

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



05 September 2025

Our Ref Planning Control Committee 18  
September 2025  
Contact. Committee Services  
Direct Dial. (01462) 474655  
Email. [committee.services@north-herts.gov.uk](mailto:committee.services@north-herts.gov.uk)

To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

Substitutes: Councillors Daniel Allen, Tina Bhartwas, Sadie Billing, Jon Clayden, Mick Debenham, Joe Graziano, Steve Jarvis and Claire Strong

**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, SG6 3JF**

On

**THURSDAY, 18TH SEPTEMBER, 2025 AT 7.00 PM**

Yours sincerely,

Isabelle Alajooz  
Director – Governance

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ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

## **Agenda** **Part I**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  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.	
<b>2. MINUTES - 21 AUGUST 2025</b>	To take as read and approve as a true record the minutes of the meetings of the Committee held on the 21 August 2025.	(Pages 5 - 12)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	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.  The Chair will decide whether any item(s) raised will be considered.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the 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.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	
<b>6. 24/02758/FP GUYSFIELD RESIDENTIAL HOME , WILLIAN ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 2AB REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>	Redevelopment of existing care home and erection of detached 3 to 4 storey 70-bed residential nursing home (Class C2 use) with associated parking, landscaping, amenities and works, following demolition of extensions to	(Pages 13 - 52)

existing care home.

7. **24/01444/FP LAND BETWEEN HUNTSRIDGE AND ASHWELL HOUSE 5, HIGH STREET, ASHWELL, HERTFORDSHIRE** (Pages 53 - 90)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 14 dwellings (including affordable housing) including creation of access from Ashwell Street, footpath link to Lucas Lane, public open space and soft and hard landscaping, biodiversity enhancement and, associated infrastructure on land north of Ashwell Street, Ashwell.

8. **APPEALS** (Pages 91 - 96)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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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, SG6 3JF  
ON THURSDAY, 21ST AUGUST, 2025 AT 7.00 PM

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Martin Prescott, Daniel Allen and Tina Bhartwas.*

**In Attendance:** *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Paul Chaston (Senior Planning Officer), Faith Churchill (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Natasha Jindal (Deputy Monitoring Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Christella Menson (Principal Planning Officer).*

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

#### 33 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 48 seconds*

*N.B. Councillor Clare Billing entered the Chamber at 19:01.*

Apologies for absence were received from Councillors Ruth Brown, Louise Peace, Tom Tyson and Dave Winstanley.

Having given due notice Councillor Tina Bhartwas substituted for Councillor Peace and Councillor Daniel Allen substituted for Councillor Winstanley.

#### 34 MINUTES - 17, 24 JULY 2025

*Audio Recording – 2 minutes 15 seconds*

Councillor Nigel Mason as Chair proposed to approve the Minutes from 17 July 2025 and Councillor Martin Prescott seconded.

In response to a point raised by Councillor Caroline McDonnell, the Chair agreed to consider the Minutes separately, as not all Members were present at both meetings.

The following Members made comments on the Minutes of 17 July 2025:

- Councillor Martin Prescott
- Councillor Bryony May

The following comments were made:

- Whether there should be reference in the Reasons for Decision regarding the deferral of application 23/01552/OP to consider specifically the keeping open of Swangleys Lane.

- On page 8, in the responses of the Development and Conservation Manager, it should say 'surface water flooding' rather than 'storm surge flooding'.

In response to comments, the Development and Conservation Manager confirmed that reference to 'surface water flooding' was correct.

In response to comments, the Chair advised that the reason provided for the deferral was open ended purposefully, as keeping Swangleys Lane open was just one option to be considered alongside other options. The Chair advised that he would not allow this amendment, to ensure all options were able to be considered.

Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 17 July 2025 be approved, as amended, as a true record of the proceedings and be signed by the Chair.

Councillor Nigel Mason as Chair proposed to approve the Minutes from 24 July 2025 and Councillor Martin Prescott seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 24 July 2025 be approved as a true record of the proceedings and be signed by the Chair.

### 35 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 9 minutes 8 seconds*

There was no other business notified.

### 36 CHAIR'S ANNOUNCEMENTS

*Audio recording – 9 minutes 12 seconds*

- (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 clarified matters for the registered speakers.
- (4) The Chair confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.
- (7) The Chair advised that the order of the agenda had been changed from that published and moved Agenda Item 8, Enforcement Part 1, to after Agenda Item 10, Enforcement Part 2.

### 37 PUBLIC PARTICIPATION

*Audio recording – 11 minutes 59 seconds*

The Chair confirmed that the registered speakers were in attendance.

### 38 24/02907/RM LAND NORTH OF POUND FARM, LONDON ROAD, ST IPPOLYTS, HERTFORDSHIRE, SG4 7NE

*Audio recording – 12 minutes 26 seconds*

The Senior The Senior Planning Officer advised that there were no updated matters to report on since the publication of the agenda.

The Senior Planning Officer presented the report in respect of Application 24/02907/RM supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Bryony May

In response to questions, the Senior Planning Officer advised that:

- Highways had not commented on the use of 26 tonne vehicles on the hard surfaced road.
- The comments on the Planning Portal were varied, some were relevant to this item for example, boundary details were part of this phase of development. However, the comments about highways would have only been relevant to phase one.
- When looking at energy efficiency the applicant decided to focus building performance, such as suitable insulation, rather than photovoltaic (PV) panels.

In response to questions, the Development and Conservation Manager advised that although the roads would not be formally adopted by the County Council, they would have to be built to adopted standards.

The Chair invited the Agent to the Applicant, Mr Mike Osbourn to speak in support of the application. Mr Osbourn thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application was a reserved matter with hybrid consent meaning that phase one was already under construction.
- High quality landscaping was one of the priorities for the application.
- This phase of the plan built upon the same approach of phase one for consistency, quality and design purposes.
- The Applicant reflected on the recommendations of the officers and amended the application accordingly.
- The applicant welcomed the recommendation put forward by officers and wanted to provide the houses needed in North Hertfordshire.

The following Members asked points of clarification:

- Councillor Ian Mantle
- Councillor Caroline McDonnell
- Councillor Val Bryant
- Councillor Bryony May

In response to points of clarification, Mr Osbourn advised that:

- A new management company would be formed to maintain the landscaping of communal areas and this, in time, could be taken over by the new residents.
- The application took a material first approach to energy efficiency, therefore PV panels were not a core part of the proposed scheme.

- The highways stage of development, specifically the roundabout, would be one of the first things completed in this phase.
- There was an open dialogue about the hedges on the southern boundary and the application was adjusted to reflect local comments.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Daniel Allen
- Councillor Ian Mantle

The following points were made as part of the debate:

- Considering phase one was already approved, it would be unreasonable to refuse phase two.
- There was no reason in the report to refuse this application.

Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That application 24/02907/RM be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**39 25/01196/FP STARWOOD HOUSE, AVENUE ONE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 2HB**

*Audio Recording – 37 minutes 31 seconds*

*N.B Councillor Ian Mantle declared an interest due to his trustee position on the Letchworth Garden City Heritage Foundation and left the Chamber.*

The Senior Planning Officer advised that:

- A mandatory recommendation needed to be added in regard to the Biodiversity Net Gain requirement.
- Condition 13 needed to be amended to reflect the recommendation in paragraph 3.7 of the report, with the wording 'save for demolition to slab level and site clearance works' to be added.

The Senior Planning Officer the report in respect of application 25/01196/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Caroline McDonnell
- Councillor Daniel Allen

In response to questions, the Senior Planning Officer advised that:

- The individual heights of the buildings surrounding the proposed development were varied.
- The recommendations stated the permission would be subject to highways approval of a Traffic Regulation Order (TRO), and that there would have to be changes made if this was not approved.
- That double yellow lines were part of the TRO and therefore did not fall under the responsibility of the Applicant.



- That options for if the TRO was not approved were being considered and, by delegation through the conditions, the Development and Conservation Manager could approve one, if necessary.
- Highways wanted a design that may result in HGVs swinging over to another lane if necessary.

In response to questions, the Development and Conservation Manager advised that the TRO would restrict on road parking which was causing an issue at the junction allowing HGVs to turn safely, and if the TRO was not approved then approving an alternative Scheme would be delegated to him.

The Chair invited the Agent to the Applicant, Mr Lyndon Gill, and the Representatives to the Applicant, Mr Stuart Morse and Mr George Leaf, to speak in support of the application. Mr Gill thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Further clarification on the proposed TRO could be provided should Members require further information.
- The report is fully supported by the Applicant and their representatives.
- The applicant had already successfully delivered similar schemes in the East of England.
- The applicant wished to turn a vacant lot back into one for economic use which could house a wide range of tenants.
- Depending on the industries that used the units, this development could create 350 new jobs.
- The TRO was ready and works were expected to start before the end of the 2025.

