all reasonable and possible steps to improve the potential safety of the route with resurfacing, cutting back the vegetation to improve visibility along the route and is happy to put in some form of lighting along Ashwell Street to increase safety. Conditions are recommended to ensure that these works are undertaken prior to the first occupation of the development. Given the narrow width of the lane drivers have to go slowly and future users, as with all pedestrian / road junctions, will have to take due care. The Council's commissioned document concludes that with more pedestrians, drivers will be more aware of pedestrians locally and thus will have more awareness of pedestrians and the Council's commissioned document does conclude that it is possible for pedestrians to pass by a standard car. I note the comments from neighbours that it is not possible to pass by a bin lorry or larger vehicle. However, as with any road junction it is the responsibility of both the driver and pedestrian to take due care.
- 4.3.39 Many local residents have raised objection on the basis that the pedestrian route to the village is down a steep hill with steps and this route is not suitable for the disabled or the elderly and that this development is not acceptable on this basis. Whilst I note this objection, I cannot support it. Once at the top of Bear Lane, this pavement / route into



the village is both existing, and outside of, the application site and this application therefore has no influence or control over these existing pavements. If they are unacceptable, these are the responsibility of Hertfordshire Highways to change the pavement width or number, depth or steepness of the steps. Emerging Policy AS1 states '*provision of a vehicle and pedestrian access into the village*'. This application can be concluded to meet this requirement, as a pedestrian link is provided. The fact that the existing pavement down Bear Lane is a hill with steps and thus not suitable for disabled people, in my view is outside of the remit of this application and is an argument that could not be substantiated at appeal.

4.3.40 In conclusion, given that Claybush Road does not have pavements and is a relatively steep hill down to the village, and that the route via Ashwell Street is a more level route from the north side of the application site to the village, and that the application has set out a right of way over the route and measures to improve safety, I raise no objection to the proposed pedestrian access layout. On this basis I consider that the planning application meets the provision of both a vehicle and pedestrian access into the village requirement of Policy AS1 of the emerging Local Plan. Suitably worded planning condition(s) are recommended below to ensure that the requirements of the Safety Audit are carried out in a timely manner before the occupiers of the development start using the pedestrian access.

4.3.41 A land owner who has an interest in Ashwell Street states in representations to this planning application that the applicant would not have the right to undertake works to Ashwell Street. Such an issue is not relevant to the determination of this planning application, it is a civil matter between the applicant and the owners of Ashwell Street. The Grampian condition recommended below (condition 25) does however require these works to be undertaken before the development is commenced and thereafter maintained. How this is carried out is not a matter for the local planning authority, save to say if the works are not undertaken then the development within the application site cannot commence. Members must be advised that a refusal of planning permission based on a civil matter such as this could not be sustained at an appeal. Case law is also clear that when conditions can be used to mitigate the impact of development and make otherwise unacceptable development acceptable in planning terms, permission should not be refused and that such a refusal would be unreasonable. Recommended condition nos. 24 and 25 achieve this aim and are in accordance with the Policy requirements of AS1.

## **Landscape and heritage considerations**

### Heritage

4.3.42 Many Ashwell residents have objected on the basis that they consider the proposal will harm the setting of the nearby Ancient Scheduled Monument Arbury Banks, as it will be visible in long distance views. Having walked to Arbury Banks and assessed this relationship I cannot support this objection as the distance separating the two sites is three fields and a public footpath. In my view the two sites are not within the immediate visual context of each other, and the visual impact of the development when viewed from Arbury Banks would, in my view, be so minimal that I do not consider that the refusal of this application for this reason can be justified.

4.3.43 Consideration must also be given to the setting of Claybush Road and the impact the new vehicle access will have. The existing mature hedgerow fronting the lane is an attractive roadside feature and part of the setting of Claybush Road and the entrance

into the village of Ashwell. From this part of Claybush Road, due to the steep drop in levels it is possible to see the steeple of St Mary's Church, a Grade 1 listed building, and this approach forms an attractive approach into the historic village of Ashwell. I have a degree of concern that the removal of the 13m stretch of hedgerow to allow the new access combined with its location on the south side of the existing access track into the application site off Claybush Road, will alter the character of this approach. I consider that more landscaping on the south side of the proposed shared surface vehicle access (which can be achieved via the landscaping condition) is required to further screen this in approach views from the lane itself to minimise any impact. However, on balance I raise no objection to this issue and conclude that the impact will be less than substantial harm to the setting of the lane and the approach into the village. I base this conclusion on the following analysis; that in my view car drivers will pass by the access fairly quickly and given that the closest house is set back from Claybush Road by 35m, views from Claybush Road will be of a hedged / landscaped access which is similar to the existing context of the lane as existing.

- 4.3.44 Furthermore, this site is not within the Conservation Area nor are there any listed buildings in proximity to the proposed site which need protecting in their immediate setting. The access will not block the view of the church from the lane, it would merely change the appearance of a small section of the lane, and in time people will adjust and accept the change. Finally, this is an allocated housing site in the emerging local plan, and needs an access. In conclusion I do not consider that there are any outstanding heritage issues relating to the application, and I do not consider that the setting of the lane or the impact the development would have on the context of the approach into the village is a reason to withhold the grant of planning permission. I therefore consider that the proposal meets this requirement test of Policy AS1.

#### Landscape

- 4.3.45 In terms of the visual impact the proposed houses will have it is clear that they will be visible in the context of the landscape when viewed from Claybush Road and in longer distance views from the public footpath that lies to the west of the development. As set out in the design and layout section above, the internal road layout drops by 5m across the site. Proposed street scene plan 600J at cross-section AA shows that the ridge height of plot 4 (at the top of the hill) is 4.8m higher than the house in plot 10 (at the bottom of the hill). Policy AS1 requires for the *“sensitive design and layout required in terms of ridge line and setting within landscape”*. Given that the houses have been designed so that the ridge height of the dwellings drops as the land goes down hill it is my view that reasonable efforts have been made to take account of site topography and the layout can be regarded to be sensitive to the landscape context. Whilst it is acknowledged that the houses will be visible in comparison to the undeveloped field, the site layout plan drawing no. 1130.P1.400.Q shows that along the south and west boundaries there are many existing trees, which are to be retained and additional tree planting specified to fill in any gaps. A landscaping condition is recommended to ensure final consideration of the proposed landscaping. Accordingly it can be concluded that the site will have effective tree setting and screening. This, combined with the effort to set the dwellings within the context of the site and given that this is an allocated housing site, leads me to conclude that the impact in the landscape will be acceptable and the policy test of AS1 in this regard is met, in my view.
- 4.3.46 I note the concern that there will be conflict between the future occupiers and the trees along the west boundary, as future owners may wish to fell the trees to achieve open views of the countryside rear of the houses. A condition is also recommended to secure the retention of the landscaping and in my view this concern, which may not arise, is not a reason to withhold the grant of planning permission.

## Environmental Matters

### Flooding

- 4.3.47 A major objection to this application from the Parish Council and local residents is the concern that this development will result in increased flooding downhill within the village of Ashwell and the issues of a paeleo-channel on site have been raised. As a result, this application has been critically assessed on the issue of site drainage. In conclusion, the HCC Lead Local Flood Authority team are raising no objection subject to a condition. Furthermore, it is set out in the application that in the event that the development is built, a management company would be set up and one of their responsibilities will be the long term maintenance of the SUDs drainage system. The setting up of this management company is a clause within the draft S106 Legal Agreement, which if signed and the development is built, will ensure this happens.

### Sewage

- 4.3.48 With regards to the proposed sewage system, the application sets out:

***"The capacity in the existing sewer system has been confirmed by Anglian Water. The sewers and pump station shall both accord with the Building Regulations Part H and BS EN 752. These standards mandate the foul pump station shall provide 24 hour emergency storage in the event of a breakdown for the entire site. An audible and visual alarm shall be fitted to the pump station and shall activate should the storage chamber start to fill up. The site shall also benefit from a Management Company who will maintain the Pump Station and will also be able to respond in the situation of a breakdown. It is also worth noting that additional storage is also provided in the way of upstream drains and chambers, so the actual storage provided shall be in excess of 24 hours. With such safeguards in place it is beyond any reasonable doubt that the pump station will not overflow. However also observing the system from an engineering point-of-view the foul flow rate for 31 houses is 1.4l/s. So in the event of a flood, which is exceptionally unlikely given the safeguards in place, the flow from a flood event is so low that it would also be exceptionally unlikely to leave the site before further action could be taken. In conclusion there are multiple levels of protection in place to prevent an overflow event and even if against all probability that a flood were to occur the flow rate of such an event is so low that it poses a very minimal risk. Finally the low flow rate from the site is very unlikely to impact the local sewer system significantly and Anglian Water have also confirmed that the existing system does have capacity".***

- 4.3.49 Based on the above information and given that Anglian Water raise no objection subject to a condition being imposed, no objection is raised to the proposal.

### Ecology

- 4.3.50 An updated Ecology report was submitted on 24/06/19. This concludes that with the recommended mitigation and enhancement measures there will be no harm on site. These measures are recommended.

### Archaeology

- 4.3.51 As set out above, an archaeology report has been submitted with the application and the Historic England team at HCC have been consulted on the results. The archaeology evaluation identified the presence of archaeological features on site. These were dated to the Roman and post-Medieval periods, with a Roman ditch and

pit in the northern part of the site. These have been interpreted as representing activity that is peripheral to Roman settlement in the area. A mound in the farm south west of the area has been interpreted as the site of Kitchener's mill.

- 4.3.52 The results of the evaluation suggest that this presence of remains of national importance that would require preservation '*in situ*' is unlikely. However, given that there are significant archaeological features, such as Bronze Age round barrows to the east and Arbury Banks hillfort to the west it is appropriate to conclude that there may be the possibility archaeology on site. Therefore, an archaeological condition is recommended to cover this issue and it can be concluded that this aspect of the proposal is in accordance with the requirements of Policy AS1.

### **Amenity issues**

- 4.3.53 As discussed above under layout and design considerations, there will be a degree of overlooking and loss of privacy between the proposed houses that back towards each other in the central part of the site. However, as future occupiers can take this into account, this is of less concern than the adverse impact proposed on the existing adjoining neighbours to the site.
- 4.3.54 With regards to impact on no.14, as stated above, the access has now been relocated, and the impact on no.14 will, in my view, now be minimal. I have a degree of concern that the dwellings on proposed plots 11 - 13 will be visible to the existing occupiers of numbers 43 - 47 Ashwell Street. Saved Policy 57 of the adopted Local Plan advocates that a back to back distance of 30m is an acceptable distance to retain privacy and prevent dominance. The site layout plan shows that a back to back distance of at least 33m is to be retained between these neighbours and the proposed bungalows in plots 11 - 13, in compliance with Saved Local Plan Policy 57. The plans show that the properties in plots 11 - 13 are 6m high bungalows. The cross-section details on drawing number 1130.P1.650.C shows the fall in ground level as the land continues to the north down to Ashwell Street. These plans show that the bungalow rear of no. 47 Ashwell Street has a ridge height 1.5m taller at a distance of 33m and the bungalow rear of no.43 (plot 13) will have a ridge height 4.5m taller at a distance of 35m. There are some trees and shrubs on the rear boundary, and the layout plans show that this is to be increased. As these existing occupiers currently have views out over open countryside and instead they will have a row of trees along their rear boundary fence with the new properties behind, the outlook of these occupiers will be most affected. As Members will be aware, in planning there is no right to retain a view. The proposed back to back distance is in excess of that recommended in the Saved Policy 57 of local plan of 30m and landscaping to screen the new properties is also proposed. Whilst I acknowledged that the outlook will be changed for the residents in Ashwell Street and that these occupiers will see the development, this is not considered to be a reason for refusal that could be substantiated at appeal in my view.
- 4.3.55 With regards to privacy to these neighbours, as plots 11 - 13 are bungalows, their ground floor windows will be screened by the proposed fencing and trees on the rear boundary. Therefore, I do not consider that this proposal represents an unacceptable loss of privacy to these proposed neighbours on Ashwell Street
- 4.3.56 There will be less impact to on the existing neighbours on Claybush Road in terms of impact on outlook, as these houses have their outlook mainly protected by the open space and retention of the tree belt separating the area of open space from the built part of the development. On balance, I have no objection to this proposed relationship.

4.3.57 The NPPF sets out a presumption in favour of sustainable development as a general policy stance, although it still requires to deliver on housing numbers. Given, as discussed above, there is no objection to the principle of the residential re-development of this site, in my view, no significant material weight can be given to the assertion that building on a greenfield site is not sustainable in principle. Looking at the site in the broader context of sustainability, Ashwell has a train station, primary school, public house, local shops and a vibrant community spirit. Even though secondary school aged children and many people in paid employment commute out of the village for these, Ashwell is still regarded to be a sustainable settlement. As a pedestrian footpath link is proposed, future occupiers will have the choice to walk or cycle into the village, rather than having to take the car. In conclusion, in the overall context of the application, no objection is made to the application on the basis of sustainability.

### **Affordable housing**

4.3.58 Set out within the emerging Local Plan it states that North Hertfordshire is going to be affected by considerable housing growth over the plan period, and that if all of this were to be private / market housing that it would fail to meet the housing needs of new forming households on lower incomes who would not be able to afford to live locally. Affordable housing is provided for those who cannot access open market housing and including affordable rented housing and intermediate housing, such as shared ownership schemes. It will be secured through the S106 Agreement to make sure that the benefit of the housing continues in the long term.

4.3.59 Policy HS2 of the emerging Local Plan requires for housing proposals with 25 or more dwellings to provide 40% of dwellings as affordable dwellings. As set out above, the application is proposing 12 units to be for affordable accommodation, which meets this 40% contribution target. The affordable accommodation is to be 8 dwellings (4 x 1-bed flats; 3 x 2-bed houses and 1 x 3-bed house) for affordable rent and 4 dwellings (2 x 2-bed houses and 2 x 3-bed houses) for affordable shared ownership. This is considered to be in accordance with this policy and no objection is raised on this basis.

### **Planning Obligations**

4.3.60 The applicant has agreed to pay the following S106 Legal Agreement undertakings. All the payments are to be collected by NHDC:

- 12 units for affordable housing with the split of 65% for affordable rent and 35% for affordable shared ownership;
- That development cannot commence until it has the Council's approval of the SUDs scheme and management scheme, and that this has to be implemented on site;
- Details of the management plan for the open space to be submitted to and agreed by the Council's and these details have to be implemented on site;
- A contribution towards bin provision (£2,062 based on £71 per dwellinghouse and £54 per flat);
- £8,000 for Sustainable Transport improvements towards the design and construction of highway improvement works to the bus stop along the High Street;
- £75,000 to Ashwell Parish Council for funds towards a new pavilion building collected under the 2006 SPD categories of community halls / centres; leisure, play space and pitch sport.

### **Ashwell Neighbourhood Plan**

4.3.61 The first round of public consultation was undertaken in Autumn 2018. To date the plan has not progressed to the stage of being made. Therefore, very little weight can be given to the policies within this plan. It is noted that this plan does identify three

possible housing sites within the village, none of which are this proposed site, AS1. However, as this plan is not made, and given the progressed stage of the emerging Local Plan where this is an allocated housing site, it is not considered that the Ashwell Neighbourhood Plan has any material influence on the determination of this application at this time.

### **Planning balance and Conclusion**

- 4.3.62 Site AS1 is a housing allocation in the emerging Local Plan which is at an advance stage in preparation. Its development will make a contribution towards the Council's planned supply of housing land. At present the Council does not have up-to-date housing policies in the Saved Local Plan and cannot demonstrate a five year deliverable supply of housing land, indeed the shortfall is significant. The site will also make a valuable and much needed contribution to the supply of affordable housing in the District. I consider that these benefits have considerable weight in the planning balance.
- 4.3.63 The application site is not Green Belt and does not fall within a protected landscape area. The development has been designed to sit sensitively within the landscape, with the houses positioned so their slab levels and resulting ridge heights drop as the land falls downhill and with gardens extending out to the site boundaries. The existing landscaping rear of the houses in Claybush Road and along the west boundary is being retained and enhanced to help screen the site and to maintain the site's context and setting in the landscape. It is also concluded that the application poses no adverse harm to the setting of Arbury Banks and less than substantial harm to the setting and context of Claybush Lane and the approach into the village from this direction.
- 4.3.64 The distances the new dwellings are sited to the existing neighbours both along Ashwell Street and Claybush Road are adequate, and additional landscaping along site boundaries is being proposed. Therefore, whilst neighbours will see these houses, it cannot be concluded that there would be direct adverse harm on their residential amenities from the development. Within the development, there will be some overlooking and a limited loss of privacy between some of the dwellings that back on to each other. However, efforts have been made to position windows so that they are not directly overlooking and potential future occupiers can take the layout of the houses and the relationship between neighbours into account before purchase. The application provides for adequate off street parking, bin storage space and private amenity areas and will overall provide future residential with a good quality living environment.
- 4.3.65 The vehicle access off Claybush Road has been repositioned to the south of the existing access track, so that the right of way of no.14 Claybush Road is not affected. The application has set out that it does have a right of way for future pedestrians to walk via Ashwell Street into the village and will undertake measures to enhance the safety of the un-adopted section of Ashwell Street. As a result, the application is considered to meet all the requirements of emerging Policy AS1.
- 4.3.66 As it is possible to walk into the village and given the Ashwell is classed as a sustainable village, no objection is made to the application on the basis of sustainability. I note the concerns around the public footpath outside of the application site and the ability for those with walking limitations to be able to use this route. However, by implementing the requirements of the Safety Audit this route can be made as safe as possible for pedestrians.
- 4.3.67 The application is therefore considered to meet the necessary policy requirements for such new developments and is recommended for conditional permission, subject to the

completion of the S106 Legal Agreement and the recommended conditions and S278 highways works.

#### 4.5 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### 5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the completion of the Section 106 Legal Agreement and the following conditions:
- 6.2 In the event that the applicant does not agree any necessary extensions to the Statutory Determination that the Development and Conservation Manager be given delegated authority to refuse planning permission on the basis of the absence of a completed S106 Obligation.

#### 7.0 **Appendices**

- 7.1 **Appendix 1** – Pedestrian Access Road Safety Audit Stage 1 & 2.
- 7.2 **Appendix 2** – Statement regarding right to carry out works to un-adopted road and extract from Planning Law.
- 7.3 **Appendix 3** – RSA prepared by Transport Dynamics.
- 7.4 **Appendix 4** - RSA prepared by Transport Planning Associates.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roofs of the development hereby permitted shall be submitted to and approved in writing by

the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Before any development commences on site, full details covering the following are to be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details are to be implemented on site:

a) which, if any, of the existing vegetation is to be removed and which is to be retained;

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. The planting along the south side of the vehicle access way is to be enhanced / increased;

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;

d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the later; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the



foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

9. Prior to any other development and / or construction works on site, the proposed access shall first be constructed to base course construction for the first 12 metres and the join to the existing carriageway is to be constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity

10. The gradient of the access shall not be steeper than 1 in 50 for the first 12 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

11. The access road shall be a minimum of 5.50 metres wide and the kerb radii shall be 10 metres as identified on drawing number 072/064 revision F.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 90 metres to the northern direction and 2.4 metres x 84 metres to the southern direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the foot way level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

13. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

14. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Cleaning of site entrance and the adjacent public highways and,
- f. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

15. A No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- 1. The programme and methodology of site investigation and recording;
  - 2. The programme for post investigation assessment;
  - 3. Provision to be made for analysis of the site investigation and recording;
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To protect any archaeological finds on site.

16. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and agreed in writing by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, Project no. 70020615, Revision 3, dated of December 2016, produce by WS Parsons Brinckerhoff and updated additional information.

The surface water drainage scheme should include:

10 BRE Digest 365 compliant infiltration tests for the two soakaways, specifying the exact location and the exact depth where the infiltration features are proposed to be located. This should take into account that the bottom of the soakaways should be located below the clay layer (which is comprised between depths from 0.3m to 1.4m) so that infiltration will take place only through the base of the soakaway

2) If the infiltration rates obtained of the soakaways prove to be lower than  $1.0 \times 10^{-6}$  then the applicant should provide an alternative strategy in order to drain the surface water from the new development.

3) Once the results of the infiltration tests are known, all calculation should be updated including pre development and post development for all rainfall events up to and including the 1 in 100 year plus climate change event. The updated calculation should consider the whole site and not only the impermeable area. Also no flooding should occur at and below the 1 in 30 year rainfall event. It should be demonstrated that any flooding above this can be managed within the site without increasing flood risk to the proposed development and the surrounding area. Both the 1 in 100 year and the 1 in 100 year + climate change extents, depths and volumes should be established.

4) Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 year rainfall return period).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure adequate drainage.

17. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage

Reason: To reduce the risk of flooding to the proposed development and future occupants.

18. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

19. Before any development commences on site, a landscape and ecological

management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect the natural environment.

20. Prior to occupation a 'lighting design strategy for biodiversity' for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect bats.

21. No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:  
A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;  
(ii) The results from the application of an appropriate risk assessment  
Methodology

discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

This site shall not be occupied, or brought into use, until:

All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

22. Prior to occupation each property with dedicated parking (either in the form of a garage or dedicated space adjacent to a house) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

23. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

24. Prior to the commencement of the development hereby permitted, full details of a scheme of pedestrian safety measures for works on Ashwell Street, incorporating measures identified in the applicant's safety audit and the Council's safety audit (including street lighting for the benefit of Ashwell Street) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate safety measures are undertaken along Ashwell Street to improve pedestrian and vehicular safety into and out of the site.

25. The development hereby permitted shall not commence until all safety measures approved in writing by the Local Planning Authority under condition 24 of this planning permission identified are implemented in full. The completed works shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority in perpetuity.

Reason: To ensure safe vehicular and pedestrian access into and out of the application site and the correct phasing of development. To ensure that the applicant

is able to implement these works before the development on the application commences. To ensure the development complies with the requirements of Policy AS1 of the North Hertfordshire Submission Local Plan (2011-2031).

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

Highways Informative:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or call on 0300 1234 047 to obtain the requirements for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

PLANNING OBLIGATION INFORMATIVE: Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

This approach is consistent and relate to the scale and impact of development. The sustainable contribution means the sum of eight thousand pounds (£8,000) (Index Linked) as a contribution towards the design and construction of highway improvement works to the bus stops along the High Street that will encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

**OFFSITE WORKS INFORMATIVE:**

The requirement as part of the offsite s278 works is to include the to extend the existing speed limit to the south. The details of the Speed Limit Order should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.

As a requirement of the section 106 agreement the bus stops along Station Road are required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site. The bus stops will need to be upgraded with easy access kerbs (the existing shelter may need relocating). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106 agreement.

1. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

#### EV Recharging Infrastructure Informative

##### EV Charging Point Specification:

Each charging point, whether wall or post-mounted shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)

If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

##### Environmental Protection Informative:

During construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to:

During the construction phase no activities should take place outside the following hours:

Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

##### Drainage Informative:

We noted that the applicant has provided a SDS Maintenance and Management Plan, Reference 70020615, dated of 15 December 2016, produced by WSP.

















It is stated that the maintenance of the structures will be responsibility of the private management company to be set up by the developer. It is also stated that the property owners will have to undertake complete replacement of any drainage component once they have reached the end of their functional lifetime and when repair is not the practicable solution.

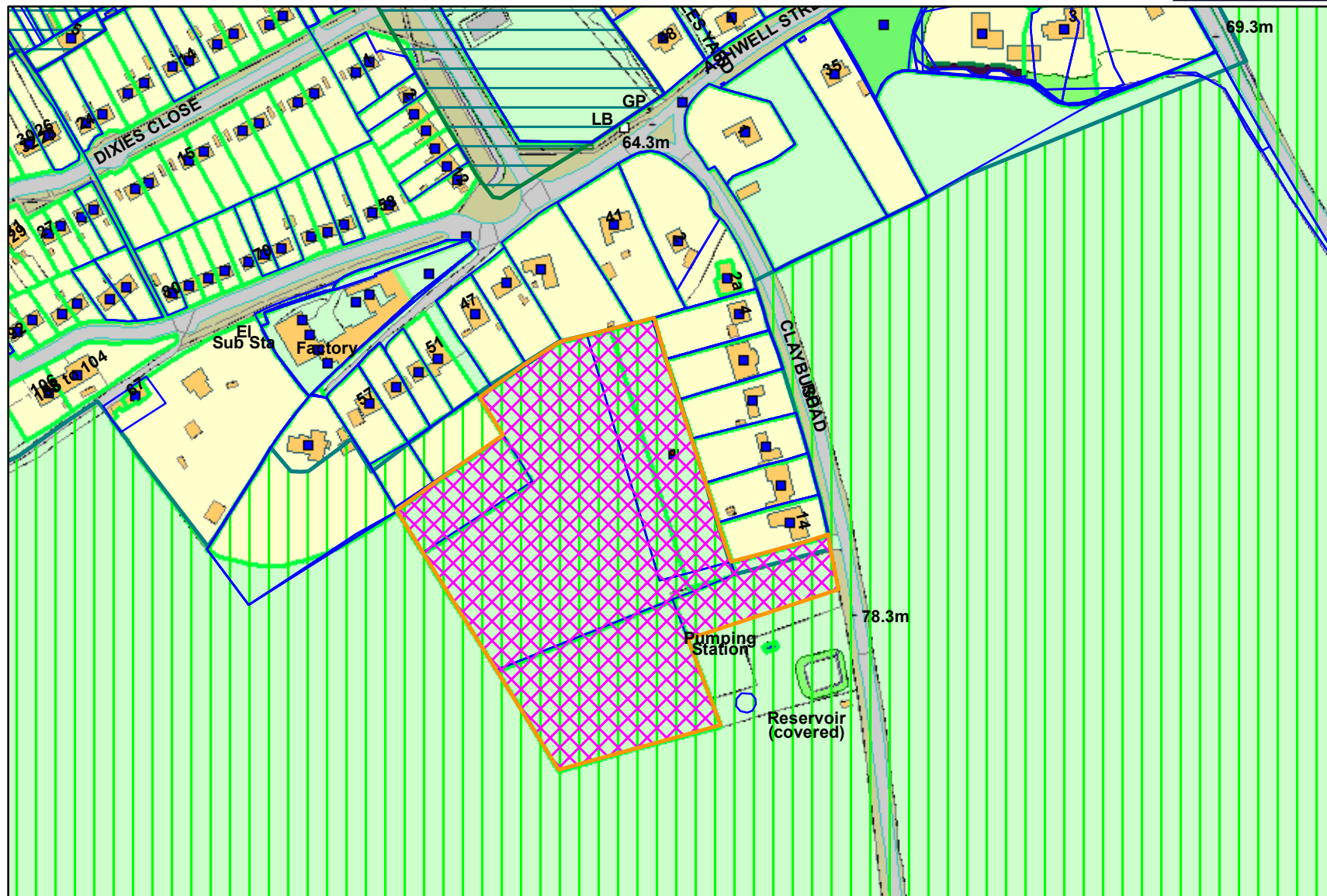
The LPA needs to be satisfied that the maintenance arrangements for proposed drainage scheme are suitable and can be maintained for its lifetime.



## Application Validation Sheet

16/01797/1 Land Rear Of 4-14, Claybush Road, Ashwell, SG7 5RA

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbld.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prconarea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbelt.shp
-  Health & Safety Consultation Zone  
Prhjszone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prmnis.shp
-  Indicative Flood Plain  
Prifpm.shp



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## Claybush Road, Ashwell - Pedestrian Access

### Road Safety Audit Combined Stage 1 & 2

#### Designers Response

##### **2.1 General**

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

##### **2.2 Local Alignment**

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

##### **2.3 Junctions**

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

##### **2.4 Non-Motorised User Provision**

###### **2.4.1 PROBLEM**

Location General - Proposed pedestrian access route between Ashwell Street and residential development (Drawing 072/067).

Summary - Potential lack of adequate and suitable intervisibility could result in a slight increased risk of conflicts occurring between pedestrians and vehicles.

Detail - At this Combined Stage 1 & 2 Road Safety Audit, the scheme proposals indicate that a pedestrian access path is to be provided between Ashwell Street and the proposed residential development sited to the south.

The site visit has established that the existing concrete carriageway access road is narrow with vegetation on both sides and on the exit/entrance corners.

Whilst traffic flows and speeds within this area have been observed to be very low, concern arises that this situation may result in a risk of conflicts occurring between pedestrians and vehicles entering and exiting Ashwell Street.

###### **2.4.1 RECOMMENDATION**

At the construction stage of the project, suitable and adequate intervisibility zones should be provided to enable pedestrians to clearly see any passing vehicles. Associated localised vegetation clearance should be undertaken in particular along the northern side of the proposed pedestrian route itself and exit/entrance corner.

###### **2.4.1 DESIGNERS RESPONSE**

We propose to cut back vegetation as identified on the northern boundary of the pedestrian route and near the entrance exit corner.

##### **2.5 Road Signs, Carriageway Markings & Street Lighting**

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

END OF REPORT

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# **CLAYBUSH ROAD, ASHWELL, HERTFORDSHIRE**

**Proposed Residential Development -  
Pedestrian Access**

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**Road Safety Audit - Combined Stage 1 & 2**

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**Final Report**

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**August 2017**



# REPORT APPROVAL

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## Document Location

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This is a controlled document.

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**SB:TAYLOR BOWIE LTD:CLIENTS:CroudaceHomes:ClaybushRoadAshwellHerts:PedestrianAccess:RSACombinedStage 1&2.docx**

## Revision History

This document has the following history:

Version No.	Version Date	Summary of Changes	Changes marked
1.0	17/07/2017	N/A	N/A

## Approvals

This document requires the following approvals:

Name	Title
Sarah Bowie	Audit Team Leader
Mario Gatti	Audit Team Member

## Distribution

This document has also been distributed to:

Name	Title & Organisation
Alan Griffin	Senior Engineer - Croudace Homes

# 1 INTRODUCTION

## 1.1 Commission & Terms of Reference

This report has been prepared in response to an e-mail commission dated 13<sup>th</sup> July 2017 from Alan Griffin, Croudace Homes, requiring a Combined Stage 1 & 2 Road Safety Audit on a proposed pedestrian access associated with a proposed residential development sited off Claybush Road, Ashwell, Hertfordshire.

The Terms of Reference are as described in the Highways Agency's Design Manual for Roads and Bridges document HD 19/15 'Road Safety Audit'.

## 1.2 The Scheme and its Purpose

The proposed pedestrian access is associated with a residential development on land west of Claybush Road, Ashwell, Hertfordshire. The proposed development is circa 33 residential units.

Pedestrian access to the site is via a short section of concrete road, which connects to Ashwell Street west of its junction with Bear Lane.

This section of Ashwell Street serves seven properties in total, five of which are beyond the access point to the field where the residential development is proposed.

## 1.3 The Audit & Audit Report

The audit comprised an examination of documents forming the Audit Brief and an examination of the site during daylight hours. The documents were made available to the Audit Team by Alan Griffin who was available to respond to queries from the auditors to clarify detailed issues, to provide additional details and to achieve an Audit Brief acceptable to the Audit Team. The total documents forming the Audit Brief are listed in **Appendix A**. Generally, the Brief comprised:

- Proposed pedestrian access

This information was considered sufficient as the Audit Brief for the purpose of undertaking the road safety audit requested.

