

NORTH HERTFORDSHIRE DISTRICT COUNCIL



12 January 2024

Our Ref Planning Control Committee 23 January 2024
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To: Members of the Committee: Councillors Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY**

On

TUESDAY, 23RD JANUARY, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda

Part I

Item		Page
1. APOLOGIES FOR ABSENCE	<p>Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
2. MINUTES - 16 NOVEMBER 2023, 30 NOVEMBER 2023 AND 7 DECEMBER 2023	<p>To take as read and approve as a true record the minutes of the meeting of the Committee held on the 16 November 2023, 30 November 2023 and 7 December 2023.</p>	(Pages 5 - 30)
3. NOTIFICATION OF OTHER BUSINESS	<p>Members should notify the Chair 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.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
4. CHAIR'S ANNOUNCEMENTS	<p>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 Chair 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.</p>	
5. PUBLIC PARTICIPATION	<p>To receive petitions, comments and questions from the public.</p>	
6. 22/03094/FP LAND BETWEEN HUNTSRIDGE AND ASHWELL HOUSE 5, HIGH STREET, ASHWELL, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	<p>Erection of 14 dwellings including creation of access from Ashwell Street,</p>	(Pages 31 - 56)

footpath link to Lucas Lane, associated infrastructure, public open space and landscaping

7. APPEALS

(Pages
57 - 80)

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY

ON THURSDAY, 16TH NOVEMBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Ian Mantle, Michael Muir, Sean Nolan, Louise Peace and Phil Weeder*

In Attendance:

Peter Bull (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Kerrie Munro (Locum Planning Lawyer), Tom Rea (Senior Planning Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting 14 members of the public including registered speakers were present.

Councillor David Barnard was also present.

134 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 17 seconds

Apologies for absence were received from Councillors Nigel Mason, Terry Tyler and Ian Moody.

Having given due notice, Councillor Ian Mantle substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Moody.

N.B Councillor Philip Weeder entered the Council Chamber at 19:31.

135 MINUTES - 12 OCTOBER 2023

Audio Recording – 1 minute 51 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 12 October 2023 be approved as a true record of the proceedings and be signed by the Chair.

136 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 24 seconds

There was no other business notified.

137 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 50 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

138 PUBLIC PARTICIPATION

Audio recording – 4 minutes 6 seconds

The Chair confirmed the registered speakers were in attendance.

139 17/04017/FP LAND AT MILKSEY LANE, GRAVELEY

Audio recording – 4 minutes 34 seconds

The Senior Planning Officer provided the following updates that:

- There was an updated location and site plan that clarified the boundary lines of the conservation area.
- A geophysical survey report had been forwarded to a Historic Environment Officer at Hertfordshire County Council (HCC) for comments.
- The Lead Local Flood Authority (LLFA) had undertaken a further consultation.
- There was a typological error at 4.3 of the report, the percentage should read 85%.

The Senior Planning Officer presented the report in respect of application 17/04017/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor Michael Muir

In response to the points of clarification, the Senior Planning Officer stated that:

- The geophysical report did not show any significant features and had been produced using the magnetic survey method.
- There had been three revisions of the flood risk assessment. The LLFA had looked at all matters raised, and tests included a CCT survey of the foul and surface water sewers in the high street. There was a drainage strategy and full maintenance schedule for the sustainable urban drainage system.
- There had been some changes made to the access point of the site and the geometry of the access was now in accordance with the Highways requests. The details of the changes had been sent to Highways for comments and confirmation.
- The vehicle access detailed in Condition 4 was required prior to the construction of the development.

- The proposed garages would be three metres wide and eight metres deep and comply with the car parking standards document.

Councillor Tom Tyson commented that this was an application for ten dwellings that had Section 106 (S106) contributions and was supported by the Parish Council.

Councillor Tom Tyson proposed and Councillor David Levett seconded and, following a vote, it was:

That application 17/04017/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

140 22/02942/OP LAND AT HEATH ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8PL

Audio recording – 20 minutes 21 seconds

The Senior Planning Officer provided the following updates that:

- The applicant had queried the necessity and relevance of Condition 7 after a financial arrangement of £68,260 had been agreed with HCC Highways. Condition 7 should therefore be deleted.
- Changes were proposed to the wording of Condition 9 as the footpath would be a permissive right of way rather than a formal right of way and further details of this pathway would be included in the application for full planning permission.

The Senior Planning Officer presented the report in respect of application 22/02942/OP supported by a visual presentation consisting of photographs and plans.

In response to a declaration of interest query from Councillor Simon Bloxham, the Locum Planning Lawyer confirmed that there was no conflict of interest in this matter.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Ian Mantle
- Councillor Louise Peace

In response to the points of clarification, the Senior Planning Officer stated that:

- The site was not under the Luton Airport Flight path, but some noise was audible.
- There was an hourly bus service past the site and the applicant had a sustainable transport contribution as part of the S106 agreement and this would be used to encourage non car usage.
- The dwellings would be set back and of an orientation that would mitigate the noise from aircrafts as stated in paragraph 5.11 of the report, they would also have thermal double glazing and trickle vents.
- The dwellings had been reduced to 10 and the application would only use 75% of the allocated land, the applicant had a garden lease with local residents on the remaining land.

The Chair invited Lois Partridge to speak in support of the application. Ms Partridge thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The site had been allocated on the Local Plan, and was on a sustainable location with the benefits of a school, public house, village hall and church.
- Some of the land had been leased under a garden license, for local residents to increase their back gardens, so the number of dwellings on the application site had been reduced.
- The application site only occupied 75% of the original site and would accommodate three and four bedroomed dwellings.
- The proposed site met with all 5 criteria of the Local Plan including noise mitigation measures with a scheme of noise mitigation measures forming a condition of the application.
- The site was formally used for allotments and new allotments sites had been provided for all holders that decided to relocate, with two plots remaining vacant.
- The siting of the properties was sensitive to the surrounding area especially the nearby listed buildings and the closest new dwelling was 12 metres from the access frontage.
- The western boundary would be reinforced to screen the view of the site, and would retain the hedgerows, more details would be provided when the applicant applied for full planning permission.
- The application had no objections from the Parish Council, and comments regarding the footpath had led to the applicant agreeing to a wider footpath corridor.
- A tracking plan was used to confirm that a refuse vehicle would be able to enter, turn and leave the site using forward gear.
- The main access road to the site would be 5.5 metres wide and would provide visibility splays, this had been accepted by Highways.
- The drainage strategy had been approved by the LLFA and would include piping excess water to a wet pond at the southeast of the development site. The area around the wet pond would be planted to encourage wildlife.
- There would be a net gain of 11.7 habitat units and 23.7 hedgerow units.
- The applicant had agreed to the scheduled S106 contributions.

In response to a point of clarification from Councillor David Levett, Ms Partridge advised that the applicant intended to retain the remaining land as garden licenses and had no development plans.

The Chair thanked Ms Partridge for her presentation.

The Senior Planning Officer highlighted that condition 3 confirmed the recommendations regarding the drainage system.

In response to a point of clarification from Councillor David Levett, the Development and Conservation Manager advised that any future development of the remaining land would be subject to an element of affordable housing.

Councillor Ian Mantle proposed the application with the deletion of Condition 7 and the amendment to Condition 9, and Councillor Michael Muir seconded, and following a vote it was:

RESOLVED: That application 22/02942/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the deletion of Condition 7 and the re numbering of Conditions 8 to 17 to Conditions 7 to 16 with the following amendment to the new Condition 8.

“Condition 8

Prior to the commencement of the relevant phase of works, full details of the proposed green corridor link through the site 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 and the green corridor link permanently retained as part of the approved development.

Reason: To ensure construction of a satisfactory development in the interests of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018). To also comply with Policy KW1 of the North Herts Local Plan 2011 – 2031”.

141 23/01807/FP COKER COTTAGE, ASHWELL ROAD, BALDOCK, HERTFORDSHIRE, SG7 5JX

Audio recording – 45 minutes 8 seconds

The Senior Planning Officer provided an update that there was a typological error and that Condition 10 should state driveway instead of car park.

The Senior Planning Officer presented the report in respect of application 23/01807/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson

In response to the points of clarification, the Senior Planning Officer stated that:

- Highways had requested that the applicant show vehicle/pedestrian visibility splays at the access point and that the footpath on the site's frontage was widened from 1.4 metres to 2.4 metres.
- The vehicle/pedestrian visibility splays requested by Highways had been secured by the proposed amended Condition 9.
- The application site was located in a rural area, where the width of footpaths were 1.4 metres. It was felt that the request from Highways to extend this to 2.4 metres in front of the application site was unreasonable.

The Chair invited Colin Eades to speak in support of the application. Mr Eades thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The key issue related to a recommendation from HCC Highways regarding the width of the footpath.
- All the consultees supported the application however, HCC Highways had imposed a condition beyond the bounds of reasonableness or appropriateness.
- The footpaths were a constant 1.4 metres wide in this area, including the 15 metres applicable to this application.
- Under the proposed Highways condition the 15 metres in question would be expanded to 2.4 metres, however the remaining stretches of footpaths in Ashwell Road would remain at 1.4 metre wide.
- There were four dwellings in the area and no incidents had occurred on the footpaths, it was occasionally used by dogwalkers as there were no amenities in walking distance, so most journeys were made by car.
- The visual displays would provide a gradual widening of the access area.
- There had been concerns from the Conservation Officer regarding the loss of hedgerows and wildlife habitat.
- HCC Highways had not imposed a similar footpath request for a nearby dwelling that currently had no footpath and the footpaths on Walsworth Road, one of the busiest roads in the district were on average 1.4 metres wide.
- The application was fully compliant with HCC Highways request, for vehicle and pedestrian visibility displays ensuring pedestrian safety.

The Chair thanked Mr Eades for his presentation.

Councillor Sean Nolan commented that this was an easy decision for Members and that the Committee should follow the recommendation of the Senior Planning Officer regarding the pavement width.

Councillor Tom Tyson and Councillor Daniel Allen seconded, and following a vote, it was:

RESOLVED: That application 23/01807/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

142 22/00709/FP LAND TO THE SOUTH OF WYMONDLEY SUBSTATION AND SOUTH OF SPERBERRY HILL, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 1 hour 19 seconds

The Senior Planning Officer provided an update that there had been a further response from the LLFA stating that they objected to the application as there was no surface water drainage on the western parcel of the site.

The Senior Planning Officer presented the report in respect of application 22/00709/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Ian Mantle
- Councillor Tom Tyson

In response to the points of clarification the Senior Planning Officer stated that:

- The application was for temporary use of the land for 40 years, whilst this was a considerable length of time it was noted that this was not unusual for this type of application.
- The study area highlighted in blue, and commissioned by the applicant, showed the different impacts of planning matters, such as Heritage assets and residential properties, the study identified potential areas that may be impacted, and these were then addressed in the report.

The Chair invited Mr Peter Hobson to speak against the application. Mr Hobson thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- They supported renewable energy, but this application was in the wrong location.
- They supported the report and recommendations of the Senior Planning Officer.
- The application site was crossed by well used footpaths including the Hertfordshire Way which offered picturesque views, this application would cause significant harm to the landscape and visual impact of these footpaths and to the openness of the green belt land.
- The HCC Conservation Officer objected to the application due to the great harm to nearby Heritage assets located at Almshoe Bury, the Wyck and the Redcoat Farmhouse.
- There were 409 comments received about the application, 236 of the comments were objections, with the majority of objectors living close to the site.
- There had been over a thousand signatures on a petition opposing the application, but supporting renewable energy options.
- People of Hitchin wanted renewable energy but felt that this was not the right site.
- North Herts currently generates 11 megawatts of electricity from two small solar projects.

- This solar farm, and the proposed Bygrave site would be amongst the largest solar farms in the UK with an estimated 50 megawatts capacity each which would equate to 1.34% of all ground mounted solar PV in the UK.
- Should the two applications be successful the sites would equate to 20% of all ground mounted solar capacity installed this year and 10% over the last 12 months.
- In proportion to land mass this application would be five times above the UK national average of ground mounted solar PV.
- The proposed site was on highly valuable green land that was currently enjoyed by local residents.

The Chair thanked Mr Hobson for his presentation and invited Councillor David Barnard to speak against the application. Councillor Barnard thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- NHDC declared a climate emergency in May 2019, with the aim to reduce carbon emission by 2030 and to reach net zero by 2040.
- The visual outlook of open countryside and greenbelt would be destroyed for the next 40 years should this application be approved.
- There would be a resonating humming noise from the storage site that would be heard by residents and walkers.
- Research showed that solar panels had an average lifespan of 25 years, and the removal of these panels would be at a great cost.
- Used solar panel were likely to end up in land fill and this could mean that this site would end up as brownfield and have the potential in the future to become commercial or housing developments.
- The land was valuable for produce in the food chain, and if successful there would be more carbon emissions through importations from foreign producers.
- They supported the recommendations of the Senior Planning Officer.

In response to a point of clarification from Councillor Daniel Allen, Councillor Barnard stated that he was unable to currently provide any statistics regarding the operating noise, but had experienced the low-level humming, droning noise that was apparent from solar farms, and that he preferred the noise of sheep and cows in these fields.

The Chair advised that, whilst on a recent site visit to a solar farm in Reed, they had noticed very little noise.

The Chair thanked Councillor Barnard for his presentation and invited Mr Tom Roseblade to speak as a support of the application. Mr Roseblade thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Renewable energy and net zero were not possible without making difficult decision.
- The connection to the grid was committed for 2026, and in the current saturated market there was enough availability at the Wymondley substation to accommodate this development.
- There were arguments for and against this development with benefits and harms, there had been a recent precedent for a solar farm on greenbelt land and this should be reflected in the weight.
- This scheme would generate a deliverable connection contributing to net zero and this should have a greater benefit weight.
- Achieving net zero will inevitably result in some level of landscape and visual harm, this application had been designed to reduce the level of these harms, whilst accepting that some level of landscape and visual harm will remain as there are no alternative locations for this site outside of greenbelt land.
- It was acknowledged that as this application required a difficult decision, objections from local residents were expected.