In response to points of clarification by Councillor Daniel Allen, Mr Gill advised that, depending on the use of the lot, additional car parking could be made in one of the yards if necessary.

In response to points of clarification by Councillor Daniel Allen, Mr Morse advised that:

- Depending on the use of the space 160 parking spaces should be enough.
- The applicant always advocated a change for the junction, HGV would need to swing over the centre of the road if turning left towards A1, and therefore the applicant wants parking restriction to make this deliverable.
- If the TRO failed there was a fall-back plan drafted to be discussed with officers.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Emma Fernandes.

As part of the debate, Councillor Tina Bhartwas noted that the sustainability standards should be commended and that this application should drive up future standards in the area.

Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That application 25/01196/FP be GRANTED planning permission subject to the following matters:

- a) The completion of a suitable legal agreement in line with the agreed Heads of Terms.
- b) A response of no objection and any relevant conditions from the Local Lead Flood Authority, to be delegated to the Development and Conservation Manager prior to any decision.
- c) A response of no objection and any relevant conditions from the Hertfordshire Highway Authority, to be delegated to the Development and Conservation Manager prior to any decision.

- d) An agreement to an extension of time to the statutory determination date to allow for a), b) and c) to occur.
- e) The conditions and informatives set out in the report of the Development and Conservation Manager with the following amendment to Condition 13, the addition of the following Condition 1 and the subsequent renumbering of other Conditions:

‘Condition 13

The development hereby permitted shall not commence save for demolition to slab level and site clearance works, until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

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 paragraphs 187,196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

Condition 1

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.’

*N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20.14.*

*N.B. Councillor Mantle returned to the Chamber at the end of the break.*

## **40 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording – 1 hour 14 minutes 6 seconds*

Councillor Daniel Allen, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

**RESOLVED:** That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

#### 41 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 2

*N.B. This item was considered in restricted session and therefore no recordings are available.*

The Principal Planning Officer (Conservation and Enforcement) presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 2' and highlighted that:

- Recent monitoring of Uptown Pizza found no continued evidence of license breaches, but any further breaches may result in further legal action.
- Regarding the land at Three Houses Lane, Officers were awaiting an update from the Planning Inspector and in the meantime monitoring would continue.
- The Land adjacent to Pulmer Water had an application to regularise its use as a Gypsy and Traveller site had been refused. The anticipated appeal has not been forthcoming, and conversation with Legal will continue to determine next steps.
- The Cabinet in Reed is still waiting for a decision from the Planning Inspectorate, however we have now been advised that the cases have been allocated to a Planning Inspector and the case is finally progressing through the process. For confirmation, the matters relate to change of use, internal works. In addition, we are also looking into the potential breach of historic Enforcement Notice.

In response to a question by Martin Prescott, the Principal Planning Officer advised that the land at The Cabinet, Reed was to be on sale by auction with information on the company website.

#### 42 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 1

*Audio recording – 1 hour 21 minutes 29 seconds*

The Principal Planning Officer (Conservation and Enforcement) presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 1'.

#### 43 APPEALS

*Audio recording – 1 hour 22 minutes 10 seconds*

The Development and Conservation Manager provided an update on Planning Appeals and highlighted the following:

- Table 1 highlighted that seven appeals were submitted.
- The Wandon End appeal decision had been included in Table 2. This application was rejected by the Committee before grey belt was introduced in the December revision of the NPPF, however was reviewed and approved following the introduction of grey belt.
- This appeal decisions firmed up what grey belt meant. It was not just previously developed land, but any land that does not contribute to all green belt purposes set out in the NPPF.
- He would be recording online training that outlined the grey belt for Members and that, in the Local Plan review, the green belt would be looked at and the Plan would distinguish what could be considered grey belt.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Bryony May

- Councillor Nigel Mason
- Councillor Martin Prescott

In response to questions the Development and Conservation Manager advised that:

- If an area was considered grey belt under paragraph 1.1.5 of the NPPF, it must still be considered to make a significant contribution to an area. In North Hertfordshire, there was a need for renewable energy generation and housing to meet the requirements of the 5-year land supply would be examples of significant contributions which could be considered grey belt. .
- If the Council had already met its 5-year land supply need then grey belt would be used for housing only if there was an unmet need for a specific type of dwelling, for example a nursing home.
- There was no definite date the 5-year land supply would be met but, depending on approval of applications to be considered, it could be within 12-18 months.
- An approved site would be added to the future land supply based on size, for example the sites approved in the Baldock Masterplan would not contribute to the 5-year land supply, but the development approved tonight would.
- Larger sites, like those within the Baldock Masterplan, would contribute to the 10–15-year housing land supply.

The meeting closed at 8.38 pm

Chair

<u>Location:</u>	<b>Guysfield Residential Home Willian Road Letchworth Garden City Hertfordshire SG6 2AB</b>
<u>Applicant:</u>	<b>Ms Ginny Clarke</b>
<u>Proposal:</u>	<b>Redevelopment of existing care home and erection of detached 3 to 4 storey 70-bed residential nursing home (Class C2 use) with associated parking, landscaping, amenities and works, following demolition of extensions to existing care home.</b>
<u>Ref. No:</u>	<b>24/02758/FP</b>
<u>Officer:</u>	<b>Paul Chaston</b>

## **Date of expiry of statutory period**

Tuesday 4 March 2025

## **Extension of statutory period**

Tuesday 30 September 2025

## **Reason for Delay**

Discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

## **Reason for Referral to Committee**

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

## **1.0 Site History**

- 1.1 20/02219/FP – Full planning application for redevelopment to form a new 60-bed care home submitted in October 2020. The application was moved to Part 2 of the Planning Register on 25 July 2022 and recorded as 'not proceeded with' to ensure no formal decision would be issued on it.
- 1.2 19/00504/PRE – Pre application for the erection of a 60-bed care home following the demolition of existing 51-bed care home. Response issued in October 2019.

- 1.3 13/01575/1 – Replacement roof to existing conservatory, part pitch/part flat with roof lantern and insertion of double doors to rear. Conditional permission granted on 28 October 2013.
- 1.4 91/00561/1 – Erection of part two, part three storey wide extension and glazed conservatory link to existing residential home, rearrangement of existing parking area to create a total of 16 spaces and ancillary works. Conditional permission granted in November 1991.
- 1.5 86/01078/1 – Erection of two storey extension together with change of use of dwelling to Elderly Persons home following demolition of existing buildings. Conditional permission granted in September 1986.

## **2.0 Policies**

### **2.1 North Hertfordshire District Council Local Plan 2011-2031**

Adopted 8 November 2022.

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP13: Historic Environment

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy HS2: Affordable Housing

Policy HS3: Housing mix

Policy HS4: Supported, sheltered and older persons housing

Policy HS5: Accessible and adaptable housing

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

Policy NE11: Contaminated land

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

### **2.2 National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### 2.3 **Supplementary Planning Documents**

Design SPD (2011)  
Planning Obligations SPD (2023)  
Vehicle Parking Provision at New Development SPD (2011)

### 2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)  
Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

### 2.5 **National Planning Practice Guidance**

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

## 3.0 **Representations**

### **Consultees**

- 3.1 **NHDC Environmental Health (Contaminated Land)** – No objection subject to conditions.
- 3.2 **NHDC Environmental Health (Noise)** – No objection (subject to two conditions including a condition requiring full details of a construction management plan for the development to be submitted to the LPA prior to the commencement of works).
- 3.3 **NHDC Environmental Health (Air Quality)** – No objection.
- 3.4 **NHDC Waste and Recycling** – Objects on the grounds that submitted swept path analysis shows the track width is too narrow for waste lorries to enter and exit the development, and the bin store is located too far from the place where lorries would be stopping, making bins dragging distance above the requirement, which is a maximum of 10 metres.
- 3.5 **NHDC Conservation Officer** – On balance, finds the proposal objectionable. This is on the basis that it fails to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

As the harm would be confined to a relatively small section of the CA and setting of a non-designated heritage asset, the harm would be 'less than substantial' but moderate on the continuum, nevertheless, of great weight. Under such circumstances, the NPPF advises that this harm should be weighed against the public benefits of the proposal. In this regard, even if a lower level of less than substantial harm exists as intimated in the submitted

Heritage Statement, this should not be equated with a lesser planning objection and is still of considerable importance and weight.