The Audit Team membership approved for this audit was:

Sarah Bowie                      IEng, MICE, FIHE, MCIHT, MSoRSA HE RSA Cert Comp

(Audit Team Leader)      Director, Taylor Bowie Ltd

Mario Gatti                      BSc Civ Eng, HE RSA Cert Comp

(Audit Team Member)      Associate Consultant, Taylor Bowie Ltd

The audit took place at Taylor Bowie Ltd Letchworth office during July 2017, and both Audit Team Members examined the site together in daylight hours on the morning of Monday 17<sup>th</sup> July 2017. The weather during the site visit was hot and sunny. The carriageway was dry. Traffic flows at all times were light. Five pedestrians and no cyclists were observed during the site visit.

The scheme has been examined, and this report compiled, only with regard to the safety implications to road users of the scheme as presented. It has not been examined or verified for compliance with any other Standards or criteria. However, to clearly explain a safety problem or the recommendation to resolve a problem the Audit Team may, on occasion, have referred to a Design Standard without touching on technical audit.

No Departures from Design Standards have been reported by the Design Organisation.

## 1.4 Audit Administration

This Audit Report has been submitted to the Design Organisation as a draft for checking, consideration and approval. The Design Organisation is responsible for agreeing with the Audit Team Leader the form of the final version of the report and for instructing that the report is presented in its final form.

It is the responsibility of the Audit Project Sponsor, i.e. the local highway authority, Hertfordshire County Council, to advise the Audit Team Leader if any Problem or Recommendation is not adopted. A copy of every signed Exception Report is required by the Audit Team Leader from the Audit Project Sponsor for attachment to the master copy of the Final Audit Report.

Safety issues identified during the audit and site inspection which the Terms of Reference exclude from this report, but which the audit team wishes to draw to the attention of the Audit Project Sponsor, will be set out in a separate letter. These issues could include maintenance items and operational issues. In this regard, the Audit Team have made reference to one item as referred to in a covering letter to the Design Organisation, Croudace Homes, dated 1<sup>st</sup> August 2017. This covering letter should be supplied to the Audit Project Sponsor, Hertfordshire County Council and, be considered in conjunction with this Combined Stage 1 & 2 Road Safety Audit Report.



## 2 ITEMS RAISED IN THIS COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT

### 2.1 General

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

### 2.2 Local Alignment

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

### 2.3 Junctions

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

### 2.4 Non-Motorised User Provision

#### 2.4.1 PROBLEM

Location General - Proposed pedestrian access route between Ashwell Street and residential development (Drawing 072/067).

Summary - Potential lack of adequate and suitable intervisibility could result in a slight increased risk of conflicts occurring between pedestrians and vehicles.

Detail - At this Combined Stage 1 & 2 Road Safety Audit, the scheme proposals indicate that a pedestrian access path is to be provided between Ashwell Street and the proposed residential development sited to the south.

The site visit has established that the existing concrete carriageway access road is narrow with vegetation on both sides and on the exit/entrance corners.

Whilst traffic flows and speeds within this area have been observed to be very low, concern arises that this situation may result in a risk of conflicts occurring between pedestrians and vehicles entering and exiting Ashwell Street.

## RECOMMENDATION

At the construction stage of the project, suitable and adequate intervisibility zones should be provided to enable pedestrians to clearly see any passing vehicles. Associated localised vegetation clearance should be undertaken in particular along the northern side of the proposed pedestrian route itself and exit/entrance corner.

## 2.5 Road Signs, Carriageway Markings & Street Lighting

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

**END OF REPORT - NO PROBLEMS IDENTIFIED OR RECOMMENDATIONS OFFERED IN THIS  
COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT**

### 3 AUDIT TEAM STATEMENT

We certify that this Audit has been carried out in accordance with HD 19/15.

#### AUDIT TEAM LEADER

Sarah Bowie I.Eng, MICE, FIHE, MCIHT, MSoRSA, HE RSA Cert Comp

Director

Taylor Bowie Ltd

Road Safety & Transportation Consultants

5 Curlew Close

Letchworth Garden City

Hertfordshire

SG6 4TG

Signed: 

Date : 1<sup>st</sup> August 2017

#### AUDIT TEAM MEMBER

Mario Gatti BSc Civ Eng, HE RSA Cert Comp

Associate Consultant

Taylor Bowie Ltd

Road Safety & Transportation Consultants

5 Curlew Close

Letchworth Garden City

Hertfordshire

SG6 4TG

Signed: 

Date : 1<sup>st</sup> August 2017

# APPENDIX A

## Documents Forming the Audit Brief

**Drawings:**

<b>DRAWING NO.</b>	<b>TITLE</b>
072/067	Pedestrian Access

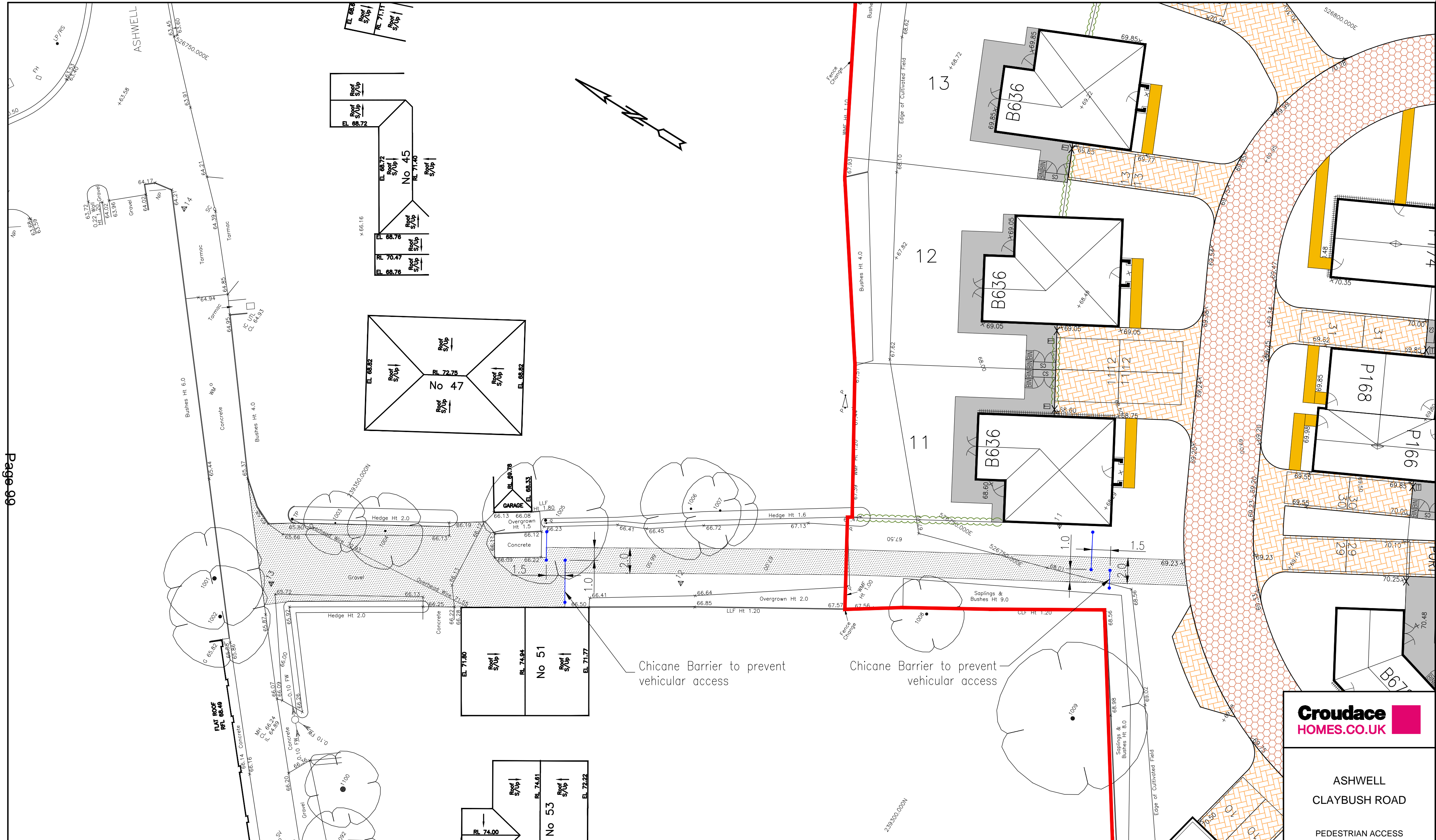
Taylor Bowie Ltd

ROAD SAFETY & TRANSPORTATION CONSULTANCY

5 Curlew Close  
Letchworth Garden City  
Hertfordshire  
SG6 4TG

E: [sarah.bowie@taylorbowie.co.uk](mailto:sarah.bowie@taylorbowie.co.uk)

M: 07810 712985



**KEY**

- Brett Omega Flow Paving–Colour Brindle (Permeable Construction)
- Brett Omega Paving–Colour Autumn Gold (Impermeable Construction)
- Concrete Slabs – Colour Buff
- Concrete Slabs – Colour Natural
- Tarmac

**NOTES**

1. All units shown are in meters.

**Croudace HOMES.CO.UK**

**ASHWELL CLAYBUSH ROAD**

**PEDESTRIAN ACCESS**

SCALE : 1/500 (A2)

DATE : JULY 2017

DRAWN : ACG

CHECKED :

DRG.No. : 072/067

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## **LAND AT ASHWELL STREET, ASHWELL - REPAIR**

The wording of the Enclosure Award states that the "Road is set out for the use of the persons interested for the time being in the allotments numbered 249, 250, 252 and 253 and the "old Enclosure numbered 285". In light of this, there is no constraint on the use. The Enclosure Award also states that the "Road shall forever hereafter be maintained and re-paved by the Owners and proprietors of the allotments".

It has now been confirmed by the First Tier Tribunal that the application site benefits from this express right. The right extends to maintenance and re-paving i.e. structural works not merely use.

I attach a copy of commentary from Practical Law Property dealing with easements and rights and obligations to repair.

I have highlighted the sections that relate to repair of an expressly granted right of way. Please note the statement that the dominant owner (i.e. the user of the right of way) is entitled to maintain and repair the way and to enter onto the "servient owner's land" (i.e. the land over which the right is being exercised) to do necessary work in a reasonable manner.

There is a distinction between an express right (as we are considering in this case) and prescriptive rights. The express grant of a right of way permits the dominant owner to carry out work (even if it is a work of improvement) to the route of the right of way to make the road suitable for intended purposes. If only a prescriptive right had been obtained, queries relating to the scope of the easement might arise, but this is not the case here.

Accordingly, the express right that is or will be shortly noted on the title to the application property extends to repair and improvement of the right of way. Repair to bring the relevant stretch of Ashwell Street to a standard suitable for use (which would include clearing of vegetation and relaying of the surface, repaving is expressly permitted in the wording of the right itself ) are therefore covered.

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We've updated our Privacy Statement. Before you continue, please read our new Privacy Statement and familiarize yourself with the terms.

## Easements: ancillary rights and obligations to repair

by Practical Law Property

This practice note considers whether an easement includes any implied rights or obligations to repair. This note also considers the position where these rights are expressed in the grant of the easement itself.

Maintained  
Resource Type  
Practice notes

### Scope of this note

Easements can be created in a number of different ways, including by **express** and implied grant and by prescription (see *Practice note, Easements: creation: How easements are created*). If an express covenant to repair is not included when an easement is created, a question that often arises is whether there is an ancillary right or an obligation on the dominant or servient owner to repair the subject matter of the easement, such as the way or pipe. This practice note considers this question (see *Implied rights and obligations to repair*).

Jurisdictions  
England  
Wales

This note also considers the position where rights or obligations to repair are expressed in the grant of the easement itself (see *Express rights and obligations to repair*).

This practice note does not cover:

- **So-called fencing "easements"**. These are binding obligations on landowners to maintain fences or hedges around land for the benefit of adjoining land. While described as easements in cases, these rights are not true easements because an easement cannot impose an obligation on the servient owner to spend money. For more information, see *Practice note, Easements: characteristics: Fencing "easements"*.
- **Easements of support**. For a discussion of the relevant issues, including developments in the law of nuisance in the context of easements of support, see *Gale on Easements (Sweet & Maxwell, 20th ed, 2016) paragraph 10-29 to paragraph 10-38*. For background information on:
  - *Holbeck Hall Hotel Ltd v Scarborough BC [2000] QB 836*, see *Legal update, Duty of care owed by neighbours when garden wall collapsed (Court of Appeal): Collapsing land*.
  - *Rees v Skerrett [2001] EWCA Civ 760*, see *Legal update, Rights of support and duties to weatherproof*.

See also *What if the servient owner does not repair?*.

- **Occupier's liability**. If a person using the subject matter of an easement, such as a right of way, is injured because of its bad repair, that person may look for someone to sue. This note does not consider whether the dominant or servient owner may owe a duty to such a person under the *Occupiers' Liability Act 1957* or the *Occupiers Liability Act 1984*. For more information on occupier's liability in the context of easements and repair, see *Gale on Easements (Sweet & Maxwell, 20th ed, 2016) paragraph 1-101 to 1-107*.

### Additional practice notes on easements

This practice note forms part of a series of concise practice notes considering the various aspects of the law governing easements.

The other practice notes in the series are:

- Easements: characteristics.
- Easements: creation.
- Easements: scope and extent.
- Easements: interference and remedies.
- Easements: termination.
- Easements: land registration protection.
- Easements: rights of light.
- Easements: unity of seisin.

For information on the rules governing overriding easements, see *Practice note, Overriding interests and the Land Registration Act 2002*.

## Implied rights and obligations to repair

Where an express covenant to repair is not included when an easement is created, it is important to distinguish between who has the **right** of repair and who has an **obligation** to repair. This distinction is summarised by the Court of Appeal in *Carter v Cole* [2006] EWCA Civ 398 in the context of the repair of an expressly granted right of way. Longmore LJ set out a number of general and uncontroversial propositions (at paragraph 8), all of which, in principle, are subject to contrary agreement. These include the propositions that:

- Once the way exists, the servient owner (who owns the land over which the way passes) is under no obligation to maintain or repair it.
- The dominant owner has no obligation to maintain or repair the way.
- The servient owner can maintain and repair the way, if he chooses.
- The dominant owner (in whose interest it is that the way be kept in good repair) is entitled to maintain and repair the way and, if he wants the way to be kept in repair, must himself bear the cost.
- The dominant owner has a right to enter the servient owner's land for the purpose but only to do necessary work in a reasonable manner.

So, if a dominant owner wants the way to be kept in repair, he must himself bear the cost and will generally have no right to a contribution from the servient owner in the absence of express agreement. The same rule applies where the servient owner carries out repairs.

However, it is also important to understand the possible consequences if the dominant and servient owners fail to repair the subject matter of an easement. For more information, see:

- *What if the dominant owner does not repair?*
- *What if the servient owner does not repair?*

Although a right to enter and repair may be implied as a right ancillary to an easement, it would be better to consider and include such rights in the express grant of an easement (see *Express rights and obligations to repair*).

## Ancillary rights

The grant of an easement will impliedly include those ancillary rights that are reasonably necessary for its use and enjoyment (*Jones v Pritchard* [1908] 1 Ch 630, at 638). This principle can be traced back to *Liford's Case* (1614) 11 Co Rep 46b. For more information on ancillary rights, including examples of such rights, see *Practice note, Easements: scope and extent: Ancillary rights*.

Ancillary rights can arise where an easement has been granted expressly or impliedly or under the doctrine of prescription (see for example, *Newcomen v Coulson* (1877) 5 Ch D 133, *Duke of Westminster v Guild* [1985] Q.B. 688 and *Mills v Silver* [1991] Ch 271 respectively).



## Right of repair

Whether an easement includes ancillary rights often arises in the context of the right of repair. The following example was given in *Jones v Pritchard* at page 638:

"the grantee of an easement for a watercourse through his neighbour's land may, when reasonably necessary, enter his neighbour's land for the purpose of repairing, and may repair, such watercourse."

In other words, the dominant owner is **entitled**, though not **obliged**, as a right ancillary to the easement to enter the servient land and to do such repairs to the subject matter of the easement as are reasonably necessary.

However, an ancillary right to enter the servient tenement to repair it will not be implied where such a right is not necessary (*Edwards v Kumarasamy* [2016] UKSC 40).

Whether an easement includes an ancillary right to repair is not limited to cases where the easement itself has been expressly created. See, for example:

- *Duke of Westminster v Guild* [1985] QB 688, which involved the implied grant of an easement of drainage.
- *Mills v Silver* [1991] Ch 271, which involved the prescriptive acquisition of a right of way.

However, the extent of the ancillary right to repair differs according to the method by which the easement has been created. For more information, see *Can the ancillary right of repair include improving an expressly granted right of way or a right of way acquired by prescription?*.

It is not just the dominant owner who has the right of repair:

"The common law has contemplated with equanimity the prospect that both the servient owner and the dominant owner have the right of repair." (*Carter v Cole*, *Longmore LJ* at para 19.)

## Obligation to repair

In the absence of any special local custom, express contract, or statute, there is no obligation either on the dominant or the servient owner to repair the subject matter of an easement. However, despite the lack of a specific obligation, the dominant and servient owners may have common law rights of action against each other for failing to repair. For more information, see:

- *What if the dominant owner does not repair?*.
- *What if the servient owner does not repair?*.

Easements are essentially negative in character in the way that they relate to the servient land and they only impose or imply positive obligations on servient owners in very limited circumstances. The servient owner's obligation is to refrain from doing anything that impedes enjoyment of the easement by the dominant owner. This is because an "easement requires no more than sufferance on the part of the occupier of the servient tenement" (*Jones v Price* [1965] 2 QB 618 at 631).

In *William Old International Ltd v Arya* [2009] EWHC 599 the High Court held that a developer's right to lay service media across neighbouring land did **not** positively oblige the owners of the neighbouring land to enter into a deed of grant with a statutory undertaker. In addition, there was no implied ancillary obligation of that kind which burdened the servient owner. For more information, see *Legal update, Easements and non-derogation from grant* and *Ask, Is it correct that any right ancillary to an easement must itself be capable of being an easement?*.

## No right to a contribution

If the dominant owner chooses to carry out repairs to the subject matter of the easement, the dominant owner will have to bear the cost and, in the absence of express agreement, will generally have no right to a contribution

from the servient owner (*Konstantinidis v Townsend* (No1) [2003] EWCA Civ 537 at paragraph 19 and *Carter v Cole* at paragraph 8).

The same principle applies where the servient owner carries out repairs to the subject matter of the easement.

### What if the dominant owner does not repair?

Although an easement will not include an ancillary right which **obliges** the dominant owner to keep the subject of the easement in repair, the dominant owner may in practical terms be required to do so to avoid committing a trespass or a nuisance.

So, for example, if the dominant owner installs a pipe, fails to repair it and water escapes from the pipe, that will amount to a trespass to the servient land (*Jones v Pritchard* and *Simmons v Midford* [1969] 2 Ch 415).

Parker J explained this situation in *Jones v Pritchard* at page 638 as follows:

"... there is undoubtedly a class of cases in which the nature of the easement is such that the owner of the dominant tenement not only has the right to repair the subject of the easement, but may be liable to the owner of the servient tenement for damages due to want of repair. Thus, if the easement be to take water in pipes across another man's land and pipes are laid by the owner of the dominant tenement and fall into disrepair, so that water escapes on to the servient tenement, the owner of the dominant tenement will be liable for damage done by such water. Strictly speaking, I do not think that even in this case the dominant owner can be said to be under any duty to repair. I think the true position is that he cannot, under the circumstances mentioned, plead the easement as justifying what would otherwise be a trespass, because the easement is not, in fact, being fairly or properly exercised."

### What if the servient owner does not repair?

In the absence of statute, any special local custom or express contract, the servient owner is not usually required to carry out any repairs necessary to ensure the enjoyment of the easement by the dominant owner. However, the servient owner may incur an obligation to repair if there is disturbance of the easement by the servient owner.

In *Saint v Jenner* [1973] Ch 275, the servient owner installed ramps to slow down the traffic using a right of way over a metalled lane. This, in itself, did not amount to a substantial interference with the right of way. However, substantial interference was caused when the lane's surface deteriorated and potholes appeared at the ends of the ramps.

The servient owner gave undertakings to repair and maintain the surface of the lane. However, the dominant owner was concerned that if a successor in title to the servient land failed to maintain the surface of the lane and did not remove the ramps, the successor could not be made liable to the dominant owner for disturbance of the easement.

The Court of Appeal applied *Sedleigh-Denfield v O'Callaghan* [1940] AC 880 and found that such a successor would be liable because they would be adopting a nuisance. The court held that:

- There was no distinction as to the nature of the remedies between an ordinary case of nuisance and the disturbance of an easement.
- A decline in the surface of the lane would turn something (that is, the ramps) that had not been a disturbance, into a disturbance of the easement.
- The successor in title to the servient land would be bound to repair the surface of the lane if they retained the ramps.

However, it is not every interference with the enjoyment of an easement that amounts in law to a disturbance: the interference with the easement must be of a substantial nature. For more information, see *Practice note, Easements: interference and remedies*.

There have also been a number of developments in the law of nuisance in the context of easements of support. For example, in *Holbeck Hall Hotel Ltd v Scarborough BC*, the Court of Appeal held that the owner of supporting land has a duty which extends, in some circumstances, to a duty to take positive steps to maintain and to continue support. For more information on easements of support, see *Scope of this note*.

## Extent of implied rights ancillary to an easement: some cases considered

The grant of an easement will include those ancillary rights that are reasonably necessary for its use and enjoyment (see *Ancillary rights*). As a result, the extent of the ancillary rights will be determined in each case in the light of the particular circumstances of the grant. This section of the note considers some case law on the construction of implied rights which are ancillary to an easement. The following issues are considered:

- Can ancillary rights include constructing a way which is suitable for the expressly granted right?.
- Can the ancillary right of repair include improving an expressly granted right of way or a right of way acquired by prescription?.
- Is the ancillary right to construct a road limited to the minimum standard to make the grant effective?.
- Can the ancillary right of repair include replacement?.
- What if there is interference with the dominant owner's ancillary right to enter and repair?.

### Can ancillary rights include constructing a way which is suitable for the expressly granted right?

In the absence of express agreement as to the scope of ancillary rights, where a right of way has been expressly granted both of the following apply:

- The grantor of a right of way (the servient owner) is under no obligation to construct the way.
- The dominant owner may enter the servient land for the purpose of making the grant of the right of way effective, namely to construct a way which is suitable for the right granted to the dominant owner.

(*Carter v Cole*.)

For example, in *Newcomen v Coulson* (1877) 5 Ch D 133:

- By an award under an Inclosure Act, allottees were given a right of way on foot and on horseback and with their carts and carriages and with horses, oxen and cattle.
- The award expressly provided that the allottees might "street out" the way, and in such event a particular width was specified.
- A road of the specified width was made when the land having the benefit of the right of way was used only for agricultural purposes.
- Over a century later, the owner of the dominant land built 26 dwellings on the dominant land and created a metalled road in place of the previous cart road.

The court reasoned that it was unlikely that it was contemplated at the time of the inclosure, that at no time thereafter would any house or dwelling of any kind be erected on any part of the large allotments. As a result, the court interpreted the right as a general right of way, in the form of a right of way to all the homes which may be built on the land in question.

The court held that the extent of the express grant entitled the dominant owner to build a metalled road over the right of way, for the following reasons:

- It was a principle of law that the dominant owner of a right of way has a right to enter on the servient land for the purpose of making the grant effective, that is, to enable the dominant owner to exercise the right granted to them.
- This right includes not only keeping the road in repair but the right of making a road such that it could be used for the purposes for which it was granted.



- The word "repair" was not limited to making good the defects in the original soil by subsidence or washing away. Jessel MR gave the following example at page 143:

"If you grant to me over a field a right of carriage-way to my house, I may enter upon your field and make over it a carriage-way sufficient to support the ordinary traffic of a carriage-way, otherwise the grant is of no use to me, because my carriage would sink up to the naves of the wheels in a week or two of wet weather."

See also *Can the ancillary right of repair include improving an expressly granted right of way or a right of way acquired by prescription?*.

#### Can the ancillary right of repair include improving an expressly granted right of way or a right of way acquired by prescription?

An important distinction is drawn between rights acquired by prescription and those acquired by express grant.

*Newcomen v Coulson* illustrates that the express grant of a right of way, may permit the dominant owner to carry out work (even if it is work of improvement) to the route of a right of way, to make the road suitable for the intended purposes of the grant (see *Can ancillary rights include constructing a way which is suitable for the expressly granted right?*). However, in certain circumstances it is possible that improving the right of way as a result of a change to the dominant land may result in a claim that the use of the right of way constitutes excessive user. For more information, see *Practice note, Easements: scope and extent: Excessive user*.

Although the dominant owner may improve a right of way which has been expressly granted for all purposes, a prescriptive right is limited by the nature of the use from which it has arisen. This means that for a prescriptive right of way, the dominant owner will have acquired the right to enter the servient land to undertake repairs, but not to carry out improvements so as to increase the burden upon the servient land (*Mills v Silver* at 286H-287C).

So, for example, in *Mills v Silver*, the court held that the dominant owner had committed trespass by laying a stone road along a farm track over which a prescriptive right of way had been acquired. Making the stone road involved putting down between 600 and 700 tons of stone along the track. Dillon LJ concluded that this was an improvement which went far beyond mere repair. The prescriptive right to which the dominant owner was entitled did not enable them to do that to the detriment of the servient owner.

#### Is the ancillary right to construct a road limited to the minimum standard to make the grant effective?

In *Nationwide Building Society v James Beauchamp (A Firm)* [2001] EWCA Civ 275, the Court of Appeal held that the express grant of a right of way included an ancillary right to construct a road, and in that case, the right was not limited to the minimum standard to make the grant effective. However, *Nationwide* is an unusual case in the sense that:

- The servient owner had expressly covenanted to construct the road to adoption standard, but failed to perform its obligations before it went into insolvent liquidation.
- Ten plots of land were expressly granted a right of way. Each of these dominant owners (Borrowers) defaulted on their loans and it was their lender who wished to rely on the Borrowers' ancillary rights.

In the *Nationwide* case, the lender was the mortgagee of plots in a self-build scheme. Under the scheme, each of the ten Borrowers intended to purchase one plot using a sub-sale arrangement and build a house on that plot. AM created the ten plots from part of its property and retained the other part (retained land). The Borrowers formed a company (W) to hold the land over which the estate road leading to the plots and the retained land was to be built (road land).

W entered into a contract with AM to purchase the ten plots and the road land. The road land was transferred to W and a right of way was expressly reserved over the road land to benefit the retained land. The plots were sold by way of sub-sale to each of the ten Borrowers and each of the ten plots was expressly granted a right of way over the road land.

W covenanted with AM for the benefit of the retained land to construct the estate road and procure its adoption as a highway. However, the estate road was built to base course standard only and was not adopted. The



Borrowers then defaulted on their loans, W went into insolvent liquidation and AM into administrative receivership.

It was not in dispute that if the Borrowers had the right to complete the road to adoption standard, the lender had the same right on taking possession of the plots.

The court held that the Borrowers had an immediate grant of a right of way over the road land, which was not contingent on the construction of the road. As established in prior case law, the grant of a right of way carried with it such ancillary rights as were necessary to make it effective.

Peter Gibson LJ commented that it:

- Did not assist to refer to a common law right as though the common law recognised some independent right regardless of the particular circumstances of the grant of right of way.
- Was determinative in this case that the parties themselves had specified the standard to which the road should be constructed.
- Was impossible to see why W or AM would object to the road being completed to adoption standard.

There was therefore no good reason why the ancillary right to construct the road should be limited to a standard lower than that to which everyone contemplated the road would be completed, that is, to adoption standard.

For more information, see *Legal update, Common law right to make right of way fully effective*.

### Can the ancillary right of repair include replacement?

In *Hoare v Metropolitan Board of Works (1873-74) LR 9 QB 296* the court considered whether a new sign post could be erected to replace a sign post which had been blown down by the wind.

Blackheath common (heath) was a common within the meaning of the Metropolitan Commons Act 1866 (MCA 1866). The heath was placed under the management of the Metropolitan Board of Works (MBW) by a scheme, which was confirmed by the Metropolitan Commons Supplemental Act 1871. Paragraph 13 of the scheme secured to all persons such estates, interest or right as they had before the confirmation of the scheme. MBW made a bye-law forbidding the erecting on the heath of any posts or poles, or any building of any kind, without the consent in writing of MBW.

The court found that for more than 40 years, a sign post with the sign or name of a public house had stood on the heath opposite the public house. As a result, an easement had been obtained in favour of the public house. The sign post had been blown down by the wind and replaced by another. The question for the court was whether the appellant had the right to erect the new sign post without the consent of MBW in writing. Although it was not a fully reasoned judgment, the court held that the appellant had such a right on the grounds that:

- The easement was a beneficial right preserved by the MCA 1866 and paragraph 13 of the scheme.
- The right existed of repairing the sign post whenever it was broken, as a right incident to the easement.

### What if there is interference with the dominant owner's ancillary right to enter and repair?

The servient owner may be required to remove an obstruction which substantially interferes with the dominant owner's ancillary right to enter and repair.

In *Goodhart v Hyett (1883) 25 Ch D 182*, the dominant land benefited from an easement in the form of a right to the flow of water through pipes which passed through the adjoining land. The adjoining servient owner planned to build a house over part of the line of the pipes. The court granted an injunction to restrain the building of the house, holding that:

- The easement carried with it the right to enter on the servient land to repair the pipes when necessary.
- If the house was built on the servient land, the dominant owner would not have reasonable means of access for the purpose of repairing the pipes. The fact that the dominant owner would continue to have the right to enter and repair was not enough; they must have the opportunity and means of doing it.
- The question was not whether repair could be done as a matter of engineering skill, but whether practically the dominant owner would have the same opportunity of enjoying the right as before. There would not be the

same opportunity as before, as there would be a greater difficulty and greater expense in repairing the pipes, if the house was built.

- The servient owner was therefore doing something which interfered with the ancillary right of repair.

*Goodhart* was applied in *Abingdon BC v James* [1940] Ch 287. Abingdon Corporation had the benefit of a statutory easement and it was also under a statutory duty to maintain water mains which were laid in the servient land. Two houses were built over the line of the main. The court concluded on the facts of this case, that Abingdon Corporation's right of access for the purposes of repair had been infringed and as a result, Abingdon Corporation were entitled to a mandatory order for the removal of the houses.

## Express rights and obligations to repair

Although the grant of an easement will impliedly include those ancillary rights that are reasonably necessary for its use and enjoyment (see *Ancillary rights*), when expressly granting an easement, it would be better to consider and expressly include such rights in the easement.

For example, when granting a right of way, particularly where there is more than one user of the right of way, it is usual to include both of the following:

- A covenant by the grantor (the servient owner) to repair.
- A covenant by the grantee (the dominant owner) to pay a reasonable proportion of the costs of repair and maintenance carried out by the servient owner.

For more information including a discussion of other options, see *Standard document, Deed of easement (right of way)*: paragraphs 5 and 6, Schedule 2 and paragraph 2, Schedule 3, and the integrated drafting notes to these clauses.