- The development also had support from North Herts residents, who focused on the benefits of the scheme and securing a better future for the next generation.
- Alternatives to the recommendation of the Senior Planning Officers, should be explored, and a pause for reconsideration could be an option.
- The overall conclusion regarding the benefits and harms as stated in paragraph 4.9 of the report, stated that a different renewable energy project in this location could in very special circumstances be approved.
- The Committee could be mindful and make a deferral, allowing the applicant to make slight amendments, including reducing the number of panels, increasing the landscaping especially the planting and footpath buffers, alternatively the applicant may make these amendments under the Wheatcroft Principal prior to a planning appeal.
- If unsuccessful the application would be appealed, however this may mean that the grid connection was lost.
- Should this application be refused it was likely that further applications would be submitted to use the Wymondley substation, however this site was the best location for a solar farm.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Sean Nolan
- Councillor Val Bryant

In response to the points of clarification Mr Roseblade stated that:

- The business rates were calculated on megawatts and were roughly £2K per megawatt, therefore the capacity at this site would generate around £50K in business rates per year.
- There would be some employment for the maintenance of the panels, periodic cleaning and onsite maintenance of the panels and landscape.
- The employment would be the equivalent to 1.5 full time staff over a year.
- It had been confirmed that the Wymondley Substation had available capacity for this application of 25 megawatts and a further scheme for 50 megawatts, and that there may then still be some further availability.
- The expected lifespan of the solar panels was 25 years before they experienced some performance drop off and replacement of these panel would be on a rolling scheme.

The Chair thanked Mr Roseblade for his presentation.

The following Members took part in debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Sean Nolan
- Councillor Tom Tyson
- Councillor Val Bryant

Points raised in debate included that:

- £66K in business rates was not a significant amount, and the Council would only retain about £11K per year.
- There would only be minor employment created for the site.
- The energy generated could go anywhere in the country.
- Would a deferral for minor amendments reduce the harms impact, or just be the same scheme.
- Would the surface flooding change if this was deferred for minor amendments.
- There was a clear need for green energy, but the harms are substantial for this site.

- The noise level at the solar farm visited was not intrusive, and that location was not visible until you were very close to the site.
- They were in favour of renewable energy but not to imposing harm to the landscape.
- How many jobs would be lost and what impact would that have, as only 1.5 roles would be created.

The Locum Planning Lawyer advised that the applicant had made a request for a deferral and a decision needed to be made by the Committee as to whether they would honour the deferral request or if the application was going to be determined. In response to this point, Councillor Levett confirmed that he proposed to refuse the application and that, following the debate and vote on his proposal, a further proposal could be made to defer the application.

Councillor David Levett proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 22/00709/FP be **REFUSED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

143 APPEALS

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that there had been one appeal lodged regarding a stretch tent at the Old George, Arseley Road Ickleford, and this would follow the written representation procedure.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.14 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

ON THURSDAY, 30TH NOVEMBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace and Phil Weeder.*

In Attendance: *Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Andrew Hunter (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader), Kerrie Munro (Locum Planning Lawyer) and Melissa Tyler (Senior Planning Officer).*

Also Present: *At the commencement of the meeting approximately 30 members of the public, including registered speakers.*

144 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 52 seconds

Apologies for absence were received from Councillor Terry Tyler.

N.B. Councillor Sean Nolan entered the Council Chamber at 19:32 and Councillor Philip Weeder entered the Council Chamber at 19:35.

145 MINUTES - 26 OCTOBER 2023

Audio recording – 2 minutes 3 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 26 October 2023 be approved as a true record of the proceedings and be signed by the Chair.

146 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 50 seconds

There was no other business notified.

147 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 55 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded. The recording will be available to view on the Council's Mod.gov website or YouTube page.

- (2) Members are reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights is set out under Chair's Announcements on the agenda.
- (3) Members of the public have 5 minutes for each "group" of speakers, supporters and objectors. There is a separate 5-minute time limit allocated to Member Advocates.

A warning will be given at 4 minutes to alert you that you have 1-minute left.

At 5 minutes, you will be advised that the time allowed has ended and the speaker must cease.

- (4) For the purposes of clarification – in order to vote on an agenda item at this meeting a Member must be present for the entirety of the debate and consideration for that item. If a Member leaves the room at any point of the item they will not be able to vote.

148 PUBLIC PARTICIPATION

Audio recording – 4 minutes 12 seconds

The Chair confirmed that the registered speakers were in attendance.

149 22/02871/FP LAND ON THE WEST SIDE OF, LOWER ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8NS

Audio recording – 5 minutes 5 seconds

The Planning Officer provided the following updates that:

- To comply with the Local Plan Policy SP1, the end of paragraph in section 3.3.5 of the report had been updated.
- The applicant had formally agreed to the amendment of the wording of the pre-commencement condition in relation to the foundation layout of 'Plot 4 Garage' at section 3.3.17 of the report.
- If Members approved the application, the amendment to section 3.3.17 would be added as Condition 14 to the decision notice.

The Planning Officer presented the report in respect of application 22/02871/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Mick Debenham
- Councillor Louise Peace

In response to the points of clarification, the Planning Officer stated that the objections by Highways were not valid because a technical note regarding access and scale had been accepted and the Local Plan endorsed the site as being sustainable because it was within the settlement boundary.

The Development and Conservation Manager stated that the Local Plan identified this as a sustainable rural location for development, that does have facilities to meet the needs of residents and therefore the Council did not believe refusal due to this being in an unsustainable location would be sustainable upon appeal.

The Chair invited Mr Paul Wilkes to speak against the application. Mr Wilkes thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Mr Wilkes was one of 12 objectors, most of whom lived in Lower Road.
- This proposal was on the edge of the village and situated on a narrow country lane with no passing points.
- People would therefore use the entrance to the development as a passing point and subsequently drive faster on the road.
- A speed and traffic count had been carried out by the applicants, however the speed counter was positioned on a blind bend where cars had to slow down and speed was only registered at 20 miles per hour.
- Since the survey there had been one accident on Lower Road where a residents car had been badly damaged by a speeding car and was a write off.
- The main objection to the application was the suitability of the area and the safety of not only the people using Lower Road, but also the people who would be purchasing the new houses.
- This development would bring more vehicles to Lower Road, including vehicles of any visitors or deliveries.
- This development was a dangerous proposal for Lower Road.

The Chair thanked Mr Wilkes for his presentation and invited Mr Geoff Long and Mrs Rosemary Long to speak in support of the application. Mrs Long thanked the Chair for the opportunity to and provided the Committee with a verbal presentation including that:

- Breachwood Green was listed a Category A village in the Local Plan.
- It was a sustainable small village where development was allowed within the defined borders to help ensure villages attracted young families preventing them from stagnating.
- The development had been designed with young families in mind and the houses at the back were disabled friendly and in keeping with the Local Plan.
- The development would provide 10 houses with the remainder of the site being let to neighbouring houses to increase the size of their gardens.
- The development would bring more people to the village who would therefore use the local facilities.
- Highways had recorded speeds outside the site which were slightly less than 20 miles per hour.

In response to a point of clarification from Councillor Levett, Mr Long advised that the area was currently vacant at present but had previously been used for dog training.

The Planning Officer advised that a footpath would be out of keeping with Lower Road and that the objections from Highways were purely on the sustainability and accessibility of the site for sustainable transport means, not on safety of access.

The following Members took part in debate:

- Councillor Daniel Allen
- Councillor Louise Peace
- Councillor Simon Bloxham
- Councillor Sean Nolan
- Councillor David Levett
- Councillor Mick Debenham

Points in the debate included that:

- Chain link fencing was unsafe for animals and this wording should be removed from Condition 11.

- There was no provision of a footpath from the development to the centre of the village or to the school.
- This was a small development which would not have a large impact on the sustainability of the area.
- Moving back the starting point of the 20 miles per hours restriction to the village may help with the speeding issues.

The Planning Officer advised that it would be possible to remove chain link wording from Condition 11 and that the only objections left with Highways were on sustainability issues and not regarding safety issues.

The Development and Conservation Manager advised that the only provision for a footpath was along the front of the site which wouldn't gain access to the village. Lower Road was a country lane and it was felt that the installation of a footpath would change the character of the road.

The Locum Planning Lawyer advised that amending a speed limit was a matter for Highways as the public would need to be consulted and feedback taken before any decision could be made and that this was not in the applicants domain.

Councillor Tom Tyson proposed with the amendment above to Condition 11, and Councillor Simon Bloxham seconded and, following a vote, it was:

RESOLVED: That application 22/02871/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the following amendment to Condition 11 and the addition of Condition 14:

Condition 11:

Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling fencing of a minimum height of 1.2 meters on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012.

Reason: To prevent damage 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 14:

Details of the foundation layout, type and depth for 'Plot 4 Garage' 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 not have an unacceptable impact upon the adjacent woodland and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

150 23/00334/FP BARN ADJACENT TO CHURCH FARM, WEST STREET, LILLEY, HERTFORDSHIRE, LU2 8LH

Audio recording – 35 minutes 17 seconds

The Senior Planning Officer provided updates:

- The report should state 'planning application' rather than 'pre-application request' at the end of the last sentence of paragraph 4.1.1.

- The County Councils Highway Officer had stated in a response from March 2023 that they do not wish to restrict the grant of permission and that this would be added as paragraph 3.8.

The Senior Planning Officer presented the report in respect of application 23/00334/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Daniel Allen
- Councillor Louise Peace

In response to the points of clarification, the Senior Planning Officer stated that:

- The original planning application which was granted back in 2022 had been approved by the Parish Council, but that there was an objection to this application.
- The bin stores were clearly marked on the plans as a black rectangle.
- This new application had added a workshop and store to the front extension which brought it closer to Church Farm.

The Chair invited Ms Rosalind Murray to speak against the application. Ms Murray thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The plans were not sensitive to have a building of this size in a conservation area.
- The barn was agricultural in its original use.
- The new extension was very close to Church Farmhouse.
- The solar panels were clearly visible from the public highway and this caused an infringement on the conservation area.
- The inclusion of a glazed window added an urban note which was not in keeping with a conservation area.
- The plans were not sympathetic and did not preserve or enhance the conservation area.

The Chair thanked Ms Murray for her presentation and invited Mr Kendall Cordes to speak against the application. Mr Cordes thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He lived at Church Farm, the property next door to the planning application.
- The solar panels would be very high and prominent, which would make them visible as you drove through the village.
- The barn was opposite a Grade 2 listed church and this planning application would not preserve or enhance the character of the village.
- The solar panels should be positioned out of view.
- The new extension had narrowed the distance to the width of a small gate from Church Farm.
- The workshop doors would obstruct the access of next door.

In response to a point of clarification from Councillor David Levett, Mr Cordes confirmed that the white building next to Church Farm was part of his house.

The Chair thanked Mr Cordes for his presentation and invited Councillor Claire Strong to speak against the application as Member Advocate. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- She had called this application in support of Lilley Parish Council and the neighbours.

- The original application had been agreed, but this application should be considered as a new application rather than an amended one.
- There was a Grade 2 listed farmhouse and church nearby and these barns were not in a good state and required a rebuild rather than a conversion.
- The solar panels were very visible and were not in keeping with a conservation area and would have an impact on the heritage buildings nearby.
- The Committee should consider the material impact of the revised plan and what the residents would have to live with if this application was approved.

The Chair thanked Councillor Strong for her presentation and invited Mr David Parry to speak as a support of the application. Mr Parry thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- This application was designed of a very high standard of sustainability and energy efficiency.
- The revised scheme was smaller than the original application and was more in line with the original agricultural use with a farmyard layout.
- The original large by fold doors on the original scheme had been removed.
- The materials used reflect the agricultural outbuildings.
- The glazed window was in a bathroom of the property and faced northwest from the property.
- The white building adjacent to the boundary with an asbestos roof was only attached to the historic building and not part of the original barn.
- The solar panels used were discussed with the conservation team and were level with and formed part of the roof covering.
- No visible frames or geometric patterns had been used on the solar panels to enable them to blend in with the roof.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor Simon Bloxham
- Councillor Val Bryant

In response to the points of clarification, Mr Parry stated that:

- The shared access area was shared between both properties and could be kept as such with no conflict to all parties.
- The roof that the solar panels would be going on was largely an asbestos roof with some original slate on the higher part.

In response to the points of clarification, the Senior Planning Officer advised that:

- The Conservation Officer had not objected to this proposal, including the proposed solar panels and the distance from Church Farm.
- The solar panels complied with legislation and would be fitted on to the front roof the existing barn and dwelling approved last year.
- The doors to the store opened onto a very small part of the driveway and would not be detrimental to the occupants of Church Farm, as noted in point 4.3.15 of the report.
- The 2022 planning application was slightly larger than this application in terms of floor space and this application compared quite favourably to that one.
- Solar panels could be put on a roof of a non-domestic building with planning application.

The Chair thanked Mr Parry for his presentation.

Councillor David Levett advised that although this application was not quite in keeping with the character of the area, he did not feel the harm posed outweighed the advantages.

Councillor David Levett proposed and Councillor Sean Nolan seconded and, following a vote, it was

RESOLVED: That application 23/00334/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

151 23/01029/FP COCKERNHOE FARM, LUTON ROAD, COCKERNHOE, LUTON, HERTFORDSHIRE, LU2 8PY

Audio recording – 1 hour 9 minutes 9 seconds

The Planning Officer presented the report in respect of application 23/01029/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Christopher Higenbottam to speak in support of the application. Mr Higenbottam thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The scheme exceeded the parking standard overall as there were 25 parking spaces and some houses had more than the standard two parking requirements.
- The application was for 8 dwellings and would involve some conversion.
- There were no footpaths in the village to the bus stop and this was the same for all residents in the village.
- The applicant did not own the land where the footpath would need to be constructed, so this was not in his domain.
- The application met the environmental objectives of respecting the conservation of the area.
- The proposal was not a major development and would only generate a small number of traffic movements would not cause any highway safety issues.

In a response to a point of clarification from Councillor David Levett, the Planning Officer advised that there were only 8 dwellings although numbered from 1 to 9 as house number 6 was omitted as this area was part of the refuse plan.

The Chair thanked Mr Higenbottam for his presentation.

The Planning Officer advised that the parking standards were met notwithstanding what is written in the report.