- 3.6 **NHDC Ecologist** – No objection subject to conditions.
- 3.7 **NHDC Housing Supply Officer** – No objection. In addition, as the proposal is for the redevelopment and enlargement of an existing care home (Use Class C2), this does not trigger a requirement for affordable housing.
- 3.8 **HCC Highways** – No objection subject to conditions.
- 3.9 **HCC Growth and Infrastructure** – No objection subject to financial contributions via a S106 legal agreement towards Primary Education, Secondary Education, Childcare Services, SEND Services (Special Educational Needs and Disabilities), Library Services, Youth Services and Waste Services.
- 3.10 **HCC Lead Local Flood Authority (LLFA)** – Objects as further evidence and information is required to support the discharge location hierarchy and the proposed surface water drainage system (four pillars of SUDs).
- 3.11 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions requiring submission of a Written Scheme of Investigation incorporating a programme of archaeological works. involving a further programme of strip, map and sample excavation. This is required as the proposal is likely to have impacts on heritage assets of archaeological interest.
- 3.12 **HCC Fire and Rescue Services** – Concerns raised regarding access to the building and manoeuvring for fire service vehicles and associated equipment. Lack of information provided in relation to proposed fire suppression systems, which includes sprinkler systems. Further details should be provided by way of a Fire Strategy for the building.
- 3.13 **HCC Water Officer** – No objection subject to condition.
- 3.14 **Letchworth Garden City Heritage Foundation** – No objection. Overall, the Heritage Foundation are supportive of the proposals in their current form. On 21 August 2025, the Heritage Foundation granted first stage approval for the scheme in a parallel application for the proposed development.
- 3.15 **Anglian Water** – Objects to the application as connection to the public sewerage network is proposed without full and complete hierarchy evidence. Infiltration is proposed as well as connection to a public sewer.

#### **Neighbour and Local Resident Representations**

- 3.16 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 16 comments have been received including 9 objections, 2 submissions in support and 5 neutral comments.



3.17 Objections and concerns are summarised as follows:

- Traffic and Congestion
- Poor design out of keeping with Willian Conservation Area
- Size and scale of the development
- Will add more traffic on surrounding roads in Willian village
- Concerns around the existing capacity of local utilities infrastructure
- Harmful to residential amenity
- Flooding and drainage concerns
- Increased noise, pollution and crime
- Impact of vehicles, tools and machinery associated with the construction phase
- Impact of noise and disturbance during the construction phase
- Inappropriate development in the Green Belt

3.18 Comments in support are summarised as follows:

- Well-designed proposal
- Care home expansion will help to support local population
- Integration of swift bricks into the development

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The site currently accommodates an 'L' shaped two storey building set in its own well-established grounds with a number of large mature trees. The site originally hosted a dwelling which was subsequently extended and converted into a Care Home in 1986 with further extensions added after this. The on-site buildings continue to be operated as a residential care home facility which falls under the planning use class C2.
- 4.1.2 The site slopes away from the northern boundary where it abuts a residential area. Open green space lies to the east and the remaining side is confined by the adjacent highway. A parking area is located to the front of the building.
- 4.1.3 The site is located within the western part of the Willian Conservation Area and the original part of Guys House is identified in the Council's Conservation Area Character Statement as a 'building that contributes towards the character of the conservation area'.
- 4.1.4 The site is situated within the Green Belt and includes Archaeological Area AA99.

### **4.2 Proposal**

- 4.2.1 Full planning permission is sought for the redevelopment of an existing care home and erection of a detached 3 to 4 storey 70-bed residential nursing home (Class C2 use) with associated parking, landscaping, amenities and works, following demolition of extensions to existing care home.

4.2.2 It is noted from the submitted plans that the care home would accommodate 70 bedrooms. Each bedroom would consist of a bedroom area, bathroom and small sitting area. The proposed accommodation would not be self-contained and would be reliant on the communal facilities that are proposed throughout the building which include the kitchen, dining/day space rooms, roof terraces and the external gardens.

4.2.3 The application is accompanied by the following plans and documents:

- Site location plan
- Existing and proposed site layout plans
- Existing floor plans and elevations drawings
- Proposed floor plans and elevations drawings
- Roof plans
- Proposed massing elevations drawings
- Rendered external perspectives plans
- Existing and proposed comparative typical bedroom drawings
- Existing and proposed winter and summer view plans
- Design and Access Statement
- Planning Statement
- Planning Need Assessment
- Suitability and Viability Report
- Flood Risk Assessment and Drainage Strategy
- Design and Access Statement
- Acoustic Design Statement
- Arboricultural Planning Report
- Ecological Impact Assessment Report
- Biodiversity Net Gain Assessment Report
- Biodiversity Net Gain Metric
- Planting Plans
- Additional Planting Plans
- Tree Planting Plans
- Planting Schedule
- Landscape Supplementary Letter
- Landscape and Visual Appraisal
- Transport Assessment
- Heritage Statement
- Archaeological Desk Based Assessment
- Energy Strategy Report

## **5.0 Key Issues**

5.1 The key issues for consideration for this planning application are as follows:

- Heritage and archaeological impacts
- Impact upon the Green Belt
- Principle of development
- Impact upon the character and appearance of the area
- Design and Layout

- Impact upon residential amenity
- Highway, access and car parking
- Ecology and biodiversity matters
- Tree impacts
- Flood risk and drainage
- Environmental impacts (noise, land contamination and air quality)
- Other matters
  - Care home supply and need
  - Sustainability
  - Fire risk
  - Waste and recycling
  - Very special circumstances (Green Belt)
- Planning balance and conclusion

## 5.2 Heritage and archaeological impacts

### *Heritage*

- 5.2.1 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question.
- 5.2.2 Paragraph 207 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.2.3 Paragraph 208 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.
- 5.2.4 Paragraph 210 sets out that local planning authorities should take account of 'the desirability of new development making a positive contribution to local character and distinctiveness'.
- 5.2.5 Paragraph 212 of the NPPF sets out that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 5.2.6 Paragraph 213 sets out 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'.

- 5.2.7 Paragraph 215 of the NPPF states ‘where a development 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’.
- 5.2.8 Local Plan Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. 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.
- 5.2.9 Local Plan Policy HE1 stipulates that planning permission for development proposals affecting designated heritage assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset’s optimum viable use. This policy reflects paragraph 215 of the NPPF, which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.2.10 The application site is located within the Willian Conservation Area and the original part of Guysfield House is identified in the Council’s Conservation Area Character Statement as a ‘building that contributes towards the character of the conservation area’. In addition, the tree belt adjacent to the eastern boundary of the site is classed as a ‘significant area of trees’.
- 5.2.11 The application is accompanied by a Heritage Statement produced by Purcell (dated July 2024). The report confirms there are no listed buildings within the application site. The Heritage Assessment has undertaken a review of designated heritage assets within Willian Conservation Area and identified the following:
- Listed Buildings – 4 Grade II and 3 Grade II\*
  - Variety of other non-designated heritage assets
- 5.2.12 Letchworth Garden City Heritage Foundation have commented on the current application and state, *“The proposed scheme has been the subject of pre-application discussions with the Heritage Foundation following the withdrawal of an earlier scheme in 2020. The previous proposals saw the demolition of the original Victorian house alongside the later extensions, and the erection of a new nursing home with a more traditional appearance. The Foundation insisted on the original house being retained within the scheme but appreciated that the existing later buildings were no longer fit for purpose in terms of the demands for quality well designed residential care. After much discussion, it was agreed that the scale and mass of the proposed extension did not lend itself to a traditional domestic architectural design and as such a contemporary design has been put forward, which is considered to better deal with the scale and massing of a 70-bed nursing home than would, for example, a pastiche design. The Architects have utilised the change in levels to reduce the height of the building and respected the material pallet of Guys House. The proposal also retains the original house as a separate building with ancillary use, thus ensuring its continued repair and retention”*. Overall, the Heritage Foundation have confirmed they are supportive of the proposals in their current form. On 21 August 2025, the Heritage Foundation granted first stage approval for the scheme in a parallel application for the proposed development.

- 5.2.13 North Herts Council's Conservation Officer has commented on the current application and states, *"I note several recent allowed appeal decisions at Annex 1 of the submitted Planning Statement including significant weight given to the contribution made to housing land supply, coupled with freeing up market housing, providing a significant quantity of high-quality specialist nursing care accommodation and facilitating use of a heritage asset. I have attached moderate weight to i) securing a long-term optimal viable use of the non-designated heritage asset, ii) enhancement to the setting of Guysfield House through re-establishing its original detached form, iii) enhanced planting to filter views of the replacement care home, and iv) continued use of Guysfield House to sustain its upkeep and condition. Even if removing built form of no significance and revealing the house more fully, the amount of new build is substantial. Counter to the moderate weight given above, by reason of the amount of development sought (bulk/mass), particularly the 4th floor element of the forward projection at the southern end of the build, the scheme will have an overbearing and assertive impact upon the host building (Guysfield) and its setting eroding its positive contribution to the character and appearance of the Willian Conservation Area. Whilst I am supportive of a redevelopment here, the built form will not be sympathetic to (135c, NPPF) or make a positive contribution (210, NPPF) to local character. The proposal therefore fails to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031"*.
- 5.2.14 The Conservation Officer then goes on to confirm that as the identified harm would be confined to a relatively small section of the Conservation Area and setting of a non-designated heritage asset and would be considered 'less than substantial', but moderate on the continuum.
- 5.2.15 As set out in paragraph 212 of the NPPF, great weight should be given to an assets conservation irrespective of the harm identified. Paragraph 215, as set out in the report above, sets out that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 5.2.16 The harm identified above is a moderate level of 'less than substantial' harm. The benefits of the scheme would include, but are not limited to, the provision of replacement care home accommodation incorporating up-to-date facilities for which there is an identified need. It is considered that this would amount to a significant public benefit that would outweigh the less than substantial harm to the conservation area and non-designated heritage asset.