## Enforceability of positive covenants against successors

A freehold covenant to repair or contribute to the cost of repair is a **positive covenant** and will not run with the land (for more detail, see integrated drafting notes to *Standard document, Deed of easement (right of way)*). Unless various workarounds are adopted, it will not be enforceable once the original covenantor transfers its interest. However, it is possible that a successor in title of the original grantee of the easement (that is, the dominant owner) could be held liable to make the prescribed contribution under the principle set out in *Halsall v Brizell* [1957] Ch 169. This provides that a party may not take a benefit without accepting the burden that goes with it.

*Halsall* concerned a covenant, by the beneficiary of a right to use a road, to pay a contribution towards the cost of maintaining it. The High Court held that the covenant was unenforceable because it was a positive covenant that did not run with the land. However, the court also held that the covenantor's successor in title was not entitled to the benefit of the right without also undertaking the burden of the obligations in the deed. There are limits to this principle though. For example:

- The decision in *Halsall* is of little use when the successor in title to the original dominant owner chooses to stop using the right of way and stops paying its contributions towards repair.
- *Gale on Easements* comments that although it seems reasonable to suppose that the dominant owner for the time being could be restrained from using the way while the stipulated obligation remained unperformed, it is unclear whether the right determines on default once occurring, or is merely suspended until the default is made good (see *Gale on Easements* (Sweet & Maxwell, 20th ed, 2016) paragraph 1-100).

The situation relating to the enforceability of positive covenants is far from satisfactory. For more information on the issues surrounding positive covenants and the problems ensuring successors in title are bound by the burden of them, see *Practice note, Positive covenants in transfers: what to consider: How can you make the burden of positive covenants bind successors in title?*.

## Extent of expressly granted rights ancillary to an easement: some cases considered

Where rights or obligations that are reasonably necessary for the use and enjoyment of an easement are expressly included in the grant of the easement itself, the extent of those rights is a matter of construction. A court will construe the language of the deed in the context of the grant having regard to the circumstances existing at the time of conveyance and known to the parties or within their reasonable contemplation.

*Martin v Childs* [2002] EWCA Civ 283 and *Dixon v Hodgson* [2007] 1 EGLR 8 both considered whether a new pipe could be laid in the servient land and provide a good example of how cases can lead to different results, depending on the construction of the words used and the particular facts of each case. For more information, see:

- *Does a dominant owner have a right to install a new pipe over a route different from that taken by existing pipes on the servient land?*.
- *Does a right to use and connect entitle the dominant owner to lay a new pipe to connect to an existing drain on the servient land?*.

For a discussion of other case law that considers the right to lay pipes in the context of ancillary rights expressly included in the grant of the easement itself, see *Gale on Easements* (Sweet & Maxwell, 20th ed, 2016) paragraphs 6-90 to 6-93.

This section of the note also considers ancillary rights and covenants to contribute a proportion of the cost of:

- Maintaining, repairing and re-surfacing a road in *Crane Road Properties LLP v Hundalani* [2006] EWHC 2066 (see *What if the road is completely reconstructed rather than repaired in accordance with the covenant?*).
- Cleansing, maintaining and repairing a driveway in *Beech v Kennerley* (20 October 2010) (see *Do repair costs have to be fair and reasonable?*).

#### **Does a dominant owner have a right to install a new pipe over a route different from that taken by existing pipes on the servient land?**

In *Martin v Childs* the dominant owners wished to enter the servient land to install new water pipes along a new route due to problems experienced with the supply from the existing system. The Court of Appeal held that the installation of a new water pipe along a new route was not covered. In reaching this conclusion, the court considered the meaning of the word "installing" in the context of the grant and having regard to the circumstances existing at the time of the conveyance and known to the parties or within their reasonable contemplation.

In this instance, a right had been granted:

"... to run water electricity and other services through any pipes cables wires or other channels or conductors ('the Conduits') which may at any time during the period of Eighty years from the date hereof be in or under or over the Retained Land and a right to enter onto so much as shall be reasonably necessary of the Retained Land for the purpose of installing repairing renewing maintaining cleansing and inspecting the Conduits..." (emphasis added)

A distinction was drawn between "the principal right", being the right to run water and other services through the conduits on the retained land, and the activities set out in the second half of the clause (see emphasised wording), which were designed to ensure the enjoyment of the principal right.

Mummery LJ explained that:

- So far as water was concerned, there were pipes already in position in the land and water was running through them. The easement was clearly in respect of running water through those pipes and not through any other pipes.
- The second part of the clause dealt with the right to enter into the retained land. The specific purposes were for installing, repairing, renewing, maintaining, cleansing and inspecting the conduits.
- In this context, the word "installing":
  - more appropriately referred to the provision of other services where there was not, at the date of the conveyance, an existing pipe, cable, wire or other channel; and

- did not confer the right to alter the position or size of the existing pipes for the running of water.

The dominant owners therefore had no right to install a completely new system over a route different from that taken by the existing pipes on the servient land. For more information, see *Legal update, Construction of rights ancillary to an easement*.

However, this decision has been distinguished in *Dixon v Hodgson* [2007] 1 EGLR 8 (see *Does a right to use and connect entitle the dominant owner to lay a new pipe to connect to an existing drain on the servient land?*).

#### **Does a right to use and connect entitle the dominant owner to lay a new pipe to connect to an existing drain on the servient land?**

In *Dixon v Hodgson*, H purchased a property (The Arches) from B. Five days later, D purchased an adjacent property, which was a partially built bungalow (bungalow site) from B. A third property (Green Farm) was adjacent to The Arches.

The conveyance of The Arches to H reserved "The right to use and connect to the Service Conducting Installations in on under or over the [The Arches]."

At the date of the conveyance, the Arches had the benefit of two drains which led to the main sewer: the old drain and the alternative drain. The old drain ran from the bungalow site through the land on which The Arches and Green Farm had been built, to the main sewer. D stated that he bought the bungalow site from B on the understanding that it was served by the old drain. The alternative drain ran from a point on The Arches remote from the bungalow site to the main sewer without crossing Green Farm.

The court was required to determine whether a right to use and connect to existing drains entitled the dominant owner to lay a new pipe or drain from the bungalow site to connect to an existing drain on the servient land (The Arches).

D argued that the right to use and connect entitled them to lay a pipe across The Arches to the alternative drain. D said that the ordinary and natural meaning of a right to use and connect is that the dominant owner may construct such "connecting media" as are necessary to enable a connection to be made between a drain on the servient land and the dominant land. If the right to use and connect did not extend to the construction of "connecting media" such as a pipe, the right to use and connect would be ineffective. H argued that the right to use and connect permitted D to use and connect to the old drain, as that was what was intended at the date of the conveyance.

The court distinguished the terms of the rights reserved in this case from the terms of the rights granted in *Martin v Childs* (see *Does a dominant owner have a right to install a new pipe over a route different from that taken by existing pipes on the servient land?*). The right to connect was one of the principal rights here, whereas in *Martin v Childs*, the right to connect was not one of the principal rights.

Both of the drains were within the definition of Service Conducting Installations and both were in existence at the date of the conveyance to H. The ordinary and natural meaning of a right to use and connect to Service Conducting Installations was that D could do what was necessary to connect the drains on their site to the drains on The Arches that connected to the main sewer. D was therefore entitled to connect the drains on the dominant land to the alternative drain on the servient land.

#### **What if the road is completely reconstructed rather than repaired in accordance with the covenant?**

In *Crane Road Properties LLP v Hundalani* [2006] EWHC 2066, H owned land at the rear of an industrial estate which benefitted from a right of way over the estate road. The right was granted in 1979 and was made subject to a duty to contribute one half of the cost of maintaining, repairing and resurfacing the road. C owned the servient land. The servient owner upgraded the road with a new construction to adoptable standard with a pavement.

H argued that before the works, the road was a basic tarmac road and the works carried out by C were a complete reconstruction, which was not necessary or advisable to put the road into a good state of repair. The court held that:

- The works went far beyond that which was reasonably necessary to remedy such lack of repair as existed.
- The terms of the particular covenant presupposed that repair and maintenance costs had actually been incurred. It was this to which there was a liability to contribute. If nothing had been incurred for repair,

maintenance and resurfacing within the terms of the covenant, then the obligation did not arise. In other words, the liability did not arise just because work had been done which avoided the need to repair the road.

- "Repair" like "maintenance" is an ordinary English word. It is distinct from improvements. In determining whether work was repair or maintenance, regard was to be had to the general character and condition of the road in 1979 and its then anticipated use, to show what the parties intended as the sort of work towards which H were liable to contribute. Maintenance in the context of this covenant involved anticipatory (and likely less costly) work to prevent the roadway falling into disrepair. The inclusion of the word "resurfacing" made it clear that the estate road had been surfaced and that maintenance and repair might require the road to be resurfaced from time to time.
- The test of how much work was necessary to repair the road was one of what a prudent landowner would fairly and reasonably undertake, if that landowner had to bear the costs themselves.
- C could only charge for those elements of the work actually undertaken which would have been incurred if the road had been repaired in accordance with the covenant. C could not charge for work which would have had to be done had the road been repaired in accordance with the covenant, but was avoided by its upgrading.

In this instance, there was no absolute requirement for concrete. Those parts which should have been resurfaced could equally well have been repaired by a layer of bitumen and asphalt, slightly less thick than the top layers applied to the road as part of the works, but sufficient for its continued use by heavy vehicles. The court therefore concluded that as the works in fact included resurfacing with asphalt and bitumen, C was entitled to recover 50% of the cost of that element of the works, allowing for a slightly thinner layer.

#### Do repair costs have to be fair and reasonable?

The County Court decision of *Beech v Kennerley* (20 October 2010) involved various issues concerning land owned by B and land owned by K, including a dispute over contributions for the maintenance of a driveway which served B and K's properties. B's predecessor in title covenanted to pay "one third of the cost of cleansing, maintaining and repairing" the driveway. It was accepted that although this amounted to a positive covenant, B could not have the benefit of the user of the driveway without accepting the burden of contributing to its maintenance under the principle in *Halsall v Brizell* [1957] Ch 169. For more information on *Halsall*, see *Express rights and obligations to repair*.

K sought to have the cleansing of the driveway carried out to an extremely high standard. B argued that the sums claimed were excessive. The court held that *Finchbourne Ltd v Rodrigues* [1976] 3 All ER 581 applied and accordingly there was an implication that the costs claimed were to be fair and reasonable. For more information on *Finchbourne*, see *Practice note, Service charges in commercial leases: Limitations on what the landlord may be able to recover*.

The court concluded that in this instance, the works done were excessive. As a result, K was not entitled to recover the **full amount** claimed. However, some part of the works would properly be regarded as cleansing to a fair and reasonable standard and K was therefore entitled to a **reasonable proportion** of the amount claimed. The County Court decision was subsequently appealed. However, only issues relating to the boundary and the right of way were raised on appeal and the costs of cleaning the driveway were not considered (see *Beech v Kennerley* [2012] EWCA Civ 158; *Legal update, Right of way to the end of a path and back was not a valid easement (Court of Appeal)*).

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## **16/01797/1: Land Rear Of 4-14, Claybush Road, Ashwell, SG7 5RA - Proposed Residential Development Claybush Road, Ashwell –**

### **An independent review of the applicants Transport Statement**

This note provides an independent review of the Transport Statement (TS) undertaken by WSP/Parsons Brinkerhoff on behalf of Croudace Homes, for the proposed residential development comprising 33 dwellings at land to the rear of 4-14 Claybush Road, Ashwell, Hertfordshire.

This review follows a site visit undertaken on Monday 5<sup>th</sup> September 2016 whereby a drive through and walk through of the highway network in the vicinity of the proposals was undertaken.

This review finds particular problems with highway safety, specifically visibility, speed and access arrangements. Furthermore during our review it was also noted that procedural errors exist within the Transport Statement.

#### **Existing Situation**

The site is currently agricultural land comprising an area of approximately 1.5 hectares. There are currently two points of vehicular access to the site; one from Claybush Road and one from Ashwell Street. It is noted that both access points are currently only likely to be used by vehicles predominantly associated with the agricultural use of the site.

Access to the site from both Claybush Road and Ashwell Street are via predominantly unpaved 'access tracks' that also serve access to adjoining residential dwellings.

The existing access arrangements are shown overleaf in **Photographs 1 and 2**, but it should be noted even though they are existing access points, they are unsuitable for residential development use.



**Photograph 1:** Existing access from Claybush Road.



**Photograph 2:** Existing access from Ashwell Street.





### **Claybush Road**

Claybush Road in the vicinity of the site is approximately 5 metres wide and is subject to a 30 mph speed limit although this transitions to the national speed limit for a single carriageway i.e. 60 mph immediately to the south of the proposed new site access. There are no formal standard footways within the vicinity of the proposed site access, although it is noted there are a number of grass verges fronting the residential properties to the west of Claybush Road, however the ownership of the grass verges is unknown. Some street lighting is present on Claybush Road with the nearest lighting column being located within the verge approximately 60 metres to the north of the existing/proposed site access.

### **Ashwell Street**

Ashwell Street is a private access road and is approximately 2.5-3 metres wide and is partially paved, (although in a relatively poor condition) and serves 6 residential dwellings. There are no formal footways or street lighting along its length.

### **Proposed Development**

The proposed development will comprise 33 residential units. Vehicular access to the site will be provided via a new access from Claybush Road with pedestrian/cyclist access proposed via the PRoW to the north of the site onto Ashwell Street.

### **Transport Statement Review**

The scope of this review is limited to the highways and transportation matters considered relevant to the development of the proposed scheme. The purpose of this review is to evaluate the soundness of the methodology used within the Transport Statement (TS) to enable an informed judgment on the scheme proposals to be made.

### **Existing Traffic Flows**

The TS indicates that vehicle speeds and volumes on Claybush Road have been obtained from data collected by an Automatic Traffic Counter (ATC) installed '*within the vicinity of the site on Claybush Road*' however, there are no details as to the exact location of the placement of the ATC either within the main body of the report or as part of the ATC data outputs included at Appendix B of the TS. It is unclear therefore if the ATC was installed within the 30mph or 60mph zone which clearly would have implications with regard to the applicable visibility splays which is discussed in more detail later on in this review.

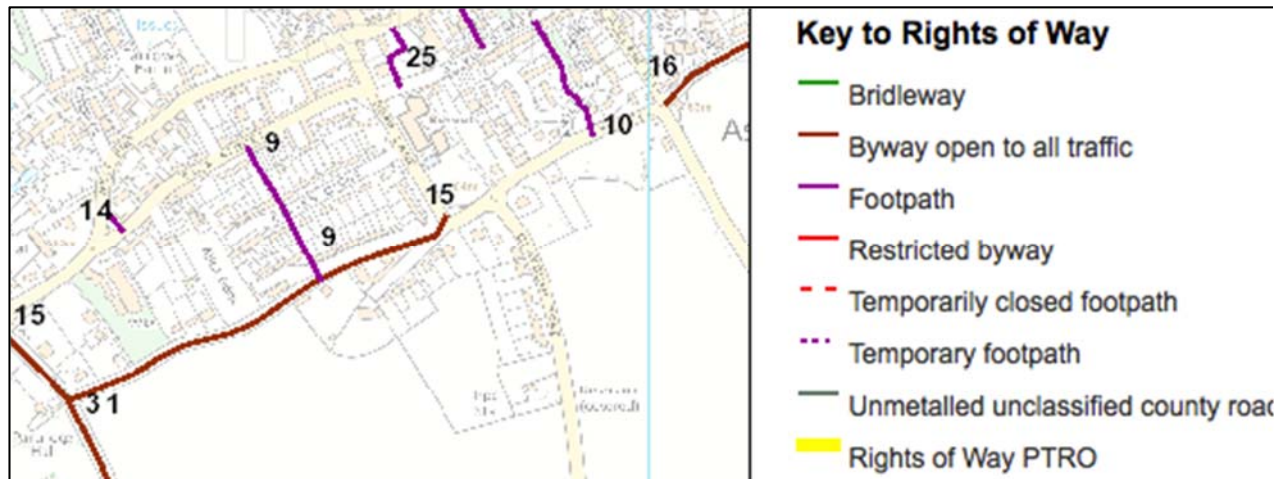
### **Accessibility**

#### **Walking and Cycling**

The TS identifies that the main pedestrian and cycle access to the site will be via an assumed PRoW to the

north of the site. However following consultation with Ashwell Parish Council it is understood that access rights do not exist over Ashwell Street, which is also further confirmed from Hertfordshire County Councils (HCC) PRow map. Access rights are clearly required, especially when standard formal footways do not exist on Claybush Road. Existing PRow in the vicinity are detailed at **Figure 1**.

**Figure 1** – Extract of Hertfordshire County Council PRow map.



Furthermore the TS however does not indicate any creation, modification or off-site improvements to the 'PRow' which it is assumed will remain (that is if indeed the proposed link is a PRow) as an unlit and unpaved grass path between the proposed site and Ashwell Street. Such a situation is wholly inappropriate and should be considered unsafe.

The TS has also stated that pedestrians will be able to utilise the site access to/from Claybush Road although it does not indicate any improvements to the very limited/nonexistent pedestrian provision on Claybush Road. Such a proposal is unsafe without improvements, but it is unclear how and when improvements can be provided. On this basis it is considered that connectivity to the site for pedestrians/cyclists would be substandard, especially for those with mobility impairments and also school children. This is contrary to national and regional planning and transport policies regarding accessibility and sustainability.

The TS also indicates that the existing network of off-site footways would provide suitable accessibility to local facilities within Ashwell for pedestrians or cyclists. However, based on observations made during the site visit the existing network of footways between the site and local trip attractors including the school, bus stops, shops, pub etc. are not continuous, restricted in width, have gradient and level differences i.e. steps or absence of dropped kerbs at crossing points and can be poorly lit and therefore would be unsuitable for a number of residents of the proposed development such as those with disabilities, users with pushchairs and school children etc.

**Photographs 3-5** identify potential barriers for pedestrians along the existing pedestrian footways between the proposed development and attractors/facilities i.e. school, shop, bus stops etc. within Ashwell.

**Photographs 3-5** – Potential barriers for certain pedestrian user groups between the site and local trip attractors.







The TS also states that Bear Lane would be suitable to accommodate pedestrian movements due to it being '*lightly trafficked*', however there is no justification for this statement or accompanying risk assessment/ Road Safety Audit to substantiate this view. Further even if Bear Lane were '*lightly trafficked*', nothing prevents it becoming more heavily trafficked in the future.

### **Public Transport**

The TS suggests that the residents of the proposed development site would benefit from good levels of accessibility to both local bus services and rail services from Ashwell & Mordon rail station, however this view is considered subjective and relies on residents propensity to for example; wait at a bus stop potentially during inclement weather conditions that does not benefit from a bus shelter or to cycle to the rail station along unlit relatively narrow country lanes. It is suggested that an NMU audit is undertaken to identify the suitability of the proposed pedestrian/cycle routes between the site and key trip attractors.

### **Proposed Vehicular Access Arrangement**

The vehicle swept path analysis undertaken on the proposed vehicular access arrangements show that a large vehicle such as refuse vehicle would be required to encroach into adjoining lanes when accessing/egressing the site which could potentially result in collisions on Claybush Road. Such a situation should be considered high risk given limited visibility. This issue would also be applicable at the first internal junction within the site. Furthermore, if cars are parked on the internal access road this may restrict certain vehicles from circulating within the site, potentially resulting in the requirement to perform reversing manoeuvres over excessive distances that that can increase the risk of personal injury collisions particularly

for refuse workers, but also residents.

### **Visibility at the Proposed Access Arrangement**

The junction visibility splays at the proposed site access have been based on the 85<sup>th</sup> percentile vehicle speeds recorded by an ATC installed '*in the vicinity of the proposed site access*'. As previously stated the exact location of the ATC has not been provided within the TS. Guidance including that contained within DMRB TA 22/81 advises that when using observed vehicle speed surveys to calculate appropriate levels of junction visibility splays, that speed surveys should be undertaken on the approach to a junction from either direction, typically this would be at the extent of the proposed visibility splay both to the left and right of the proposed site access.

Analysis of the vehicle speed survey data included within the TS indicates the following observed vehicle speeds on Claybush Road and associated proposed minimum visibility requirements:

- Northbound: 41 mph - 84.7 metres.
- Southbound: 36.7 mph – 71.8 metres.

However, a review of the ATC data provided in Appendix B of the TS indicates that the 85<sup>th</sup> percentile speeds for vehicles traveling southbound at the location of the ATC is 43 mph, and therefore the associated visibility splay is incorrect. Furthermore, it is also unclear if the proposed visibility splays can be achieved without encroachment into 3<sup>rd</sup> party land, which is likely to be beyond existing ownership, but also vegetation maintenance. It is suggested therefore that clarification on the above matters should be sought urgently or indeed if they have been based on wet or dry weather conditions which has implications in how the required visibility splays are calculated.

### **Traffic Impact**

The following geometric data inputs used within the PICADY assessment included at Appendix J of the TS are considered to be incorrect and will affect the junction capacity outputs reported within the TS:

- Total Major Road Carriageway Width – 6 metres
- Major Road Right Turn Traffic Blocks Traffic - No
- Minor Road visibility to Left (91 metres) and Right (94 metres) from an 'X' distance of 10m

### **Summary & Conclusion**

This note has provided an independent review of the Transport Statement (TS) and highway proposals for the proposed residential development comprising 33 dwellings at land to the rear of 4-14 Claybush Road, Ashwell, Hertfordshire.

This review has found the following problems;

- The site's existing access points are only suitable for agricultural use
- The proposed access has an incorrect stated visibility splay, based on inaccurate calculations
- Access to the site for large vehicles is troublesome and is unsafe
- Significant queries exist over ATC placement and speed data measurements
- The site does not have continuous accessible links, especially for pedestrians and schoolchildren
- Access and footways cannot be delivered easily to meet formal required standards on public land
- Junction assessment calculations are incorrect.

In summary, there are a number of matters that have been highlighted that we consider warrant significant further review, correction or clarification with regard to Transport and Highway Safety. Without these matters being addressed we strongly recommend the application be refused on traffic and transport grounds.



**Transport Dynamics**

# **PROPOSED RESIDENTIAL DEVELOPMENT ACCESS, ASHWELL**

**STAGE 1 - ROAD SAFETY AUDIT/ASSESSMENT  
AUGUST 2017**

**Transport Planning /Traffic Surveys/ Road Safety Audits**



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## Appendices

**Appendix A** – List of drawings and documents supplied for audit.

**Appendix B** – Location plan of identified problems.





# 1 INTRODUCTION

- 1.1 This report presents the findings from a Stage 1 Road Safety Audit/Assessment undertaken on the proposed access arrangements associated with a proposed residential development of 33 dwellings located on land to the land to the rear of 4-14 Claybush Road, Ashwell, Hertfordshire.
- 1.2 The audit was carried out by the following:
- |   |                                 |
|---|---------------------------------|
| Tristan Brooks<br>BSc (Hons), MBA, CMILT, MCIHT, MSoRSA | - Road Safety Audit Team Leader |
| R Lister<br>BSc (Hons), MSc, MRTPI, MILT, MCIHT, MSoRSA | - Road Safety Audit Team Member |
- 1.3 The RSA was commissioned by Transport Dynamics on behalf of a number of local residents who it is understood are objecting to the proposed development. The access arrangements to the site have been designed by WSP/Parsons Brinkerhoff on behalf of Croudace Homes (the developer of the scheme). Although no formal Audit Brief has been issued to the Audit Team, the Audit Team are satisfied that sufficient information has been provided to enable the RSA to be undertaken.
- 1.4 The site visit was undertaken on Friday 7<sup>th</sup> July 2017 between 13:30-14:30 and comprised a walk and drive through of the area covered by the scheme. During the site visit both the weather and road surface were dry. Traffic in the vicinity of the scheme was relatively light.
- 1.5 The proposed development site is currently agricultural land comprising an area of approximately 1.5 hectares. There are currently two points of vehicular access to the site; one from Claybush Road; and one from Ashwell Street which also serves as a Public Right of Way (PRoW). It is noted that both access points are currently only likely to be used by vehicles predominantly associated with the agricultural use of the site.
- 1.6 Access to the site from both Claybush Road and Ashwell Street are via predominantly unpaved 'access tracks' that also serve access to adjoining residential dwellings.
- 1.7 Claybush Road in the vicinity of the site is approximately 5 metres wide and is subject to a 30 mph speed limit although this transitions to the national speed limit for a single carriageway i.e. 60 mph immediately to the south of the proposed site access. There are no

formal footways within the vicinity of the proposed site access, although it is noted there are a number of grass verges fronting the residential properties to the west of Claybush Road although the ownership of the verges are unknown. Street lighting is present on Claybush Road with the nearest lighting column being located within the verge approximately 60 metres to the north of the existing/proposed site access.

- 1.8 Ashwell Street is an un-adopted private carriageway and is approximately 2.5-3 metres wide and is partially paved, (although in a relatively poor condition) and that serves 6 residential dwellings. There are no formal footways or street lighting along its length.
- 1.9 Information received as part of the audit brief has identified that due to the lack of adequate turning head facilities on the access road to 45-57 Ashwell Street, larger vehicles such as refuse trucks are required to reverse along its length to gain access (**Ref: Photograph 1**).

**Photograph 1:** Example of refuse vehicle reversing along Ashwell Street.



- 1.10 Although no detailed information has been provided within the Audit brief with regard to the proposed change in pedestrian movements resulting from the proposed development. On the basis that the development would incorporate 33 residential units, there could potentially



be a 550 percent increase in pedestrian movements associated with the development on the section of Ashwell Street that serves 6 residential dwellings.

- 1.11 Observed vehicle speeds on Claybush Road, in the vicinity of the proposed vehicular site access (provided as part of the Audit Brief) indicate 85<sup>th</sup> percentile vehicle speeds of 43mph for vehicles travelling northbound and 37mph for vehicles travelling southbound.
- 1.12 The drawings and documents supplied for audit are listed in **Appendix A**. An annotated drawing showing the locations of the problems identified is provided in **Appendix B**.
- 1.13 The terms of reference of the audit are as that generally described in DMRB HD19/15 Guidelines on Road Safety Audits and the Institution of Highways and Transportation (IHT) Guidelines on Road Safety Audits. The team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the designs to any other criteria.
- 1.14 The scope of this RSA (as set by the client Transport Dynamics) includes:
- The proposed access arrangements to the site via Claybush Road and Ashwell Street as proposed by the designers of the scheme i.e.WSP/Parsons Brinkerhoff; and
  - The potential highway safety implications of the anticipated increase in pedestrian/cycle movements associated with the proposed development on the local pedestrian/cycle network within the vicinity of the site access arrangements.
- 1.15 From the plans provided for audit it is proposed that:
- Vehicular access to the site is provided via a priority controlled 'T' junction form Claybush Road;
  - Visibility splays at the site access will be in excess of 70 metres both to the north and south of the proposed site access;
  - The site access road will be 5.5m in width; and
  - Pedestrian access to the site will be provided via the PRoW to the north of the site along Ashwell Street.



- 
- 1.16 A review of the Personal Injury Collision (PIC) data between 1<sup>st</sup> January 2012 and 31<sup>st</sup> December 2016 indicates that during this period there have been no PICs in the vicinity of the proposed access arrangements to the site.
- 1.17 The Audit team have not been made aware of any previous RSAs undertaken on the scheme.
- 1.18 No departures or relaxations from standards have been provided for review as part of this RSA.

## 2 ROAD SAFETY AUDIT FINDINGS FROM RSA 1

### PROBLEM 1

**LOCATION:** Vehicular access – Claybush Road.

**SUMMARY:** Restricted visibility at the proposed site access could potentially result in injudicious turning manoeuvres from the site access which may result in shunt-type collisions.

- 2.1 Although the plans provided for review as part of the audit brief indicate that visibility splays in excess of 70 metres will be provided at the proposed site access on Claybush Road, it is unclear from the information provided for review, if the visibility splays can be delivered due to their potential encroachment into third party land. Restricted visibility at the site access could result in injudicious turning manoeuvres from the site access which could potentially result in shunt-type collisions.

### RECOMMENDATION

- 2.2 It is recommended that land ownership details be provided for review at the Stage 2 RSA to ensure that the proposed visibility splays can be achieved.

### PROBLEM 2

**LOCATION:** Claybush Road/ Ashwell Street/ Bear Lane.

**SUMMARY:** Lack of continuity for pedestrians may result in an increased risk of slip/trip hazards for pedestrians or vehicle/pedestrian collisions.

- 2.3 It is not proposed to provide any improvements to the existing off-site pedestrian provision in the vicinity of the proposals i.e. Claybush Road, Ashwell Street, Bear Lane. It is considered that a lack of suitable pedestrian facilities/provision between the proposed development site and local trip attractors including school, bus stops, shops, pub etc. could result in a number of highway safety problems including:

- Slip/trip hazards where;

- the width of the footways are limited, potentially resulting in pedestrians having to use the verge or alternative unsuitable routes;
  - the proposed footways will not be paved such as between the site boundary and Ashwell Street, where it is unclear of sections of the route will be paved or remain as a grass path;
  - where there are relatively steep gradients or changes in levels e.g. where there are steps along pedestrian routes or a lack of dropped kerbs at potential uncontrolled crossing points along potential pedestrian desire lines.
- Vehicle/pedestrian collisions where:
    - There is an omission of suitable footway provision/connectivity that could potentially result in pedestrians having to use the carriageway and would be exacerbated for those with mobility impairments or users with pushchairs etc who would have no alternative other than to use the carriageway to access local trip attractors from the proposed site.

2.4 It is also considered that the risks associated with pedestrian potentially using the carriageway would also be exacerbated in areas where there is no street lighting.

## **RECOMMENDATION**

2.5 It is recommended that an assessment of the pedestrian connectivity to the site and local trip attractors is undertaken e.g. through a formal Non Motorised User (NMU) audit and that sufficient off-site pedestrian provision is provided for pedestrians to undertake their journey e.g. to the local school without the potential requirement to do so within the carriageway.

## **PROBLEM 3**

**LOCATION:** Access road to 45-57 Ashwell Street.

**SUMMARY:** Increase in pedestrian movements along the section of Ashwell Street between the proposed site access for pedestrians and Ashwell Street 'junction' may result in an increase risk of pedestrian/vehicular collisions.

- 2.6 It is proposed that the main point of pedestrian access to the site will be provided to the north of the proposed development site via the PRow and eastern extent of Ashwell Street that currently provides access to 6 residential properties. Although no details have been provided as part of the audit brief, with regard to the anticipated increase in pedestrian/cycle movements that would be associated with the proposed development that would use this pedestrian route, it is considered that an increase in pedestrian movements could potentially result in an increased risk of pedestrian/vehicular collisions on Ashwell Street. This issue would be exacerbated at such times when large vehicles are required to reverse along Ashwell Street, and during the hours of darkness, although, it is also noted that reversing vehicles would have limited if no visibility to the rear of their vehicle during the hours of daylight, due to the width of the carriageway and presence of overhanging vegetation within the verge.
- 2.7 It is also noted that inter-visibility between pedestrians leaving the proposed site and entering Ashwell Street and vehicles traveling along Ashwell Street may be limited by the 90 degree deviation in carriageway alignment and vegetation within the verge.
- 2.8 The audit team would note however, that these are existing 'problems' that have not resulted in any PIC's and that the occurrence of large vehicles reversing along the access road are likely to be relatively infrequent, the potential conflict area relatively short (due to the location of the proposed pedestrian access at the eastern extent of Ashwell Street) and vehicle speeds low. On this basis, although the risk of a pedestrian/vehicle collision occurring are considered to be low, the likely increase in forecast pedestrian movements at the location resulting from the proposed development could increase the potential risks associated with these problems due to the carriageway alignment (i.e. 90 degree angle) and limitations this places on the inter-visibility splays between pedestrians entering Ashwell Street from the PRow.