Councillor Louise Peace commented that there was a safe route for families to walk to the local school with a small child or buggy over the green.

Councillor Simon Bloxham proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 23/01029/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of this item there was a short break in proceedings until 21:05

152 23/01420/FP NEWSELLS PARK WINERY, WHITELEY HILL, BARKWAY, ROYSTON, HERTFORDSHIRE, SG8 8DY

Aning Audio recording – 1 hour 33 minutes 10 seconds

The Development Management Team Leader provided updates that:

- There had been a receipt of no objection from the Highways agency.
- There had been advice that unilateral undertaking was no longer required and that Condition 15 was sufficient for the purpose of the travel plan implementation and monitoring.
- There was a typographical error in 4.3.21 which should say 'blood stock', rather than 'block stock'.
- This was a full application of a winery production facility with hospitality and new parking space.

The Development Management Team Leader presented the report in respect of application 23/01420/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Stephen Blowers to speak in support of the application. Mr Blowers thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- A leading design had been used for this winery by the architect.
- The soil was in a south facing chalkland on the estate which was good for growing wine.
- The end of the second growing season was approaching with a small harvest expected next year.
- There would be a synergy with visitors to the stud being able to also visit the winery.
- The surface and water waste system were based on a living water natural ecological system which collected waste and foul water by passing it through a bio filter to ensure there was not any contamination.
- The fully integrated ecological system protects wildlife.
- The site had access on to the road to provide maximum visibility to ensure any motorist could see the new junction.

In response to a point of clarification from Councillor Sean Nolan, the Development Management Team Leader stated that:

- Before the winery was up to full capacity, they would have space within the facility to bring in grapes from other growers to process and mature wine.
- There would be the potential to produce and store wines for other existing wineries after 2026 if required.

The Chair thanked Mr Blowers for his presentation. The Chair invited Councillor Gerald Morris to speak in support of the application. Councillor Morris thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The winery was architecturally exciting and discreetly set within its rural environment.
- The winery would be a credit to North Hertfordshire and would bring both employment and wine to the area.

The Chair thanked Mr Morris for his presentation.

The following Members took part in a debate:

- Councillor David Levett
- Councillor Sean Nolan

Points raised in the debate included that:

- The winery was an excellent design and was something new to the area.
- It would be beneficial to the area and would bring rural jobs which was something that had been a struggle in other areas.

Councillor Tom Tyson proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 23/01420/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the removal of 6.1(A) and 6.1(B) and the following additional conditions and informatives:

Condition 18:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.

Condition 19:

The development hereby permitted may not commence until a non-mains waste water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.

Condition 20:

No development should commence until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.

Condition 21:

Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that

there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, your local plan policy SP11 'Natural resources and sustainability' and relevant position statements within The Environment Agency's Approach to Groundwater Protection.

153 23/0240/FP 181 WESTON WAY, BALDOCK, HERTFORDSHIRE, SG7 6JG

The Senior Planning Officer provided the following updates that:

- A neighbour emailed advising that they did not object to the application but hoped that the comments regarding possible damage to the hedge were considered. Therefore, the word 'objection' would be changed to 'comment' under section 3.1.
- The proposed garage would be set 0.75 meters from the boundary.
- The proposed garage would have a maximum height of 2.7 meters.

The Senior Planning Officer presented the report in respect of application 23/0240/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Josh Munford to speak in support of the application. Mr Munford thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He and his wife had lived in the area for 32 years.
- The application was for a single garage to be built on a 218 square meter driveway.
- The proposed plans sat away from the boundary and were on level with the footpath.
- The property provided screening from public view by a 2.5 meter high evergreen red robin hedge.
- Weston Way was an everchanging road with no distinct character.
- The plans had been designed sympathetically to blend in with existing houses and area.

The following Members asked for points of clarification:

- Councillor Daniel Allen
- Councillor Val Bryant

In response to the points of clarification, Mr Munford advised:

- The hedge was 2.55 meters high to the front of the property and 2.8 meters high to the right.
- They owned two cars and wanted the garage to store a classic car which was not used daily.
- There was enough space on the drive to do a full turn in a large vehicle.

The Chair thanked Mr Munford for his presentation. The Chair invited Councillor Alistair Willoughby to speak in support of the application as Member Advocate. Councillor Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Mr Munford was willing to work with the planning department to come to a fair compromise.
- The hedging around the property would prevent any significant view of the garage.

- Weston Way had many properties all of which were of differing size.
- There was no character in Weston Way that this planning application would negatively impact.

In answer to a point of clarification from Councillor Louise Peace, Mr Munford advised that he was prepared to move the application half a meter from the street line.

The following Members took part in a debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tom Tyson
- Councillor Val Bryant

Points in the debate included that:

- The garage would be out of keeping with that stretch of Weston Way.
- The Council did not think it was right to change the street scene for this application.
- This section of Weston Way would not benefit having this building put at the front of the house.
- There was a clear street scene in that area without any garages.
- The neighbours at 179 would suffer from a higher hedge as their garden was narrow.

Councillor David Levett proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 23/02040/FP be **REFUSED** planning permission due to the reasons outlined in the report of the Development and Conservation Manager.

154 PLANNING APPEALS

Audio recording – 2 hours 12 minutes and 59 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that there had been two appeals lodged. One appeal was part dismissed as the inspector had accepted the decision and the other appeal was allowed as it complied with Policy D2 of the North Hertfordshire Local Plan 2011-2031.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.45 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, LETCWORTH GARDEN CITY

ON THURSDAY, 7TH DECEMBER, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason and Sean Nolan.*

In Attendance: *Susan Le Dain (Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader), Kerrie Munro (Locum Planning Lawyer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *There were no members of the public present.*

155 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 11 seconds

Apologies for absence were received from Councillors Louise Peace, Ian Moody and Terry Tyler.

Councillor Phil Weeder was absent.

156 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 34 seconds

There was no other business notified.

157 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 37 seconds

N.B Councillor Nigel Mason entered the Council Chambers at 19:32

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

158 PUBLIC PARTICIPATION

Audio recording – 2 minutes 28 seconds

There was no public participation.

159 23/01189/FP LAND AT, DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX

Audio recording – 2 minutes 40 seconds

The Development and Conservation Manager informed the Committee that the Development Management Team Leader would introduce and present Agenda Item 5 23/01189/FP and Agenda Item 6 23/01190FP together, however each Agenda Item would then be debated and voted on separately.

The Development Management Team Leader provided an update that:

- Application 23/01189/FP was for one building to the south east side of the road.
- Application 23/01190/FP was for nine buildings on the north west side of the road.
- The Lead Local Flood Authority (LLFA) had responded with a technical objection to application 23/01190/FP.
- Work was ongoing with the applicant regarding the technical objection from the LLFA and did not alter the recommendations of the application.

The Development Management Team Leader presented the reports in respect of applications 23/01189/FP and 23/01190/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Sean Nolan

In response to the points of clarification the Development Management Team Leader stated that:

- The applicant had agreed to a higher Section 106 payment to cover the cost of the proposed cycle path, therefore Condition 7 from Highways detailed at 4.3.14 of the report had not been recommended, and that this was not the same as Condition 7 of the report recommendations.
- The LLFA objection related to an aquifer located under the site which was a technical objection, should this remain outstanding after discussions and negotiations between the applicant and the LLFA the application would then return to the Committee to reconsider.

Councillor Daniel Allen commented that this was the right use for the site and that the Committee should follow the recommendations in the reports.

Councillor Tom Tyson proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 23/01189/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

160 23/01190/FP LAND FOR UNITS 5-13, DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX

Audio recording – 14 minutes 36 seconds

N.B The Development Management Team Leader provided an update, presented and answered points of clarification on this application during the previous Agenda Item.

Councillor Tom Tyson commented that this was a commendable application subject to the LLFA objection.

Councillor Simon Bloxham proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 23/01190/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

161 PLANNING APPEALS

Audio recording – 16 minutes 2 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that there had been one appeal lodged regarding a one bedroom dwelling in Barley.

RESOLVED: That the Committee noted the report.

The meeting closed at 7.47 pm

Chair

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<u>Location:</u>	Land Between Huntsridge And Ashwell House 5 High Street Ashwell Hertfordshire
<u>Applicant:</u>	Mr Oscar Briggs
<u>Proposal:</u>	Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping
<u>Ref. No:</u>	22/03094/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 28/02/2023

Extension of statutory period: 01/02/2024

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The site area is larger than 0.5 hectares and therefore the application needs to be presented to Planning Committee for determination, in accordance with the Council's constitution.

1.0 **Site History**

- 1.1 20/00126/FP - Erection of 24 dwellings including creation of vehicular access off Ashwell Street, footpath link to Lucas Lane, associated public open space and landscaping (as amended by plans received 17.08.20).

Refused

Reason 1: By reason of the following: the very positive contribution the application site makes to the character and appearance of the Ashwell Conservation Area; the fact that the site represents the last area of land that could be developed along Ashwell Street; the removal of the sole remaining opportunity to experience the village nestled in the so-called 'river valley' from the south side of the village and unfettered by development in the fore or mid ground; the impairment of views towards an area to the east of the historic core, the impact upon the high degree of inter-visibility between Townsend House, 5 High Street and the parish church of St Mary the Virgin; and the adverse impact upon the character of the medieval route that is Ashwell Street; it is considered that the proposal would occasion less than substantial harm to the significance of the Ashwell Conservation harm toward the upper end of the continuum such that would outweigh any public benefits associated with the delivery of 24 dwellings. Accordingly, the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018).

Reason 2: The development would have a detrimental effect on the rural character of Ashwell Street, resulting from the creation of an access onto Ashwell Street with the tree removal and surface upgrading that would be involved. In addition, the setting of the

Conservation Area as experienced when viewed from the existing gate on Ashwell Street would be adversely affected by the development. Therefore, the proposed development would not function well or add to the overall quality of the area and would not be sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposed development would constitute poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development would also fail to recognise the intrinsic character and beauty of the countryside local to the site. As such the proposal would fail to comply with Saved Local Plan Policy 6 of the North Hertfordshire District Local Plan No. 2 with Alterations, Policies SP1 and D1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and Sections 12 and 15 of the NPPF.

Reason 3: The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing affordable housing and any other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). 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).

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire
 Policy SP2: Settlement Hierarchy and Spatial Distribution
 Policy SP6: Sustainable Transport
 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, Landscape and Biodiversity
 Policy SP13: Historic Environment
 Policy ETC7: Scattered local shops and services in towns and villages
 Policy HS2: Affordable housing
 Policy HS3: Housing mix
 Policy T1: Assessment of Transport Matters
 Policy T2: Parking
 Policy D1: Sustainable Design
 Policy D3: Protecting Living Conditions
 Policy NE1: Landscape
 Policy NE2: Green Infrastructure
 Policy NE5: New and improved public open space and biodiversity
 Policy NE10: Water Framework Directive and wastewater infrastructure
 Policy NE12: Renewable and Low Carbon Energy Development
 Policy HE1: Designated Heritage Assets
 Policy HE4: Archaeology.

2.2 **Ashwell Neighbourhood Plan (ANP) ('made April 2022)**

Policy ASH1 Location of Development
 Policy ASH2 Housing Mix
 Policy ASH3 Character of Development

Policy ASH4 Design of Development
 Policy ASH6 Environmentally Sustainable Design
 Policy ASH7 Protecting Historic Assets
 Policy ASH8 Locally Significant Views
 Policy ASH9 Natural Landscape and Rural Character
 Policy ASH13 Broadband Provision
 Policy ASH15 Provision of Leisure and Recreation Facilities
 Policy ASH18 Education Provision
 Policy ASH19 Accessible Paths in Village and Rural Areas
 Policy ASH20 Residential and Public Car Parking

2.3 **National Planning Policy Framework (NPPF) (July 2021)**

Section 2: Achieving sustainable development
 Section 4: Decision making
 Section 5: Delivering a sufficient supply of homes
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting sustainable development
 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

2.4 **Vehicle Parking at New Development SPD**

2.5 **Ashwell Conservation Area Character Statement – December 2019**

2.6 **Ashwell Conservation Area Appraisal and Management Plan – June 2023**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – 24 comments have been received from neighbours (22 objection, 2 neutral) on the following matters including (summary):

- The site is suitable for the inclusion of Swift bricks. Wording for a condition has been submitted: *“No development shall take place until written details are approved by the LPA of the model and location of 14 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter”*.
- The scheme would mean the loss of another piece of agricultural/grazing land.
- Houses on the higher levels of land should be set into the topography of the site.
- Consideration of making one part of the site a designated open space.
- Concern that the open space could one day be sold off for further development.
- Application does not address any of the previous issues on the vehicular access to the site for construction vehicles and more traffic.
- The village is being ruined for current residents with larger housing schemes.
- Primary access to the site from Ashwell Street will have a detrimental impact on a corridor for wildlife, walkers, joggers, horses, children etc.
- Concerns over the safety and intensity of use of Ashwell Street going forward.
- Concerns over the junction between Ashwell Street and Kingsland Way which is deemed unsafe at present.
- The site is within the Conservation Area.
- The buildings will not fit in this landscape.
- Houses here will put strain on existing services and infrastructure.
- Consideration of archaeological matters needs further thought.
- Detrimental impact on the rural character of Ashwell Street.

- The site is close to an SSSI.
- Other brownfield sites should be used instead.
- This site is not included as an allocated site in the Local Plan.
- Long and short range views would be affected by the development.
- The proposal would fail to comply with several heritage paragraphs in the NPPF.
- The application does not comply with the Ashwell Neighbourhood Plan.
- Concerns over who would maintain the public open space.

3.2 **Hertfordshire Highways** – Formal comments have been received on the 9th January 2023, 27th July 2023, 25th September 2023, and 8th December 2023. Following amendments to the scheme and the submission of further information, no objections are raised subject to conditions.