#### *Archaeology*

- 5.2.17 North Herts Local Plan Policy HE4 on Archaeology states that permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. Policy HE4 as modified also states that *'Areas of as yet, unknown archaeology may be identified during research, or through the planning or plan making process. These sites or areas should be treated in the same way as archaeology areas and areas of archaeological significance'*. The NPPF paragraph 212 sets out the same approach to sites of archaeological significance as other heritage assets, in that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'*. Paragraph 216 also requires *'in weighing applications that directly or indirectly affect non-designated heritage assets, a*

*balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 5.2.18 The site has been subject of a desk-based assessment prepared by RPS Group (dated June 2024) which identifies a 1km wide study area. It confirms that the eastern half of the study area is located within an Area of Archaeological Significance (AAS) 99, which defines the Medieval Settlement of Willian and the whole of the study site is located within the Willan Conservation Area. The report also confirms that the Hertfordshire Historic Environment Record (HER) does not record any previous archaeological work having previously taken place within the study site.
- 5.2.19 Notwithstanding the above, the report states, *"The study site is considered to have a moderate potential for the Medieval period, a low-moderate potential for the Bronze Age and Roman periods with a low potential for all remaining past phases of human activity. The study site is currently occupied by Guysfield Care Home. This was originally a private residence constructed in 1884 before being converted into a care home 1986. Prior to the construction of the 1884 residence the study site lay within an area of open land to the west of the village of Willian. It is likely to have formed part of the Medieval village of Willian."*
- 5.2.20 HCC Historic Environment have confirmed the proposal has potential for archaeological remains. However, they do not object to the proposal and consider the impact of the proposed development can be adequately addressed by planning conditions.
- 5.2.21 In conclusion, the proposal has the potential for archaeological remains. An Archaeological Written Scheme of Investigation would address this matter. Subject to conditions, there are no objections to the proposals on archaeological grounds. This matter weights neutral in the planning balance.

### **5.3 Impact upon the Green Belt**

- 5.3.1 The application site is in the open countryside within the Green Belt. National Policy on Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF). Paragraph 142 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
- 5.3.2 Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes, which are as follows:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns;
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.3.3 Paragraph 153 of the NPPF sets out that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition,*

*harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

5.3.4 Paragraph 154 of the NPPF offers several exceptions to inappropriate development within the Green Belt. The proposed redevelopment of the care home would not meet any of the exceptions offered under Paragraph 154.

5.3.5 Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate development where all the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;
- d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.

5.3.6 Paragraphs 156 and 157 of the NPPF are not relevant in this case. As discussed previously, the proposal is for the redevelopment of an existing care home facility. As is the case with the current situation, the new facility does NOT propose any self-contained accommodation with residents relying on an element of care. The care home facility falls under planning use class C2 which covers residential institutions, including residential care homes.

5.3.7 The application has been accompanied by ‘Grey Belt Statement’ prepared by Woolf Bond Planning (dated June 2025). The document addresses the updated NPPF of December 2024. This technical note puts forward the argument that the proposal meets the criteria for the recently introduced ‘Grey Belt’ land classification. Should the application meet the criteria for being ‘Grey Belt’, the proposed development should not be considered inappropriate development and there would be no resulting harm arising from the proposal.

5.3.8 The NPPF Glossary defines Grey Belt land as follows:

*“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

5.3.9 In determining whether the application site should be defined as Grey Belt, the contribution the site makes to purposes (a), (b), and (d) set out in paragraph 143 should be considered.

- 5.3.10 Grey Belt also excludes land where the policies relating to areas set out in footnote 7 of the NPPF would provide a strong reason for refusal. Footnote 7 refers to the policies that protect areas or assets of particular importance including habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, a National Landscape, a National Park, Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
- 5.3.11 The National Planning Policy Guidance (PPG) sets out guidance on how authorities should consider evidence in the absence of Grey Belt allocations within the Local Plan. This includes:
1. Whether the site strongly contributes to the Green Belt purposes a, b, or d (as above).
  2. Whether the application of policies to areas and assets of particular importance identified in footnote 7 of the NPPF (other than Green Belt) provide a strong reason to restrict development.
  3. Whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the Local Plan area (North Hertfordshire in this case), as set out in national policy and this guidance.
- 5.3.12 It should be noted that the North Hertfordshire District Council Green Belt Review (2016) identifies the application site falling within sub parcel 14e. The Green Belt Review is intended to assess the 'performance' of strategic land parcels, sub parcels, and sites being considered for development in the Local Plan.
- 5.3.13 The Green Belt Review has assessed sub-parcel 14e as having a 'significant' contribution to purpose (a) of paragraph 143, a 'significant' contribution to purpose (b) of paragraph 143, and a 'significant' contribution to purpose (d) of paragraph 143.
- 5.3.14 Whilst the Green Belt Review is noted, the PPG, as set out in paragraph 5.3.11 of this report, requires that an assessment should be made as to whether the "site" strongly contributes to the Green Belt purposes rather than the wider area (sub-parcel 14e) as found within the North Herts Green Belt Review. In addition, the Green Belt Review was undertaken before the publication of guidance on assessing these specific purposes of the Green Belt within the PPG, and thus the methodology of assessment are not aligned.

*Contribution of the site to the Green Belt purposes (a), (b), and (d)*

- 5.3.15 Purpose (a) of paragraph 143 intends to check the unrestricted sprawl of large built-up areas. The PPG states that villages should not be considered large built-up area.
- 5.3.16 The application site is adjacent to the southern settlement boundary of Letchworth and around one mile from the eastern settlement boundary of Hitchin, the two closest large built-up areas. The village centre of Willian is closer in proximity to the site compared to Hitchin. However, Willian is not considered to be a large built-up area as set out within the PPG. Given that the site itself contains existing development and has physical features in reasonable proximity that could restrict and contain development, it is considered that the site has a 'moderate' contribution to purpose (a) of paragraph 143.



- 5.3.17 Purpose (b) of paragraph 143 is intended to prevent neighbouring towns merging into one another. The PPG states that ‘this purpose relates to the merging of towns, not villages.’
- 5.3.18 The application site sits between the towns of Letchworth and Hitchin. Based on the PPG, the site is not considered to form a substantial part of a gap between the towns of Letchworth and Hitchin and would not result in a loss of visual separation between the two towns. The gap between Letchworth and Hitchin is approximately 1.6km with Hitchin set to the south-west of Letchworth. The site is previously developed land containing an existing building which has been extended over time. In addition, the site is contained on all sides with a combination of structures and natural landscaping. Therefore, it has been demonstrated that the site has been developed without the loss of visual separation between towns due to the presence and the close proximity of structures, and natural landscape elements or topography that preserve visual separation. The site therefore has a ‘moderate’ contribution to purpose (b) of paragraph 143.
- 5.3.19 Purpose (d) of paragraph 143 intends to preserve the setting and special character of historic towns. The site is not considered to form part of the setting of a historic town given its location, and has no visual, physical, or experiential connection to any historic aspects of a historic town. The site therefore has a ‘limited’ or no contribution to purpose (d) of paragraph 143 of the NPPF.
- 5.3.20 Given the above, the proposed development is not considered to strongly contribute to purposes (a), (b), or (d) of paragraph 143 of the NPPF.

*Footnote 7 Considerations*

- 5.3.21 As set out in the PPG and NPPF, Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development.
- 5.3.22 Footnote 7 references designated heritage assets. As identified within the report above, harm has been identified to the Willian Conservation Area and the setting of a non-designated heritage asset (Guysfield House). Overall, a moderate level of ‘less than substantial’ harm was identified. As set out in paragraph 215 of the NPPF, this harm should be weighed against the public benefits of the proposal. The benefits of the scheme have been found to outweigh the harm to the heritage assets and therefore the harm to the designated heritage assets are not considered to provide a strong reason to restrict the development.

*Impact on the remaining Green Belt in the plan area*

- 5.3.23 The PPG sets out that in reaching a judgement on whether the development of Green Belt land would fundamentally undermine the purposes of the remaining Green Belt across the plan area as a whole, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

- 5.3.24 Given the site area and its location relative to built-up areas, the development of the land upon which the residential care home is proposed is not considered to fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. Consideration should also be given to the fact that there is an existing residential care home operating from the site. Therefore, it is considered that the redevelopment of the care home, and continuation of this established use would not affect the ability of all the remaining Green Belt in the area of the plan from serving all give of the Green Belt purposes in a meaningful way.