## **RECOMMENDATION**

- 2.9 It is recommended that a formal NMU audit is undertaken for the proposed development and that the findings of the NMU audit be incorporated into the offsite highways improvements and provided for review by the Road Safety Audit Team at the Stage 2 RSA.
- 2.10 It is also recommended that 'pedestrians in carriageway' warning signs are provided at the Ashwell Street junction.

### **3 OBSERVATIONS/NOTES**

- 3.1 The recommendations included within this report should not be regarded as being prescriptive design solutions to the problems raised. They are intended only to indicate a proportionate and viable means of eliminating or mitigating the identified problem, in accordance with HD19/15. There may be alternative methods of addressing a problem which would be equally acceptable in achieving the desired elimination or mitigation and these should be considered when responding to this report.



## 4 AUDIT STATEMENT

- 4.1 We certify that this audit has been carried out broadly in accordance with HD 19/15 and the Institution of Highways and Transportation (IHT) Guidelines on Road Safety Audits.

Signed:



Date: 04 August 2017

T Brooks – BSc (Hons) MBA CMILT MCIHT MSoRSA  
Audit Team Leader  
go-surveys Ltd  
72 Plasturton Avenue  
Cardiff  
CF11 9HJ

Signed:



Date: 04 August 2017

R Lister - BSc (Hons), MSc, MRTPI, MILT, MCIHT, MSoRSA  
Audit Team Member  
go-surveys Ltd  
72 Plasturton Avenue  
Cardiff  
CF11 9HJ



---

## **APPENDIX A**

### **List of Drawings and Documents Provided for Audit**

#### **Proposed Residential Development, Claybush Road, Ashwell, Hertfordshire**

Transport Statement – May 2016 (WSP/PB)

#### **Photographs of servicing/refuse vehicles using Ashwell Street**

July 2017

#### **PIC Data**

(Jan 2012- Dec 2016)

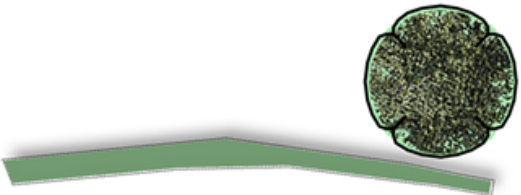


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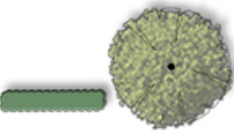
## **APPENDIX B**

### **Location of Identified Problems**





EXISTING TREES / PLANTS  
TO BE RETAINED



PROPOSED NEW TREES /  
PLANTS



EXISTING TREES / PLANTS  
TO BE REMOVED

2/3 - Various locations between the site  
and existing highway network.

1

J	03-03-2017	Plots 2-8 building position adjusted to increase the rear garden. Plot 24 car park position amended to give a close access to the front door. Drawing legend added showing the status of trees and plants.	YC
H	24-01-2017	Plots 27, house type B635 entrance porch amended	YC
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C	13-06-2016	Layout updated following pre-app comments received.	SF
B	18-02-2016	Plots moved to accommodate pedestrian footpath link.	SF
A	05-02-2016	Minor layout amendments to accord with client comments received 5-2-2016	SF
Rev	Date	Amendment	Initials

Project:  
CLAYBUSH RD  
ASHWELL

Client:  
CROUDACE HOMES

Drawing:  
PROPOSED SITE LAYOUT

Drawing no: 1130.P1.400 Rev: J

Scale@A1: 1/500 Date: JAN 2016 Drawn: SGF Checked: SGF

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PLANNING



Sarah Bowie IEng AMICE FIHE MCIHT MSORSA HE RSA Cert Comp  
Director

**Taylor Bowie Ltd**  
ROAD SAFETY & TRANSPORTATION CONSULTANCY

Mobile: [REDACTED]  
Phone: [REDACTED]  
Email: [REDACTED]

1<sup>st</sup> August 2017

Dear Alan,

**CLAYBUSH ROAD, ASHWELL, HERTFORDSHIRE  
PROPOSED RESIDENTIAL DEVELOPMENT, PEDESTRIAN ACCESS  
COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT**

Please find enclosed the signed and dated PDF Version 1.0 of the Combined Stage 1 & 2 Road Safety Audit Report for the Claybush Road, Ashwell, Hertfordshire - Proposed Residential Development, Pedestrian Access.

As referred to in Section 1.4 of the Road Safety Audit Report, there are three issues identified and observations made during the Combined Stage 1 & 2 Road Safety Audit and site inspection, which the Terms of Reference exclude from the Road Safety Audit Report, but which the Audit Team wishes to draw to the attention of yourself and the Audit Project Sponsor, i.e. the Local Highway Authority, Hertfordshire County Council:

- At the time of the site visit it was observed that the existing concrete carriageway section of Ashwell Street was in need of maintenance. There is concern that promoting this route for pedestrian usage could result in a trip hazard for pedestrians in the future if regular maintenance is not undertaken.

I look forward to receiving your response to this Covering Letter, your Designers Response to the Combined Stage 1 & 2 Road Safety Audit and, the provision of any Exception Report(s) from the Audit Project Sponsor, (if appropriate), for the purposes of retention on my file.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

*S. Bowie*

Sarah Bowie

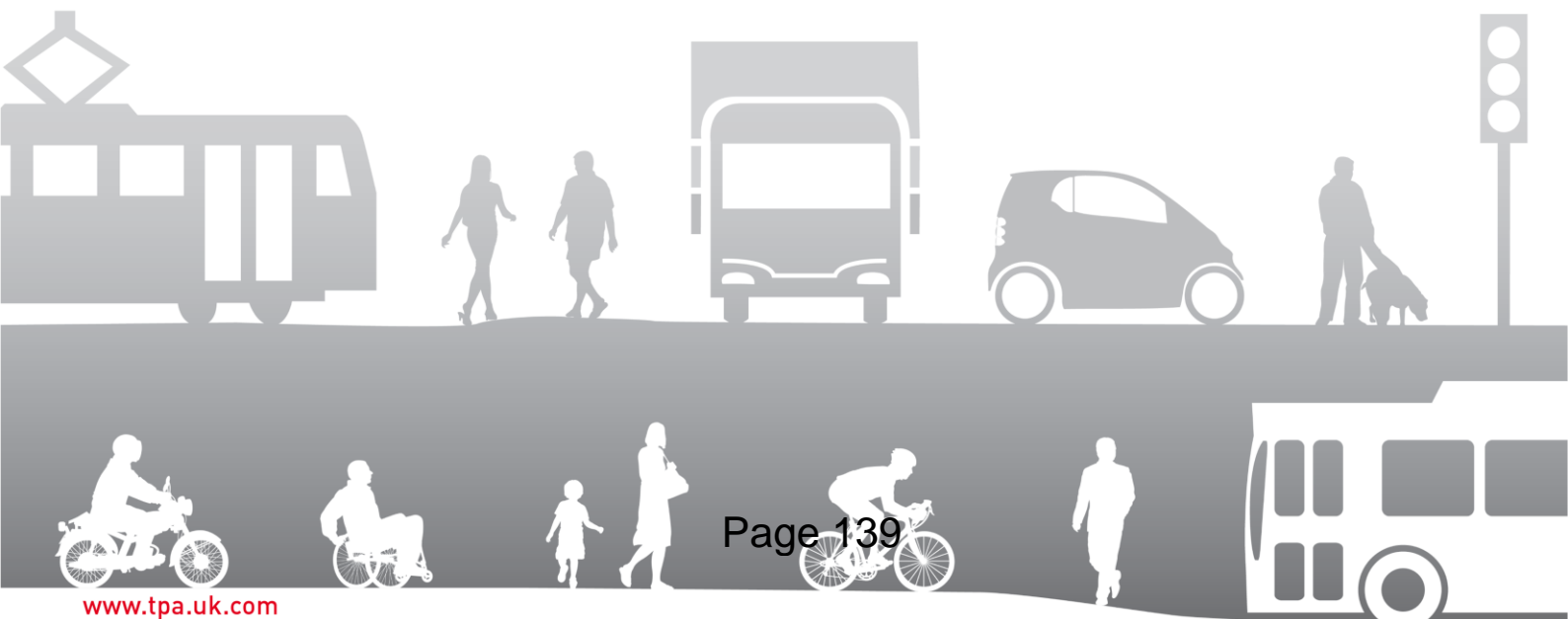
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A Report for  
**North Hertfordshire District Council**

In respect of  
**Pedestrian Access, Proposed Residential Development  
Claybush Road, Ashwell,  
HERTFORDSHIRE**

**Road Safety Audit**

November 2017



**DOCUMENT SIGNATURE AND REVIEW SHEET****Project Details**

<b>Project Title:</b>	Claybush Road, Ashwell, HERTFORDSHIRE		
<b>Project No.:</b>	1710-73	<b>Report No.:</b>	1710-73/RSA/01
<b>Client:</b>	North Hertfordshire District Council		

	Prepared By:	Checked By:	Approved for issue
<b>Name</b>	Senthi Sivanathan	Trevor Preston	Nathan Hanks
<b>Signature</b>	SS	TJP	NPH
<b>Date</b>	3rd November 2017	24th November 2017	28th November 2017

**Document Review**

Revision	Date	Description	Checked By

Issued by:

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<b>CONTENTS</b>	<b>PAGE</b>
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2 ROAD SAFETY AUDIT	3
3 DISCUSSION	4
4 ITEMS RAISED IN THIS ROAD SAFETY AUDIT	7
PROBLEM 1	
PROBLEM 2	
5 SUMMARY	8

# 1 INTRODUCTION

- 1.1 Transport Planning Associates (TPA) have been commissioned by North Hertfordshire District Council to carry out a Road Safety Audit of an existing un-adopted Public Right of Way (PRoW) along the south western fork of Ashwell Street, Ashwell and a proposed Pedestrian Link from the residential development site currently agricultural land situated to the south of Ashwell Street and to the west of Claybush Road.
- 1.2 This section of Ashwell Street PRoW, Figure 1, currently provides access for seven residential properties and agricultural land proposed as the residential development site. Ashwell Street PRoW is essentially used to facilitate residents along this section. It is a narrow lane measuring 2.6 metres in width without footway provision and has been used as shared space between pedestrians and vehicles along its length for many years.



Figure 1 – Location Plan – Ashwell Street

- 1.3 The residential development site location as shown in Figure 2, is currently accessed from Ashwell Street and Claybush Road. The preferred pedestrian access route from the residential development site is via Ashwell Street. Claybush Road does not currently have footway provision along its length for safe pedestrian access nor is there such a proposal. It is essentially a Country Lane measuring approximately 5metres in width and has speed limits of 30mph northbound and 60mph National Speed Limit southbound, as shown in Figure's 3 & 4.

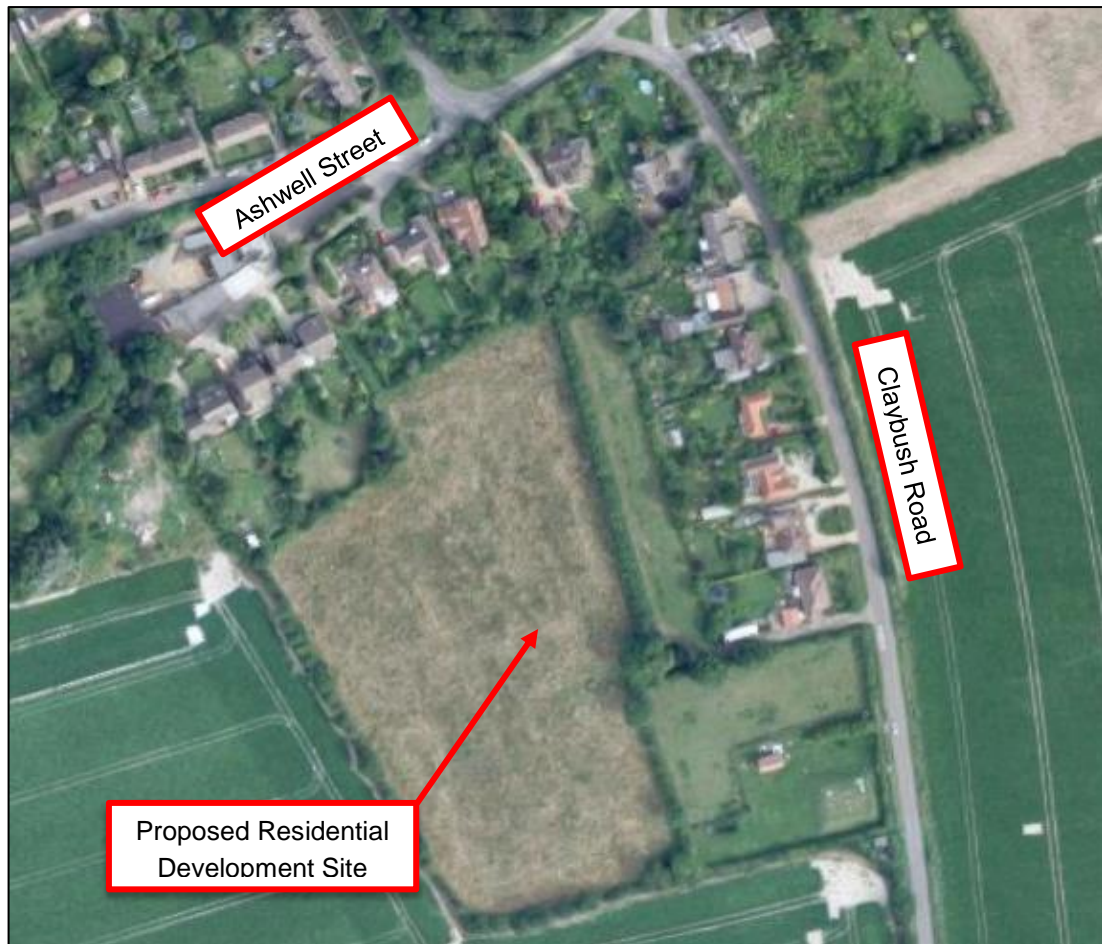


Figure 2 – Residential Development Site Location



Figure 3 – Claybush Road 30mph Northbound





Figure 4 – Claybush Road 60mph National Speed Limit Southbound

## 2 ROAD SAFETY AUDIT

- 2.1 The Road Safety Audit took place on Friday 3<sup>rd</sup> November 2017 at TPA's London office. The site visit took place on Thursday 2<sup>nd</sup> November 2017 during daylight hours between 10am and 12pm. The weather during the site visit was cloudy and dry and the road surface was dry. There were few pedestrian and/or vehicle movements during the course of the site visit.
- 2.2 The audit was carried out by the following Road Safety Audit team:
- Trevor Preston – RSA Team Leader  
MCIHT, HE RSA Cert Comp  
Associate  
Transport Planning Associates
  - Senthil Sivanathan – RSA Team Member  
Transport Planner,  
Transport Planning Associates
- 2.3 The terms of Reference are as described in the Highway England Design Manual for Roads and Bridges document TD 19/15, 'Road Safety Audit'. The Road Safety Audit Team has examined and reported only on the road safety implications of the existing situation along Ashwell Street which is to remain in its current state without any further proposed improvements and the proposed Pedestrian Link between the residential development site and Ashwell Street.

- 2.4 The Road Safety Audit comprised an examination of documents provided and these are listed in **Appendix A**. The information provided and discussions with the Client North Hertfordshire District Council was considered sufficient as the Audit Brief for the purposes of undertaking the Road Safety Audit request. The Audit Brief comprised the following documents:-

- Proposed Site Layout drawing - 1130.P1.400 Q
- Pedestrian Access drawing – 072/067

### 3 DISCUSSION

- 3.1 Ashwell Street is an un-adopted section of carriageway and has been used as a Public Right of Way (PRoW) for many years. It is used as pedestrian and vehicular access by residents and owners of adjoining properties and land. The width of this PRoW is 2.6m wide and has a concrete and bituminous surface in sections along its length. The PRoW is not an adopted Highway and does not conform to any Highway Standards and/or safety regulations. The ownership of this PRoW is unknown and it is accepted therefore that it operates outside of any Highway Traffic Act's, Regulations and/or Standards. There is currently no priority hierarchy given to pedestrians or vehicles except it is known that pedestrians tend to use private driveways to avoid vehicles on Ashwell Street PRoW, which is an accepted practice by all residence.
- 3.2 Croudace Homes are proposing to build 33 residential properties on their development site with a Pedestrian Link joining the site and Ashwell Street PRoW. The proposed Pedestrian Link comprises a 2m wide footpath adjoining the proposed estate road and demand is expected to increase via Ashwell Street PRoW to the village centre and local schools as a safer alternative to Claybush Road a busy road which does not have footways.
- 3.3 There is insufficient room for pedestrians and vehicles to pass safely along the length of Ashwell Street PRoW. Where currently it is accepted that pedestrians use local resident's driveways to take refuge to avoid vehicles, this practice is not expected to be allowed to continue with the increased number of pedestrians expected to use the link from the development site.



Figure 5 – Ashwell Street Width

- 3.4 Visibility along Ashwell Street (PRoW) between the entrance and the proposed Pedestrian Link is unobstructed as can be seen in Figure 5. Pedestrians and drivers using Ashwell Street have clear visibility in each direction.



Figure 6 – Visibility along Ashwell Street PRoW

- 3.5 Ashwell Street PRoW s essentially an area of shared space for vehicles and pedestrians. The level of visibility allows drivers to give way to pedestrians and other vehicles from both directions during the hours of daylight. However there is no street lighting along this section of Ashwell Street PRoW and during the hours of darkness visibility of pedestrians would be reduced and potentially only picked up by vehicle headlights.
- 3.6 Collision Data is generally available for adopted highways where accidents are recorded and used to mitigate areas of highway safety improvements. Because this section of Ashwell Street PRoW is un-adopted there are no records to indicate whether any collisions over this section have ever taken place.
- 3.7 The existing carriageway surface is ragged with pot holes and unevenness along its length. This may cause drivers and pedestrians to change direction to avoid surface discrepancies and in so doing potentially increase the risk of collision with other users of Ashwell Street PRoW.
- 3.8 There is no traffic data available to determine the peak movements of pedestrians and/or vehicles along Ashwell Street PRoW. Nor is there any data available to determine forecast pedestrian movement from the development site, whether the increased pedestrian demand is during the same peak periods as other movements along Ashwell Street or whether the increased demand is at different time's altogether, such as school times compared with working day times. If indeed the times of increased demand are different to the normal peak periods along Ashwell Street then there would be no additional impact on current movements.
- 3.9 The proposed Pedestrian Link between the residential development site and Ashwell Street PRoW comprises a 2m footpath which ends adjacent to No.51 Ashwell Street and which has a Chicane Barrier at either end to prevent vehicular access. Beyond the Chicane Barrier at the Ashwell Street end where the footpath ends the remaining section becomes shares space and vehicular access for No.51, as shown in Figure 7.





Figure 7 – Vehicular Access No. 51 Ashwell Street PRow

## 4 ITEMS RAISED IN THIS ROAD SAFETY AUDIT

### PROBLEM 1

**Location:** Ashwell Street PRow

**SUMMARY:** The existing carriageway surface is ragged with pot holes and unevenness along its length. This may cause drivers and pedestrians to change direction to avoid surface discrepancies and in so doing potentially increase the risk of collision with other users of Ashwell Street PRow.

**Recommendation:** It is recommended that the existing carriageway surface along the length of Ashwell Street is resurfaced and maintained as a smooth even surface to reduce the potential risk of pedestrian trips and collisions with vehicles weaving to avoid uneven surfacing and pot holes.



**PROBLEM 2**

**Location:** Ashwell Street PRoW

**SUMMARY:** There is no street lighting along Ashwell Street PRoW and during the hours of darkness visibility of pedestrians would be reduced and potentially only picked up by vehicle headlights increasing the risk of collisions.

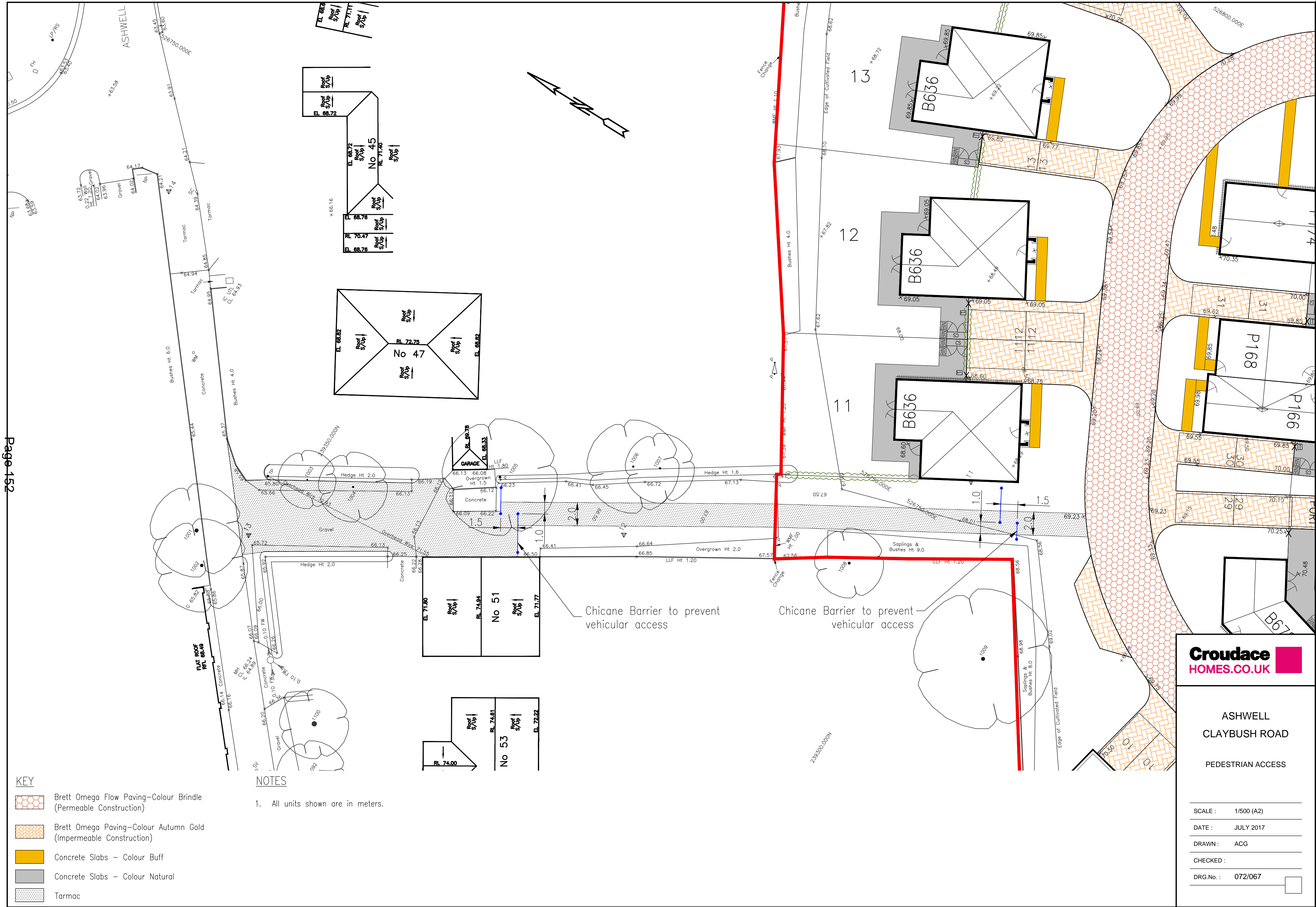
**Recommendation:** It is recommended that Ashwell Street PRoW is lit through the hours of darkness.

## 5 SUMMARY

- 5.1 This road safety audit is not based on a set of proposals as would normally be expected under Highway England document TD19/15. Instead an evaluation over the safety of an existing un-adopted public right of way section of Ashwell Street and a proposed Pedestrian Link has been carried out to determine the possible safety implications of the proposed increased pedestrian demand from the Croudace Homes residential development site.
- 5.2 The Ashwell Street PRoW is not an adopted Highway and does not conform to any Highway Standards and/or safety regulations. The ownership of this PRoW is unknown and it is accepted therefore that it operates outside of any Highway Traffic Act's, Regulations and/or Standards.
- 5.3 There is currently no priority hierarchy given to pedestrians or vehicles except that currently pedestrians tend to use private driveways when they can, to avoid vehicles on Ashwell Street PRoW. We understand that this encroachment onto private drives is an accepted practice by all residents
- 5.4 There is no pedestrian and/or vehicle traffic flow data available for Ashwell Street PRoW or what the increased pedestrian demand is likely to be from the residential development site. Nor are there any peak period times available of resident's day working times and what the proposed pedestrian demand peak times from the residential development site are likely to be. Whether they are the same times as the residence working day times or different times to accord with school opening and closing times. Also, there is no collision data to determine whether there are any past or present safety issues along Ashwell Street PRoW.

- 5.5 In conclusion, it can be seen that the current interaction of pedestrians and vehicles along this stretch of Ashwell Street PRow has occurred for several years. It cannot be determined at this stage as to whether any increased pedestrian demand along this section of Ashwell Street PRow is likely to increase risk of collisions as it has not been determined whether the increased demand is in addition to existing pedestrian traffic flows at the same times or whether the increased pedestrian demand is at a deferent time with less or more vehicular traffic and it may well be less or the same as the current situation albeit at a different time of day.
- 5.6 In terms of pedestrian and vehicle movements along Ashwell Street PRow. Pedestrians currently use private drives to avoid vehicles and vehicles 'give-way' to pedestrians to allow them to traverse the short section of Ashwell Street PRow before proceeding. The current practice of allowing pedestrians to use private drives to avoid vehicles along Ashwell Street PRow may well cease with the increase demand from the residential development site, but it is likely that there may be more of a tendency for drivers to give-way more to pedestrians under this new regime and although the width along Ashwell Street PRow is very narrow at 2.6m, it is possible for a pedestrian and vehicle to pass.

# APPENDIX A



**KEY**

- Brett Omega Flow Paving–Colour Brindle (Permeable Construction)
- Brett Omega Paving–Colour Autumn Gold (Impermeable Construction)
- Concrete Slabs – Colour Buff
- Concrete Slabs – Colour Natural
- Tarmac

**NOTES**

1. All units shown are in meters.

**Croudace**  
HOMES.CO.UK

**ASHWELL**  
CLAYBUSH ROAD

PEDESTRIAN ACCESS

SCALE : 1/500 (A2)

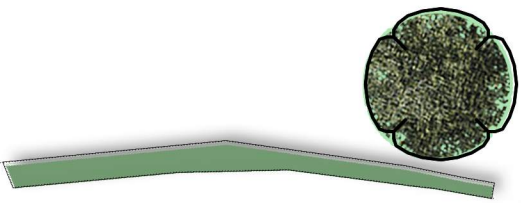
DATE : JULY 2017

DRAWN : ACG

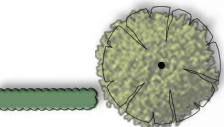
CHECKED :

DRG.No. : 072/067

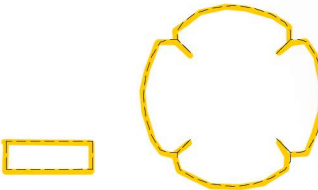




EXISTING TREES / PLANTS  
TO BE RETAINED



PROPOSED NEW TREES /  
PLANTS



EXISTING TREES / PLANTS  
TO BE REMOVED

Q	17-08-2017	Hedge re-instated.	YT
P	08-08-2017	Plots 14, 15 & 16 omitted. Plot numbers amended.	KP
M	07-06-2017	Road access to No.14 amended.	SF
L	10-05-2017	Access geometry rearranged to suit engineering layout.	SF
K	18-04-2017	Hatched Public Open Space	YT
J	03-03-2017	Plots 2-8 building position adjusted to increase the rear garden. Plot 24 car park position amended to give a close access to the front door. Drawing legend added showing the status of trees and plants.	YC
H	24-01-2017	Plots 27, house type B635 entrance porch amended	YC
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A	05-02-2016	Minor layout amendments to accord with client comments received 5-2-2016	SF
Rev	Date	Amendment	Initials

Project:  
**CLAYBUSH RD  
ASHWELL**  
Client:  
**CROUDACE HOMES**  
Drawing:  
**PROPOSED SITE LAYOUT**

Drawing no: 1130.P1.400 Rev: Q  
Scale@A1: 1/500 Date: JAN 2016 Drawn: SGF Checked: SGF

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Brookside Bedford Road Holwell Hitchin Hertfordshire SG5 3RX</b>
<u>Applicant:</u>	<b>Mr S Adams</b>
<u>Proposal:</u>	<b>Erection of one detached 4-bed dwelling with associated garden and parking area (following demolition of existing garage) (as amended by plans received 31 July 2019).</b>
<u>Ref. No:</u>	<b>19/01213/FP</b>
<u>Officer:</u>	<b>Jo Cousins</b>

**Date of expiry of statutory period :** 01.08.2019

**Reason for Delay**

Extension of time to allow for negotiations and amended plans and for the Committee meeting cycle.

**Reason for Referral to Committee**

Cllr North has called this application in. He feels that the Parish Council have a point with regard to the impact on the Highway and that it would be more appropriate for the Parish Council to explain the highway matter in committee, particularly as they are eluding to large vehicles which would not usually be associated with dwelling.

**1.0 Policies**

**1.1 National Planning Policy Framework -**

Section 6 - Delivering a sufficient supply of homes

Section 12 - Requiring good design

Section 16 - Conserving and enhancing the natural environment

**1.2 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 - Rural Areas beyond the Green Belt

Policy 26 - Housing Proposals

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

**1.3 Supplementary Planning Documents**

Design

Vehicle Parking at New Developments

1.4 **North Hertfordshire District Local Plan 2011-2031 'Preferred Options Consultation Paper' and Proposals Map**

Policy SP1 'Presumption in Favour of Sustainable Development'

Policy SP2 'Settlement Hierarchy'

Policy SP5 'Countryside and Green Belt'

Policy SP8 'Housing'

Policy SP9 'Design and Sustainability'

Policy CGB1 'Rural Areas beyond the Green Belt'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HS1 Local Housing Allocations'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

2.0 **Site History**

2.1 An application for a single dwelling to the front of Brookside was withdrawn prior to determination due to the position in relation to the brook to the side and forward position in relation to the existing property.

2.2 Permission was granted for a residential annexe at Brookside in March 2007, this was not implemented.

2.3 An application for a dwelling at Sunvale was allowed on appeal in January 2017 with the inspector concluding that in the absence of a 5 year supply of deliverable housing sites that there would be no adverse impact that would significantly and demonstrably outweigh the benefits of the development which was considered to constitute sustainable development as set out in the NPPF.

2.4 A single dwelling, following the demolition of an existing workshop and, at Ramerick Nursery (to the rear of Conifer Dell and the current application site) was granted permission in October 2013.

3.0 **Representations**

3.1 **Holwell Parish Council – Object:-**

1. The development is not in any building line along that stretch of road.

2. The access in and out to the site is hazardous as the road the access leads onto is a fast, dangerous road with poor visibility in both directions, especially when exiting the site.

3. When entering the site, there is limited space for large vehicles to turn.

4. The right of way into the site is shared by an additional resident and this would affect their access and would cause them a huge amount of disruption.