3.3 **Ashwell Parish Council** – *“Ashwell Parish Council has considered this application and has agreed to object on the following grounds: The application, (i) failed to sufficiently meet the requirements of the Neighbourhood Plan housing policy, ie for smaller units for the elderly/poorly mobile, downsizers and starter homes, (ii) would have a significant adverse impact on the conservation area as identified by the NHC Development & Conservation Manager in the 19 November 2020 decision to refuse the application for development ref 20/00126/FP ; the Ruddery, part of the Icknield Way ancient track, contributed significantly to the rural character of the area, (iii) would have an adverse impact on pedestrian safety due to additional traffic on the Ruddery and the already hazardous Ashwell Street/Kingsland Way junction.*

Please note that the following should also be taken into account should you be minded to recommend to the Planning Control Committee that permission be granted.

a) Ashwell CLT Ltd has recently been set up with a key objective of gaining more control over development. This to ensure that the type of housing built meets the needs identified by the Neighbourhood Plan and that the eligibility criteria for social/affordable units prioritises people with strong Ashwell connections. The Parish Council has agreed that possible options for the CLT to be involved be pursued with the developer and the landowner.

b) Design amendments to the proposals, (i) changes to the layout to position the bungalows at the bottom of the slope to address the issues cited above, (ii) re-location of the main access as far as possible to the west of the site to reduce the impact on Page 2 of 5 the conservation area, the Ruddery being part of the Icknield Way ancient track ,and the loss of vegetation, (iii) accommodation of requests from neighbours re boundary materials, ie fences and/or walls, (iv) further consultation re lighting.

c) Highways matters, (i) the vehicular restrictions to the Ruddery already agreed in principle with the County Council to be in place prior to the development being started, (ii) safety improvements to the Ashwell Street/Kingsland Way junction to be agreed with the County Council's Highways Dept also to be implemented prior to the development being started.

d) Planning obligations. A section 106 agreement for a contribution from the developer for identified village facilities as defined by the Parish Council.

e) Public open space. A legally binding agreement re the ownership of the public open space between the developer and the Parish Council or a body of its choosing such as Ashwell CLT Ltd”.

3.4 **Environmental Health (Air Quality)** – No comments received.

- 3.5 **Environmental Health (Land Contamination)** – None received.
- 3.6 **Environmental Health (Noise)** – None received.
- 3.7 **Archaeological Implications** – None received.
- 3.8 **Waste and Recycling** – None received.
- 3.9 **Conservation Officer** – Formal comments have been received on 15th March 2023, 11th July 2023, and 25th July 2023. Following the submission of further information and consideration of other heritage-based consultees, the latter responses stated as follows:

*“To conclude, AHC (applicant’s heritage consultant), Historic England and myself all conclude that there would be less than substantial harm occasioned to the ACA. I note also that Ashwell Parish Council have objected to this scheme. AHC takes the view that the degree of harm on the ‘less than substantial’ continuum would be low whilst HE regards this to be moderate. I have previously stated that the degree of harm would be towards the ‘upper end’ but in light of the latest submission, I have reviewed my position on this and conclude that the degree of harm would be **moderate to high** on the ‘less than substantial harm’ continuum. I accept that it remains for the case officer to apply the weighted test of public benefits v harm but on the basis that NHC does have a 5YSL, I urge the case officer to consider carefully whether there is sufficient public benefit here to outweigh the perceived harm.*

*Even though the number of dwellings has been significantly reduced and the public benefits increased, I still consider that there are sufficient reasons to raise a heritage-based **OBJECTION**. It is considered that the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.*

For these reasons, I offer an amended first draft reasons for refusal and have added the 1990 Act, NNPF and Local Plan policy to the 2nd reason:

1. *By reason of the following: the very positive contribution the application site makes to the character and appearance of the Ashwell Conservation Area; the fact that the site represents the last area of land that could be developed along Ashwell Street; the removal of the sole remaining opportunity to experience the village nestled in the ‘valley’ to the north and unfettered by development in the fore or mid ground; the impairment of views towards an area to the east of the historic core, the impact upon the high degree of inter-visibility between Townsend House, 5 High Street and the parish church of St Mary the Virgin; and the adverse impact upon the character of the medieval route that is Ashwell Street; it is considered that the proposal would occasion less than substantial harm to the significance of the Ashwell Conservation Area and that the level of harm is moderate to high on the continuum such that this harm would outweigh the improved public benefits associated with the delivery of the amended 14 dwelling scheme. Furthermore, the development would impair Viewpoint 10 of the Ashwell Conservation Area Character Appraisal and Management Plan (February 2023) and Significant View 12 of the Ashwell Neighbourhood Plan (made on April 2022). Accordingly, the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Paragraph 130c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.*

- 2 *The creation of an access onto Ashwell Street including the removal of trees and surface upgrading would have a transformational impact upon the western end of this informal track which forms part of the ruddery (which is part of Ashwell Street and is also part of the Icknield Way ancient track). This would have a detrimental effect on the rural character of Ashwell Street and would not add to the overall quality of the area and would not be sympathetic to local character and history, including the surrounding built environment and landscape. The proposed development fails to recognise the intrinsic character and beauty of the countryside local to the site. Accordingly, the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Paragraph 130c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

- 3.10 **Historic England** – *“Historic England considers that the proposed scheme would result in harm to the significance of those heritage assets as discussed above, particularly the conservation area. We would consider that harm to be a moderate level of less than substantial harm in NPPF terms.*

Historic England objects to the application on heritage grounds. We consider that the site is important to the significance of the conservation area and that it should be retained as open space.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 199,200,202 and 206.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 3.11 **Hertfordshire Ecology** – *“Overall Recommendation: Application can be determined (with any conditions listed below).*

Summary of Advice:

- *No fundamental Ecological constrain to this proposed development.*
- *Recommended mitigation for the construction phase should for part of the approved application or form part of a CEMP secured by Condition.*
- *Lighting mitigation should be secured by Condition.*
- *The application will deliver a biodiversity net gain in excess of 10%*
- *A LEMP should be secured by Condition”.*

- 3.12 **Hertfordshire Growth and Infrastructure** – *“I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 14 dwellings we would seek financial contributions towards the following projects:*

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	2	3
3	7	0
4+	2	0
Total	11	3

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	0	0
4+	0	0
Total	0	0

Trajectory						
Year	2022	2023	2024	2025	2026	2027
Units	0	0	14	0	0	0

Secondary Education towards the expansion of Knights Templar Secondary School (£176,975 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) (£19,681 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Royston Library or its future re-provision (£3,130 index linked to BCIS 1Q2022)

Youth Service towards increasing capacity by sourcing a new exclusive or shared use young people's centre serving Letchworth and the surrounding area (£3,701 index linked to BCIS 1Q2022)

Waste service Transfer Station towards the new North Transfer Station at Baldock or provision serving the development (£2,404 index linked to BCIS 3Q2022)

Fire and Rescue Service towards a new fire station provision at Royston to serve the development (£5,328 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 3.13 **North Herts Planning Transport Policy Officer** – Raised a few transport related concerns and questions, concluding as follows:

"I will leave it to Hertfordshire CC Highways to comment on the safety of the proposed "Shared Surface" arrangement on Ashwell Street, as it is a public right of way (ASHWELL 016), which I imagine is well used by walkers. Incidentally, this status of Ashwell Street, as a Byway Open to All Traffic, appears not to be acknowledged in the Design and Access Statement (DAS)".

- 3.14 **Anglian Water** – None received.

3.15 **Affinity Water** – None received.

3.16 **Local Lead Flood Authority** – no objection subject to conditions. If the conditions are not included, the development would be contrary to NPPF and local planning policies including NE8 of the North Herts Local Plan and the LLFA would object until such time that the details are submitted.

3.17 **County Council Rights of Way** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a rectangular area of land that is located on the eastern side of the village of Ashwell, to the south of existing houses that front onto Lucas Lane and to the north of Ashwell Street, which runs south-westwards from Station Road in the east and forms the southern boundary of the village for most of its length. The site comprises approximately 1.18 ha of land that is surrounded on three sides by existing housing and has a frontage onto Ashwell Street of approximately 90 metres, and a depth of around 115 metres. The site is currently in use as pastoral land, used for the grazing of sheep.

4.1.2 The site is within the settlement boundary of Ashwell, which is a Category A Village. The site slopes upwards quite significantly from the south-west corner to the north-east corner and is located within Flood Zone 1. The site is located within an Archaeological Area and the Ashwell Conservation Area and there are no listed buildings immediately adjacent to the site; the nearest listed buildings being located at numbers 14 and 16 Lucas Lane. The Ashwell Conservation Area Character Appraisal and Management Plan (February 2023) sets out a list of the listed buildings and key views. Whilst there are no listed buildings immediately adjacent to the site, the ACACAMP acknowledges Viewpoint 10 and a Significant View 12 is acknowledged in the Ashwell Neighbourhood Plan (made April 2022), from Ashwell Street in the south-east corner of the site looking north. This is due to the elevated location of Ashwell Street.

4.2 **Proposal**

4.2.1 Full planning permission is sought for the erection of 14 dwellings including a new access from Ashwell Street, affordable housing provision, new footpath link to Lucas Lane associated infrastructure, public open space, and landscaping. The 14 dwellings would comprise of 2 bungalows and 12 houses with the following split between market: 2 x 2-bedroom bungalow, 5 x 3-bedroom house, 2 x 4-bedroom house, and affordable: 4 x 2-bedroom house, 1 x 3-bedroom house. 29 parking spaces are proposed with 2 per dwelling and 1 visitor space.

4.2.2 The scheme would also incorporate new landscaping, with the principal area of public open space being provided on the western side of the spine road, which would include tree planting and wild-meadow landscaping to provide areas of play and wildlife habitats. The scheme would be facilitated by a new vehicular access into the site, which will comprise a new junction on the north side of Ashwell Street, to the south-west of the mid-point of the site frontage. This would lead to a spine road leading through the site diagonally to access the proposed dwellings. In addition, a new footway/cycle path link is proposed from the northern boundary of the site through to Lucas Lane.

4.2.3 The application is supported by the following documents:

- Arboricultural Impact Assessment and Tree Survey prepared by Origin Environmental;
- Detailed plans, elevations, street scenes and sections prepared by AT Architecture;
- Design and Access Statement prepared by AT Architecture;
- Ecological Impact Assessment including Biodiversity Net Gain Metric 3.1 calculator prepared by Blackstone Ecology Ltd;
- Flood Risk Assessment & Drainage Strategy prepared by Martin Andrews Consulting;
- Heritage Statement prepared by Asset Heritage;
- Landscape Strategy Plan, prepared by Aspect Landscape;
- Landscape and Visual Impact Assessment prepared by Aspect Landscape;
- Phase 1 Geo-environmental Assessment, prepared by Geo-Environmental Services;
- Services Appraisal by Martin Andrews Consulting;
- Topographical Survey prepared by Brightsurv;
- Transport Statement and Travel Plan prepared by Martin Andrews Consulting;
- Written Scheme of Investigation and Desk Based Archaeological Survey including Trial Trenching Evaluation by MOLA;

4.2.4 Amended and further information has been submitted during the course of this application in an effort to overcome objections raised from consultees, particularly the Highway Authority and the Conservation Officer.

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- The Principle of Development
- The Planning History
- The Impact on Designated Heritage Assets
- The Visual Impact on the Character of the Area
- Design, Layout and Landscaping
- Living Conditions
- Open Space Management
- Highways, Access, and Parking
- Ecology
- Archaeology
- Surface Water Drainage
- Housing Mix
- Waste and Recycling
- Climate Change/Sustainability
- Planning Obligations
- Planning Balance

Principle of Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The Ashwell Neighbour Plan (ANP) was made in January 2021 and also forms part of the development plan and therefore full weight is given to policies of the ANP. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure

the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.

4.3.4 The site is undeveloped agricultural land located within the Ashwell settlement boundary, which is defined as a Category A Village within Policy SP2 of the Local Plan. This policy states that within Category A Villages *“general development will be allowed within the defined settlement boundaries”*. This is consistent with the Ashwell Neighbourhood Plan (ANP) which also designates the site as within the settlement boundary. As such, it is considered that the principle of development in this respect is acceptable in planning terms and is a fundamental difference from the previously refused application, where the site was designated as Rural Area beyond the Green Belt and therefore, outside the settlement boundary of Ashwell. However, it is important to note that the inclusion of the site within the Ashwell settlement boundary does not mean it will be acceptable for residential development.

4.3.5 The submitted Planning Statement makes a number of arguments in support of the principle of development from the view of the applicant. One is that within the Local Plan section titled 'Ashwell', it states that no new sites in Ashwell are allocated for housing, suggesting that areas within the settlement boundary will be allowed to meet future needs. Moreover, Policy SP2 does not place a limit on the scale of development that may be acceptable within settlement boundaries of Category A Villages, unlike Category B and C Villages. Furthermore, the ANP indicates that development will be focused within the new settlement boundary. Consideration has also been given to a scheme of 9 dwelling which was approved under ref: 19/00455/FP, which was outside the settlement boundary and within the Conservation Area at the time of determination. These matters are noted. However, it is considered that each application must be considered on its merits against the relevant policies in the development plan and other material planning considerations.

4.3.6 The applicants consider that prior to adoption the Council had a low housing supply and housing delivery and that, paragraph 11 d) of the NPPF is engaged. However, even if the Council did not have a 5-year supply of housing or meet the Housing Delivery Test of 75% below requirement over the previous 3 years, it is considered that the tilted balance does not apply in this case because policies in the Framework provides a clear reason for refusing the proposal. NPPF Paragraph 208 states:

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

4.3.7 The Council considers that the proposal results in moderate to high harm on the 'less than substantial harm' continuum to the significance of the Ashwell Conservation Area, which will be detailed later in this report and that the public benefits of the proposal do not outweigh the harm. Therefore, whilst acknowledging the applicant's position on housing supply and delivery, even if they are correct, the tilted balance is not engaged, because it is considered that the application of policies of the NPPF that protect areas of assets of particular importance (in this case Ashwell Conservation Area which is designated heritage asset) provides a clear reason for refusal. This shall be considered in detail in this report.

- 4.3.8 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Ashwell. The site is now within the settlement boundary for Ashwell under the Local Plan and the ANP, where general development will be allowed. Therefore, there is no conflict with Policy SP2 of the Local Plan and Policy AHS1 of the ANP.