*Demonstrable unmet need for the type of development proposed*

- 5.3.25 Part (b) of paragraph 155 sets out that development should not be regarded as inappropriate if there is a demonstrable unmet need for the type of development proposed. As set out in the 'Other Matters – Care home need and supply' section of this report, there is a critical need to provide suitable accommodation for older people. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016, there were 1.6 million people aged 85 and over; by mid-2041, this is projected to double to 3.2 million. Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help to reduce costs to the social care and health systems. There is a demonstrable unmet need for suitable accommodation for older people. Therefore, the development proposal would meet the test set out in in paragraph 155 (b).
- 5.3.26 Paragraph 155 (c) of the NPPF sets out that development in the Green Belt should not be regarded as inappropriate if the development would be in a sustainable location, with particular reference to paragraph 110 and 115 of the NPPF.
- 5.3.27 The proposed development would generate low levels of traffic. Therefore, it would have a limited impact upon local transport networks. Furthermore, the site would be located adjacent to Letchworth and a short distance from the centre of Willian. It is considered that the site is well connected to these two settlements. The site is therefore in a sustainable location for the purposes of part (c) of paragraph 155 of the NPPF.
- 5.3.28 Part (d) of paragraph 155 refers to the 'Golden Rules'. It is considered that the Golden Rules are not applicable in this case given that the proposal is for the redevelopment of an existing residential care facility, and not for individual homes. This matter is discussed in detail earlier in this report.

*Conclusion of Grey Belt consideration*

- 5.3.29 In conclusion of the above, the proposal would utilise Grey Belt land and would accord with the provisions set out in paragraph 155 of the NPPF. The proposed development would not be inappropriate development in the Green Belt.

**5.4 Principle of development**

- 5.4.1 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 National Planning Policy Framework (NPPF) 2024 is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.

5.4.2 Policy SP1 of the Local Plan supports development in the district by granting planning permission where development delivers an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan; development is high quality, respects and improves surroundings and provides opportunities for healthy lifestyle choices; and provides necessary infrastructure and secures any necessary mitigation measures that reduce the impact of development, including on climate change.

5.4.3 The application site is in Willan adjacent to the settlement boundary of Letchworth. The site itself consists of a building which has been extended over time and has a long-established use as a residential care home (Use Class C2). Given that the proposal is for the redevelopment of the existing care home, the continued use of the site as a residential care home is acceptable in principal.

## **5.5 Impact upon the character and appearance of the area**

5.5.1 The NPPF requires all development to be of high-quality design and to respect the setting of listed buildings and conservation areas. North Herts Local Plan Policies SP9 and D1 state that good design is a key aspect of sustainable development and that proposals will be supported if the development is well designed and located and responds positively to its local context.

5.5.2 The application is supported by a Landscape & Visual Impact Assessment (LVIA) prepared by Fisher Tomlin & Bowyer (dated October 2024). The report confirms that the site is well-contained in nature and the visual impact of the proposed development of views from the north, east and west is limited. The only clear view of the scheme is from the south. From here, the existing care home building is visible and forms part of the character and appearance of this developed countryside site.

5.5.3 The proposal would give rise to a change in the quality and appearance of buildings on the site that can be seen as improvements. The new build care home has been sensitively designed and modelled, incorporating a cascade on its southern side to reduce its visual impact when viewed from Willian Road. Unlike a development on a greenfield site, where there will be a marked change from an undeveloped site to a developed site, here the proposal will represent a replacement of an existing building in a similar location, albeit slightly closer to Willian Road. Additional landscaping is also proposed along the southern boundary of the site.

5.5.4 In summary, it is considered that the degree of change to the site as a result of the proposal is not considered overriding or determinative of the proposal in respect of its impact on the character and appearance of the countryside and the area generally.

## **5.6 Design and Layout**

5.6.1 The redeveloped care home would be accessed from the existing vehicular access off Willian Road and the new building entrance is positioned to address this access, providing visual prominence and security through overlooking and surveillance.

5.6.2 Guysfield House is perceived as a 'standalone' building set upon a plinth consisting of an access concourse to the main entrance, with a green wall to take up the difference between the concourse and lower garden level.

- 5.6.3 The new building is designed in an 'L' form with protruding south-west gable, with a high-quality landscaped courtyard which preserves a mature, Atlantic Cedar tree. This forms a natural focal point for the building and creates a natural setting for the appreciation of residents, staff and visitors.
- 5.6.4 The original car park which was arranged around the Atlantic Cedar tree, has been relocated to the west and north portions of the site. It utilises the existing mature vegetation to screen it from surrounding properties and Willian Road. Visitor car parking, disabled spaces and an ambulance bay are located immediately to the west of the main entrance. Staff car spaces are located to the north, with a dedicated service bay, screened by Guysfield House. Parking is therefore removed from the area immediately in front of the original house, which improves the setting of the new development and visual amenity from Willian Road. A total of 27 car parking spaces are proposed.
- 5.6.5 In a similar fashion to the original building, the new proposal runs parallel with the contours and takes account of the north-south fall across the site, with a ground floor level to match the existing house. Similarly to the original design, the south wing offers the opportunity to create a basement/lower ground floor level to accommodate the main kitchen, laundry, plant room and ancillary accommodation, in addition to 12 bedrooms and associated resident day space.
- 5.6.6 Consideration has also been given to ensuring the new building is of a similar height, mass and scale to the existing. Generally, the building is no greater than three storeys in height with the south-west corner stepping down to two storeys when viewed from Willian Road. Open 'cascading' roof terraces have been incorporated into the southern projection to reduce the overall mass/bulk, when viewed from Willian Road.
- 5.6.7 The overall siting, massing, topography and orientation ensures that issues of overlooking, and over-shadowing are not exacerbated. An interesting and varied roof-scape incorporating facing brick bays penetrating the roof-line, and contemporary zinc cladding to the top floor level is proposed. Further visual interest and variety is promoted through the creation of prominent architectural features including a streamlined zinc canopy above the main entrance, an extensive south-facing terrace, decorative metal railings, traditional brick detailing around all openings and a continuous brick dentil course at second floor level which pays homage to the existing brick detailing of Guysfield House.
- 5.6.8 The uppermost storey is finished in a zinc cladding, punctuated by large, glazed areas, with decorative brick detailing introduced to feature bays to replicate the detailing and verticality of Guysfield House.
- 5.6.10 It is considered that the design of the building and associated landscaping would be of high quality. The new care home facility takes some design cues from the current building and would employ a varied and attractive palette of materials. The overall design of the scheme would accord with North Herts Local Plan policies SP9 and D1. This attracts moderate weight in the planning balance.

## **5.7 Impact upon residential amenity**

- 5.7.1 In terms of matters that relate to the effect upon the living conditions of occupiers of neighbouring dwellings, such as loss of outlook, privacy, daylight and sunlight, the nearest existing residential dwellings lie to the north of the site (Nos. 17-28 Greenway). The position of these neighbouring properties in relation to the proposed development is shown on the submitted Proposed Site Layout Plan (Drawing No. 4870-ORA-ZZ-XX-DR-A-31004 Rev Q).
- 5.7.2 The submitted plan drawings show the replacement care home building would follow the same building line as the existing structure on the northern elevation (edged red on the site layout plan) with a small protrusion to the east. However, the overall length of the proposed northern elevation of the building would be shorter compared to the existing situation as there would be no built form at the western side adjacent to the original Guysfield House building. In this regard, it is considered that the presence of the new building in this general location would be comparable to the existing situation. Furthermore, the current separation distance between the neighbouring properties on Greenway would be maintained with the nearest property at No. 17 Greenway being around 25m away from the existing and proposed northern elevation of the building.
- 5.7.3 To improve upon the immediate setting of the care home and the existing residential properties, the existing belt of conifer trees between the current building and the northern boundary is proposed to be replaced with native spaces that are considered more sympathetic in respect of both a domestic residential and care home setting. Full details of the proposed replacement trees are shown in the submitted Tree Planting Plan (Drawing No. 1304/20.11.B Rev B). This in turn would enhance the visual quality of the landscape in this part of the site and preserve the mutual residential amenity by reason of overlooking, privacy and outlook between the private residential properties to the north and the care home to the south.
- 5.7.4 The proposed car parking area on the western side of the site will in part replace an existing driveway that runs parallel to the northern boundary of the site. Nevertheless, the car parking area (spaces 11–17) are set back off the northern boundary and separated by a section of mature woodland that is being retained as part of the scheme. Proposed parking spaces 18– 27 also lie away from the northern boundary and will be screened by the proposed new semi-mature planting and an appropriate fence screen in order to preserve the amenities of Nos. 19 & 20 Greenway. In any event, these neighbouring properties are situated a considerable distance of around 22m away from the site boundary.
- 5.7.5 NHDC's Environmental Health team have also recommended a noise mitigation scheme condition, an air quality condition relating to the management of odour from kitchen operations and a Construction Management Plan condition which are all considered appropriate in respect of protecting the living conditions of occupiers of neighbouring properties, and particularly the properties (Nos. 17-28 Greenway) to the north of the site.
- 5.7.6 In summary on this matter, it is considered that the proposal would not result in any significantly adverse impacts upon the amenity of neighbouring properties and would comply with Policy D3 of the North Herts Local Plan.