5. There is no need for an additional property to support the existing bungalow residents.

3.2 **Local residents** - The occupiers of Conifer Dell Bedford Road raised concerns to the plans as originally submitted with regard to potential overlooking from the proposed dwelling and how construction access would be gained to the site. Amended plans have been provided and the occupiers of Conifer Dell.



- 3.3 **Environmental Health (Noise)** – have no objections subject to the inclusion of informatives relating to the times construction activities can take place and to ensure that asbestos is properly treated if found in a survey.
- 3.4 **Environmental Protection (Land Contamination)** - Having reviewed the submitted documents and the records held by the Environmental Protection and Housing Team, confirm that there are no land contamination and no local air quality issues anticipated in relation to this application site and so no conditions will be required in this instance.
- 3.5 **River Ivel Drainage Board** – make the following comments:-  
***The Board recently commented on this application and requested a Flood Risk Assessment as part of the proposed development was in Flood Zone 3. The Board has received a revised site layout plan for this application which shows the development outside of Flood Zone 3 so a Flood Risk Assessment is now not required. Other requirements regarding methods of surface water drainage as stated in the initial response dated 1<sup>st</sup> July 2019 remain valid.***

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The application site in the Rural Area beyond the Green Belt in planning policy terms. The site lies outside of a settlement as Brookside is one of just eight dwellings in a small cluster of houses located along the Bedford Road between Lower Stondon to the north and Hitchin to the south.
- 4.1.2 The site comprises a plot to the rear of Brookside, currently containing a detached double garage. Brookside is the last dwelling on the western side of the road, with a brook to the north and fields beyond. To the south is Conifer Dell and to the rear is a new dwelling known as Hawthorns. These three properties are served by a shared access off Bedford Road.

##### 4.2 **Proposal**

- 4.2.1 The proposal is for a four bedroom detached dwelling with a parking area to the front. The proposed plot would be 34 metres deep by 12 metres wide to the front and 17 metres wide at the rear. The proposal sets the dwelling on a similar, albeit larger footprint to the garage. The proposed dwelling would be approx. 8.3 metres wide, 12.9 metres long and 7.4 metres high at its ridge. The dwelling would be of a simple design with a pitched roof with windows to the front and rear gable ends. The accommodation would be provided over two floors and includes a ground floor bedroom (wheelchair accessibility to the ground floor), bathroom and three first floor bedrooms (one en-suite shower room).
- 4.2.2 The application has been the subject of minor amendments to secure the amenity of the area and to overcome concerns raised. The siting on the plot is demonstrated to be outside the flood zone and a temporary access for construction vehicles has been illustrated. In relation to car parking provision the dwelling has been amended on the plot to allow for an enlarged parking area to the front and for cars to enter and leave the site in forward gear. To safeguard privacy for neighbours first floor front windows have been revised to have restricted opening and obscure glazing.

- 4.2.3 In addition a new vehicular access would be provided to the front of Brookside adjacent to the plot boundary with the existing dwelling set some 13m from the highway boundary and opposite the driveway to Conifer Dell to the south. The application was accompanied by a design and access statement.

### 4.3 Key Issues

- 4.3.1 Taking account of the development plan policies and other material considerations, including all representations received from interested parties, I consider the key issues to be addressed in the determination of this planning application are as follows:

- Principle of development;
- Five year land supply of deliverable housing sites. In the clear absence of a five year land supply it is necessary to apply the;
- Presumption in Favour of Sustainable Development;
- Consideration of all the benefits of delivering new homes;
- Sustainability;
- Character and appearance;
- Design and visual impact;
- Residential amenity;
- Highways and access;
- Environmental protection.

Planning obligations are not currently justified for this scale of development and in this location.

#### **Principle of development:**

- 4.3.2 The application site is located outside a village boundary, and is designated Rural Area Beyond the Green Belt. Therefore, the key policy in this instance is Saved Policy 6 of the Local Plan. This policy, whilst being from the dated Local Plan, is considered to be NPPF compliant and can be attributed weight, and is supported by Policy CGB1 of the emerging local plan.
- 4.3.3 The Main Modifications to the Local Plan were received from the Inspector on 19th November 2018, have been put out to public consultation and the Inspector is currently considering these comments. Whilst the Local Plan is well advanced, the Council has received letters from the Inspector setting out his considerations and indicating that further hearings will be required. The matters relating to the further hearings are not relevant to the pertinent issues of this application, namely sustainable location and impact on the countryside (rural area beyond the Green Belt). Therefore it is considered the relevant policies of the emerging Local Plan can be attributed weight.
- 4.3.4 In my view, given the location of the site in between Brookside and Hawthorns and the appeal decision allowed at Sunvale to the south of the site, I consider that this site can be considered to comply with Save Policy 6 and emerging Policy CGB1, and can be considered to be a single dwelling on a plot within the built core of a 'settlement'. I note that this collection of houses on Bedford Road is not 'a settlement' in its own right, but in my view, the development of a single dwelling house on this plot would not result in the outward spread of new development into the countryside, the plot is contained and the use of the plot for a dwelling house would be consistent with the character of the area. I therefore consider that the development of this plot is consistent with the

'spirit' of Saved Policy 6, and no objection would be raised to the principle of development in this instance. This argument was debated in the appeal determination at Sunvale and I would concur with the Inspectors view that the fall back position is that this is a sustainable location.

#### **The need for and latest position on five year land supply for housing**

4.3.5 Paragraph 73 of the NPPF requires Local Planning Authorities to:

**"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirements set out in adopted strategic policies".**

4.3.6 The Council currently cannot demonstrate a five year land supply of deliverable housing sites. On this, this planning application for housing must therefore be assessed against the 'Presumption in Favour of Sustainable Development'.

#### **Presumption in Favour of Sustainable Development**

4.3.7 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development as for decision takers in development management as follows:

**"approving development proposals that accord with an up-to-date development plan without delay; or**

**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.**

For specific policies in this framework, in North Hertfordshire these include designated Green Belt, SSSIs, National Parks, AONBs. This application site is not within any of these designations and on this basis the planning application must be judged against the policies of the NPPF as a whole and only if any harm identified would **significantly** and **demonstrably** outweigh the benefits of delivering new homes on this site, should planning permission be refused.

#### **The Benefits of Delivering New Homes**

4.3.8 In the absence of a five year land supply of deliverable housing sites, the benefits of delivering new homes are greater, as the absence of a five year land supply is a clear indication that insufficient homes are being delivered within the District to meet housing need (household formation). This planning application proposes one new home which would make a contribution, albeit a very small one, towards improving the five year land supply but also helping to meet the objectively assessed housing need for new homes

across the District, through the plan period (2011-2031). Meeting housing need is in itself a benefit of the proposed development.

- 4.3.9 In terms of economic benefits, it is clear that the proposed development would create some employment opportunities in construction and by providing for one new household in the local area. The development would help to support existing local businesses and services in the wider area.
- 4.3.10 Since the enactment of the Localism Act 2011, Section 70(2) of the Town and Country Planning Act 1990 (as amended), requires planning applications to be determined in accordance with the development plan, any local finance considerations and any other material considerations. The Act defines local finance considerations for the purposes of determining planning applications as income derived from the Community Infrastructure Levy (CIL) and the government's Homes Bonus scheme as a top up to revenue grant to support the delivery of new homes.
- 4.3.11 Whilst the Council has not adopted a CIL, it is necessary to consider homes bonus income to the Council that would result from this development proposal. This is in my view another benefit of the scheme that must be considered, albeit, a non-land use factor.
- 4.3.12 The above is not an exhaustive list of the benefits of delivering a new home on this site, but it does however provide a useful summary. Applying the presumption in favour of sustainable development, it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole.

#### **Sustainable development**

- 4.3.13 With regard to this issue the proposed dwelling would be within a cluster of existing buildings which in close proximity to local shops and other facilities in Henlow Camp and in easy access of a bus stop which covers a number of routes to town centre facilities. There is a continuous footpath opposite the site to Henlow Camp. A walking/cycling distance of around a mile to these facilities is not unreasonable given the rural location. Whilst the footpath is located on the opposite side of a busy main road, there is good visibility in both directions. In addition, a number of bus services that run along Bedford Road stop at the nearby bus stop. These connect the site to nearby settlements, including Hitchin, where further services and employment opportunities are available. The application site therefore has relatively good access to public transport and I am satisfied that there would not be a significant safety risk to access public transport or facilities to future occupiers of the development in this regard. I conclude that future occupiers of the development would not be unduly reliant on private transport. The development would therefore accord with the Framework, which seeks to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.
- 4.3.14 Given the above argument and conclusions I do not consider that the application for a single dwelling would be unacceptable. A refusal here could not be justified on sustainability grounds in my view.

### **Character and appearance**

- 4.3.15 In allowing the appeal at Sunvale (***Appeal Decision APP/X1925/W/16/3156040***) on land in close proximity to the current application site the inspector stated that: ***the site is largely screened from longer views by trees and boundary planting. In these circumstances, I do not consider that the proposal would be harmful to the intrinsic beauty of the countryside in this location.*** He concluded that: ***the development would cause no significant harm to the character and appearance of the area. It would therefore be in accordance with Policy 57 of the North Hertfordshire District Local Plan No 2 with Alterations (1996). It would also accord with the Framework, which recognises the intrinsic character and beauty of the countryside.***

With regard to the current application site I would agree with this conclusion as the proposal would be set behind existing buildings and would benefit from screening by trees and boundary planting in wider views. I find it difficult to see any convincing grounds in the light of the appeal to resist the current application. The site is slightly closer to the facilities in Henlow Camp, it is set within the rear garden of an existing property and would be of a scale and form and design appropriate to the area. I therefore consider that the proposals would not occasion harm to the character and appearance of the area.

### **Design & Visual Impact**

- 4.3.16 The application proposes a one and a half storey dwelling with brick walls and below a slate roof. Given the location there is no identifiable architectural style in this area. NPPF section 12 (design) at paragraph 130 states:

***"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."***

- 4.3.17 In my view the proposed design approach which is a simple built form with an open parking area to the front is acceptable. The plans as amended simplify the window pattern to the front elevation and orientate the building on the site to maintain the structure outside the flood zone and allow for the appropriate parking provision. The design and scale would be acceptable for the area which would not be seen as open countryside as there is a dwelling (Hawthorns) to the rear. In my view the development is acceptable and would not significantly harm the character or quality of the area.

### **Residential Amenity**

- 4.3.18 I have considered whether there would be any adverse impact on the amenity of any neighbouring residential occupiers. The dwelling is set off the boundary with Brookside and the nearest neighbour would be Conifer Dell opposite. Overall the relationship between adjoining dwellings would be acceptable. The plans have been the subject of an amendments to windows at the front at first floor level. The windows are now shown to be obscure glazed and restricted to prevent undue over looking. I am of the view that the plans are acceptable but would recommend the imposition of a condition to safeguard this window pattern in perpetuity. In my view the amenities that occupiers of dwellings in the vicinity of the site currently enjoy, would not be affected by the development.



### **Highways and Access**

- 4.3.19 The site is located on a private access drive that leads to Hawthorns at the rear, Conifer Dell and the application site, Brookside. The development is site at some distance (approx. 40 metres) from the highway access with Bedford Road which would not be altered as a result of the proposals. The development provides parking for the new dwelling on an enlarged forecourt at the front of the site and the displaced parking would be provided to the front of Brookside to meet the needs of that property. Issues have been raised concerning the legal use of the driveway, particularly during construction, which is a civil matter between the parties involved. However, to resolve any perceived concerns the applicants have illustrated that construction traffic would be through the host site to avoid any conflict on the access. I have added a suitably worded condition to safeguard this as such.
- Overall I am satisfied that the proposal, layout and details are such that no issues with the highway access from Bedford Road would arise here.

### **Environmental Protection**

- 4.3.20 There is no obvious issue in relation to either contamination or noise and I have included the informatives that have been requested. Although an Electric Vehicle charging point is not proposed here. I have included an additional informative relating to the provision of Electric Vehicle charging points or facilities so that on can easily be installed, which should guide the applicant to future proof the site.

### **4.4 Conclusion**

- 4.4.1 On balance and in the light of the recent history of applications in this area I consider that sufficient justification exists to allow a dwelling here. The proposal is outside the settlement but would not occasion harm to the character and appearance of the area, the amenities of any residential property and is considered sustainable for the reasons I have set out above. I therefore have framed a favourable recommendation accordingly.

### **4.5 Alternative Options**

None applicable

### **4.6 Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

Reason: To protect quality of groundwater and the nearby watercourse. We strongly encourage sustainable drainage systems using infiltration, but it must be demonstrated that the infiltration will be clean surface water into uncontaminated ground. This condition ensures that the site disposes of surface water without contaminating groundwater or the nearby watercourse.

4. The parking facilities to serve the proposed dwelling hereby permitted and Brookside, shall be provided and appropriately marked out within the curtilage of the site prior to the first occupation of the new dwelling. The parking facilities shall be kept available solely for the parking of motor vehicles and shall therefore be permanently retained as provided thereafter.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the users of the new development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

6. The windows at first floor level, to the front (NE) elevation of the development hereby granted permission, shall be installed in accordance with the details illustrated on drawing 18.16:03C note A. . These windows shall be permanently glazed with glass of opacity level 4 or 5 of the range of glass manufactured by Pilkington plc or of an equivalent standard agreed in writing by the local planning authority and thereafter permanently maintained as such.

Reason: To safeguard privacy for the occupiers of the neighbouring dwelling.

7. Construction traffic associated with the development hereby permitted shall access the site via the temporary vehicle access illustrated on drawing 18.16:01K.

Reason: To ensure that that vehicular access to other properties on Bedford Road (Conifer Dell and Hawthorns) is not restricted or compromised during the construction process.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

1. 1. Any discharge into the watercourse will require the approval of the Bedfordshire and River Ivel Internal Drainage board, and an application to this board has to be made.
2. 2. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) must be adhered to.

During the construction/change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 09:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

3. The applicants should considered future proofing the site by providing an Electric Vehicle (EV) charging point or the facilities to easily install one in the future. details relating to EV facilities and air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>  
Charging points should be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to

meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

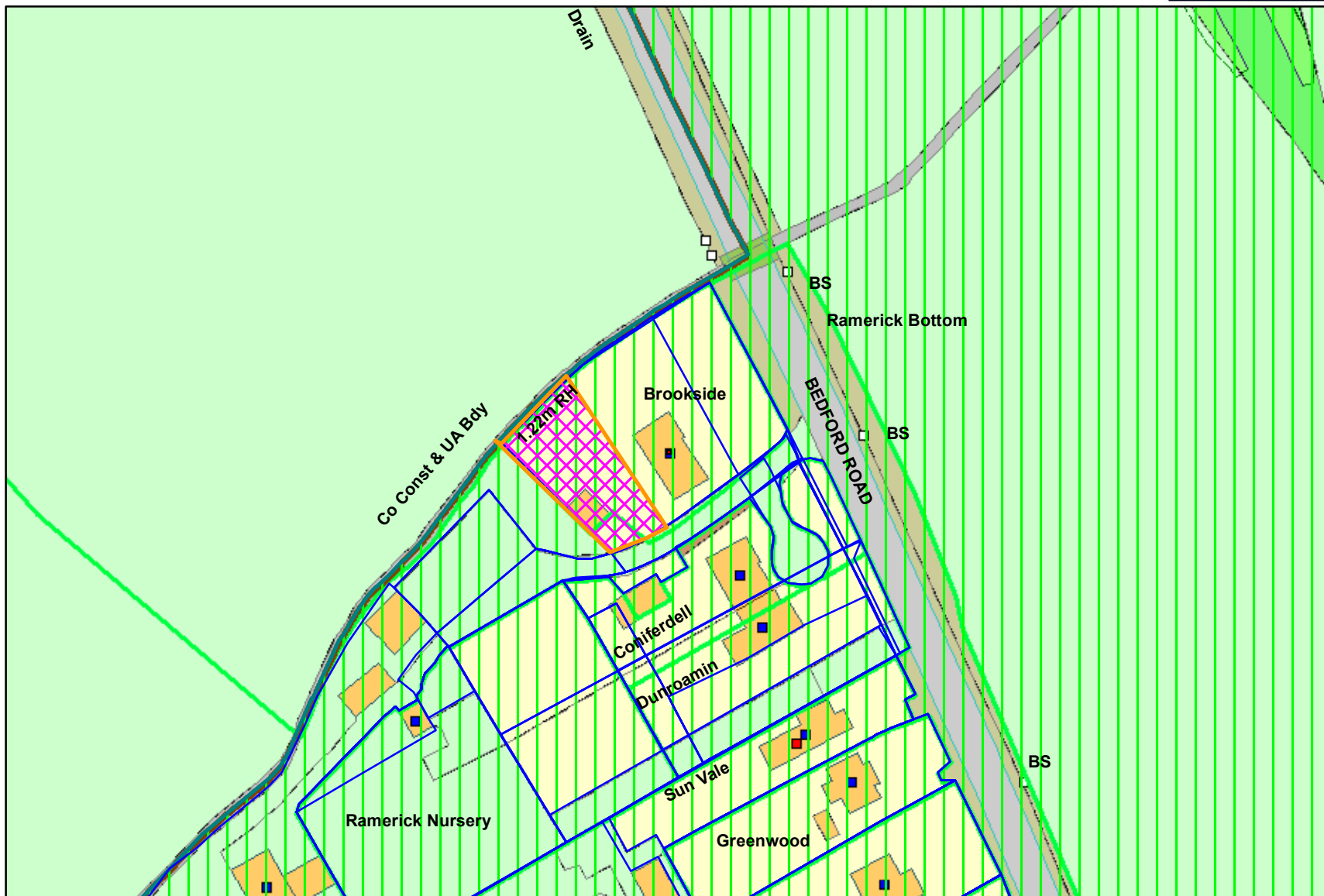
- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.

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## Application Validation Sheet

19/01213/FP Brookside, Bedford Road, Holwell, Hitchin, SG5 3RX

-  **Acolaid Land Parcel**  
Property.shp
-  **Acolaid Address Point**  
ap.shp
-  **Planning Application (1999)**  
Prapps99.shp
-  **Area of Outstanding Natural Beauty**  
Pranob.shp
-  **Listed Buildings**  
Prlistbld.shp
-  **Tree Preservation Order (Single)**  
ORACLE
-  **Tree Preservation Order (Group)**  
ORACLE
-  **Parish Boundary**  
Prparish.shp
-  **Conservation Area**  
Prcaarea.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnblt.shp
-  **Health & Safety Consultation Zone**  
Prjhzzone.shp
-  **Landscape Conservation**  
Prlandca.shp
-  **Ward Boundary**  
Prwardcd.shp
-  **Noise Nuisance Indicators**  
Prnnis.shp
-  **Indicative Flood Plain**  
Prfipm.shp



Scale 1:1,250

Date: 28/08/2019

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Kimoro Gun Road Knebworth Hertfordshire SG3 6BP</b>
<u>Applicant:</u>	<b>Mr Richard Crabtree</b>
<u>Proposal:</u>	<b>Detached garage to front of property</b>
<u>Ref. No:</u>	<b>19/01505/FPH</b>
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 16<sup>th</sup> August 2019

**Extension of statutory period:** 20<sup>th</sup> September 2019

**1.0 Submitted Plan Nos.** P01

**2.0 Site History**

- 2.1 18/00721/FPH - Erection of detached double garage – Granted Conditional Permission on 10/05/2018.
- 2.2 17/04042/FPH - Part two storey, part single storey rear extension, single storey front porch extension and works to facilitate conversion of existing garage into habitable space – Granted Conditional Permission on 22/01/2018.

**3.0 Policies**

**3.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 5 – Excluded Villages  
Policy 28 – House Extensions  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

**3.2 National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

**3.3 North Hertfordshire Draft Local Plan 2011-2031 - (Incorporating the Proposed Main Modifications November 2018)**

D1 – Sustainable Design  
D2 – House Extensions and Replacement Dwellings  
D3 – Protecting Living Conditions  
T2 – Parking

### **3.4 Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

### **4.0 Representations**

#### **4.1 Neighbouring Notifications:**

The owners/occupiers of No. 7 Gun Meadow Avenue and Lynwood, Gun Road were notified on 26/06/2019. No neighbouring comments have been received.

#### **4.2 Parish Council / Statutory Consultees:**

Network Rail – No comments received

Knebworth Parish Council – “Objects to the scale and bulk of the development in front of the building line”

### **5.0 Planning Considerations**

#### **5.1 Site and Surroundings**

5.1.1 Kimoro is a two storey detached dwelling situated on the south side of Gun Road adjacent to the railway and within a predominately residential area of Knebworth. The property features a brick finish with uPVC fenestration, existing single storey front projection and side garage. The site benefits from off-street parking with space for two to three cars.

5.1.2 The local characteristics of this part of Gun Road consist of predominately semi-detached dwellings of 1930s semi architectural style. The application site is of a different architectural style compared to the rest of the street.

#### **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of a single storey detached garage to the front of the existing dwellinghouse. The proposal would measure approximately 6m in depth, 7.9m wide and 4.3m in height with 2.3m to the eaves.

#### **5.3 Key Issues**

5.3.1 The key issues for consideration are as follows:

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties.

--The impact that the proposed development would have on car parking provision in the area.

Design and Appearance:

5.3.2 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 7 - Requiring good design). In this regard, Policy 28 and 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan are consistent with the NPPF.

5.3.3 The application property is situated adjacent to the bank of the railway, which rises above the plot immediately to the west. The property is set back within the plot and therefore benefits from a large front garden and driveway separating the main dwelling from the public highway.

5.3.4 The proposed development would provide the occupiers with a two bay single storey garage. A similar sized two bay garage has been previously approved under application reference number 18/00721/FPH. The current proposal would be in the same position as the previously approved garage and would slightly larger in design from that which has been previously approved. When compared to the approved garage, the proposal would increase from 5.5m in depth to 6m in depth and from 3.9m in height to 4.3m in height.

5.3.5 There are no existing examples of detached garages within the locality that are situated to the front of a host dwelling. Although it is recognised that the garage would be large in scale and sited to the front of the site, it would be appropriately placed along the west boundary of the plot alongside the railway bank. Therefore, the development would not unacceptably result in the screening of the property from the surrounding street scene.

5.3.6 Furthermore, the detached garage would be single storey in height with a hipped roof form. When taking into consideration the site context, the development would not result in a detrimental impact upon the character and appearance of the dwelling within the street scene.

5.3.7 Given the above, it is considered that the proposed development would not result in an unacceptable impact upon the character and appearance of the host property and would therefore be compliant with Policy 28 and 57 of the District Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties:

5.3.8 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan.

5.3.9 Given the siting of the proposed garage, away from neighbouring properties, it is considered that there would be no unacceptable impact upon neighbouring amenities arising from the proposed development. The proposal would therefore be compliant with Policy 28 of the District Local Plan and the aims of the National Planning Policy Framework.

#### Highways and Parking:

5.3.10 The proposal would result in the creation of two additional car parking spaces following the removal of the existing vegetation and the opening up of the front of the site. No car parking or highways issues would arise as a result of the proposed development.

### **5.4 Conclusion**

5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

### **5.5 Alternative Options**

5.5.1 None applicable

### **5.6 Pre-Commencement Conditions**

5.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

### **6.0 Legal Implications**

6.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### **7.0 Recommendation**

7.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Proactive Statement:**

















Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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## Application Validation Sheet

19/01505/FPH Kimoro, Gun Road, Knebworth, Herts, SG3 6BP

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbld.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prcaarea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbt.shp
-  Health & Safety Consultation Zone  
Prhjmzone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prmnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:1,250

Date: 28/08/2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land At The Junction Of Ashwell Street And Station Road Ashwell Hertfordshire</b>
<u>Applicant:</u>	<b>Oakbridge Bespoke Homes Ltd</b>
<u>Proposal:</u>	<b>Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (as amended by plans received on 14/06/19 and 23/07/19)</b>
<u>Ref .No:</u>	<b>19/00455/FP</b>
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of Expiry of statutory period:** 16<sup>th</sup> May 2019

**Reason for delay:**

An extension of time has been agreed to allow the application to be reported to Planning Committee.

**Reason for referral to Committee:**

Residential development with a site area of more than 0.5 hectares.

## 1.0 **Policies**

### 1.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 6 – Rural Areas beyond the Green Belt  
 Policy 7 – Selected Villages beyond the Green Belt  
 Policy 14 – Nature Conservation  
 Policy 16 – Areas of Archaeological Significance and other Archaeological Areas  
 Policy 21 – Landscape and open space pattern in towns  
 Policy 26 – Housing Proposals  
 Policy 29 – Rural Housing Needs  
 Policy 55 – Car Parking Standards  
 Policy 57 – Residential Guidelines and Standards

### 1.2 **Emerging Local Plan 2011 – 2031**

#### Section 2 – Strategic Policies

SP1: Sustainable development in North Hertfordshire  
 SP2: Settlement Hierarchy and Spatial Distribution  
 SP6: Sustainable Transport  
 SP8: Housing  
 SP9: Design and sustainability  
 SP11: Natural resources and sustainability  
 SP12: Green infrastructure, landscape and biodiversity  
 SP13: Historic environment

### Section 3 – Development Management Policies

HS2: Affordable housing

HS3: Housing mix

D1: Sustainable design

D3: Protecting living conditions

D4: Air quality

NE1: Landscape

NEx: Biodiversity and geological sites

NE4: Protecting open space

NE7: Reducing flood risk

NE8: Sustainable drainage systems

NE11: Contaminated land

T1: Assessment of transport matters

T2: Parking

HE1: Designated heritage assets

HE4: Archaeology

#### **1.3 National Planning Policy Framework 2019**

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

#### **1.4 Supplementary Planning Documents**

Vehicle Parking Standards at New Development (2011)

Design

Ashwell village design statement

#### **2.0 Site History**

- 2.1 18/01874/FP - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road – Withdrawn 18/10/18.

#### **3.0 Representations**

- 3.1 **Local Neighbours/Residents** – The following objections were received:

- ☐ The site is attractive agricultural land with mature trees, giving green space. The site is not a garden as stated. It leads onto the old Roman Road Ashwell Street, is part of the village heritage. Open spaces are important.
- ☐ The site is identified in the Ashwell Village Design Statement as an open space important to the character of the village.
- ☐ There has been much development in this area, meaning the nature of Station Road is changing.
- ☐ Does not seem to be a need.
- ☐ The site is not allocated for housing in the emerging Ashwell Neighbourhood Plan. It's outside the village boundary.
- ☐ The appearance and scale of the proposed houses are not in keeping with the existing.
- ☐ Loss of views across the site from Ashwell Street.
- ☐ Harms the Conservation Area, and the listed building within it.

- ☐ Harms the natural environment through the removal of hedges, and damage to trees and hedges. Plans do not show which trees would be removed. Harm to wildlife. Likely to be impacts on SSSI Ashwell Springs.
- ☐ Does Ashwell need 3/4 bed houses? The Village Survey reported a need for smaller houses/bungalows.
- ☐ Pressure on existing services and transport.
- ☐ The development does not fit well with the Arts & Crafts designed houses in Station Road.
- ☐ No details of exactly where the access would be.
- ☐ How will the development interact with other accesses. No transport assessment.
- ☐ Effect on Station Road parking. Concerns about increased traffic flow.
- ☐ The site could be accessed from Ashwell Street.
- ☐ No footpaths proposed on Station Road so pedestrian access will be poor.
- ☐ Lack of detail of boundary with 54 Station Road. Planting should be on this boundary.
- ☐ Two appeals have been mentioned, but not one denied last year for the site also in Station Road.
- ☐ Insufficient information about the development, and why it is sustainable. Do not consider it to be sustainable development.
- ☐ Reliance on the private car for transport.
- ☐ Proximity to and impacts on archaeological remains. Lack of archaeological information.
- ☐ No drainage information.
- ☐ The roof of the pig unit is asbestos.
- ☐ If approved, there should be restrictions on garage conversions, extensions and parking on Station Road.
- ☐ The application does not cover the whole field, future restrictions on development should be imposed.

Following amended plans received on 14<sup>th</sup> June 2019, the following additional objections were received from No. 59 High Street:

- ☐ The land is used to graze horses.
- ☐ No references to the Ashwell Village Design Statement, or the emerging Ashwell Neighbourhood Plan.
- ☐ The Planning Statement does not mention the Station Road site in Ashwell dismissed at appeal; Ashwell Parish Council objected to the site in the emerging Local Plan, it is not known if it will be removed; it does not acknowledge the arts and crafts dwellings which are the dominant ones in the area.
- ☐ The development provides more housing but does not take account of the needs of Ashwell.
- ☐ There has been much development in this part of Ashwell in recent years.
- ☐ Does not address housing needs identified by the Ashwell Neighbourhood Plan and the 2015 Housing Survey.

### 3.2 **Ashwell Parish Council** – A recommendation that permission be refused.

It was noted that a previous application for this site had been withdrawn by the applicant; the Parish Council had sent objections to it [see appendix]. This application was essentially the same with only minor amendments, however required documents covering ecology, archaeology, and drainage were now included.

The following objections made to the previous application were noted and reiterated;

- ☐ Settlement boundary changes. The Parish Council had objected direct to NHDC, in consultations, and at the Examination in Public to the Inspector, to the changes to the boundary drawn by NHDC in the new Local Plan. These changes had resulted in this



site being included inside the line where there would be a 'presumption in favour of development'.

□ Agricultural use. The NHDC pre-application advice had stated, 'The site appears to be a garden area...'. This was incorrect. Cllr David Short reported that he had held an agricultural tenancy with the owner of Townsend Field, the resident of Townsend House Mr Chris Outram, since 2015 and prior to that with the previous owner of the field. He used the field and the buildings on the site to keep his flock of rare breed sheep. The form that the applicant had submitted to NHDC was also incorrect; his name was not listed as an agricultural tenant of the site.

□ Neighbourhood Plan. This was now at a stage when the planning authority should give it weight as emerging policy. It was not supportive of development in this location. Surveys of parishioners had identified the housing needs of the village to be for smaller homes designed for the elderly and those with mobility issues; this application did not meet this need. To safeguard the policy for smaller dwellings permitted development rights should be withdrawn.

□ Conservation Area. The prevailing design in this part of the village was of the Arts & Crafts style of the 1920's and echoed the strong influences of Letchworth Garden City. This had been a factor in a recent planning decision by NHDC further along Station Road. The applicant's proposals were an 'off the shelf' style that did not reflect local design.

□ Highway safety. It was noted that for some years the Parish Council had been petitioning Herts Highways for safety improvements in Station Road. Of particular concern was the lack of adequate footways and crossing points for pedestrians. Additions were essential to ensure safe access to the centre of the village (recreation ground, shops and services) in one direction and the sports facilities and allotments at Small Gains in the other.

□ No clear justification for the development had been put by the applicant nor any demonstration of how it would be sustainable. There were existing concerns over the capacity of the school, doctor's surgery, water and sewage supplies; additional housing would exacerbate these.

In addition to the above points the following views were expressed;

□ Housing need/Neighbourhood Plan.

Cllr David Short reported that the proposals did not meet the housing needs of the village as established by Neighbourhood Plan surveys. The need was for smaller units and units suitable for the elderly and/or those with mobility issues. He noted that the Office for National Statistics (ONS) report of September 2018 had established that by 2041 over 85% of the national housing need would be for over 65's. Ashwell was typical in its requirement for a high level of properties suitable for independent living by older people. He also questioned the soundness of the draft Local Plan re its requirement for 14,000 new housing units when the new national figure was just under 10,000; the NHDC figures should be reworked.