The Planning History

- 4.3.9 The site was the subject of a previous application under ref: 20/00126/FP for the erection of 24 dwellings including creation of vehicular access off Ashwell Street, footpath link to Lucas Lane, associated public open space and landscaping. This application was refused at Planning Control Committee for three reasons, namely identified harm to the heritage asset, the proposed development's adverse impact on the rural character of the area, and the lack of an agreed S106 Agreement. The full reasons for refusal are stated in section 1.1 of this report.
- 4.3.10 Accordingly, as this refused application was not taken to appeal, the applicant has amended the proposal seeking to overcome the three reasons for refusal, with the change in Local Plan circumstances also a key material consideration in the determination of the application. The extent to which the Council considers the scheme has overcome the previous reasons for refusal will be considered later in this report.

Impact on Designated Heritage Assets

- 4.3.11 Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use"*. This is reinforced by paragraph 208 of the NPPF.
- 4.3.12 The site is within the Ashwell Conservation Area as designated by the Local Plan and the ANP. Therefore, consideration is given as to the impact of the proposal upon this heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. The ACACAMP acknowledges Viewpoint 10 across the site and a Significant View 12 is also acknowledged in the Ashwell Neighbourhood Plan (made April 2022). Historic England and the Council's Conservation Officer were formally consulted on this application, providing the following concluding statements:

"Historic England considers that the proposed scheme would result in harm to the significance of those heritage assets as discussed above, particularly the conservation area. We would consider that harm to be a moderate level of less than substantial harm in NPPF terms."

Historic England objects to the application on heritage grounds. We consider that the site is important to the significance of the conservation area and that it should be retained as open space."

*“Conservation: To conclude, AHC, Historic England and myself all conclude that there would be less than substantial harm occasioned to the ACA. I note also that Ashwell Parish Council have objected to this scheme. AHC takes the view that the degree of harm on the ‘less than substantial’ continuum would be low whilst HE regards this to be moderate. I have previously stated that the degree of harm would be towards the ‘upper end’ but in light of the latest submission, I have reviewed my position on this and conclude that the degree of harm would be **moderate to high** on the ‘less than substantial harm’ continuum. I accept that it remains for the case officer to apply the weighted test of public benefits v harm but on the basis that NHC does have a 5YSL, I urge the case officer to consider carefully whether there is sufficient public benefit here to outweigh the perceived harm.*

*Even though the number of dwellings has been significantly reduced and the public benefits increased, I still consider that there are sufficient reasons to raise a heritage-based **OBJECTION**. It is considered that the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

- 4.3.13 The following paragraph from the report to Planning Control Committee on 19 November 2020 under ref: 20/00126/FP is still relevant for this proposal:

“It should be highlighted that this is one of the few examples left of pockets of grazing land / open space amongst the built development on the edge of Ashwell. It is acknowledged that there have been other schemes granted in this part of the Conservation Area in recent years including one house at 22 Lucas Lane (10/02608/1), four houses on Lucas Lane (20/00847/FP) and nine houses on the junction of Ashwell Street and Station Road (19/00455/FP). There is an argument to say that should this application be granted it would represent a cumulative erosion of the Conservation Area”.

- 4.3.14 The applicant acknowledges that the proposed development would result in less than substantial harm, but that this is much improved from the previous scheme and is towards the lower end of the continuum. However, Historic England consider that the proposed development would result in ‘moderate harm’ on the ‘less than substantial harm’ continuum and that the Council’s Conservation Officer considers that the proposal would result in ‘moderate to high’ on the ‘less than substantial harm’ continuum. In accordance with these two formal representations and given that this site is one of the last open pockets of land within the Ashwell Conservation Area, which is an important part of its character and appearance, I consider that the proposal would give rise to the moderate to high harm on the less than substantial harm continuum. The proposal would conflict with ANP Policy ASH3, which requires development proposals to conserve or enhance Ashwell Conservation Area. The considered harm to the Conservation Area should attract great weight. This harm to the significance of Ashwell Conservation Area must be weighed against the public benefits of the proposal. This balance will be undertaken at the end of this report.

The Visual Impact on the Character of the Area

- 4.3.15 Further to the aforementioned considerations, the site contributes to the rural character of the Conservation Area and as such, the same policies are relevant in this respect. The

site is undeveloped agricultural land and therefore, any development proposal will undoubtedly result in some degree of visual impact upon the character of the area. The proposal would see the delivery of 14 dwellings, with 6 of them located in the south and west parts of the site where the ground level is higher compared to the remaining parts of the site. Moreover, the proposed dwellings that would be closer to the south-west boundary with Ashwell Street, particularly plots 1, 2, 3, 4, 5 and 6 will be very visible in what is currently an uninterrupted, rural character. The scheme would need to be facilitated by the proposed access, which would see the removal of trees and vegetation on Ashwell Street to secure the appropriate width and visibility splays. This new access would also require an upgrade to the hard surfacing.

4.3.16 Having considered the proposal in the context of the previously refused application, it is noted that the applicants have gone some way to overcome the concerns raised previously. The number of units has been reduced considerably allowing a large area of open space on the west part of the site, and those remaining proposed dwellings would be positioned on the eastern half of the site, such that there would be some retention of existing viewing corridors from the south corner of the site through to the north, which is Significant View 12 in the ANP, and new viewing corridors from the south-east corner through to the north-west through the opening up of a new footpath. It is also acknowledged that the proposal would look to utilise 1 ½ storeys for the proposed dwellings, which for plots 1 and 4 would be those facing onto Ashwell Street, in an effort to reduce the visual impact. It is also considered that those dwellings in the northern parts of the site, at lower ground level, would not be overly visible from Ashwell Street and would be screened from view in the main from wider aspects.

4.3.17 However, whilst the improvements to the scheme are acknowledged, I have taken account the previous resolution and that of the Council's Conservation Officer. It was resolved relating to a larger scheme of 24 units, that there would be a detrimental impact upon the rural character of Ashwell Street, resulting from the creation of an access onto the street with tree removal and surface upgrading that would be involved. This formed part of the 2nd reason for refusal for that previous decision. Whilst the quantum of development has been significantly reduced and the proposed access has been re-located further west of its previous position, the proposed development would still require the formation of an access onto Ashwell Street to the detriment of its existing rural character. This would be facilitated by the removal of trees and vegetation, which would likely be just as much as it would have been for the previous application, accounting for the required access widths and visibility splays. Therefore, the removal of trees would still result in a detrimental impact upon the rural character of Ashwell Street and conflict with ANP Policy ASH3, criterion C (i) which requires development proposals to make a positive contribution to the village from the highway and footpaths. Moreover, the scheme would require the existing hardstanding area on Ashwell Street to be upgraded to meet highway requirements, which would have an urbanising effect in a rural setting. The Council's Conservation Officer has recommended two reasons for refusal for this current application, with the 2nd reason aligning with my views in this respect, stating:

"The creation of an access onto Ashwell Street including the removal of trees and surface upgrading would have a transformational impact upon the western end of this informal track which forms part of the ruddery (which is part of Ashwell Street and is also part of the Icknield Way ancient track). This would have a detrimental effect on the rural character of Ashwell Street and would not add to the overall quality of the area and would not be sympathetic to local character and history, including the surrounding built environment and landscape".

4.3.18 Furthermore, the previous 2nd reason for refusal also stated that the setting of the Conservation Area as experienced when viewed from the existing field gate on Ashwell Street would be adversely affected by the development. In this respect, it is

acknowledged that the amendments to the scheme, which now shows a large area of public open space on the west half of the site, have sought to overcome this issue and protect the experience of Significant View 12 in the ANP and Viewpoint 10 in the ACACAMP as much as possible. However, the Council's Conservation Officer has recommended two reasons for refusal for this proposed development, with part of the 1st reason reading as follows:

"Furthermore, the development would impair Viewpoint 10 of the Ashwell Conservation Area Character Appraisal and Management Plan (February 2023) and Significant View 12 of the Ashwell Neighbourhood Plan (made April 2022)".

- 4.3.19 As such, it is considered that the proposed development does not go far enough to overcome the impact it would have on the above-mentioned key views from Ashwell Street. The proposed development would therefore result in an unacceptable visual impact on the rural character of the area, through the creation of an access onto Ashwell Street, the removal of trees and vegetation and the upgrading of hardstanding surfaces and therefore conflict with ANP Policies ASH3 C(ii) and ASH8 which seek to safeguard locally significant views. The proposal has not overcome the previous 2nd reason for refusal in this respect, and the harm to these locally significant views attracts significant weight.

Design, Layout and Landscaping

- 4.3.20 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.21 The design and layout of the proposal splits the site into two halves, with a triangular shaped area of public open space on the west side and the proposed dwellings and access road on the east. The height of the proposed dwellings would be 1 ½ storey with two single storey bungalows, ranging in form and design whilst retaining a traditional character. The dwellings would have varying orientations but would establish a street scene frontage on the east side of the access road facing the westerly public open space, with a number of back-to-back dwellings hugging the eastern boundary behind this frontage. The dwellings would all have reasonable sized rear gardens and would collectively benefit from the public open space.
- 4.3.22 Notwithstanding the aforementioned considerations around the impact of this proposal on the character of the Conservation Area and the rural character of Ashwell Street, it is considered that the layout, design, and scale of the proposed development is acceptable in planning terms. The 1 ½ story height is appropriate for this site which has significant topographical changes, the design, form, and materials palette would reflect the traditional character of Ashwell, and the layout of the site allows for a sizable amount of public open space to maintain a rural setting. The dwellings would also have gardens of an acceptable size and on the whole, the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme, notwithstanding the overall unacceptable urbanising impact of the proposed development.
- 4.3.23 With a site area of 1.18 HA, the proposal would have a density of 12 dwellings per hectare. In my opinion, this low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.

4.3.24 The submitted Landscaping Scheme shows the extent of hard and soft landscaping across the proposed development, including the large area of open space with is a significant benefit. The site is bounded by mature hedgerows and trees on its northern, eastern, and western boundaries which the proposal seeks to retain where possible and enhance with supplementary landscaping. The extent of hardstanding within the site is limited to the access roads and driveways, which is acceptable in my view. In terms of new soft landscaping, the landscape plan shows tree planting within the open space area, along the pedestrian access with Lucas Lane, on the borders of the site and along the spine road; tree and shrub planting within garden areas of the proposed dwellings; and a 3-metre-wide landscape buffer along the eastern, and western boundaries of the site. In my opinion, the landscaping plan is acceptable in planning terms and meets the requirements of Policy NE1 of the Local Plan and Policy ASH10 of the ANP.

Living Conditions

4.3.25 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.26 In terms of the layout of the proposed dwellings relative to the immediate neighbours, Plot 14 would be perpendicular to No's 6, 8, 10 Lucas Lane, and Plots 5 and 10 would be adjacent to Ashwell House. All other plots would not have a close relationship with any of the site's immediate neighbours in my view.

4.3.27 As such, given the separation distance between Plot 14 to the properties on Lucas Lane, the lack of any side facing windows, and the mature landscaping on the shared boundary, I do not consider that there would be any material harm to the living conditions and well-being of these neighbours, with respect to overdominance, loss of privacy and loss of daylight/sunlight. Moreover, seeing as the eastern boundary between plots 5 and 10 and Ashwell House is also lined by mature vegetation, whilst plot 10 would be somewhat visible from the neighbour's rear elevation, I again do not consider that there would be any material harm to the living conditions and well-being of these neighbours. As such, the proposal would not result in unacceptable harm to the reasonable living conditions of neighbours.

4.3.28 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of nature light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.

4.3.29 The proposal would therefore accord with Policy D3 of the Local Plan.

Open Space Management

4.3.30 Seeing as the proposal is offering a significant amount of public open space, this would need to be managed if permission was granted for this scheme. On the previous application, the Council's Greenspace Service Manager stated that Ashwell Parish Council usually undertake their own maintenance of greenspaces within the village and that it would be unlikely for the District Council to adopt this open space, as it is not located within the main towns. In the event that permission is granted, the management of this space would likely need to be considered and secured in a S106 agreement.

Highways, Access, and Parking

- 4.3.31 The Highway Authority provided formal comments on the 9th January 2023, 27th July 2023, 25th September 2023, and 8th December 2023. The first three comments raised an objection to the scheme on various grounds, including design, visibility, speeds and footways. The applicant provided a Technical Note in response to these objections on the 23rd October 2023, in an effort to overcome the objections stated in the latest formal comment. Following re-consultation with the Highway Authority on this technical note, they came back stating no objection subject to 7 conditions.
- 4.3.32 The concerns raised by local residents and the Parish Council in respect of the impact of the proposal on highway safety are acknowledged. The majority of concerns were with the existing junction between Kingsland Way and Ashwell Street, the impact of the proposed access on the usability of Ashwell Street by local residents, and that the access was still unsafe. However, seeing as the Highway Authority have formally commented stating no objection to the proposal on highway grounds, it would be unreasonable to object to the scheme on such grounds.
- 4.3.33 The scheme for 14 dwellings would deliver 29 parking spaces, with 2 per dwelling and 1 visitor space. As all the dwellings would have 2 bedrooms or above, the spaces per dwelling would comply with the requirements of the Vehicle Parking at New Development SPD. However, the SPD requires that for visitor parking, "Between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number), with the lower standard being applied where there are no garages in the proposed scheme and the higher standard applied where every dwelling in the scheme is to be provided with a garage". As the scheme does not include any garages, the 0.25 figure is used which works out at 3.5 visitor spaces for the scheme, rounded up to 4 as required. The proposal would therefore underprovide for visitor parking by 3 spaces which is contrary to the requirements of the SPD. That said, the site benefits from a spacious layout and there are a number of hardstanding areas where visitors could park in theory without causing conflict with other occupiers, even if they aren't designated as visitor spaces. Therefore, whilst this is technically an under provision of visitor parking, I am not convinced that this would be a substantiated reason to refuse planning permission for.

Ecology

- 4.3.34 This application was submitted with a full biodiversity metric, ecological impact assessment and technical briefing note. Following consultation with Hertfordshire Ecology, they formally commented stating no objection subject to several conditions. The proposal would deliver at least 10% biodiversity net gain in accordance with Policy NE4 of the Local Plan.