## **5.8 Highways, access and car parking**

- 5.8.1 Paragraph 116 of the NPPF sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.
- 5.8.2 Policy T1 of the Local Plan sets out that planning permission will be granted for new development provided that they would not lead to highway safety issues or unacceptable impacts on the highway network.
- 5.8.3 The Highways Authority have been consulted on the application and confirm that given the increase proposed in the number of bedrooms at the site, the level of traffic attracted by the proposed care home would slightly exceed the traffic level associated with the existing care home. Any additional traffic levels should be regarded as modest in context and would not have a material effect on the operation of the local road network.
- 5.8.4 The 'Proposed Site Layout Plan' shows the provision of a total of 18 car parking spaces, including disabled spaces for the use of visitors. The Highways Authority confirms this fully accords with NHDC parking standards. In accordance with the operational requirements of the development, 9 further car parking spaces would be provided for staff.
- 5.8.5 Overall, the Highways Authority conclude they have no objection to the proposed development and its impact upon highways safety and network subject to the inclusion of appropriate conditions and informatives. The proposed development would accord with both local and national planning policies. This matter is given neutral weight in the planning balance.

## **5.9 Ecology and biodiversity matters**

- 5.9.1 Paragraph 187 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 5.9.2 Local Plan policies SP12 (Green infrastructure, biodiversity, and landscape), Policy NE4 (Biodiversity and geological sites), and NE6 (Designated biodiversity and geological sites) seek to protect, enhance, and manage the natural environment.
- 5.9.3 The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a 10% Biodiversity Net Gain (BNG). This is applicable to the current application.
- 5.9.4 The application is accompanied by an Ecological Impact Assessment report, together with a Biodiversity Metric and a Biodiversity Net Gain report which demonstrates that the proposal would result in a measurable on-site net loss of 3.9% habitat units and 43.7% hedgerow units. The applicant is therefore required to deliver the minimum 10% net gain off site. NHDC's Senior Ecologist has recommended a condition requiring details to be submitted as to how this will be achieved through a Biodiversity Net Gain plan. In addition, conditions have also been recommended requiring the submission of a Construction Environmental Management Plan (CEMP), an Ecological Enhancement Plan (EEP) and a lighting strategy.

5.9.5 The scheme also proposes extensive planting throughout the site as detailed in the Planting Plans and Planting Schedule. Additional planting is also proposed in the form of boundary shrub planting, woodland underplanting, hedging and boundary hedging as shown on the Additional Planting Plan.

5.9.6 Overall, it is considered there are no ecological impacts arising from the proposals that cannot be mitigated. The applicant has confirmed that the mandatory 10% biodiversity net gain will be achieved off-site and this can be secured by condition. This is considered to be a moderate positive benefit in the planning balance.

## 5.10 Tree Impacts

5.10.1 *Chapter 15 of the NPPF – Conserving and enhancing the natural environment* – confirms that proposals should protect and enhance the natural environment. *Local Plan Policy SP1: Sustainable development in North Hertfordshire* seeks to protect key elements of North Hertfordshire's environment. *Local Plan Policy NE2 Landscape* seeks to ensure the health and future retention of important landscape features and their long-term management and maintenance.

5.10.2 The site contains existing trees and hedgerows throughout the site, most notably along and adjacent to the site boundaries.

5.10.3 The application is supported by an Arboricultural Planning Report prepared by Arb Consultancy Ltd (dated June 2024). This sets out tree constraints, impacts and preliminary mitigation measures arising from the development.

5.10.4 It identifies that sixteen trees would need to be felled to ground level in order to facilitate the proposed development and landscaping. Two of these trees are Category B trees with the remainder being Category C and Category U trees. It considers that nine of these trees are generally of limited overall amenity/landscape value, and their removal would not be overly detrimental to the site and the surrounding landscape/treescape. The removal of the remaining identified trees would be mitigated against by way of numerous tree planting to be undertaken throughout the site, including planting to the northern boundary to create effective new screening between the site and the adjacent neighbouring properties. In total it is proposed to plant 95 new trees throughout the site as shown on the submitted Tree Planting Plan (Drawing No. 1304/20.11.B Rev B).

5.10.5 In summary, some low-quality trees will need to be removed to facilitate the proposed development. However, to mitigate against this, an extensive tree planting scheme is proposed throughout the site. This matter therefore weighs neutral in the planning balance.

## 5.11 Flood Risk and Drainage

5.11.1 National policy on issues relating to flooding is set out in the NPPF at paragraphs 170 to 182. This emphasises the importance of considering the potential for flooding for new developments, particularly in areas identified at high risk. It also requires the consideration of incorporating sustainable drainage solutions where necessary and appropriate.

- 5.11.2 *Local Plan Policies SP11, D1, NE7 and NE8* collectively seek to ensure that development does not result in unacceptable flood risk, prioritises the development of land at low risk from flooding and the use of sustainable drainage systems (SuDS).
- 5.11.3 The site lies within Flood Risk Zone 1 (low risk of flooding from rivers) with some areas of the site being susceptible to low and medium risk surface water flooding (flooding resulting from storm events). Given the scale of development, a Flood Risk Assessment and Drainage Strategy was submitted with this application prepared by Canham Consulting (dated July 2025).
- 5.11.4 The Lead Local Flood Authority (LLFA) were consulted on this application and formally responded with an objection to the scheme on several technical grounds requiring further information to support the discharge location hierarchy, and further information in relation to the proposed surface water drainage system as currently is does not sufficiently address the four pillars of SuDS. The applicant is currently engaging with the LLFA to address these issues with a view to the LLFA seeking to secure full details in relation to the sustainable management and design of the surface water drawing provision for the proposal through the recommendation of conditions.
- 5.11.5 Anglian Water were consulted on this application and formally responded with an objection on similar grounds to the LLFA in relation to the proposed surface water drainage system.
- 5.11.6 The LLFA have provided written confirmation that they are confident they can resolve the two outstanding objection points with the applicant. Therefore, subject to the proposed resolution which will enable future consideration of these matters, the proposal will not result in an unacceptable flood risk or have adverse drainage impacts, in line with Policy NE7 of the Local Plan, and this matter weighs neutral in the planning balance.

## 5.12 **Environmental Impacts**

- 5.12.1 *Chapter 15 Conserving and enhancing the natural environment* of the NPPF requires decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should also seek to improve local environmental conditions such as air and water quality (paragraph 187). *Local Plan Policy D3 Protecting Living Conditions* confirms that new development should protect residential amenity for existing local residents. *Local Plan Policy D4 Air Quality* requires developments to consider air quality impacts arising from development, carry out assessments and identify mitigation measures where necessary.

### Noise

- 5.12.2 The application is accompanied by an Acoustic Design Statement prepared by Sound Solution Consultants (dated October 2024). The statement includes a noise assessment and recommendations for mitigation and limits for any plan installed.
- 5.12.3 NHDC's Environmental Health Officer has confirmed they are happy with the proposals based on the submitted information and has recommended a Construction Management Plan condition and a noise mitigation scheme condition to protect the living conditions of occupiers of neighbouring dwellings.



### Land Contamination

- 5.12.4 The current use of the site is a residential care home with areas of hardstanding for access and parking. NHDC's Environmental Health Officer has confirmed there is a small potential for contamination to be present. Therefore, an appropriate condition has been recommended.

### Air Quality

- 5.12.5 No details have been submitted in relation to the installation of any kitchen equipment and odour mitigation, and there is no information on the proposed kitchen extraction system or detail in respect of the type of cooking operations proposed and consequently, what level of smoke and odour control measures are required. A condition has therefore been recommended by NHDC's Environmental Health Officer to address this matter.

### *Conclusion on environmental impacts*

- 5.12.6 The supporting documentation confirms that there are likely to be minimal impacts in relation to land contamination, air quality and noise pollution. Any impacts can be reasonably mitigated through conditions. Given the foregoing, there is not considered to be any harmful environmental impacts arising. This matter weighs neutrally in the planning balance.

### **Other Matters**

#### 5.13 Care Home Supply and Need

- 5.13.1 Paragraph 61 of the NPPF states that the Government's objective is to boost significantly the supply of homes, and in doing so, ensure that the needs of groups with specific housing requirements are addressed. Paragraph 63 of the NPPF notes that the housing needs of older people should be assessed and reflected in planning policies. In this regard, two points arise. Firstly, National Planning Practice Guidance states at paragraph 001 Reference ID: 63- 001-20190626 that:

*"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help to reduce costs to the social care and health systems..."*

- 5.13.2 This represents a national acknowledged future exponential growth in the 85+ age cohort.
- 5.13.3 Secondly, Local Plan Policy SP8 part(g) confirms that at least 350 bed spaces in suitable, supported accommodation to meet the needs of those who cannot live in their own home need to be provided.