□ Settlement boundary.

The application site was outside the current boundary. The draft Local Plan that proposed changes to the boundary that would incorporate this field, and others along Ashwell Street, had not yet been passed by the Inspector. The Parish Council, and others, maintained their objection to the boundary changes and the loss of green open space.

□ Highway safety. The 20mph zone to be implemented shortly would cover the core of the village but Station Road did not meet the criteria for inclusion. Any proposals for further development should address this issue.

□ Sustainability issues.

Additional strain on water and sewerage had not been adequately addressed. HCC had recently cited the lack of places at the school as a reason for objecting to an application appeal for the 'Land off Station Road'. Statements re transport links were misleading; bus services to local towns and the station were limited.

□ Environmental issues.

It was believed that bats roosted in the old pig units. There was asbestos in these buildings that would have to be dealt with correctly.

Following the amended plans received, the following additional comments were received from the Parish Council:

No adverse comments were made by parish councillors with regard to the details of the proposed amendments. The view was expressed that the amended layout would potentially be of benefit to the trees or which the Parish Council had requested Tree Preservation Orders. See 31.4 above.

A proposal was made to include, (i) the Parish Council's objections to the previous planning application were still valid and should be reiterated to the Planning Officer, (ii) the Parish Council's previous request, should the application be granted permission, for additional footway along the boundary to link the site to the existing footway system and provide safe pedestrian access to the village centre should be reiterated, (iii) should the application be granted permission, Permitted Development Rights should be withdrawn to retain the size of the dwellings and prevent adverse impact on neighbours.

It was resolved that the proposal be accepted.

### **3.3 Urban Designer and Landscape Architect:**

The amended plans look like they have addressed most of our concerns so I would not object to the overall scheme but request that detailed landscape proposals should be subject to a condition of an approval.

### **3.4 Hertfordshire County Council highways:**

Does not wish to restrict the grant of permission subject to conditions relating to: Construction Traffic and Management Plan; Footway Connection and Pedestrian Access; Provision of Visibility Splays; Refuse Collection; Cycle Parking, Swept Path Assessment.

### **3.5 Campaign to Protect Rural England – CPRE Hertfordshire maintains its objections to this application.**

The Applicant again makes the point that while the site is not designated as a potential development site in the Submission Local Plan, the Council has proposed to adjust the settlement boundary to remove the site from the Rural Area Beyond the Green Belt. The fact that the Inspector has not referred to this either in the Examination in Public or subsequently, is not relevant. The removal of this site from the Rural Area Beyond the Green Belt was objected to at the Examination in Public and to approve development in advance of the Inspector's adjudication would be inappropriate.

We maintain our view that while there is development along the north side of Station Road, there is an absence of residential development along this stretch of the road on the south side. Accordingly, the erection of a group of dwellings on what is currently open pasture will adversely affect the character of this part of the village and impact on the conservation area.

While providing fuller information on the points we have noted above, the application now omits details which were in the original planning statement such as former para. 6.2.2 which stated that “The local school is close to capacity and there may be problems with patient registrations at the Ashwell surgery. If this is the case a scheme of 9 new dwellings might give rise to a degree of social harm.” As before, there is no attempt in the accompanying documentation to assess the likely impact of the development on local services such as the JMI school, health services etc or the ability of residents to access them. Consequently we question the sustainability of the proposal.

The application does not comply with current Local Plan policies nor meet the sustainability criteria in the National Planning Policy Framework. The Examination in Public has yet to conclude and it would be inappropriate and premature to approve it as presented prior to the adoption of the emerging Local Plan.

Consequently we urge the Council to refuse the application.

- 3.6 **Archaeology** – The location has considerable archaeological potential. Conditions on site do not seem to have been favourable for geophysical survey, and the survey that was carried out was so badly affected by magnetic interference as to make the results effectively unintelligible. The subsequent trial trenching evaluation identified archaeological features in three of the four trenches – a number of ditches, a couple of pits and a posthole. None of these were particularly substantial and none contained any finds.

Given that numerous features were found, and given the proximity of the site to very significant earlier prehistoric monuments, we believe that a programme of archaeological mitigation is required. However, the lack of finds (and therefore dating) and the lack of a likely concentration of features suggests that the most reasonably practicable method of mitigation would be via a programme of archaeological monitoring of the groundworks of the development, rather than a more intensive open area excavation of all or a portion of the site.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological monitoring of the groundworks of the development, including preparatory works, ground reduction, landscaping, foundation trenches, service trenches, access roads, and all other ground disturbance. This should include a contingency for further investigation or preservation of any remains encountered;
2. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
3. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework. In this case three

appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

- 3.7 **Waste, Recycling & Street Cleaning** – Advises a condition requiring details of the circulation route for refuse collection vehicles.

It is noted that in many areas residents are expected to pull bins past parking bays. This is not recommended and often leads to bins being left out on the pavements or grassed areas.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

- 3.8 **Lead Local Flood Authority** - Following a review of the SuDS Statement carried out by EAS dated 25 February 2019, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

We therefore recommend the following conditions to the LPA should planning permission be granted.

- 3.9 **Environmental Protection Officer** - I have reviewed the Environmental Protection and Housing (EP) Team records, including the advice provided in 2018 in response to the previous application pertaining to this site, and the information submitted with this application. On that basis there is no objection to the proposed development with regards to land contamination or local air quality. However, it is recommended that the following conditions are included on any permission that may be granted.

- 3.10 **Hertfordshire Fire and Rescue Service** - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

- 3.11 **Hertfordshire Ecology**

#### Bats

Thank you for sending me the bat report – Dusk Emergence and Dawn Re-entry Bat Surveys (Middlemarch Environmental, August 2019). This follows a daytime inspection survey carried out 7 March 2019 when potential suitable roosting features were identified in the Former Stables (which had low potential for roosting bats), and associated with two trees (which had high potential for roosting bats). Following best practice guidelines, follow-up dusk emergence / dawn re-entry surveys were recommended to determine presence / absence and to provide appropriate mitigation to safeguard bats if present and affected.

The follow-up dusk emergence and dawn re-entry surveys were undertaken on 3 July, 17 July and 31 July 2019 and five species of bat were recorded foraging / commuting across the site. No bats were recorded emerging from or re-entering the building or trees.

The property is not used by bats for roosting, and consequently their favourable conservation status will not negatively impacted by these development proposals. I consider the LPA now has sufficient information to fully consider European Protected Species (in this case bats) prior to determination.

### Terrestrial mammals, Reptiles, Nesting birds

Badgers, hedgehogs and reptiles are known in the vicinity although not on the site. Appropriate informatives advising the applicant of measures relating to construction are advised.

The removal of trees on site has the potential to impact on nesting birds. These are protected under Schedule 1 of the Wildlife and Countryside Act 1981. In order to reduce the possibility of an offence taking place the following informative should accompany any consent given.

*“Any vegetation removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.”*

### Biodiversity net gains

I am pleased to see the amended site Plan shows more boundary hedgerows, and hedgerows associated with the individual properties. I consider this is sufficient to achieve overall net gain within the development scheme.

Notwithstanding the above, I would still like to see a plan showing the (native) tree species, as well as location of bat and bird boxes, submitted by Condition (or prior to determination).

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The application site comprises a roughly rectangular area of land that slopes up gently from north to south and from east to west. The site is undeveloped apart from two pig sheds in a poor state of repair in the south-west corner. The site is in use as agricultural grazing land. Some mature trees are located within the site and on its boundaries. The east and west boundaries are comprised of a hedge/vegetation. The north boundary with No. 54 Station Road is comprised of a 1m high post-and-rail fence. The south boundary of the site comprises pig sheds and open land, although trees and a hedge/vegetation extend along the north side of Ashwell Street (an un-made highway).
- 4.1.2 Adjacent land to the south of the site between the two included pig sheds and Ashwell Street is in agricultural grazing use and forms a larger agricultural unit with the application site. Four pig sheds adjoin the site on an area of land between the site, Ashwell Street and dwelling No. 24 Lucas Lane to the west – this land is home to small storage sheds and a single garage, but is not in use as a whole. No. 24 Lucas Lane to the south-west is a detached dwelling with large grounds, which extend along the east boundary of the application site. No. 54 Station Road to the north is the other property that adjoins the application site, which is a two storey detached dwelling.
- 4.1.3 The character of the wider locality is residential, with dwellings on the nearby part of Station Road and the new Philosophers Gate development predominantly semi-detached. There are small numbers of detached and terraced dwellings to the east and south-east. The site is within a Conservation Area, and the Rural Area beyond the Green Belt.

## **4.2 Proposal**

- 4.2.1 Planning permission is sought for the erection of 9 detached two storey dwellings on the site, and the associated change of use of the site to residential. The existing pig sheds would be demolished. A new vehicular access would be created onto Station Road to provide access to each dwelling and their parking areas.
- 4.2.2 Six of the dwellings would have three bedrooms, with the other three (Plots 1, 6 and 9) having four bedrooms. The dwellings would be of a more traditional style and design with pitched roofs and attached garages. The dwellings would have tiled roofs with brick and rendered walls.

## **4.3 Key Issues**

- 4.3.1 The key material planning considerations are as follows:
- ☐ Whether the principle of the development is acceptable
  - ☐ Siting and design of the proposal with regard to character and appearance of the locality
  - ☐ Impacts on neighbour amenity
  - ☐ Future living conditions
  - ☐ Highways and parking
  - ☐ Trees and landscaping
  - ☐ Ecology
  - ☐ Archaeology
  - ☐ Other matters

### **4.3.2 Principle of the development**

- 4.3.3 The site is largely undeveloped agricultural land in the Rural Area beyond the Green Belt (RA) which falls outside of a Selected Village (Ashwell) as specified in Policies 6 and 7 of the adopted 1996 Local Plan, albeit the site borders the Ashwell village boundary on its north and east sides. The whole site is within a Conservation Area. Policy 6 sets out what development would normally be allowed in the RA, with an aim of maintaining the existing countryside and villages, and their character. The proposal would not comply with parts i-iv of Policy 6, therefore would not be development acceptable in principle under this policy. The proposal also does not comply with Policy 7 of the adopted Local Plan as the site is not within the main area of Ashwell as shown on the relevant Inset of the Proposals Map. The adopted and emerging Local Plan's do not however contain policies preventing the loss of agricultural land in principle, therefore there are no objections to this.
- 4.3.4 The adopted Local Plan is however relatively old, with local and national planning policies having changed and evolved since its 1996 adoption. The emerging Local Plan (ELP) is now at an advanced stage towards adoption having gone through a public examination process and subsequent Modifications published for public consultation.
- 4.3.5 The ELP as had been put forward for examination (the October 2016 Submissions version) on the relevant Proposals Map for the Northern and Baldock Areas set a Settlement Boundary for Ashwell that includes the application site. The Settlement Boundary has been carried forwards to the Modifications. Policy SP2 of the ELP defines Ashwell as a Category A village, where general development will be allowed within the defined settlement boundary. The principle of new residential development on the application site would therefore be acceptable when assessed against the ELP, which is given significant weight.



- 4.3.6 Objections and concerns have been raised that the proposal conflicts with the Ashwell Neighbourhood Plan (NP). The NP is being progressed, however it is at an early stage in this process where a draft version with policies is not available on the Ashwell Village and North Herts Council websites, therefore the NP cannot be given weight in the assessment of the application.
- 4.3.7 The NPPF is a material consideration which is also given weight. The ELP is considered consistent with the NPPF by implication due to the stage that has been reached towards adoption. The NPPF does not set out the type of development that would be acceptable in principle in the Rural Area. However as above the proposed use of the site for residential development is not acceptable in principle when assessed against the adopted Local Plan.
- 4.3.8 Paragraph 11 d) of the NPPF states that 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. or ii. are complied with.
- 4.3.9 Part i. of 11 d) refers to 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed', which in footnote 6 includes designated heritage assets being the Ashwell Conservation Area in this instance. Paragraph 11 d) i. is engaged in light of the Council not being able to demonstrate a five year supply of deliverable housing sites and the location of the site within a Conservation Area.
- 4.3.10 As stated below, the proposal is not considered harmful to the significance of the Conservation Area as a designated heritage asset, therefore this application has to be assessed according to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of delivering new homes, when assessed against the policies in the NPPF taken as a whole. This final assessment will be set out at the end of this report.
- 4.3.11 **Character and appearance, siting and design**
- 4.3.12 There are no objections to the demolition of the existing pig sheds as they are in a dilapidated condition, they are not listed and are not considered to be of significant historic or architectural merit.
- 4.3.13 The application site is largely undeveloped agricultural land, however it is located within Ashwell and has existing residential development on all sides, although the amount and density of dwellings is small to the south-west along Ashwell Street. Given the surrounding residential development in close proximity to the site, I consider the site could accommodate new residential development subject to acceptable siting, design, landscaping etc. The site is listed as an Open space in the Ashwell Village Design Statement (2000), however the Statement does not state that the application site should not be developed.
- 4.3.14 The application is for 9 new dwellings. I consider the density and number of dwellings would not be excessive for the site when compared to existing nearby residential development. The development would have a density of 15 dwellings per hectare, less than that of the 15 dwellings granted planning permission at Walkden's to the south which had a density of 26 per hectare (reference 14/00336/1) and the more recent Philosophers Gate residential development (reference 12/02079/1) which approved 20 new dwellings with a density of 27.9 per hectare. The density also compares favourably with the area comprising the curtilages of Nos. 42-54 Station Road and 30-38 Lucas Lane, which is 21.4 per hectare. On the basis of the above I consider the density of the proposal acceptable in its context.

- 4.3.15 The dwellings would be approximately 8m to 10m from the west edge of Station Road, which would be closer than No. 54 Station Road to the highway (13m) but further away than Nos. 42-52 Station Road. Therefore I do not consider that the development would appear visually dominant within the street scene, and would additionally benefit from softening/screening from the boundary vegetation and planting that would remain. The dwellings would be set back from the other boundaries of the site and would predominantly be detached, therefore it is not considered that the development would appear cramped within the site and locality.
- 4.3.16 The development would be in the form of a cul-de-sac, which is not considered out of character given the Philosopher's Gate and Walkden's cul-de-sacs nearby to the east and south. The dwellings would be of a footprint, size and height comparable to others nearby in Station Road and would in this respect relate acceptably to the character and appearance of the locality.
- 4.3.17 The proposed dwellings would be of two main designs with the Plot 6 dwelling being a slight variation of the Plots 1 and 9 dwellings, the Plot 3 dwelling with a hipped end and first floor render, and the other five dwellings being similar but mirrored. With these differences and those of layout, detailing and materials, the development would be of a mix of dwellings that would be visually interesting within the site and relate to the variety of dwellings nearby. The Council's Landscape and Urban Design Officer has not objected to the layout and design of the scheme, which is given significant weight in favour of the proposal and its impacts on the locality.
- 4.3.18 With regards to the mix of housing proposed, six dwellings would be of three bedrooms and the other three with four. Policy HS3 of the ELP states that planning permission for new homes will be granted provided a. and b. are complied with. Part b. is considered to be complied with as the scheme would provide a density, scale and character of development appropriate to its location and surroundings.
- 4.3.19 Part a. of HS3 has the objective of ensuring an appropriate range of house types and sizes taking into account the overall targets of the ELP; the findings of the most up-to-date evidence; the location and accessibility of the site; and recent completions, existing permissions and sites in the five year supply. Paragraph 8.19 of the ELP states that the majority of completions since 2011 have been for smaller units. No smaller units of two bedrooms or less are proposed, however as larger dwellings at a lower density are more characteristic of the immediate locality and due to the majority of completions being smaller. The submitted Planning Statement in paragraph 6.2.2 refers to the mix of dwellings proposed, citing the August 2016 Strategic Housing Market Assessment Update that there is a need for 75.9% of new houses to be 3 beds and 13.3% to be 4 beds within the Stevenage Housing Market Area which Ashwell falls within, which is accurate. Given the above I consider the mix of dwellings proposed acceptable for this site in this location.
- 4.3.20 Concerns have been raised regarding the potential impacts on local services. With regard to this a material consideration is planning application no. 17/01406/1 at land off Station Road Ashwell, dismissed at appeal on 26/10/18. This application was for 46 new dwellings, with the Inspector in determining the appeal not concluding that local services would be harmed. As the current application is for 9 dwellings, it is also not considered that harmful impacts would result on local services.

- 4.3.21 The external materials of the dwellings are proposed to be tiled roofs with brick and rendered walls, which would be consistent with their more traditional design and character. The majority of dwellings on Station Road north of the entrance to Philosophers Gate are rendered or painted white or cream, with only a small number of brick exterior dwellings. Lighter coloured dwellings are also evident further south along Station Road, Ashwell Street and Walkden's, giving the locality a character of predominantly lighter materials. The four closest proposed dwellings to Station Road would have rendered walls, with the other dwellings being a mix of brick and render. These proposed external materials would be considered to sufficiently relate the proposed dwellings to the external materials and character of the majority of nearby dwellings on Station Road. Samples or details of the external materials to be used would be requested by condition if permission was to be granted. It is not considered that permitted developments should be removed by condition given that they would be limited by virtue of the site being within a Conservation Area.
- 4.3.22 As stated, the site is within a Conservation Area, a designated heritage asset. Great weight should be given to the asset's conservation, as set out in section 16 of the NPPF. The site is almost wholly undeveloped, and does not have vehicular access onto Station Road. The proposal would break through the existing hedge on the Station Road boundary with a vehicular crossover, and would result in an urbanising effect on this site of agricultural land with the dwellings being visible to some extent from Station Road and Ashwell Street. This would be in contrast to its undeveloped character, which is a visual break between development on this west side of Station Road. It is considered that developing the site would result in less than substantial harm to the significance of the Conservation Area due to the visibility of the development and its urbanising effect on land which is part of a wider undeveloped area that extends further to the west. The Council's Conservation Officer has verbally given the view that the development would result in less than substantial harm.
- 4.3.23 Less than substantial harm should therefore be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The principle benefit is that the development would approve 9 new dwellings on land that can be relatively easily developed, resulting in an improvement to the District's housing land supply position. On the scale of 'less than substantial harm', the amount of harm is considered to be at the lower end of this as in the wider context of the locality including the Conservation Area the development of the site for residential and the type and quality of residential development are considered acceptable. The development of the site for housing can also be viewed as being a more optimal use for the land given the District's housing land supply position, with weight also given to the proposal to remove the site from the Rural Area in the emerging Local Plan. Overall, as set out above and in this report as a whole, the public benefits are considered to outweigh the relatively small harm to the Conservation Area.
- 4.3.24 For the reasons above the proposed development is considered to be of an appropriate layout and design that would not harm the character and appearance of the locality and the significance of the Conservation Area.
- 4.3.25 **Neighbour amenity**
- 4.3.26 The closest dwellings to the application site that could be affected by the proposal are No. 54 Station Road which adjoins the north boundary, and No. 24 Lucas Lane which adjoins the west boundary. Other nearby dwellings are further to the north, east and south and are separated from the site by highways and the curtilages of other properties, and are considered sufficiently far away to avoid loss of amenity being caused.

- 4.3.27 No. 54 Station Road adjoins the north boundary of the site, which presently comprises a post-and-rail fence approximately 1m high. This existing boundary provides clear open views into the application site, and therefore the five proposed northern dwellings would be clearly visible from the curtilage of No. 54 and particularly its rear garden.
- 4.3.28 The proposed dwellings at two storey level would be approximately 16.5m to 24.5m from the boundary with No. 54, with 4 of the dwellings including a single storey rear projection 2m in depth. No. 54 itself is approximately 8m from its boundary with the application site, therefore there would be a minimum of 24.5m between the closest dwelling on Plot 2 and the side/rear of No. 54. While the northern dwellings would be visible from No. 54, I consider they would be sufficiently far away to avoid loss of light, overshadowing and overbearing impacts. A 1.8m high close boarded fence and hedge is proposed on the north boundary of the site with No. 54, which is considered sufficient to provide a reasonable level of privacy to the rear garden of that dwelling. The southern dwellings would be far from No. 54 and would not affect its amenity.
- 4.3.29 No. 24 Lucas Lane is to the south-west, with the dwelling being approximately 37m from the application site and further from the closest dwelling (Plot 6). These distances are large and would avoid overbearing impacts, loss of light and loss of privacy to any main habitable rooms of No. 24.
- 4.3.30 The rear of the Plot 6 dwelling would face primarily onto the remaining agricultural and storage land adjacent to the south of the site, where views from the first floor rear elevation would not cause loss of privacy to No. 24. The first floor rear elevation of No. 24 would be approximately 26m from the curtilage of No. 24, which is considered sufficient to avoid causing loss of privacy.
- 4.3.31 The Plot 5 dwelling would be the closest to the plot of No. 24, which is extensive and projects north of the north boundary of the application site. The area of No. 24 closest to the Plot 5 dwelling is used as garden land. The first floor and roof of the Plot 5 dwelling would be approximately 4.6m from No. 24, however this dwelling would be substantially obscured by trees and a hedge within No. 24 such that overbearing impacts and overshadowing would be avoided. A first floor side window of the Plot 5 dwelling would face into the garden of No. 24, however this window could be required to be obscure glazed if permission was to be granted as it would serve a bathroom.
- 4.3.32 Impacts on residential amenity are therefore considered acceptable.
- 4.3.33 **Living conditions**
- 4.3.34 The proposed dwellings would be considered to receive adequate outlook and light for their main habitable rooms and their private rear gardens. The rear gardens for the proposed dwellings would be of a sufficient size and quality to provide an acceptable area of amenity space. Means of enclosure along the side and rear boundaries of the dwellings have not been specified, however this can be secured by a condition requiring these details.
- 4.3.35 The dwellings are sited such that they would not appear overbearing or cause loss of light to their potential occupants. Some of the dwellings include first floor side windows facing other first floor side windows and garden areas which could cause some loss of privacy to future occupiers, however as these windows would serve bathrooms and stairwells these can be required to be obscure glazed by condition if planning permission was to be granted. Living conditions for future occupiers are therefore considered to be acceptable.

#### **4.3.36 Highways, access, layout and parking**

- 4.3.37 The County Council highway authority has not objected to the proposal, subject to requesting conditions relating to the provision of a footway to the north to connect with No. 54 Station Road, a tactile paving crossing point, and visibility splays in relation to the site access and its connectivity. The visibility splays and tactile crossing point are considered reasonable and acceptable. It is not considered necessary or desirable for a footway extending to No. 54 as the southern footway proposed with its tactile crossing point would provide pedestrian access to the wider footway network and the rest of Ashwell, while a northern footway would result in the substantial loss of the existing hedgerow which is not desirable as this would result in harm to ecology and the character of the locality.
- 4.3.38 The other conditions recommended by the County Council highway authority relate to a Construction Management Plan, refuse collection, cycle parking, and a swept path assessment. The Construction Management Plan and swept path conditions are considered reasonable for the development proposed. It is not considered necessary for a cycle parking condition for stands as the dwellings would include garages and private garden areas where bikes could be stored. Refuse collection arrangements can be established by the condition recommended by the Council's Waste, Recycling & Street Cleansing Officer as below.
- 4.3.39 The Council's Waste, Recycling & Street Cleansing Officer has advised that further details of the circulation route for refuse collection vehicles has been submitted and approved as a condition, which could be attached to any permission granted. Bin storage details have not been provided, although it is considered sufficient space would exist at the sides of each dwelling for all bins (final details can be required by condition). Bins would need to be pulled past parking bays, however as the driveways would be a minimum of 3m in width it is considered sufficient space would be available for this.
- 4.3.40 The dwellings would have a minimum of 3 bedrooms each. The Council's 2011 parking standards SPD require each dwelling with two or more bedrooms to have a minimum of 2 parking spaces, with a garage being counted as meeting the standards if it measures at least 7m by 3m internally. All dwellings apart from Plot 6 would have single garages smaller than this therefore they do not meet these standards. The Plot 6 dwelling would include a double garage measuring 5.2m in depth and 5m in width, which is considered sufficient to accommodate one car.
- 4.3.41 The Council parking SPD and other policy documents referring to parking do not set minimum dimensions for parking spaces on driveways. Manual for Streets in paragraphs 8.3.48 to 8.3.54 sets out minimum dimensions for parking spaces perpendicular to a highway of 4.8m by 2.4m.
- 4.3.42 The Plot 6 dwelling would have three parking spaces within its curtilage, which complies with Council parking standards. The other dwellings would have two parking spaces, which are also an acceptable provision of parking spaces.
- 4.3.43 With regards to impacts on the public highway, the layout of the site and parking provision, the proposal is considered to be acceptable.

#### **4.3.44 Landscape and trees**

- 4.3.45 The site contains a small number of trees within it, with a larger number of trees and other vegetation on or close to its boundaries and a small distance outside the site. The east boundary of the site with Station Road is comprised of a continuous hedge/vegetation and some mature trees.
- 4.3.46 Five trees within the site are proposed to be removed, in addition to a small section of hedgerow on the east boundary. The trees to be removed are of lower quality therefore there are no objections to their removal, however their loss should be compensated for by new tree and shrub planting. Such tree planting can be secured by an appropriate condition. The majority of the east boundary hedge would remain which would soften the appearance of the development and help maintain the setting of the Conservation Area and the character of Station Road – any permission granted would include a condition specifying that this hedgerow be retained.
- 4.3.47 The remaining trees within the site would not be affected by the proposed development. It is considered that there would be an acceptable balance of hard and soft landscaping. There are no objections from the Council's Landscape and Urban Design Officer, which is given significant weight.
- 4.3.48 Should planning permission be granted, further details of hard and soft landscaping would be required by condition to ensure the development would be of a high quality appropriate to the location of the site in this part of Ashwell and the Conservation Area.

#### **4.3.49 Ecology**

- 4.3.50 The application was submitted with a detailed Preliminary Ecological Appraisal (PEA), and detailed bat surveys. The bat surveys did not record bats roosting within the site, therefore bats will not be adversely affected by the proposed development. No other protected species were found on the site, although some species could pass through the site and could be affected by construction, however informatics advising the applicant of species protection measures during construction are considered appropriate for these matters.
- 4.3.51 Nesting birds could be affected by the removal of trees. Nesting birds are protected under Schedule 1 of the Wildlife and Countryside Act 1981. An informative as recommended by Herts Ecology that vegetation removal should be undertaken outside the nesting bird season (March to August) is considered appropriate.
- 4.3.52 More hedgerows are proposed, which are considered sufficient to achieve an overall net gain of biodiversity. It is recommended by Hertfordshire Ecology that the new trees should be of native species or those that benefit wildlife, three bird boxes suitable for swifts be incorporated into the buildings, and a bat mitigation strategy (including bat boxes) should be implemented. These measures should be demonstrated in a Landscape and Ecological Management Plan. Hertfordshire Ecology have recommended such a Plan be submitted to the Local Planning Authority in accordance with an appropriate condition. It is considered that this measure would be sufficient to promote a net gain in biodiversity and safeguard protected species and potential roosts, therefore impacts on ecology are considered acceptable.



#### **4.3.53 Archaeology**

- 4.3.54 The location has considerable archaeological potential, being in close proximity to a Neolithic and Bronze Age funerary/ceremonial landscape, consisting of a henge monument (Historic Environment Record no. 30533), numerous round barrows (several of which are scheduled monuments) and a long barrow, all within the fields just to the south. The henge, one of only two such monuments that have been investigated in Hertfordshire, is just over 50m to the south of the proposed development area.
- 4.3.55 Ashwell itself has Anglo-Saxon origins, and its environs also contain significant Roman archaeology. Of particular relevance to the present site are Ashwell Street (HER no. 4692), of medieval or earlier origins, running nearly adjacent to the proposed development, and a ditch containing Roman pottery (HER no. 17600) found during construction of a new house at 22 Lucas Lane nearby.
- 4.3.56 The Archaeological Evaluation that was submitted with the application identified archaeological features in three of four trenches dug, however none of these were particularly substantial and none contained any finds.
- 4.3.57 The County Council Archaeologist has advised that a programme of archaeological mitigation is required. However the lack of finds and the lack of a concentration of features suggests that the most reasonably practicable method of mitigation would be via a programme of archaeological monitoring of the groundworks of the development. Such monitoring, analysis and recording can be achieved by the imposition of appropriate conditions as recommended by the Archaeologist. I consider these measures sufficient to protect the archaeological interests on the site.

#### **4.3.58 Other matters**

- 4.3.59 The Lead Local Flood Authority have raised no objections in relation to flood risk and drainage, subject to conditions relating to the implementation of the submitted SuDS Statement being implemented. The Council's Environmental Protection Officer has recommended a condition be imposed seeking a land contamination survey given the history of the site to mitigate potential impacts on the dwellings proposed, which is considered reasonable. Nine new dwellings are proposed, which falls under the thresholds for affordable housing under the emerging Local Plan. No planning obligations are considered necessary.

#### **4.5 Alternative Options**

- 4.5.1 None applicable.

#### **4.6 Pre-Commencement Conditions**

- 4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### **5.0 Planning Balance and Conclusion**

- 5.1 The Local Planning Authority cannot demonstrate a 5 year supply of housing land as required by the NPPF. Indeed the position soon to be confirmed in the Annual Monitoring Report would be less than 1.5 years. I do not consider that the proposed development would harm the significance of the Conservation Area as a designated heritage asset which the site is within. Therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the

benefits of delivering new homes. Appeal decisions have confirmed that the degree of deficit below the five year supply figure is also material, in that the benefits of delivering new homes with a significant deficit must be given more weight in the planning balance than would be the case if the deficit was only just below five years.

- 5.2 No adverse impacts from the proposed development are apparent. A benefit is that the 9 new dwellings proposed would make a contribution to housing supply in Ashwell and the District. The Examination Inspector dealing with the emerging Local Plan has not questioned the designation of the site within the Ashwell settlement boundary. Overall, I consider that the proposals achieve sustainable development as required by the NPPF.

## 6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Prior to the occupation of the approved dwellings the following landscape details to be submitted shall include the following:

a) which, if any, of the existing vegetation inside and adjoining the site is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Landscaping shall be implemented in accordance with the approved details.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. The first floor side elevation windows of the approved dwellings shall be obscure glazed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of privacy and amenity.

7. No development shall commence until a Construction Traffic and Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include the following details •Construction vehicle numbers, type, routing; •Construction and storage compounds (including areas designated for car parking) •Cleaning of site entrances, site tracks and the adjacent public highway; •Timing of construction activities to avoid school pick up/drop off times; •Provision of sufficient on-site parking prior to commencement of construction activities; •Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

8. Prior to the first occupation of the development hereby permitted, provision of a tactile paving pedestrians crossing point onto Station Road as shown on drawing (Ref- 263-100, Rev-B) shall be provided.

Reason: In the interests of pedestrian and highway safety.

9. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres in both directions of Station Road and as shown on drawing (Ref-263-100, rev -B) shall be provided and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to the commencement of the development hereby permitted, a swept path analysis and turning space shall be provided within the site to enable a standard size refuse collection vehicle (12.1m long) to park, turn and re-enter the highway in a forward gear. This area shall be provided, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning

Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.

Reason: In the interests of satisfactory development and highway safety.

11. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

12. Land contamination condition:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed & if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local

Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

13. Prior to occupation, the nine dwellings shall incorporate one Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

14. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

15. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 14.