Archaeology

- 4.3.35 The site is within an Archaeological Area and the County Council's Natural, Historic and Built Environment Advisory Team were consulted on this application but provided no comment. During the previously refused application under ref: 19/00455/FP, the archaeological department raised no objection subject to conditions for a larger residential development, following the carrying out of an archaeological investigation. As such, whilst a formal comment has not been received for this application, it is considered

that the imposition of the same conditions from the previous application would be reasonable, seeing as nothing would have changed.

Surface Water Drainage

- 4.3.36 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and drainage strategy was submitted. The Local Lead Flood Authority was consulted on this application and formally responded, stating no objection subject to the imposition of four conditions. Anglian Water and Affinity Water were consulted on this application as well, but neither provided comment. As such, whilst I note that local residents have raised concerns about the local water system, it is considered that there are no sustainable reasons to withhold planning permission based on impact on surface water drainage or water/sewerage services.

Housing Mix

- 4.3.37 The proposed development would provide 14 new dwellings, 5 of which would be affordable. Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings to provide 25% of the total number of dwellings to be affordable and provided on-site. In the case of the proposed development, a total of 5 dwellings are proposed which results in 35% affordable. This is an increase of 1 additional affordable dwelling from the policy requirement. The affordable housing tenure is proposed to be split between rented and shared ownership. Policy HS2 requires the split to be 65% rented and 35% other forms of affordable housing. This equates to 3 rented and 2 shared ownership properties. The housing mix has also been influenced by the ANP which sets out the local need for housing. Policy ASH3 (Housing Mix) states that proposal should include a high proportion of one, two and three bed dwellings. Over 85% of the dwellings would be two or three bed for this proposal and it also includes two single storey bungalows aimed at older people.
- 4.3.38 Whilst the Council's Housing Officer has not provided a formal comment on the housing mix, it is considered that the proposed mix is acceptable and in accordance with Policy HS2 of the Local Plan and ASH3 of the ANP. The scheme would over provide for affordable housing and provide a range of tenures and number of bedrooms, which is suitable for this location and the needs of Ashwell.

Waste and Recycling

- 4.3.39 Waste and Recycling have not provided a formal comment for this proposed development. The application has been supported by a swept path analysis plan that shows a refuse vehicle can manoeuvre through the site without issue. It is therefore considered that there would not be a substantiated reason to refuse development on the grounds of waste and recycling.

Climate Change/Sustainability

- 4.3.40 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.

- 4.3.41 In terms of the economic objective, the proposed development would deliver benefits through the creation of employment during the construction phase and the use of nearby services by future occupiers. These benefits would be modest in the context of the village of Ashwell and would therefore attain moderate weight in my view.
- 4.3.42 In terms of the social objective, the proposed development would deliver 14 dwellings, 5 of which would be affordable, and S106 contributions: even in the absence of a completed S106 agreement at present. The proposed development would make a modest contribution to housing land supply and need for affordable housing within North Herts to which moderate weight should be attributed within the context of a recently adopted Local Plan, which has allocated several major sites and many smaller sites for housing. Whilst no sites are allocated for housing in Ashwell in the Local Plan, 117 homes have been built or granted permission since 2011. Therefore, moderate weight is attributed to the social benefits that would arise from a development of the scale proposed. There would be impacts arising from the development upon services and facilities. The applicant has agreed to enter into a S106 agreement that would mitigate the impact of the proposal on the local/wider community, and neutral weight is attributed to this matter.
- 4.3.43 In terms of the environmental objective, the proposed development would deliver some benefits. The large area of public open space, 10% biodiversity net gain and retention and planting of new soft landscaping would all be significant benefits in my opinion. However, as considered in this report, the proposal would result in harm to the character and appearance of the Ashwell Conservation Area, particularly the rural character of Ashwell Street and the wider locality. This identified harm has informed the wording of two reasons for refusal, attracting significant weight as a result.
- 4.3.44 With respect to climate change, the proposal would incorporate some energy efficient measures, such as EV charging points and glazing and water efficiency, alongside the benefits from the public open space/green landscaping. These benefits would attract moderate weight in my view.

Planning Obligations

- 4.3.45 Paragraph 57 of the NPPF stated that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 4.3.46 The application has not included a draft S106 agreement. However, the applicant did provide a draft Heads of Terms document. Through consultation with the agent and the relevant service providers, the agent has agreed to a draft Heads of Terms that covers the following matters:

Element	Detail and Justification	Condition/Section 106

Secondary Education	<p>Towards the expansion of Knights Templar School Secondary School and/or provision serving the development</p> <p>£176,975 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Towards the Delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development</p> <p>£19,681 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Youth Service	<p>Towards increasing the capacity of Royston Young People's Centre and/or provision serving the development</p> <p>£3,701 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Library Services	<p>Towards increasing the capacity of Royston Library and/or provision serving the development</p> <p>£3,130 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Affordable Housing	<p>Applicant has offered 5 affordable properties.</p>	S106 obligation

	4 x 2 bed and 1 x 3 bed dwellings	
Sustainable Transport contributions	Subject to resolving Hertfordshire Highways objection.	S106 obligation
Travel Plan	Subject to resolving Hertfordshire Highways objection.	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development</p> <p>£2,573 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Waste Service Transfer Station	N/A.	S106 obligation
Monitoring Fees	<p>NHC will charge monitoring fees. These will be based on the following fee calculation:</p> <p>For NHDC contributions – 2.5% of the total contributions, with a minimum of £750 and maximum of £25,000.</p>	S106 obligation
Monitoring Fees	<p>HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Ashwell Parish Council	<p>Ashwell Newbuild Pavilion Project</p> <p>Ashwell Parish Council are seeking financial contributions towards their local pavilion project.</p>	S106 obligation

	Confirmation on this exact amount is to be confirmed and agreed.	
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4.3.47 Following some consultation with the agent and the County Council's Growth and Infrastructure Department, it is considered that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF and CIL Regulations.

4.3.48 The previous application under ref: 20/00126/FP included a 3rd reason for refusal which considered the lack of a valid legal undertaking (in the form of a Section 106 obligation). Whilst Heads of Terms have been agreed, in the absence of a S106 Agreement or legal undertaking this reason for refusal has not been overcome.

Planning Balance

4.3.49 In accordance with paragraph 208 of the NPPF, the identified less than substantial harm to the significance of the Conservation Area must be weighed against the public benefits of the proposal.

4.3.50 The site is located within the settlement boundary of Ashwell, which is a Category A Village where residential development is acceptable in principle in accordance with Policy SP2 of the Local Plan and ANP Policy ASH1.

4.3.51 It is considered that the proposal would deliver several benefits, namely the provision of a large area of public open space, 10% biodiversity net gain and retained/enhanced green landscaping, to which significant weight is attached.

4.3.52 The scheme has addressed the technical matters from the Highway Authority and is considered to have an acceptable layout, scale and design, impact on neighbour amenity, and housing mix; to which is neutral in the planning balance.

4.3.53 The proposal would deliver moderate economic and social benefits through the construction and the delivery of 14 dwellings, 5 of which would be affordable.

4.3.54 However, the proposal would result in 'moderate to high' harm within the less than substantial harm continuum to the significance of the Ashwell Conservation Area, to which great weight must be given. Moreover, the proposal would result in an unacceptable visual impact on the rural character of the area, through the creation of an access onto Ashwell Street; to which significant weight is attached.

4.3.55 Lastly, in the absence of a valid legal undertaking (in the form of Section 106 obligations), the impacts of the development upon services, facilities and infrastructure are not mitigated which weighs significantly against the proposal.

4.3.56 Overall, it is considered that the harms identified above would not be outweighed by the public benefits of the proposal and conflict with policies of the NPPF that seek to conserve and enhance the historic environment. Paragraph 206 of the NPPF stipulates that any harm to, or loss of significance of a designated heritage asset, should require clear and convincing justification. The benefits that have been identified do not constitute a clear and convincing justification for the proposed development.

4.4 Conclusion

4.4.1 The proposal would cause harm to the character and appearance of Ashwell Conservation Area and therefore conflict with Local Plan Policy HE1 and ANP Policy

ASH3 which seeks to conserve and enhance the conservation area. As such, the application is recommended for refusal.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. By reason of the following: The very positive contribution the application site makes to the character and appearance of the Ashwell Conservation Area; the fact that the site represents the last area of land that could be developed along Ashwell Street; the substantial removal of the sole remaining opportunity to experience the village nestled in the 'valley' to the north and unfettered by development in the fore or mid ground; the impairment of views towards an area to the east of the historic core, the impact upon the high degree of inter-visibility between Townsend House, 5 High Street and the parish church of St Mary the Virgin; and the adverse impact upon the character of the medieval route that is Ashwell Street; it is considered that the proposal would occasion less than substantial harm to the significance of the Ashwell Conservation Area and that the level of harm is moderate to high on the continuum such that this harm would outweigh the public benefits associated with the delivery of 14 dwellings including 5 affordable homes. Furthermore, the development would impair Viewpoint 10 of the Ashwell Conservation Area Character Appraisal and Management Plan (February 2023) and Significant View 12 of the Ashwell Neighbourhood Plan (made on April 2022). Accordingly, the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Paragraph 135c), Section 16 of the NPPF, Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 and Policy ASH3 A of the Ashwell Neighbourhood Plan 2022.
2. The creation of an access onto Ashwell Street including the removal of trees and surface upgrading would have a transformational impact upon the western end of this informal track which forms part of the ruddery (which is part of Ashwell Street and is also part of the Icknield Way ancient track). This would have a detrimental effect on the rural character of Ashwell Street and would not add to the overall quality of the area and would not be sympathetic to local character and history, including the surrounding built environment and landscape. Accordingly, the proposal would fail to satisfy the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Paragraph 135c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 and Policies ASH3 C (i), ASH3 C (ii) and ASH8 of the Ashwell Neighbourhood Plan 2022.
3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing affordable housing and any other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy SP7 of the North Hertfordshire Local Plan 2011 - 2031. Without

this mechanism to secure these provisions the development cannot be considered as a sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

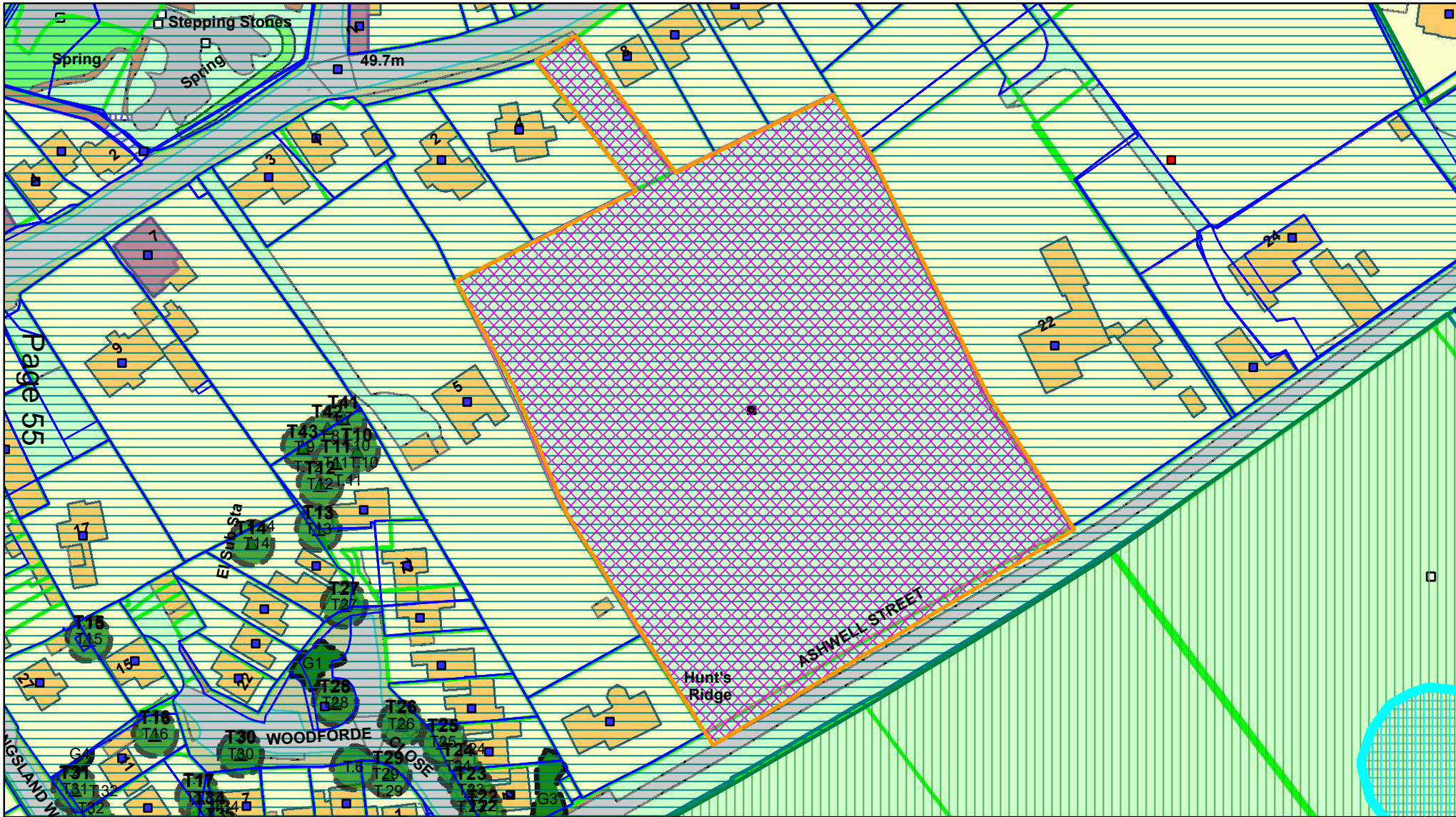
Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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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NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/03094/FP Land Between Huntsridge and Ashwell House, 5 High Street, Ashwell, Hertfordshire



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PLANNING CONTROL COMMITTEE**DATE: 23 January 2024****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Claire & Julian Parrish & Young	23 November 2023	Single storey side/rear extension and part front extension attached rear pergola and replacement fencing on East boundary following removal of existing outbuildings. Alterations to fenestration.	13 Orlando Close Hitchin SG4 9LF	23/01716/FPH	Householder Appeal Service
Mr Laird	28 November 2023	Single storey detached double car port.	Harvest Farm Pirton Road Holwell SG5 3SS	23/01886/FPH	Householder Appeal Service

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Appeal Decision

Site visit made on 26 October 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.11.2023

Appeal Ref: App/X1925/D/23/3322062 17 Common Rise, Hitchin, SG4 0HN

- 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 R and Mrs Bell against the decision of North Hertfordshire District Council.
 - The application Ref 22/01563/FPH, dated 7 June 2022, was refused by notice dated 1 March 2023.
 - The development proposed is a single-storey rear extension and insertion of ground and first floor windows to existing front elevation.
-

Decision

1. The appeal is dismissed insofar as it relates to the single-storey rear extension. The appeal is allowed insofar as it relates to the insertion of ground and first floor windows and planning permission is granted for the insertion of ground and first floor windows at 17 Common Rise, Hitchin, SG4 0HN, in accordance with the terms of the application, Ref 22/01563/FPH, dated 7 June 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted (the insertion of ground and first floor windows) shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted (the insertion of ground and first floor windows) shall be carried out in accordance with the following approved plans: Location Plan 17CR 01; Existing Elevations and Floor Plans 17CR 05; and Proposed Elevations and Floor Plans 17CR 10D.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 19 Common Rise, with particular regard to outlook.