- 5.13.4 Accordingly, there is a clear policy framework at the National and development plan levels supporting the need for additional care homes. In light of this, the applicant has commissioned an up-to-date care home local needs assessment to quantify the need from both a qualitative and quantitative perspective at the local level. This is addressed below.
- 5.13.5 Local evidence of need comes in two forms. Firstly, the inadequacies of the existing care home and the need to replace it in order to maintain a care home on site. This matter is addressed in the Suitability & Viability report prepared by Christie & Co (dated March 2023), which is submitted as part of the planning application. Secondly, a shortfall in the quantum and quality of care homes in the surrounding area. This is addressed in the supporting Planning Need Assessment report prepared by Carterwood Ltd (dated May 2024).
- 5.13.6 In relation to the Suitability & Viability report, this concludes that the quality, layout and condition of the existing Guysfield Care Home is very poor. The existing building is found to be materially compromised due to a specification that is obsolete and not fit for purpose relative to the needs of the client group. Specific deficiencies include a poor layout, narrow corridors, small bedrooms, the lack of any en-suite wet rooms, narrow doorway widths, the lack of a stretcher lift and limited day space. Furthermore, the bedrooms on the top floor are not suitable for occupation by residents with the effective capacity of the home reduced to 42 residents as a consequence.
- 5.13.7 In terms of the financial viability of the existing care home, it concludes that it is not viable. Due to a combination of the above characteristics, the reduced capacity and associated operational issues, the business is non-viable in its current format having been materially loss making for the last five years.
- 5.13.8 Comparing the existing and proposed care homes, the report confirms how the new proposal addresses the shortcomings of the existing facilities and represents a high-quality purpose-built care home that meets the existing/future needs of the elderly. In terms of bedroom specification and market benchmark requirements, the submitted 'Comparative Typical Bedroom' layout plans (Drawing No. 4870-ORA-01-ZZ-DR-A-37010 Rev C) demonstrate how the current bedroom accommodation is outdated and no longer fit for purpose and how the proposed bedroom layout is designed to meet the rapidly changing needs of today's elderly population.
- 5.13.9 In relation to the Planning Need Assessment report, this states that even with the proposed Guysfield House redevelopment scheme in place, there is an under supply of market standard of proof care beds in Letchworth. In the circa 5-mile market catchment, 91 per cent of registered bedrooms are at minimum market standard and 66 per cent provide full market standard accommodation. The equivalent figures for the North Hertfordshire Council area are a little lower, at 87 per cent and 64 per cent, respectively. The analysis confirms the average size of successful custom built, fit for purpose, care homes are 68 bedrooms, which reflects the scale of the new proposal.
- 5.13.10 The assessment, based on 2027, the earliest the proposed redevelopment of Guysfield Care Home could be made available, indicates a net need for 194 full market standard care home bedrooms in the 5-mile market catchment and 124 in the North Hertfordshire Council local authority area. Additional demand is also arising from dementia diagnosis. The local area of Northeast Hertfordshire has a higher proportion of the local population,

living with dementia, compared to the UK. In this regard, in terms of care home bedrooms dedicated for dementia care, the assessment indicates a net need for 302 full market standard care bedrooms in the 5-mile market catchment and 229 in the North Hertfordshire Council local authority area. As these shortfalls are subsets of the total undersupply of care beds, based on 2027, they indicate the requirement to increase the provision of dedicated dementia care bedrooms in both assessed catchment areas.

5.13.11 Based on the above analysis, that there is both a clear qualitative and quantitative need for additional care home beds within Letchworth. The existing supply which includes Guysfield House is characterised by not only an inadequate number of care home beds but also a significant shortfall in the quality of the supply which is highlighted by the poor quality of the existing facility on the site. Accordingly, the proposal would be replacing the 50 poor quality beds but also adding to the supply in a significantly enhanced form of qualitative supply.

5.13.12 In summary, the evidence is clear that the existing care home is no longer fit for modern day purposes and comprises a poor-quality facility. The assessment and analysis of the existing facility is set out in detail within the submitted Suitability & Viability report prepared by Christie & Co which confirms this. The report also confirms that the existing care home by reason of its poor quality and limited size, is no longer viable. The report highlights the key characteristics of the replacement care home highlighting the important differences and why the new proposal would represent a significantly improved facility.

5.13.13 This application is supported by a set of feasibility floor plan layout drawings which confirm that if the existing building was to be reconfigured and refurbished with the standard and quality of accommodation being proposed in the current application, it could realistically only accommodate 29 rooms. These feasibility floor plans together with the cost plan set out in Annex 2 of the Planning Statement, confirm that it is not economically or operationally viable to refurbish or reconfigure the existing building into a viable care home. As noted in the Suitability & Viability report, this would be too small to be a viable care home. A modern care home must now provide more than 60 places to be viable and be efficient and effective in terms of economies of scale etc. As a result, the only option to retain a suitable care home facility on the site and deliver the benefits of the scheme, is a proposal such as the planned redevelopment scheme.

5.13.14 The proposed development would therefore make a much needed qualitative as well as quantitative improvement to the supply of care homes within Letchworth and wider surrounding area. It is considered that this matter attracts substantial weight in the planning balance.

#### 5.14 Sustainability

5.14.1 Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – *economic, social and environmental* – of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.

5.14.2 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. LP Policy SP1: *Sustainable development in North Hertfordshire is an overarching*

*policy whereas LP Policy SP11 Natural resources and sustainability gives broad support for proposals for renewable and low carbon energy development in appropriate locations.*

5.14.3 Local Plan *Policy DE1 Sustainable Design requires developments to consider a number of criteria including the need to reduce energy consumption and waste. LP Policy NE12 Renewable and low carbon energy development* supports the principle of renewable energy subject to a technical impacts being satisfied. Local Plan *Policy SP9* relates to Design and Sustainability and seeks the inclusion of a broad range of sustainability measures in developments.

5.14.4 The application is supported by an Energy Strategy Report prepared by Harniss (dated June 2024) which sets out the energy strategy for the proposed development. It states that the site will be constructed to comply with Part L2:2021 of the Building Regulations and in line with national and local planning policies to utilise low carbon and sustainability solutions.

5.14.5 The development will reduce regulated CO2 emissions by incorporating a range of passive design and energy efficiency measures for the development, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plants. These measures will enable the proposed development to exceed Target Emission Rates (TER) through energy efficiency measures alone. After reduction of the energy demand, the strategy proposes the implementation of an Air Source Heat Pump (ASHP) system connected to heating systems which will supply hot water and space heating to the entire development. Alongside the ASHP system, it is also proposed to install 150m<sup>2</sup> of photovoltaic (PV) panels on the roof of the building to reduce CO2 emissions. Details of the location of the panels are shown in the submitted Roof Plan drawing.

## 5.15 Fire Risk

5.15.1 Hertfordshire Fire and Rescue Service have been consulted as part of the application process. In their response, they raise concerns regarding a lack of information in relation to access and on-site manoeuvring for fire emergency vehicles in the event of an emergency, proposed fire suppression systems and the proposed fire evacuation strategy for the new building.

5.15.2 It is considered that these matters can either be suitably addressed by condition or through building regulations requirements. Therefore, it is considered appropriate in this case to include a Fire Strategy Plan condition that would require consultation with Hertfordshire Fire & Rescue prior to the commencement of any above ground works. A standard fire hydrant condition has also been recommended.

## 5.16 Waste and Recycling

5.16.1 NHDC's Waste and Recycling team have objected to the application on the grounds that the swept path analysis drawing submitted with the Transport Assessment shows the track width is too narrow for waste lorries to enter and exit the development, and the bin store is located too far from the place where lorries would be stopping, making bin dragging distance above the requirement, which is a maximum of 10 metres.

5.16.2 It is noted that these comments are based on the vehicular site access at the front of the site from the highway which is an existing access that is currently in use. No changes are proposed to this existing access and the Highways Authority have not recommended that any changes be made to this access in order make the development proposal acceptable. In addition, it is noted that the proposed bin store area at the rear of the site would be adjacent to the car parking area and service bay space in any event, therefore, a revised swept path drawing could be provided to demonstrate that refuse collection vehicles can get close enough to the bin store area to comply with the 10m drag distance rule. However, and notwithstanding this, the applicant has confirmed that the current residential care home has an arrangement in place with a private waste collection company to collect and remove waste generated by the care home on a regular basis. It is the preference and intention of the applicant for this arrangement to continue in respect of the redeveloped care home.

#### 5.17 Very Special Circumstances (Green Belt)

5.17.1 Should members not agree with the assessment identifying the land as Grey Belt, the applicant, as part of their application submission, has set out very special circumstances (VSC) within their Planning Statement for consideration.