Reason: In the interests of archaeology.

16. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

17. The development permitted by this planning permission shall be carried out in accordance with the SuDS Statement carried out by EAS dated 25 February 2019 and the following mitigation measures;
1. Undertake drainage strategy based on infiltration
  2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising permeable paving and plot soakaways.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the SuDS Statement carried out by EAS dated 25 February 2019. The scheme shall also include;
1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
  2. Silt traps for protection for any residual tanked elements.
  3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

19. Prior to occupation of the approved development, plans and details of proposed trees, bat and bird boxes shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with these approved details.

Reason: In the interests of ecology.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage and during the course of the application which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Informatives:**

#### Highways Informatives

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website



<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

#### Environmental Protection Informative

##### EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

#### Hertfordshire Ecology

Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.

**Reasonable Avoidance Measures**

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of retained habitat.

Where any, long grass is to be cleared, this work should be carried out in two phases. The first cut should be to >100mm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat.

Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable; cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.

















Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted.

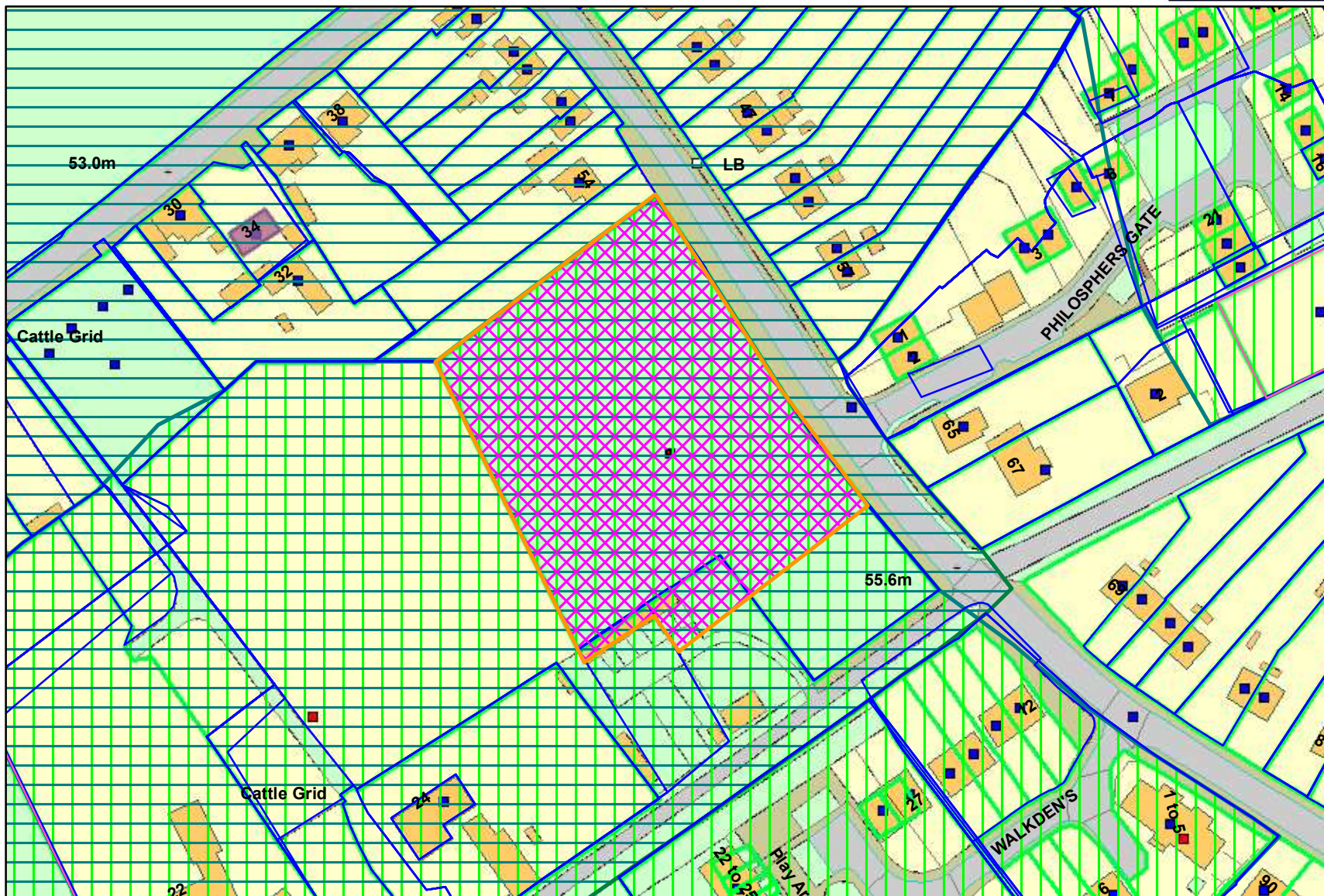
Any vegetation removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

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## Application Validation Sheet

19/00455/FP Land At The Junction Of Ashwell Street And Station Road, Ashwell, Herts

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbld.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prconrea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbtl.shp
-  Health & Safety Consultation Zone  
Prjmzone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prmnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:1,250

Date: 28/08/2019

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<b>ITEM NO:</b>	<u>Location:</u>	<b>The Cottage Upper Green Ickleford Hitchin Hertfordshire SG5 3YF</b>
	<u>Applicant:</u>	<b>Mr R Spicer</b>
	<u>Proposal:</u>	<b>Remodel brick garage in rear garden with pitched tiled roof; clad walls with timber ship lapped boards to 3 sides &amp; knapped flint and brick banding to rear garden elevation. Rebuild front garden wall with knapped flint and brick banding (as amended by plan received 08 August 2019)</b>
	<u>Ref. No:</u>	<b>19/01093/FPH</b>
	<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of Expiry of statutory period:** 12<sup>th</sup> July 2019

**Reason for delay:**

An extension of time has been agreed to allow the application to be reported to Planning Committee.

**Reason for referral to Committee:**

Cllr North has called in this application in the wider public interest.

**1.0 Policies**

**1.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 5 – Excluded villages  
Policy 28 – House extensions  
Policy 57 – Residential Guidelines and Standards

**1.2 Emerging Local Plan 2011 – 2031**

Section 2 – Strategic Policies  
SP9: Design and sustainability  
SP13: Historic environment



### Section 3 – Development Management Policies

D1: Sustainable design

D2: House extensions, replacement dwellings and outbuildings

D3: Protecting living conditions

HE1: Designated heritage assets

#### **1.3 National Planning Policy Framework 2019**

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

#### **2.0 Site History**

- 2.1 05/00860/1LB - Reduction in size of existing openings and insertion of new windows; addition of roof insulation - all to single storey rear wing – Approved 28/07/05.
- 2.2 96/00248/1LB - Additional kitchen window – Approved 25/04/96.
- 2.3 91/00618/1LB - First floor rear extension, involving removal of existing roofs – Approved 03/07/91.
- 2.4 91/00617/1 - First floor rear extension – Approved 02/07/91.
- 2.5 86/00085/1 - Outline application (all matters reserved) for erection of one detached house with garage – Refused 10/04/86.
- 2.6 79/00189/1 - Erection of detached double garage following demolition of existing garage – Approved 09/02/79.
- 2.7 79/00142/1 - New Garage – Withdrawn 02/02/79.

#### **3.0 Representations**

- 3.1 **Neighbours** – The following objections were received from Nos. 6, 3, 2, Rose House Upper Green:

- ☐ The garage would be significantly taller than the existing at 5.25m within 3.6m of the boundary. Major impacts on daylight to our garden and house.
- ☐ Overbearing because of its close proximity to 1-6 Upper Green. The existing flat roof garage is not noticeable.
- ☐ Major invasion of privacy from 3 windows.
- ☐ Adversely affect views from our house and garden.
- ☐ Opposed to the change of use to storage and a home office.
- ☐ Further extension of the buildings on the property is unnecessary.
- ☐ Exacerbate loss of light from existing extension to main house.
- ☐ Cumulative impacts with other development.
- ☐ The design, especially its scale and height, will appear incongruous in the street scene and to the setting of the listed building. Not sympathetic to local character. Prominent and out of place.
- ☐ Pressure to convert to a dwelling.
- ☐ Not sustainable development.
- ☐ Not opposed to the re-construction of the garage, provided it would be no larger than present.

- ☐ Not opposed to the front wall.

**3.2 Ickleford Parish Council – Objects to the application.**

As this site is located in the Conservation Area of Ickleford, we would question whether the proposed design for the garage is in keeping with, and sympathetic to, its setting. Should the garage be allowed to increase to the height proposed in this application, we think it would be both incongruous and alien to the setting of 'The Cottage' which is a small listed building.

Furthermore, we believe that the proposed height of the garage would cause a loss of light to the garden of the neighbouring property at number 6 Upper Green.

**3.3 Amended plans were received and neighbours and the Parish Council re-notified on 21<sup>st</sup> June.**

**3.4 Neighbour objections** following amended plans, received from Nos. 6, 5, 3, 2, Rose House, Upper Green:

- ☐ Remain utterly opposed. All points from our previous letter remain. None of the changes are material.
- ☐ The aims of the remodelling could be achieved without increasing the height of the garage.
- ☐ Almost twice the height of the existing garage.
- ☐ Major detrimental impact on views and sunlight.
- ☐ Massive feeling of enclosure.
- ☐ Loss of privacy from windows.
- ☐ No justification.
- ☐ Inappropriate, prominent and out of character with its surroundings.
- ☐ The roof would extend beyond the boundary line into the adjacent lane.
- ☐ The proposal could lead to the original planning request.

**3.5 Supporting comments** received:

- ☐ I can't see any problems, it would not affect light.
- ☐ There are many properties greater in height.
- ☐ The existing wall and garage are unsightly.
- ☐ The design of the wall and garage would complement/improve the existing house and area.
- ☐ Previous work by the applicant has been to a high standard.
- ☐ Traffic would not be a problem.

**3.6 Ickleford Parish Council – Whilst acknowledging the amendments made to above-named planning application, I would like to advise you that Ickleford Parish Council objects to this application.**

As this site is located in the Conservation Area of Ickleford, we would still question whether the proposed design for the garage is in keeping with, and sympathetic to, its setting. Should the garage be allowed to increase to the height proposed in this application, we think it would be both incongruous and alien to the setting of 'The Cottage' which is a small listed building.

Furthermore, we believe that the proposed height of the garage would cause a loss of light to the garden of the neighbouring property at number 6 Upper Green.

3.7 Further amendments to the outbuilding were received on 8<sup>th</sup> August 2019, with neighbours and the Parish Council re-consulted on 9<sup>th</sup> August and 22<sup>nd</sup> August.

3.8 **Neighbour objections** following second amended plans, received from Nos. 6, 4, 2, Rose House:

- ☐ Remain strongly opposed on similar grounds to those previously stated.
- ☐ Severe detrimental impact on sunlight to our rear garden.
- ☐ Dominate the view, being in such close proximity to the boundary fence.
- ☐ Will exacerbate the feeling of being hemmed in on 3 sides.
- ☐ Increase the feeling of the area being built up removing natural light and sight lines for adjacent residents.
- ☐ An overhang onto the lane remains which will impede vehicles.

3.9 **Supporting comments** received from Holly Lodge, Upper Green:

- ☐ Improvement to the existing garden wall.
- ☐ Remodelling of the garage will be an improvement to the existing.
- ☐ The pitched roof seems not dissimilar to other garages etc. nearby, and won't have any negative impacts from our perspective.

3.10 **Conservation Officer** - I previously suggest that: i) the roof lights are omitted; ii) the brick and flint detail to the main garden elevation is replaced with timber boarding; and iii) whilst the large cart-style doors are OK, if the room is to be used as an office use it would perhaps be more desirable if the doors were replaced by a single personnel door and pair of quarter pane casements to the side (in place of one of the two gable end pairs) or installing a glazed screen behind the larger cart doors.

The agent has confirmed that the roof covering will be in clay plain tiles (I am still seeking handmade clay tiles) and I note that the barn doors to the side elevation on the drawings have been replaced with a hardwood door and frame with full length side lights and that the rear window has been removed. Furthermore, the barge boards have been removed and a cloaked verge detail introduced.

#### **Front garden wall**

The existing front wall has no special interest and its replacement is an acceptable way forward, although flint work is not a common building material in this part of the district (more prevalent to the east of the district), the wall design and height would complement the grade II listed front wall at Ickleford JMI School. Although a simple brick facing wall with half round cappings and tile oversailing course would be preferred or failing that a timber picket fence, I am prepared to support the proposal as currently drawn.

#### **Recommendation**

It is considered that the proposal will not harm the setting of The Cottage or harm the character or appearance of the Ickleford Conservation Area. I, therefore, raise **NO OBJECTION** to the amended scheme on the basis that the amended scheme will satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1

of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018).

#### **4.0 Planning Considerations**

##### **4.1 Site and Surroundings**

- 4.1.1 The site is a two storey detached dwelling with a pitched roof. The rear party boundary with No. 6 Upper Green is comprised of a 1.8m high fence including an upper trellis section. The site is located in an area of residential character comprising terraced and dwellings. The dwelling is a Grade II listed building, and is within a Conservation Area.

##### **4.2 Proposal**

- 4.2.1 Enlargement and alterations to an existing detached garage at the rear of the dwelling to give it a pitched roof, and new timber boarding to its elevations. The works would include alterations to existing openings.
- 4.2.2 A replacement wall around the front garden of the site, which would be of brick with knapped flint panels.

##### **4.3 Key Issues**

- 4.3.1 The key material considerations are design and heritage impacts, and impacts on neighbour amenity.

###### Design and heritage

- 4.3.2 The existing front wall is of more recent construction than the application property, and is considered to be of relatively poor appearance and is low rise. As such, there are no objections to its demolition.
- 4.3.3 The proposed replacement wall would be approximately 60cm high above ground level, and compares favourably in height to other walls and fences around front boundaries in the locality. The use of knapped flint panels is uncharacteristic of the application property, although the front boundary of Ickleford Primary School features such panels. Impacts on the historic fabric of the listed building would be minor, and it is considered that the proposed wall would be a visual improvement to the existing. Impacts on the character and appearance of the locality and the significance of the Conservation Area would also be limited, with a benefit being the replacement of the existing wall. Furthermore the Council's Conservation Officer does not raise objections to the wall. For the reasons above, the replacement wall is considered to be acceptable.
- 4.3.4 The existing garage is not considered to be curtilage listed on the basis of its more modern external appearance, and its absence on historic maps from the 1950's to the early 1970's. The existing garage is functional in appearance, has deteriorated externally on some of its elevations (faded/cracked paintwork), and is not considered to be of historic or architectural merit. As such, there are no objections on design and heritage grounds to works to the garage in principle.

- 4.3.5 The altered garage would be larger than the existing, however the roof pitch would be similar to the steeper pitches of the main roof of the dwelling and is not considered unreasonable in height in this respect. The eaves of the garage would remain the same, with the new roof increasing the height of the garage from 2.4m to approximately 4.17m. The proposed timber boarding, and hand made clay tiles similar to those re-claimed from the listed building on the site The Cottage, would be of an acceptable quality and type. Overall I consider that the proposed alterations to the garage would result in a building more sympathetic to the character and setting of the listed building.
- 4.3.6 In the wider area there are double garages at Rose House and Holly Lodge with pitched roofs that are considered to be a similar height to the proposed pitched roof. The proposed roof would also be a similar height to the lower rear projection of the main application property. In this context, and given that the alterations to the garage would be an improvement to its appearance and to the setting and significance of the listed building and Conservation Area, it is considered that the enlargement and alterations to the garage would have acceptable impacts on the character and appearance of the locality.

#### Neighbour amenity

- 4.3.7 The proposed front wall would be low at 0.6m and would not be considered to harm neighbour amenity due to this and its siting away from the curtilages of the closest dwellings.
- 4.3.8 The works to the proposed garage would potentially be most harmful to the amenity of neighbouring dwellings No. 6 Upper Green to the east which adjoins the application site, and Rose House to the west which is separated from the application site by an access road.
- 4.3.9 Holly Lodge adjoins the application site to the north, however views of the new pitched roof would be substantially softened/obscured by trees at the end of the rear garden of the application site. The pitched roof would be approximately 9m from the curtilage of Holly Lodge and further from the front elevation of that dwelling, and due to the screening from trees the enlarged garage would not appear overbearing or result in loss of light and amenity to Holly Lodge.
- 4.3.10 Rose House is to the west, separated from the application site and existing garage by an access road approximately 3.5m in width. The garage is a further 3.5m from the rear elevation of Rose House, and would be to the north of this elevation. Due to the distance of the existing garage from Rose House and as the ridge of the new roof would be set in from the boundary, it is not considered that the enlarged garage would appear harmfully overbearing or result in loss of light to rooms of Rose House with rear elevation openings.
- 4.3.11 The new garage roof would be more visible from the rear garden of Rose House as it would be higher than the existing, which is presently visible above the east boundary wall of the garden. The garden of Rose House is however relatively large, therefore the new roof would be not be visible or prominent from all areas of the garden. The main patio areas of the garden are adjacent to the rear elevation of Rose House and its west boundary with No. 2 Raymond Villas, which are considered to be sufficiently far

from the proposed roof to avoid overbearing impacts. There is a smaller patio area, however this is close to the east boundary wall which would limit visibility and impacts of the proposed roof.

- 4.3.12 The proposed roof would be approximately 3.5m from the rear boundary of Rose House due to an access drive, with the ridge being further away. Due to the location of the garage and the size of the rear garden of Rose House, it is not considered that the proposed roof would appear as a visually dominant addition that would be overbearing and result in loss of amenity. Impacts on the amenity of Rose House are considered acceptable.
- 4.3.13 No. 6 Upper Green shares a party boundary with the application site. The proposed roof would be approximately 14.5m from the rear windows of the main rear elevation of that dwelling and to the north, which is considered a sufficient distance to avoid overbearing impacts and would not result in loss of light to the main dwelling No. 6.
- 4.3.14 The proposed garage roof would be more visible from the rear garden of No. 6. The rear party boundary with the application property is comprised of a 1.8m high fence, of which the upper 20-30cm is a trellis, which results in the existing garage being visible from the rear garden of No. 6.
- 4.3.15 The proposed roof would add 1.77m in height to the garage, which would increase its visibility and prominence. The existing garage is approximately 4m to 3m from the rear garden of No. 6 and tapers towards the party boundary and the end of the rear garden of No. 6.
- 4.3.16 The pitched roof would make the garage more visible from the rear garden of No. 6. It is not however considered that the new roof would be of an unreasonable or excessive size or height for the garage in design terms in relation to the existing garage building, the main host dwelling and in the context of the character of the locality.
- 4.3.17 The pitched roof would affect views from the rear garden of No. 6, however the loss of views are not material planning considerations. The increase in height of the existing garage would not be small, however the roof would slope away from No. 6 and would be set away from the boundary as per the existing garage. The ridge of the proposed roof would be approximately 5.7m to 4.7m from the rear garden of No. 6. Due to the above it is not considered that the proposed pitched roof would result in overbearing visual impacts to the rear garden of No. 6.
- 4.3.18 The pitched roof will result in greater shadowing than the existing garage, however I consider that shadows would primarily fall within the garden of the application site and the adjacent access drive to the west. Overshadowing of the rear garden of No. 6 would be limited to a small area and to late afternoons/evenings due to the western location of the garage, therefore I do not consider harmful overshadowing and loss of light would be caused to the rear garden of No. 6.
- 4.3.19 Objections have also been received from Nos. 5, 4, 3 and 2 Upper Green. While the proposed roof would be visible from the rear gardens of these properties and would alter their views (loss of views is not a material planning consideration), the garage would be at minimum separated from them by the rear garden of No. 6 and would be more oblique and less prominent than it would be from No. 6. The overhang from the



proposed guttering would be similar to that from the existing garage and would not materially affect vehicle sight lines. Therefore I do not consider that the enlarged garage would be harmful to the amenity of Nos. 5, 4, 3 and 2 Upper Green.

4.3.20 For the reasons above it is not considered that harm to the amenity of residential properties would be caused.

#### 4.4 **Alternative Options**

4.4.1 None applicable.

#### 4.5 **Pre-Commencement Conditions**

4.5.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### 4.6 **Conclusion**

4.6.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### 5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The clay tiles for the garage roof shall be hand made and be similar in size and appearance to those of the roof of The Cottage, Upper Green.

Reason: To ensure that special regard is paid to the setting of The Cottage under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Further details of the type and finish of the timber boarding to the garage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to the setting of The Cottage under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Section details and confirmation of materials proposed to be used for the pair of quarter-pane casements on the south-facing gable shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: To ensure that special regard is paid to the setting of The Cottage under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Proactive Statement**

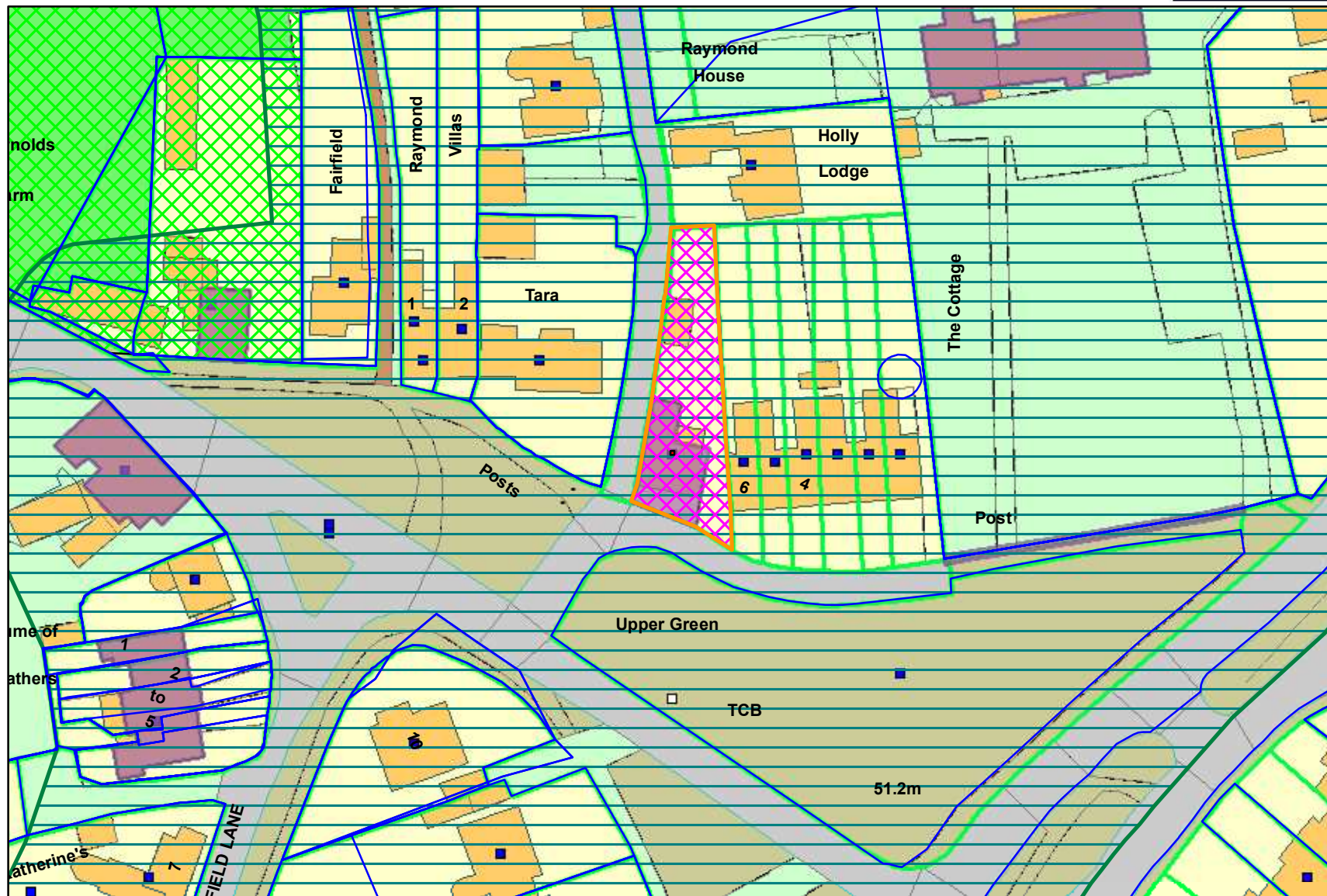
Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant during the course of the application which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## Application Validation Sheet

19/01093/FPH The Cottage, Upper Green, Ickleford, Hitchin, Herts, SG5 3YF

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbld.shp
-  Tree Preservation Order (Single)  
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-  Tree Preservation Order (Group)  
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Date: 28/08/2019

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>The Cottage Upper Green Ickleford Hitchin Hertfordshire SG5 3YF</b>
<u>Applicant:</u>	<b>Mr R Spicer</b>
<u>Proposal:</u>	<b>Rebuild front garden wall with knapped flint and brick banding</b>
<u>Ref. No:</u>	19/01094/LBC
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of Expiry of statutory period:** 12<sup>th</sup> July 2019

**Reason for delay:**

An extension of time has been agreed to allow the application to be reported to Planning Committee.

**Reason for referral to Committee:**

Cllr North called in parallel planning application 19/01093/FPH in the wider public interest, which included the proposed front garden wall in addition to works to a rear outbuilding.

**1.0 Policies**

**1.1 Emerging Local Plan 2011 – 2031**

Section 2 – Strategic Policies

SP13: Historic environment

Section 3 – Development Management Policies

HE1: Designated heritage assets

**1.2 National Planning Policy Framework 2019**

Section 16: Conserving and enhancing the historic environment

**2.0 Relevant Site History**

2.1 05/00860/1LB - Reduction in size of existing openings and insertion of new windows; addition of roof insulation - all to single storey rear wing – Approved 28/07/05.

2.2 96/00248/1LB - Additional kitchen window – Approved 25/04/96.

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2.6 79/00189/1 - Erection of detached double garage following demolition of existing garage – Approved 09/02/79.

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### 3.0 **Representations**

3.1 **Conservation Officer** – The existing front wall has no special interest and its replacement is an acceptable way forward, although flint work is not a common building material in this part of the district (more prevalent to the east of the district), the wall design and height would complement the grade II listed front wall at Ickleford JMI School. Although a simple brick facing wall with half round cappings and tile oversailing course would be preferred or failing that a timber picket fence, I am prepared to support the proposal as currently drawn.

3.2 **Ickleford Parish Council** – No comments with regards to the wall.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.1 The site is a two storey detached dwelling with a pitched roof. The rear party boundary with No. 6 Upper Green is comprised of a 1.8m high fence including an upper trellis section. The site is located in an area of residential character comprising terraced and dwellings. The dwelling is a Grade II listed building, and is within a Conservation Area.

#### 4.2 **Proposal**

4.2.1 A replacement wall around the front garden of the site, which would be of brick with knapped flint panels.

4.2.2 The application was submitted with parallel planning application 19/01093/FPH for the wall. This application also proposes a pitched roof and other alterations to a detached garage in the rear garden, however listed building consent is not required for this as the garage is post-1948 and is not curtilage listed.

#### 4.3 **Key Issues**

4.3.1 The key material considerations are whether the proposal is acceptable on heritage grounds regarding its impacts on the significance of the listed building as a heritage asset.

4.3.2 The existing front wall is of more recent construction than the application property, and is considered to be of relatively poor appearance albeit it is low rise. As such, there are no objections to its demolition.

4.3.3 The proposed wall would be low in height at 60cm, and would not be of such a height that the wall would appear visually dominant against the listed building. The use of

knapped flint panels is uncharacteristic of the application property. Impacts on the historic fabric of the listed building would be minor. Overall however the proposed wall would be a visual improvement to the existing, and would be considered to benefit the appearance and significance of the listed building.

- 4.3.4 There have been no objections raised by the Council's Conservation Officer, which is given significant weight. The impacts of the proposal on the character and appearance of the building and its significance as a designated heritage asset are considered acceptable.

#### 4.4 **Alternative Options**

- 4.4.1 None applicable.

#### 4.5 **Conclusion**

- 4.5.1 The proposed works are therefore considered to preserve the significance of the curtilage listed building as a heritage asset. In the absence of material planning reasons to the contrary it is my view that listed building consent is **GRANTED**.

#### 5.0 **Recommendation**

- 5.1 **GRANT** listed building consent subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

















2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

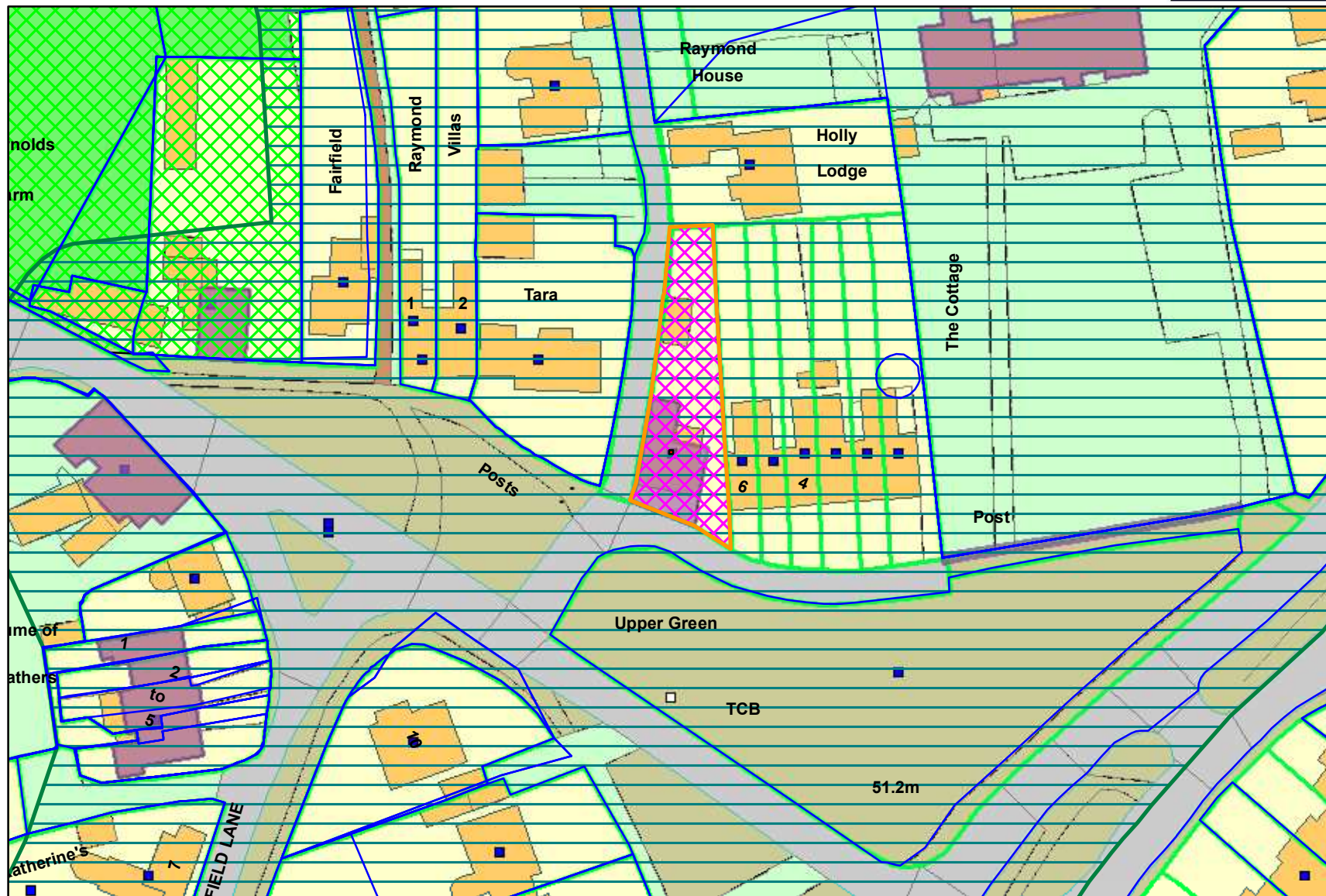
Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

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## Application Validation Sheet

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Prifpm.shp



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Date: 28/08/2019

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## Appeal Decision

Site visit made on 19 August 2019

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2019**

**Appeal Ref: APP/X1925/D/19/3231437**

**6 Cubitt Close, Hitchin, Hertfordshire SG4 0EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kash Haer against the decision of North Hertfordshire District Council.
- The application Ref 19/00666/FPH was refused by notice dated 23 April 2019.
- The development proposed is part first floor front extension and part first floor, part single-storey side extension as a variation of earlier approval Ref. 18/00219/FPH.

### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the host dwelling and surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of No. 7 Stirling Close, with particular reference to visual impact, daylight and sunlight.

### Reasons

#### *Character and Appearance*

3. The appeal property is situated in a corner location in a cul-de-sac. It is a modern two-storey detached dwelling, which has previously been extended. Planning permission has been granted for further extensions to the property (Ref 18/00219/FPH). The first floor front extension and single-storey side extension have been partially constructed. The proposal before me seeks to widen the proposed first floor side extension from some 3.6 metres to 6.3 metres, with a steeper pitch on the roof of the side extension.
4. The surrounding cul-de-sac is characterised by predominately two-storey dwellings with single-storey garages and porches. The single-storey elements to the sides of properties make an important contribution to the character and appearance of the streetscene, by providing a visual gap at first floor level.



5. The proposed first floor extension would be excessively wide in relation to the width of the existing dwelling. From my observations, due to the scale, siting and design of the proposed first floor side extension, I consider that it would not appear subordinate to the host dwelling. The significant increase in width would overwhelm the appearance of the dwelling to the detriment of the character and appearance of the existing dwelling.
6. The dwelling is already significantly larger than other dwellings in this cul-de-sac. The proposed first floor side extension would be significantly visible from Cubitt Close above the existing garage, and would appear to almost double the width of the existing dwelling. From my observations, due to the bulk and siting of the proposed first floor side extension, I consider that it would unacceptably enclose the gap at first floor level in this corner location. In addition, whilst the dwelling is already larger than those in the vicinity, it would result in a dwelling that would be excessively larger than surrounding dwellings and as such would unacceptably dominate the streetscene.
7. For the reasons stated above, I conclude on this issue that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding streetscene.

#### *Living Conditions*

8. During my site visit, I was able to view the appeal property from the neighbouring property at No. 7 Stirling Close. That neighbouring property is a two-storey dwelling with a small rear garden. Due to the size, design and close proximity of the proposed first floor side extension together with the height and proximity of the roof of the proposed single-storey side extension, I consider that they would significantly unacceptably affect outlook from the middle first floor side window to a bedroom. The outlook would be totally dominated by the proposed side additions. In addition, for the same reasons, I consider that these parts of the proposal would unacceptably dominate the rear garden area at No. 7 Stirling Close, making this a significantly less pleasant place to use.
9. The proposal would cause some loss of daylight and sunlight to the side windows and rear garden at No. 7 Stirling Close. However, from my observations, due to the orientation of the properties and scale of the proposed development, I do not consider this would be significant. Nevertheless, due to the harm I have identified above, this does not justify allowing the appeal.
10. I conclude on this issue that whilst the proposal would not cause significant loss of daylight or sunlight, it would have an unacceptable visual impact on neighbours.

#### *Conclusion*

11. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would have an adverse effect on the appearance of the host dwelling and surrounding streetscene and on the living conditions of neighbours. Thus, the proposal would be contrary to Saved Policies 28 and 57 in the North Hertfordshire District Council's District Local Plan No. 2 with Alterations (1996), particularly where they seek to ensure that house extensions are sympathetic to the existing dwelling and visual amenity.
12. At paragraph 213, the National Planning Policy Framework states that due weight should be given to existing policies according to their degree of

consistency with the Framework. In this particular instance, I consider that these policies have some consistency with the Framework, but only where the Framework seeks to ensure good design that is sympathetic to local character and where it seeks to protect residential amenity.

13. I have been referred to emerging Policies D1, D2 and D3 in the North Hertfordshire District Council's Local Plan 2011 – 2031 Proposed Submission Document (October 2016). As these policies may be subject to future amendment, I have attributed them limited weight in my determination of this appeal.
14. It must be acknowledged that at the heart of the Framework is the presumption in favour of sustainable development. It sets out the three overarching objectives which are interdependent.
15. Turning to the economic objective, some very small benefit would accrue in relation to the construction of the proposed extensions. In terms of the social objective, the proposal would provide additional living accommodation to accommodate an extended family, particularly elderly relatives. However this would be at the expense of the living conditions of neighbours and would not be within a well-designed built environment. I now turn to the environmental objective. For the reasons stated above, I have found that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding streetscene. The harm is so significant in terms of both the social and environmental objectives that taking the three overarching objectives together, the proposal would not constitute sustainable development.

*J L Cheesley*

INSPECTOR

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## Appeal Decision

Site visit made on 23 July 2019

**by A Blicq BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 August 2019**

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### **Appeal Ref: APP/X1925/W/19/3221696**

### **Friends Green Farm, Weston, Hitchin, Hertfordshire SG4 7BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Luke Papworth against the decision of North Hertfordshire District Council.
  - The application Ref 18/02911/S73, dated 14 November 2018, was refused by notice dated 29 January 2019.
  - The application sought planning permission for: *Erection of stable block for 12 stables, garage workshop and feed store/tack rooms following demolition of existing stables without complying with a condition attached to planning permission Ref 17/04137/S73, granted at appeal Ref APP/X1925/W/18/3198084, dated 28 September 2018.*
  - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No BDS/1516/19/2/B and Location Plan.*
  - The reason given for the condition is: *In the interests of certainty.*
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. I have confirmed during the appeal that the drawing numbered LP10 is the approved drawing BDS/1516/19/2/B.
3. Although the appellant states that former barns and buildings at the former Friends Green Farm have been sold off to different parties and given permission for conversion to dwellings, the application form states that the entire site, which I take to be that within the red line on the site plan, is within the appellant's ownership. This includes the buildings that appear to be the existing stables, as well as the field with the current extant permission. However, it is not particularly determinative to my reasoning and I have not found it necessary to seek additional information in this regard.

### **Main Issue**

4. The main issue is whether the disputed condition is necessary and reasonable and whether it meets the other tests for conditions set out in the National Planning Policy Framework (the Framework) and the Local Plan.

## Reasons

5. The appellant has permission to construct a stable block, and combined garage workshop, store and tack room (utility building). The stable block and utility building were granted approval in 2016, on condition that the existing stables were removed<sup>1</sup>. This condition was removed at appeal<sup>2</sup>. The utility building has been partially constructed.
6. The site lies within the Green Belt. The previous Inspector concurred with the Council for the 2016 permission that the approved stable block and utility building would represent an exception under Paragraph 145 of the National Planning Policy Framework (the Framework) in that the development would comprise the provision of recreational facilities, and would not compromise the openness of the Green Belt. I see no reason to disagree with the previous Inspector in this regard.
7. Moreover, the appellant has confirmed that the former farm was only used in connection with equestrian purposes. Consequently, the exception set out in Paragraph 145 of the Framework regarding new buildings for agricultural and forestry use would not apply in this instance.
8. The approved drawings show a U-shaped stable block facing the utility building. The long low form of the utility building, together with its shallow pitched roof, would have an agricultural appearance. This would assist its assimilation into this predominantly agricultural landscape. Moreover, its form, roof pitch and proportions would also appear in keeping with the typology and proportions of the stable block, and its overall height would be about 1 metre higher. The approved buildings' quasi-agricultural layout, proportions and design would be sympathetic to their rural location and would not have an adverse effect on the openness of the Green Belt.
9. The appellant wishes to amend the design of the utility building by raising its eaves height by 0.5 metres, and increasing the roof pitch, resulting in a ridge height 1 metre higher than that approved. This would allow the provision of additional floor area by effectively creating an extra storey within the roof space.
10. However, the utility building would have notably greater height, mass and bulk than what was approved, and its form would no longer appear particularly agricultural or reflective of the built form of the stables. It would also be two metres or so taller than the stables, and this, combined with its overall dimensions would result in a building that would appear disproportionately large by comparison. Moreover, the stable and utility building would be fairly remote from any other buildings, as the cluster of former farm buildings, including the existing stables and barns, are some distance away. Even if the proposed utility building was not in the Green Belt, given its size and scale I would find it incongruous, intrusive and rather monolithic in this setting.
11. Openness in the Green Belt has been found by the courts to have two elements, visual and spatial impact. In this case the utility building would be taller and considerably more bulky than what has been approved. It would also be unrelated in form to the stables, or any other structures in the vicinity. Consequently, the utility building would be more prominent and intrusive than

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<sup>1</sup> Ref 15/02582/1

<sup>2</sup> APP/X1925/W/18/3198084

- the approved building, and I conclude it would significantly reduce both the visual and spatial dimensions of openness. As the proposed alterations would not preserve the openness of the Green Belt, the proposals would be inappropriate development. Paragraph 144 of the Framework sets out that substantial weight should be given to any harm to the Green Belt.
12. The appellant argues that other considerations should be taken into account and that these would outweigh the harm to the Green Belt arising from inappropriateness. These considerations concern the future use of the stables and utility building as a livery business.
  13. The barns and tack room used for the existing livery business have a combined floor area of about 118 sqm. Although the approved utility building would have a ground floor area of around 190 sqm, it is argued that half of the ground floor would be needed for garaging for a tractor and various attachments and other equipment, all of which appear to be related to the maintenance of land and fences.
  14. However, this list of equipment to maintain grazing land and fences for a livery business based on 12 stables seems extensive, particularly as it is unclear what areas of land would be used for grazing and under whose ownership that land would be. The appellant argues that adjoining land would be available but there is nothing to support this assertion. In my experience small rural businesses do not necessarily make investment in equipment that would be used only on a seasonal or sporadic basis. With twelve stables to be provided, and in the absence of other information to the contrary, to it seems to me that the scale of livery operations proposed here is relatively modest and the requirement for this amount of agricultural equipment disproportionate. Moreover, the original permission was for the same number of stables. Whilst I can appreciate that space requirements may change, this would be a considerable increase.
  15. Furthermore, there is nothing before me to indicate the current scale or viability of the current livery business, to support the argument that the business would not be viable if the proposed enlargement to the utility building was not allowed.
  16. In any case, even if I accepted the arguments with regards to storage needs, the proposed first floor tack room would occupy only half the building. This does not explain why the increased wall and ridge heights would need to extend across the entire building. The appellant argues that the usable space within the first floor tack room would be limited by the eaves but it seems to me that a ridge height of 5.6 metres could allow use of most of the roof space, with a standard ceiling height below. Furthermore, even if I agreed that only a limited proportion of the first floor floorspace would be usable, this again reinforces my conclusions that the proposals would result in a building of far greater height, bulk and volume than required to support the livery business.
  17. This leads me to conclude that there is insufficient evidence to support the argument that the additional building height and floor space is required to support the livery business. In any case, even if I concluded that additional floor space was required, it would not require the amendments proposed and there is nothing before me to indicate that alternative solutions to storage, with a lesser impact on openness, could not be found.



18. The proposed amendments to the utility building would lead to inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The other considerations put forward by the appellant in support of the proposal, as set out above, are not of sufficient weight to outweigh the substantial weight to be given to the harm to the Green Belt. Consequently, very special circumstances do not exist.

**Conclusion**

19. A condition that requires the development to conform to the approved drawings is therefore both reasonable and necessary and meets the other tests for conditions set out in the Framework. The appeal is dismissed.

*A Blicq*

INSPECTOR



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## Appeal Decision

Site visit made on 22 July 2019

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> August 2019**

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**Appeal Ref: APP/X1925/W/19/3227756**  
**68 London Road, Baldock, SG7 6JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Saunders (Foxberry Developments Ltd) against the decision of North Hertfordshire District Council.
  - The application Ref 18/02586/OP, dated 24 September 2018, was refused by notice dated 18 February 2019.
  - The development proposed is outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant has submitted, at appeal stage, an amended site layout plan (drawing number PL03 Revision E). The plan amends access, from London Road, to plot 08 only. This is a relatively minor amendment and given that the Highway Authority, as consultees, have responded directly to the amendment I have, on this occasion, taken the plan into account in the determination of this appeal.

### Main Issues

3. The main issues to be considered are i) the impact of the proposal upon the character of the area and ii) the impact of the proposal upon highway safety.

### Reasons

#### *Character of the Area*

4. The appeal site is currently occupied by a bungalow and domestic outbuildings within a large curtilage which forms the entire site. At the time of my site visit I walked around the site and noted that it is verdant with a large number of trees and varied vegetation as demonstrated in the existing aerial view<sup>1</sup>. The principle of residential development on this site is accepted by both parties with the site forming part of a larger allocation within the emerging North Hertfordshire Local Plan 2011-2031. Change for the site is expected but in a manner which is design led and appropriate to the area.

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<sup>1</sup> Figure 1 – Design & Access Statement (Job ref: 16752 – May 2018 Revision A)

5. There are a mix of property types in the area which I noted as I drove up London Road, around Clare Crescent, and down Weston Way. There are some detached properties along Weston Way, however, the vast majority of properties are semi-detached or terraced. Knights Court, to the West, is a modern flatted development. The properties off Ashton's Lane and Weston Way are located in large, long, plots. The combination of the garden areas within the surrounding area further emphasize the verdant, spacious, character of the area in and around the appeal site. Clare Crescent, to the North, is well spaced with good setbacks from the road, and large plots, as a typical interwar style garden city. Clare Crescent is currently the only development in close proximity which is inward looking and indicative of the character of existing back land development between London Road and Weston Way.
6. The lack of street frontage or visual prominence does not result in a reduced requirement for high standards of design and layout. The proposal seeks to deliver a pedestrian route through which local people can walk between Weston Way and London Road. The proposal would therefore be visible for users of such a link, not just future residents and those properties which adjoin the appeal site. The creation of high-quality places is fundamental to what the planning and development process should achieve, and developments should add to the overall quality of an area.
7. The appeal site layout proposes a limited range of house types with mainly large (four to five bedroom) detached dwellings with free standing and integral garaging. Any layout on this site will be unlikely to be able to compare to the long, large, plots typically found along London Road, Weston Way and Ashton's Lane given that these all face out onto roads in a linear fashion. In considering the submitted layout relative to the surrounding established development pattern the proposed dwellings would lie in notably smaller plots. Such plots are likely to exceed notional garden size standards but in the context which the appeal site is located, they would appear small and cramped in. Overall, I do not find the layout to respond positively to the local character of the area.
8. Whilst it is noted that landscaping is a reserved matter it does fall to consider whether the proposed layout is likely to be able to provide a suitable scheme. It is noted that trees on site are not afforded protection, through Tree Preservation Orders, but their removal would in this case be intrinsically linked to accommodating the proposed layout. The submitted Preliminary Ecological Appraisal (PEA) suggests that 75% of the existing resource (trees, bushes) would be lost. The PEA suggests replacement of trees at a rate of two-for-one.
9. Even with the areas of communal landscaping and green cores suggested I am not convinced, based on the evidence before me, that the proposed layout leaves enough space to accommodate such levels of landscaping at a reserved matters stage. The inability to provide compensatory planting would further contribute to the negative impact the appeal proposal would have upon the verdant, spacious, character of the surrounding area causing significant harm. The harm identified is not reduced because the appeal site is of no special or historic interest or subject to any designations.
10. I place limited weight in favour of the proposed scheme based upon estimated figures within a site allocation. Whilst the site does form part of a larger allocated site, which suggests a figure of twenty dwellings in total, such figures are widely appreciated to be estimates and subject to final design where often

more site information is available which can then inform appropriate design. Whilst numbers can be reduced it is possible, as evidenced by the Council, for sites to achieve numbers higher than plan estimates for the same reasons.

11. I note the submitted density comparison plan (PL05 Revision A), however, a range of considerations should be taken into account in establishing appropriate densities on a site including historic form, green infrastructure and amenity space as outlined in the Planning Practice Guidance relating to Effective Use of Land (PPG). Additionally density, for planning purposes can be measured in several ways not just using dwellings per hectare. Dwellings per hectare, used in isolation, can encourage particular buildings forms over others. It is therefore important to consider how housing needs, local character and appropriate building forms relate to density measures as outlined within the PPG.
12. Overall, I am not convinced that the submitted layout demonstrates that ten dwellings can be accommodated in a manner which responds positively to the local character of the area and improve the way it functions. A reduction in the number of dwellings would most likely be able to maintain the spacious and verdant setting, improve plot sizes and maximise space available for communal landscaping. This is not to provide public open space but to provide a layout which is more appropriate to the area. Making effective use of land, as required within the revised National Planning Policy Framework 2019 (the Framework), does not necessarily mean creating developments of the highest densities possible to the detriment of good design.
13. The proposal would conflict with saved Policy 57 of the Local Plan 1996 which requires the layout of new development to relate to the character of the surroundings. The proposal would also conflict with emerging North Hertfordshire Local Plan 2011-2031 (LP) Policy SP9 and Policy D1 which both support new development which responds positively to the site's local context, and LP Policy H3 which requires an appropriate mix of housing types and sizes.
14. The proposal would also conflict with paragraph 127 c) of the Framework which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and paragraph 127 e) which seeks to optimise the potential of the site and sustain an appropriate amount and mix of development (including green and other public space). I have no evidence before me to suggest that the proposed layout would conflict with LP Policy D3 as there is nothing to evidence that the proposal would cause unacceptable harm to living conditions of future occupiers nor existing residents.

#### *Highway Safety*

15. At the time of my site visit I accessed the site, in a vehicle, from the London Road. I noted that the access is narrow and that my car, a small 4 x 4, took up the entire width of the access road. The appellant has submitted a Highway Note, and a revised plan<sup>2</sup> which states that the access off London Road would provide vehicular access for plot 08 only. It is noted that the access off plot 08 would be serving a single dwelling, as is currently the case, but the key difference is that the overall proposed layout suggests a pedestrian/cycle link

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<sup>2</sup> Proposed site plan LP03 Revision E

between the other plots and London Road which raises potential conflict in being shared by traffic, pedestrians and cyclists at the same time. In that regard crash map data is of limited weight as the issue raised is with potential conflict for users of the access track itself, not whether there is accident history within the vicinity of the existing access as it currently stands.

16. I have no evidence that the existing land use generates a greater number of vehicle trips than would be generated by the proposed single dwelling (plot 08) using this access. I do not have any details or evidence that there is a commercial unit on site as stated within the appellant's final comments which would result in a reduction in traffic movements.
17. The initial Combined Stages 1/2 Road Safety Audit<sup>3</sup> highlights potential for head-on collisions between entering and leaving vehicles and recommends passing places close to the entry/exit point from London Road. I have noted the designer's comments; however, I am not convinced from the revised plan that these issues have been robustly addressed. The original tracking visibility plan<sup>4</sup> does show a passing point in front of plot 08 and vehicles waiting in a crossover off London Road, however, I find vehicles waiting in this area to present a potential conflict with pedestrians utilising the pavement. The access is such that users entering the site would be unable to see whether a car was leaving the site, or a pedestrian was walking on the access, until partially in the site access. This would then result in reserving/manoeuvring back into the crossover to allow vehicles to pass which represents potential for further conflict with pedestrians.
18. The Highway Authority (HA) confirm that their initial view of refusal is upheld, and I have no evidence before me to conclude differently. Whilst the revised plan sought to address the concerns raised, by making a minor internal change to the site layout, I do not find that it addresses all of the concerns raised within the HA objection and reason for refusal. Other, unaddressed, concerns include that tracking for refuse vehicles was undertaken with a smaller refuse vehicle than one in use by the Council and failure to provide space for access and turning of a fire tender. Furthermore, no justification has been put forward by the appellant to justify why the proposal cannot be accessed from Knights Court in its entirety with the existing access to London Road being safely utilised as a pedestrian and cycle link.
19. I note the Council's committee report raises concern with the level and type of parking provision, however, as it is not stated as a reason for refusal, I have not considered this issue within the determination of this appeal. In any case the appeal would still be refused on highway safety grounds for the reasons outlined above. The proposal would conflict with Hertfordshire's Local Transport Plan 2018 which seeks to ensure that access arrangements are safe and suitable for all people and emerging LP Policy T1 which requires safe, direct and convenient routes for pedestrians and cyclists to be provided within major developments.
20. The proposal would also conflict with paragraph 108 b) of the Framework which requires that safe and suitable access to the site can be achieved for all site users and paragraph 109 which states that development should be refused on

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<sup>3</sup> Ref: London Road Baldock/RSA1/2 Nov 2018

<sup>4</sup> Drawing Number: E3846/400/A

highway grounds if there would be an unacceptable impact on highway safety. The proposal would also conflict paragraph 110 c) which aims to minimise the scope for conflict between pedestrians, cyclists and vehicles and paragraph 130 which states that permission should be refused for development of poor design that fails to take the opportunities to improve the quality of an area and the way it functions.

### *Planning Balance*

21. The Council cannot currently demonstrate a five-year housing land supply and the policies, for the supply of housing, are therefore out of date. As a result of this the presumption in favour of sustainable development in paragraph 11 d) ii) of the Framework is engaged.
22. There would be a social benefit in the supply of ten dwellings which would positively contribute towards housing supply which is of moderate weight in favour of the proposal, however, the social benefit is reduced by the fact the housing proposed does not promote diverse housing stock. There would be short term economic benefits during the construction phase as well as longer-term benefits through occupation of the dwellings where occupants could utilise local services and would pay Council Tax. This also weighs in favour of the proposal, but such benefits would be modest for ten dwellings.
23. Despite this the proposal has failed to positively respond to the local character of the area and I consider this to result in environmental harm. Good design, which includes layout, is a key aspect of sustainable development which I do not find the proposal has achieved. The proposal also fails to provide safe and suitable access with a high risk of conflict between pedestrians, cyclists and vehicles accessing the site. This is in direct conflict with policies within the Framework. Both of these findings are adverse impacts which carry moderate weight against the proposal.
24. As a result of the above I find that the benefits of the scheme, when assessed against the policies in the Framework as a whole, do not significantly and demonstrably the adverse impacts which I have identified.

### **Other Matters**

25. I note submissions regarding what has, or has not, happened within the site to the North of the appeal site. These are of no relevance to the determination of this appeal. Comments relating to the preparation of the emerging Local Plan, the concerns raised within consultations for the emerging Local Plan, the impact of utilising other sites and the claimed behaviour of the parties during the application process, are also outside the scope of this appeal decision. The appeal has been determined on its own merits based on the evidence before me.

### **Conclusion**

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Eleni Randle*

INSPECTOR



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## Appeal Decision

Site visit made on 15 July 2019

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 July 2019**

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**Appeal Ref: APP/X1925/D/19/3225342**

**Pinchgut Hall, Bedford Road, Ickleford SG5 3RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Wilbor against the decision of North Hertfordshire District Council.
  - The application Ref 19/00104/FPH, dated 19 January 2019, was refused by notice dated 12 March 2019.
  - The development proposed is described as erection of extension to the side.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for erection of extension to the side at Pinchgut Hall, Bedford Road, Ickleford SG5 3RS in accordance with the terms of the application, Ref 19/00104/FPH, dated 19 January 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan; and, Proposed Plan and Elevations.

### Procedural Matters

2. The application form included 'Annexe' in the site address. This is however omitted from the address on the appeal form. The Council considers that the annexe forms part of Pinchgut Hall. Indeed, though self-contained, it is attached to the main dwelling, and stands within the same garden space. For these reasons, and given that I have been provided with no evidence that the annexe is anything other than ancillary to the rest of Pinchgut Hall, I have also considered the proposal on the basis that it relates to the extension of Pinchgut Hall as a whole. As such I have omitted 'Annexe' from the address in the banner heading above.
3. During my visit I observed that a conservatory has recently been attached to the annexe. This is not shown on the plans submitted with the planning application. As I have no indication of the lawfulness of this addition, I have not taken it into account my reasons below, and I have based my decision on the plans as submitted.

## Main Issues

4. The main issues are:

- whether the development would be inappropriate development in the Green Belt; and
- the effect of the development on the character and appearance of Pinchgut Hall.

## Reasons

### *Whether the development would be inappropriate development*

5. Pinchgut Hall lies within the Metropolitan Green Belt. It has a long frontage on Bedford Road formed by the 2-storey core of the dwelling, the existing single storey annexe and a further range of single storey buildings which project from the opposite side of the core, and extend deep into the plot to the rear.
6. Paragraph 145(c) of the National Planning Policy Framework (the Framework) indicates that the extension or alteration of a building, will be not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. How the original building is calculated depends upon the age of the building in question.
7. Pinchgut Hall is made up of various elements of different shapes and sizes, spread out across a reasonably large area. It is apparent that this reflects a process by which the dwelling has been extended and added to over time. However, whilst this is at least partly reflected in the planning history, which records a number of additions including the annexe, neither party has clearly identified or quantified the ages and sizes of all the various component parts of the dwelling. It is therefore unclear what constitutes the original building for the purposes of applying the exception in paragraph 145(c) of the Framework. The Council has nonetheless sought to assess the scheme on the basis of visual factors.
8. From within the garden, the extension would be principally viewed in relation to the annexe, to which it would appear a subservient addition. Though the annexe is itself a reasonably past large addition to Pinchgut Hall, the cumulative visual effect of the extension on the building as a whole would appear very modest.
9. From the road, the extension would be viewed both directly in relation to the existing annexe, and to other parts of Pinchgut Hall fronting the road. The extension would increase the proportion and length of the frontage taken up by the annexe, particularly relative to the 2-storey core of the dwelling. Nonetheless the extension would not result in the annexe appearing as a visually dominant or disproportionate element of the frontage, particularly when considered in the context of the informal and mixed composition of the building overall.
10. As such the proposed development would not be a visually disproportionate addition to Pinchgut Hall, considered both individually and cumulatively. The proposal therefore meets the exception set of in paragraph 145(c) of the Framework.

11. For the reasons outlined above I conclude that the development would be not inappropriate in the Green Belt. It would therefore comply with Saved Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations Originally Adopted April 1996 (the DLP), which, though not referenced in the Council's decision, is consistent with the Framework to the extent that it similarly seeks to prevent inappropriate development in the Green Belt.

*Character and appearance*

12. Saved Policy 28 of the DLP generally requires house extensions to be sympathetic to the existing house, subject to a number of criteria. I note that the text of Policy D2 of the emerging North Hertfordshire Local Plan 2011 – 2031 (the NHLP), which is undergoing examination, repeats much of Policy 28.
13. The extension would integrate with the existing building in terms of its height and form, and, as noted above, appear generally subservient in character. Elongation of the annexe would cause some minor imbalance to its symmetrical design. However, this would only be appreciable from within the garden of the dwelling. Existing imbalance across the road frontage of Pinchgut Hall would be somewhat increased by the development, as the main 2-storey core of the building would appear less centralised than it is at present. However, viewed within the context of the informal composition of the dwelling overall, and the spreading form of existing single storey elements, neither the scale nor the proportions of the extension would cause any obvious visual harm to the character or appearance of the building.
14. For the reasons outlined above I conclude that the proposed development would not harm the character or appearance of Pinchgut Hall. It would thus comply with saved Policy 28 of the DLP and Policy D2 of NHLP which each similarly seek to ensure that house extensions are sympathetic; and the Framework, with regards to achieving well-designed places

**Conditions**

15. I have imposed conditions setting out the time limit for commencement of the development and identifying the approved plans for sake of certainty.
16. Whilst I note that the Council has requested a condition requiring materials used in the external surfaces of the development to match those in the existing building, the plans show that this is not wholly intended. Given that no objection was previously raised to the specification of materials annotated on the plans, I have not therefore imposed the requested condition.

**Conclusion**

17. For the reasons outlined above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR

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**PLANNING CONTROL COMMITTEE**

**DATE: 19 September 2019**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr P Wilbor	Single storey side extension	The Annexe Pinchgut Hall Bedford Road Ickleford Hertfordshire SG5 3RS	19/00104/FPH	Appeal Allowed on 26 July 2019	Delegated	The Inspector concluded that the development would be not inappropriate in the Green Belt and that the proposed development would not harm the character or appearance of Pinchgut Hall.
Mr Saunders Foxberry Developments Ltd	Outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.	68 London Road Baldock Hertfordshire SG7 6JL	18/02586/OP	Appeal Dismissed on 02 August 2019	Committee	The Inspector concluded that the proposal has failed to positively respond to the local character of the area. In addition the proposal has failed to provide safe and suitable access to the site with a high risk of conflict between pedestrians, cyclists and vehicles accessing the site.
Mr L Papworth	Increase in height of garage/workshop/feed store building to provide tack room at first floor level (as variation of Condition 2 of application number 17/04137/S73 granted on appeal reference APP/X/1925/W/18/3198084 dated 28/09/2018)	Friends Green Farm Friends Green Damask Green Road Weston SG4 7BU	18/02911/S73	Appeal Dismissed on 06 August 2019	Delegated	<b>Appeal against imposition of conditions</b>  The Inspector concluded that a condition that requires the development to conform to the approved drawings is both reasonable and necessary and meets the other tests for conditions set out in the Framework.



Mr Kash Haer	First floor front extension and part first floor, part single storey side extension (variation to previously approved Planning permission 18/00219/FPH granted 13/04/2018).	6 Cubitt Close Hitchin SG4 0EL	19/00666/FPH	Appeal Dismissed on 27 August 2019	Delegated	The Inspector concluded that the proposal would have an adverse effect on the appearance of the host dwelling and surrounding street scene and on the living conditions of neighbours.
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**PLANNING CONTROL COMMITTEE****DATE: 19 September 2019****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr P Kenyon	01 August 2019	Reserved matters application (for approval of landscaping, access, layout and design) for up to 4 x 3- bedroom town houses with associated parking and amenities following demolition of existing dwelling pursuant to application number 16/01234/1 granted 13/07/2016.	Edgely Grange Bottom Royston SG8 9UQ	18/01661/RM	Written Representations
JB Fencing Ltd	01 August 2019	Erection of a cattle shed together with associated hard-standing and the widening of the existing access (as amplified by drawings CTP-19-121_SP01D and CTP-19-121-SK01E received 18/04/2019).	Land Adjacent To Pound Farm Bedford Road Ickleford	19/00320/FP	Written Representations
Aldenham Residential	21 August 2019	Erection of two 3-bed and two 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling (as amended by plans received 15/03/2019)	189 High Street Codicote Hitchin SG4 8UD	18/03347/FP	Written Representations
Ms Knon-Tilby	21 August 2019	Single storey side extension following demolition of existing garage to facilitate the separation of the existing bungalow into two 2-bed dwellings.	201 Stevenage Road Hitchin SG4 9EA	19/00059/FP	Written Representations

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