Reasons

3. The appeal property is a semi-detached two-storey dwelling, which is situated in a residential area where houses are mixed in terms of their scale and appearance. Several dwellings along Common Rise have been altered and extended, with a number of extensions on the rear of the houses. The appeal dwelling has also been extended, with a two-storey addition at the rear of the property. The appellant refers to other extensions being larger and deeper than those existing and proposed at the appeal property. However, I have considered the appeal proposal on its own merits.

4. The proposal is to add a flat-roofed single-storey rear extension projecting out from the existing two-storey addition. In addition, three new windows are proposed on the front elevation along with a replacement ground floor side window. There are no objections from the Council to the insertion of these windows. The proposed windows would be in character and scale with the existing dwelling and I consider them to be acceptable.
5. The proposal would provide a garden room accessed through the kitchen. An earlier application (reference 22/00643/FPH) to construct a single-storey extension with a pitched roof was refused by the Council in March 2022. A subsequent appeal (APP/X1925/D/22/3302266) was dismissed on 21 October 2022. The Inspector concluded that the earlier proposal would unacceptably enclose the rear garden of the neighbouring property at number 19 Common Rise (number 19).
6. The appellants have sought to overcome the objections to the previous proposal by omitting the pitched roof and by leaving gap between the side wall of the extension and the side boundary between the properties. The extension would project 3.2m from the rear wall of the existing dwelling and it would be 5.8m in width and 2.7m high (dimensions quoted in the Council Officer's report). The appellant contends that the proposal now addresses the previous concerns and I have noted that the previous Inspector commented that a smaller extension would, "result in less harm with regard to the main issue."
7. Policy D3 of the North Hertfordshire Local Plan 2011-2031 (LP) states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. This policy accords with paragraph 130 of the National Planning Policy Framework 2023 (The Framework), which, amongst other things, states that planning decisions should ensure that they create places with a high degree of amenity for existing and future users. The Council contends that the proposal would conflict with both Policy D3 and The Framework, as it would give rise to an unacceptable sense of enclosure and level of dominance for the occupiers of number 19.
8. I agree that the proposal is materially different from the earlier application and that reduction in height is particularly significant. Nevertheless, the existing two-storey extension already encloses and dominates the outlook from number 19 and its garden and I consider that a further addition (albeit set-in from the boundary and with a flat roof) would unacceptably add to the amount of built development close to the side boundary with number 19 and it would further and unacceptably increase the sense of enclosure, making the garden of that property a less enjoyable space in which to be. Accordingly, the proposal would conflict with Policy D3 of the LP.
9. In reaching my decision, I have noted that the appellant points to discussions and dialogue with the Council's Planning Officer, which were taken to indicate that the proposal would be acceptable. Notwithstanding, I am required to consider the proposal having regard to the Council's final decision, which, for the reasons given above, I have found to be justified.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. I have imposed the standard condition requiring the approved development

(the insertion of windows) to commence within 3 years of the date of this decision. In addition, a condition specifying the approved plans, insofar as it relates to the insertion of the new ground and first floor windows only, is also imposed.

Conclusion

11. For the reasons given above, I conclude that the appeal is allowed in relation to the insertion of ground and first floor windows. Regarding the proposed single-storey rear extension, the appeal is dismissed.

Ian McHugh

INSPECTOR

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Appeal Decision

Site visit made on 8 December 2023

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/X1925/W/23/3316168

6 Sparhawke, Letchworth Garden City, Hertfordshire SG6 4PX

- 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 Ben Leete against the decision of North Hertfordshire District Council.
 - The application Ref 22/03008/FP, dated 16 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is described on the application form as “providing good affordable accommodation to the local area, land at the rear of 6 Sparhawke to be used for a 2 bed bungalow with parking and a garden”.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Sparhawke is a street with residential properties on one side and a school playing field on the other. The properties comprise terraced and semi-detached two storey dwellings of a consistent age and design, similar to neighbouring streets. Gardens at the rear back onto gardens for the next street and contain a variety of outbuildings. From the evidence before me, including my site visit, I am not aware of any residential development at the rear of Sparhawke.
4. The appeal site at 6 Sparhawke is an end of terrace property that has recently been extended and refurbished. Like other properties in the area, the rear garden is not particularly long or wide. It contains a small garage at the bottom. An access road to the side of the property leads to a group of garages. It is possible to see some of these garages from the roadside on Sparhawke.
5. The proposed bungalow would occupy the full width of the existing rear garden and more than half of its overall length. Two tandem parking spaces would replace the existing garage. While this is not an unusual parking arrangement, it would be a narrow and cramped space at the front of the new property. The use of a pergola over the proposed rear garden would provide privacy and is not an atypical garden feature. However, it would be a short garden compared to neighbouring properties and the size of the remaining garden for No 6 would also be much reduced.
6. The single storey nature of the new property would not be consistent with the height of existing dwellings. Although located at the rear and utilising materials

to match neighbouring buildings, the property would be visible from the roadside on Sparhawke as incongruous backland development. The access road is wide enough for vehicles to travel along, but nearby properties typically have access straight onto the street and so this would be an odd arrangement here. Even without public visibility, the property would be cramped and contrived and out of keeping with the local area.

7. The existing garages have little architectural merit and the loss of the garage on site would be acceptable. However, for the reasons set out above, the proposed building would not enhance the remaining garages. The modest economic and social benefits of providing a new dwelling in a sustainable location would not be outweighed by the adverse effects I have identified.
8. In conclusion, the proposed development would harm the character and appearance of the area. Therefore, it would not accord with Policy D1 of the North Hertfordshire Local Plan 2011-2031 which, amongst other things, requires development to respond positively to the site's local context. It would also not accord with paragraph 130 of the National Planning Policy Framework which, inter alia, requires development that functions well, adds to the overall quality of the area, and is sympathetic to local character.

Conclusion

9. For the above reasons, and having had regard to all other matters raised, the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR



Appeal Decision

Site visit made on 31 October 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/X1925/W/23/3321454

Glencoe Villa, Snailswell Lane, Ickleford, Hertfordshire SG5 3TS

- 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 & Mrs A Del Basso against the decision of North Hertfordshire District Council.
 - The application Ref 22/02627/S73, dated 5 October 2022, was refused by notice dated 8 December 2022.
 - The application sought planning permission for the erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding without complying with a condition attached to planning permission Ref 22/00172/FP, dated 28 March 2022.
 - The condition in dispute is No 2 which states that: *"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"*.
 - The reason given for the condition is: *"To ensure the development is carried out in accordance with details which form the basis of this grant of permission"*.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appellant seeks to erect a dwelling of a different design to that approved. No alterations are proposed to the site layout including the amount of garden space provided, vehicular access and car parking provision.
3. The main issues are whether the disputed condition is reasonable and necessary with regard to:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the revised design upon the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the revised design constitutes inappropriate development

4. The appeal site is located within the Green Belt. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) identifies that only development that is not inappropriate or where very special circumstances exist, will be permitted. The justification text for this policy states that proposals for development within the Green Belt will be considered against national policy. Paragraph 147 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.
5. Paragraph 149 of the Framework goes on to set out that the construction of new buildings is inappropriate in the Green Belt with certain limited exceptions, including exception g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). There is no dispute between the parties that the appeal site constitutes previously developed land and I can see no reason to take a different view in this regard.
6. For a proposal to meet the requirements of exception 149 g) it would not have a greater impact on the openness of the Green Belt than the existing development. This requires an assessment of openness, taking into account both its spatial and visual considerations.
7. Whilst elevation drawings are not provided, the positioning, footprint and heights of the existing buildings and structures and the location of the hardstanding are provided on the submitted Existing Site Plan. I also saw the existing buildings and structures during my site visit.
8. Whilst the footprint of the proposed dwelling would be larger than the combined footprints of the existing buildings on the site, taking into account the reduction in the amount of hardstanding I consider that the proposed revised design would not have a greater impact on the spatial openness of the site when compared to the existing development.
9. However, despite being set back from its frontage, the proposed dwelling would be clearly visible from the road, between the existing properties to either side, and from along the Public Right of Way that runs alongside the eastern boundary of the appeal site. Given the overall scale of the proposed dwelling, being higher than any of the existing buildings on the site, in combination with the bulk and massing of the revised dwelling design, I consider that visually, the proposal would have a greater impact on openness than the existing development.
10. I accept that the activity at the site and the amount of vehicular movements would reduce as a result of the change to one residential property, compared with the previous commercial use of the site. However, in my view, the change in activity at the site would not compensate for the overall amount of additional built form in terms of the scale, bulk and massing and its impact on openness.
11. The proposed revised design would therefore not accord with paragraph 149 g) of the Framework and would constitute inappropriate development within the Green Belt. It would be harmful to the Green Belt, which in accordance with

paragraph 148 of the Framework, should be given substantial weight. In this regard the proposal would also be contrary to LP Policy SP5 as set out above.

Character and appearance

12. The main part of the appeal site comprises a dis-used coal merchant's yard which is now used for storage. The remainder of the appeal site was garden area associated with Glencoe Villa. Dwellings are located to either side of the site.
13. The existing dwellings along Snailswell Lane are mixed in scale and design. Properties to the northern side of the road are generally detached and are either single or two storeys in height. A row of park style homes are set back from the road behind frontage development and run east away from the appeal site. However, generally, existing properties that have frontage onto Snailswell Lane retain traditional proportions in terms of the height of the roof from eaves to ridge level. This contributes positively to the character and appearance of the area.
14. I accept that the proposed flat roof element of the roof would not be visible from public vantage points due to the hipped nature of the roof that would surround that particular element. Also, the appearance of subordination of the western section of the dwelling would remain due to the lower ridge height compared with the gable end feature.
15. However, when viewed in the context of the surrounding area, the proposed shallow proportions of the roof on the western section of the dwelling would be an incongruous and visually dominant feature which would appear at odds with the traditional roof design and proportions which form part of the prevailing character of the area.
16. The proposed revised design would therefore be harmful to the character and appearance of the area. It would be contrary to Policies SP9 and D1 of the LP which seek, amongst other things, to support new development where it is well designed and responds positively to the local context. The proposal would also be contrary to Section 12 of the Framework in this regard. I attribute significant weight to the harm that would be caused to the character and appearance of the area.

Other considerations

17. The appellant has identified that an application to amend the design of the dwelling has been submitted to and approved by the Council (Council Ref: 23/00505/S73) and that this represents an additional extant permission which could be implemented. Under this permission, an additional gable feature is introduced to the design which would break, but still maintain some of the eaves line and provide additional volume and bulk, compared with the original scheme approved by the Council.
18. In my view, the volume and bulk of the dwelling as a result of the revised design before me would have a very similar effect on the visual openness of the Green Belt when compared to the extant amended scheme. The revised design before me would not have a greater impact on openness in visual terms when comparing it to this fallback position. I therefore give this fallback position considerable weight.

19. I note that there were other previous schemes at the appeal site put before the Council, one of which was for a bungalow, approved in 2020 and the original scheme for a two storey dwelling that this appeal proposal seeks to amend, approved in 2022. However, whilst these are material considerations, I have found above that the proposed revised design before me, which is of a different design and scale to those previous schemes, would have a greater impact on the openness of the Green Belt. I therefore give these limited weight.
20. Ecological enhancements as a result of the proposed works to remove areas of hardstanding and structures from the site along with the change in use are also identified by the appellant. However, these enhancements would also be possible through the other extant schemes. I therefore attribute limited weight to this consideration.
21. The appellant asserts that the proposal would comply with other policy requirements relating to the historic environment and flood risk. A lack of harm in respect of these considerations is a neutral consideration that weighs neither for nor against the proposal.

Planning Balance and Conclusion

22. I have found that the proposed revised design would result in inappropriate development in the Green Belt. Paragraph 147 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. Paragraph 148 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.
23. I have also found that the proposed revised design would be harmful to the character and appearance of the area to which I attribute significant weight.
24. As discussed above, there is a realistic fallback position for the provision of one dwelling, which would have a comparable effect on the openness of the Green Belt, which I attach considerable weight to. However, it would be of a different design to the scheme before me.
25. Paragraph 148 of the Framework explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The other considerations identified above would not hold sufficient weight to clearly outweigh the harm that I have found would be caused to the Green Belt, by reason of inappropriateness and to the character and appearance of the area. The very special circumstances needed to justify the development have not therefore been demonstrated.
27. Accordingly, I conclude that the appeal is dismissed.

G Dring

INSPECTOR



Appeal Decision

Site visit made on 6 December 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/X1925/Y/23/3323283

2 Crown Cottages, Ley Green, Kings Walden Hitchin Hertfordshire SG4 8LU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Marius Riabovas Schnauber - Timber windows and doors against the decision of North Hertfordshire District Council.
- The application Ref 22/02398/LBC, dated 8 September 2022, was refused by notice dated 30 November 2022.
- The works proposed are 'timber windows replacement'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to a listed building consent for 2 Crown Cottages which is part of the Grade II listed building 'Crown Cottages' (Ref: 1176447). I have therefore had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issue

3. The main issue is whether or not the proposed works would preserve the Grade II listed building, Crown Cottages of which the appeal site is part, and any of the features of special architectural or historic interest that it possesses.

Reasons

4. Crown Cottages comprises a terrace of modest single-storey plus attic dwellings. The listing description indicates that 1 Crown Cottages dates to the 17th century and that 2 and 3 Crown Cottages were built at the same time in the early 18th century. The cottages vary in width and there is some difference in their detailing, including brick headers above the windows at No 1 while Nos 2 and 3 have a continuous platband over the windows. However, they share a distinctive diaper-pattern tiled roof, similar gabled dormer windows at eaves levels and a white painted brickwork exterior which provides for an attractive sense of unity. The main parties agree that the four-light single-glazed timber casement windows to the front of the building are not original. Nevertheless, and while they are not totally identical to one another, their similar style and traditional construction complements the historic building and adds to the unified character of the group.
5. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the architectural and historic interest of the building as a cohesive terrace of vernacular cottages.

The consistency in the traditional detailing and materials of the building, including the fenestration to the front elevation, makes an important contribution in this regard.

6. The appeal proposes replacement of three windows; two to the front of the appeal dwelling and one to the side of the front porch. The proposed windows would have timber frames and would reflect the proportions of the existing windows to be replaced with glazing bars of appropriate width. However, they would be double-glazed in contrast to the existing single-glazed windows. The units would be thinner than conventional double-glazing, but not substantially so, and with a depth of around 20mm across the two panes of glass and cavity, they would have a considerably thicker profile than the existing single-glazed windows. The presence of two panes would also result in a double reflection that would not be present with single-glazing. Furthermore, the glazing bars would be applied to the glass rather than comprising through-glazing bars between individual lights. Given the depth of the cavity, I consider that this would be readily discernible, even if the spacers were of similar colour to the glazing bars. Noting also the lack of a puttied finish to the bars, the proposal would not convincingly replicate traditional fixtures.
7. The cumulative effect of these differences mean that the replacement windows would be appreciable as obviously modern fixtures. In my view, they would be markedly at odds with the architectural character and finer detailing of the listed building and would stand out incongruously against the traditional windows to the rest of the front elevation.
8. I acknowledge that all of the replacement windows would be flush casements whereas the dwelling currently has a storm-proof casement at first-floor level and flush casements at ground floor level. However, the visual impact of the difference in the existing frames is limited and I consider that the enhancement offered by the greater consistency in fenestration to the appeal dwelling would be far outweighed by the striking contrast with other windows to the front of the listed building.
9. The appellant asserts that the windows would be a substantial distance from the main road. However, the front garden is fairly shallow and I consider that the windows would appear distinct from others to the terrace in views from the street to the front of the building. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of any public views.
10. I appreciate that the existing windows are not original. Nevertheless, they contribute to the special interest of the listed building. Having regard to the detail of the replacement windows, I find that the proposal would erode the historic and architectural integrity of Crown Cottages. It would fail to preserve the special architectural and historic interest that the listed building possesses and would cause harm to its special interest.
11. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise 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.

12. Given the limited nature of the works relative to the building as a whole, I find that the harm to the listed building would be less than substantial in the terms of the Framework, but nevertheless of considerable importance and weight.
13. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
14. I saw at my visit that the existing windows are in somewhat poor condition and I do not doubt that the proposal could improve living conditions for occupiers. The appellant also argues that the replacement windows would improve the thermal performance and energy efficiency of the dwelling, reducing carbon emissions and energy costs. Given however that the proposal relates to a single dwelling, any environmental benefits to the wider public are likely to be minimal.
15. There is also no detailed assessment of the condition of the existing windows or other firm information before me to substantiate the appellant's assertion that they are beyond economical repair. Nor to demonstrate that their thermal efficiency could not be improved through measures such as secondary glazing. Even if I were to accept that the existing windows are beyond repair and require replacement, the Council refers to examples of slimmer double-glazed window products with individually glazed panes. It seems to me that these could more closely replicate the qualities of the existing windows which would help to reduce the effect of the proposal on the special interest of the listed building and there is no compelling evidence before me to demonstrate that these would have an unacceptable failure rate or requirement for maintenance. Nor that they would otherwise be unsuited or inappropriate to the dwelling. From the information before me, I am not therefore satisfied that similar benefits could not be achieved by a proposal that would be less harmful to the special interest of the listed building.
16. In this context, I find that the public benefits of the proposal are insufficient to outweigh the considerable importance and weight to be given to the harm that I have identified.
17. The appellant refers to examples of projects using double glazed timber units in conservation areas and listed buildings elsewhere. However, from the very limited details presented, effects on the buildings concerned are unclear and there is little evidence of direct comparability with the appeal proposal which I have considered on its own merits.
18. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building 'Crown Cottages, thus failing to satisfy the requirements of the Act and the Framework. Although not determinative, it would also be contrary to Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (adopted 2022) insofar as it is relevant and broadly seeks development that preserves the significance of heritage assets.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

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Appeal Decision

Site visit made on 31 October 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/X1925/W/23/3317046

**Greenfields Cattery, 1 Willian Road , Great Wymondley, Hitchin,
Hertfordshire SG4 7ET**

- 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 Jack Nethercott, Prime Oak against the decision of North Hertfordshire District Council.
 - The application Ref 22/02731/FP, dated 25 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is erection of three bay oak framed garage with storage and office space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the Council's decision notice rather than the planning application form as it more clearly reflects the site location.
3. I referred back to the parties requesting further information on what the original building would have been in order to carry out a full assessment against the Framework requirement. The appellant provided further information on the extensions they are aware of which have been carried out since they have occupied the property. I have taken this information into account. The Council did not respond to this request.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 but the amendments do not relate to the issues in this case. However, the relevant paragraphs to this appeal were renumbered and I will refer to the revised numbering in my decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.
7. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. The justification text at paragraph 4.61 for this policy states that proposals for development within the Green Belt will be considered against national policy.
8. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within any of the listed exceptions. The appellant asserts that the proposal falls within exception 154 c) of the Framework, which allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
9. The proposal comprises an oak framed garage with office space above in the roofspace along with a single storey storage space to the side. It is proposed to use it in association with the host building which is mixed in use and currently comprises a dwellinghouse, cattery and pet crematorium.
10. The appellant has referred me to case law¹ whereby it was accepted that a detached building could be considered as an extension for the purposes of the Framework test. In the case before me, whilst the proposed building would be physically detached from the host building, it would be sited in close proximity, in a position which would clearly link it to the use of the host building. The accommodation proposed would also support the existing mix of uses carried out at the host building. I therefore consider that it would be classed as an extension for the purposes of the Framework test.
11. In order to fully meet the requirements of paragraph 154 c) of the Framework, the proposal should not result in disproportionate additions over and above the size of the original building.
12. The definition of an original building is identified in the Framework glossary, which states the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. I have very little information before me to identify what would have been the original building.
13. The appellant accepts that they only have knowledge of extensions they have carried out in the past 23 years since they have occupied the property. During this time a garage extension to the side and a single storey rear extension have been constructed.
14. However, the planning history provided by the Council in its officer report refers to a two storey rear and single storey side extension granted on 1 March 1995. No drawings are provided in respect of this scheme, or any confirmation as to whether the scheme was built out. Nevertheless, at my site visit, it did

¹ Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)

appear that the building has been extended in the past other than by those extensions carried out by the appellant. I do not have precise measurements of those other previous extensions, nor what formed the building prior to them. I therefore cannot be confident that the proposal now before me, in addition to the extensions built by the appellant, and other previous extensions would not result in the original building being extended disproportionately.

15. Accordingly, I cannot conclude that the proposal would not be inappropriate development which is, by definition, harmful. I can only consider therefore that the proposal is contrary to Policy SP5 of the LP, the aims of which are discussed above. The proposal would also not meet the requirements of paragraph 154 c) of the Framework. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Openness

16. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect.
17. Whilst the proposal would have a relatively limited footprint, it would introduce built form on an area where there currently is none, reducing spatial openness.
18. Visually, the proposal would be screened in part by the hedgerow along the front and side boundaries of the site and the mature trees located adjacent to the north. However, there would be glimpsed views of it from the road, particularly in the winter months when vegetation is less dense.
19. Overall, the proposed building would result in the loss of openness, with associated harm to the Green Belt, albeit at a modest and localised level.

Other considerations

20. The appellant has identified that the proposed building is needed to support the operation of both existing businesses which have been running successfully since 2000 and 2015. It is identified that the current office space is not adequate for existing staff and that the proposal would resolve this along with allowing for customers to stay under cover in inclement weather conditions when visiting the pet crematorium. The proposal is also identified as being required to avoid the loss of the business uses, enabling the future expansion of the business uses and the employment of further staff, something that is needed to allow the appellant to retire in the future.
21. I recognise the support for the sustainable growth and expansion of all types of business in rural areas, set out under paragraph 88 of the Framework and within the LP. I note that the appeal site is well contained at the edge of a settlement and that the two existing businesses provide services and facilities to the local area as well as contributing to the local economy and providing some employment opportunities. I give these considerations significant weight.
22. The design of the proposed building would be subordinate to the host building and would respond to the local context in an appropriate way. The proposal would not be harmful to the character and appearance of the area. Due to the proposed siting of the building, it would not be harmful to the living conditions of occupiers of nearby properties. A lack of harm in respect of these considerations is neutral and weighs neither for nor against the proposal. The

lack of any objections from neighbours or consultees is also neutral in my decision.

23. The appellant asserts that a nearby farm site has expanded and a business park has been created. I have very limited information before me regarding this and no planning history has been provided. I am therefore unable to make any detailed comparison to the proposal before me. I attribute limited weight to this.

Green Belt Balance

24. Without substantive evidence to the contrary, in combination with previous extensions, I cannot conclude that the proposed building would not be a disproportionate addition over and above the size of the original building. As such, I can only consider that it would constitute inappropriate development in the Green Belt. The proposed building would detract from openness, albeit by a small amount.
25. Paragraph 153 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. The other considerations raised by the appellant, either individually or cumulatively, are not sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matter

26. Whilst the area where the proposed building would be sited is not, part of the appeal site is located within the Great Wymondley Conservation Area (CA). Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing its character or appearance. I have limited information before me on the significance of the CA, however, in my view, it relates to the presence of historic buildings, the siting of built form around a central green area and the presence of grass verges, trees and boundary hedgerows.
27. The proposed wooden construction and design of the building would be of a high standard and would be set back from the road and well contained within the existing parking area of the appeal site. The hedgerows to the front and side would be retained. The proposal would therefore preserve the character and appearance of the CA.

Conclusion

28. I therefore conclude that the proposal would conflict with the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

G Dring

INSPECTOR

PLANNING CONTROL COMMITTEE

DATE: 23 January 2024

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr and Mrs R Bell	Single storey rear extension and insertion of ground and first floor windows to existing front elevation (as a resubmission of planning application 22/00643/FPH refused on 19.04.2022).	17 Common Rise Hitchin Hertfordshire SG4 0HN	22/01563/FPH	Appeal Part Allowed on 23 November 2023	Delegated	<p><i>The appeal is dismissed insofar as it relates to the single-storey rear extension. The appeal is allowed insofar as it relates to the insertion of ground and first floor windows.</i></p> <p>The Inspector stated that the existing two-storey extension already encloses and dominates the outlook from number 19 and its garden and the Inspector considers that a further addition (albeit set-in from the boundary and with a flat roof) would unacceptably add to the amount of built development close to the side boundary with number 19 and it would further and unacceptably increase the sense of enclosure, making the garden of that property a less enjoyable space in which to be.</p> <p>Accordingly, the proposal would conflict with Policy D3 (Protecting living conditions) of the North Hertfordshire Local Plan 2011-2031.</p>

Mr Ben Leete	Erection of one 2-bed detached bungalow with parking and garden following demolition of existing detached garage (as amended by plans received 10th January 2023).	6 Sparhawke Letchworth Garden City Hertfordshire SG6 4PX	22/03008/FP	Appeal Dismissed on 13 December 2023	Delegated	The Inspector concluded that the proposed development would harm the character and appearance of the area. Therefore, it would not accord with Policy D1 (Sustainable design) of the North Hertfordshire Local Plan 2011-2031 which, amongst other things, requires development to respond positively to the site's local context. It would also not accord with paragraph 130 of the National Planning Policy Framework (Framework) which, inter alia, requires development that functions well, adds to the overall quality of the area, and is sympathetic to local character.
Mr And Mrs A Del Basso	Variation of condition 2 (revision of dwelling design) of previously approved planning permission 22/00172/FP granted 28/03/2022 - erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding.	Glencoe Villa Snailswell Lane Ickleford Hitchin Hertfordshire SG5 3TS	22/02627/S73	Appeal Dismissed on 13 December 2023	Delegated	The Inspector found that the proposed revised design would result in inappropriate development in the Green Belt. Paragraph 147 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. Paragraph 148 of the Framework indicates that substantial weight should be given to any harm to the Green Belt. The Inspector also found that the proposed revised design would be harmful to the character and appearance of the

						area to which the Inspector attributed significant weight.
Mrs Judith Cameron	Replace 3no. single-glazed, timber windows (2no. front elevation and 1no. on side elevation of front porch) with double-glazed, timber windows.	2 Crown Cottages Ley Green Kings Walden Hitchin Hertfordshire SG4 8LU	22/02398/LBC	Appeal Dismissed on 13 December 2023	Delegated	The Inspector concluded that the proposal would fail to preserve the special interest of the Grade II listed building 'Crown Cottages, thus failing to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. Although not determinative, it would also be contrary to Policy HE1 (Designated heritage assets) of the North Hertfordshire Local Plan 2011-2031 insofar as it is relevant and broadly seeks development that preserves the significance of heritage assets.
Mr Jack Nethercott	Erection of two storey detached building to provide three bay garage including storage space and office above.	Greenfields Cattery 1 Willian Road Great Wymondley Hitchin Hertfordshire SG4 7ET	22/02731/FP	Appeal Dismissed on 22 December 2023	Delegated	The Inspector concluded that the proposal would constitute inappropriate development in the Green Belt. The proposed building would detract from openness, albeit by a small amount

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