5.17.2 Paragraph 153 of the NPPF sets out 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.

5.17.3 The applicant has identified the following considerations weighing in favour of the development:

##### *Provision of replacement care home accommodation*

5.17.4 As discussed in the previous 'Care Home Supply and Need' section of this report, it confirms that the existing care home is no longer fit for modern day purposes and comprises a poor-quality facility. The report also confirms that the existing care home is no longer viable and the only option to retain a suitable care home facility on the site and deliver the benefits of the scheme is the proposed redevelopment scheme. This is afforded substantial weight.

##### *Need for additional care home accommodation*

5.17.5 Also as discussed in the previous 'Care Home Supply and Need' section of this report, it confirms that the proposed care home redevelopment would help towards meeting the acute need for additional care home bedspaces, including specifically design dementia beds, with the added benefit of replacing the poorer quality care home on site be re-providing in a high quality, modern and purpose-built setting, well located to meet these needs. This is afforded substantial weight.

##### *Release of existing housing stock*

5.17.6 The proposal would meet an established need for residential care home accommodation (Use Class C2). This would also be catalytic in terms of freeing up existing Use Class C3 housing stock. This would represent an equivalent increase of 20 new bed spaces on-site, or 28 bed spaces if only the currently operational 42 bed spaces are taken into

consideration, thus contributing towards the Council's five-year housing land supply position based on a simple numeric calculation through the delivery of care home bedspaces. This in turn will generate additional Use Class C3 housing capacity through the release of existing accommodation to meet other housing needs in the Local Authority's demographic. This is afforded moderate weight.

*Health and well-being outcomes/social cohesion and NHS efficiencies and savings*

- 5.17.7 The provision of high-quality replacement and additional Use Class C2 bed spaces for older people will make a material contribution towards meeting significant and important needs, particularly in respect of the health and well-being of local residents through a specialist care offer: a care package; monitoring of residents' well-being; facilities to encourage activity and mobility; and reduced isolation and associated mental health issues. An added benefit of meeting these needs is the knock-on benefit to the NHS. Meeting these needs can contribute to fiscal savings to the NHS and social care services. Overall, this is afforded limited weight when considered in the context of the positive weight already afforded to additional provision of this development type.

*Economic development*

- 5.17.8 The proposal will represent a substantial investment into the area. Not only would there be the direct short-term economic benefits arising from the construction phase for the development, but there will also be direct long-term economic benefits arising from retaining and increasing the employment opportunities associated with the day-to-day operation of the care home.
- 5.17.9 In addition, there would also be indirect economic benefits arising from employment and activity in the supply chain companies providing support services for the enlarged care home. An induced economic benefit would also arise through expenditure from employees spending their income on goods and services in the local economy. This would deliver an enhanced economic use, therefore contributing to the resilience of a local economy. This is afforded moderate weight.

*Enhancement of a non-designated heritage asset*

- 5.17.10 The proposal would contribute towards securing a long-term optimal viable use of the non-designated heritage asset (the original Guysfield House building). There would also be an enhancement to the setting of Guysfield House through re-establishing its original detached form, enhanced planting to filter views of the replacement care home, and the continued use of Guysfield House to sustain its upkeep and condition. When taken in isolation, this is afforded moderate weight. In terms of the overall heritage and archaeological impacts of the development proposal, this is discussed in detail in the relevant section of this report.

*Design*

- 5.17.11 The design of the building and associated landscaping would be of high quality. There is a renewed emphasis on good design in the NPPF: in particular, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve as is the fostering of well designed, beautiful places. Therefore, it is considered that high quality design is not an optional extra, but a basic

requirement of policy. Much thought has gone into the design and landscaping to achieve a very pleasing building with attractive gardens. The new facility takes some design cues from the current building and would employ a varied and attractive palette of materials. This is afforded moderate weight.

### *Ecology*

- 5.17.12 Whilst not providing BNG on-site, an off-site 10% biodiversity net gain is being secured. Whilst this is a mandatory requirement, it remains a benefit which is afforded moderate weight.

## **5.18 Planning Balance and Conclusion**

- 5.18.1 The proposed development would utilise Grey Belt land given the proposals accordance with the provisions set out in paragraph 155 of the NPPF. Therefore, the proposed redevelopment of the care home facility is not inappropriate development within the Green Belt. No harm would arise from the proposed development with regards to Green Belt.
- 5.18.2 Great weight is given to the impact of the development identified upon designated heritage assets. Less than substantial harm was identified, with the harm being at the moderate level of the less than substantial continuum. However, the contribution of the proposal to the provision of this type of living accommodation in the form of a residential care home facility (Use Class C2) is a substantial public benefit, which has been identified earlier in this report as out outweighing the less than substantial harm to the conservation area and non-designated heritage asset.
- 5.18.3 Moderate weight is given to the economic benefits and overall design approach of the scheme as identified within the report above.
- 5.18.4 The proposed development is identified as having a neutral impact to flood risk and drainage, highways, access and parking matters, ecology and biodiversity, tree matters, environmental impacts, and archaeology.
- 5.18.5 There would be a change to the overall character and visual appearance of the site as a result of the proposed development. However, based upon the submitted plan drawings and supporting information accompanying the application, and subject to suggested conditions, it is considered that there would not be significant harm to the character and appearance of the area.
- 5.18.6 Subject to the measures proposed in the submitted plan drawings, and subject to the relevant suggested conditions, there would not be a significant adverse impact upon the living conditions of occupiers of nearby residential properties.
- 5.18.7 Overall, the proposed development would conflict with a number of policies contained within the Local Plan. However, the benefits of the proposed development are considered to be of sufficient weight to clearly outweigh the harms identified within the report above and is therefore recommended for approval.
- 5.18.8 The purpose of the planning system is to contribute to the achievement of sustainable development. Upon consideration of the social, economic, and environmental objectives of the planning system, the harm identified by the proposed development to the

designated and non-designated heritage assets is clearly outweighed by other considerations including the provision of a modern, high-quality residential care home facility for which there is an identified need. Taken as a whole, the proposal is considered to be in accordance with national planning policy and the local development plan. Accordingly, it is recommended that planning permission should be granted.

## **6.0 Alternative Options**

- 6.1 None applicable (see 'Key Issues' section of this report above).

## **7.0 Pre-Commencement Conditions**

- 7.1 The applicant is in agreement with the pre-commencement conditions that are proposed.

## **8.0 Legal Implications**

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

## **9.0 Recommendation**

- 9.1 The application is therefore recommended to the Planning Control Committee with a resolution to **GRANT** planning permission, subject to the following matters:
- a) A response of no objection and any relevant conditions from the Local Lead Flood Authority, to be delegated to the Development and Conservation Manager prior to any decision.
  - b) An agreement to an extension of time to the statutory determination date to allow for a) to occur.
  - c) The conditions and informatives set out below.

### **Biodiversity Net Gain**

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that **development may not begin** unless:
  - a) A Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) The planning authority has approved the plan.



The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be done which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

#### **Time Limit**

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

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

#### **Approved Plans**

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

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

#### **Finished Floor Levels**

4. No development shall take place until finished floor levels plans have been submitted to and approved in writing by the Local Planning Authority. The plan(s) need to show fixed data points correlating to the existing topographical survey and finished floor levels throughout the site to demonstrate the external impact on neighbouring properties in terms of height. The approved details shall be implemented on site.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and in accordance with and in accordance with Policy D3 of the North Hertfordshire Local Plan (2011-2031).

#### **Materials**

5. Notwithstanding the information submitted with the application, prior to construction above damp-proof course of the development hereby approved, a schedule of materials to be used on all external elevations and the roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site.

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

with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

### **Site Waste Management**

6. No development shall take place until a Site Waste Management plan has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced onsite and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that waste is minimised during the demolition and construction phases of the development in accordance with Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

### **Cycle Parking/Storage**

7. Prior to the first occupation of the development hereby approved, details of the siting, number and design of secured/covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall thereafter be installed prior to the first occupation of the development hereby approved and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

### **Soft Landscaping**

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

### **Hard Landscaping**

9. Notwithstanding any details included in the submitted plans, no development above ground level (except demolition, site clearance, ground investigation and remediation work) shall take place until details of hard landscaping, boundary treatments and any other enclosures have been submitted to and approved in writing by the Local Planning Authority. The details should include proposed finished levels, surfacing materials, and hard surfacing material specifications. The approved details shall be implemented on site prior to the first occupation of the development.

Reason: In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policy NE2 and the National Planning Policy Framework.

### **Trees**

10. development hereby permitted shall be carried out in accordance with the Arboricultural Planning Report prepared by Arb Consultancy Ltd (dated June 2024) and the Tree Planting Plan (Drawing No. 1304/20.11.B Rev B) unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard and enhance the trees on the site and in accordance with Policy NE2 of the North Hertfordshire Local Plan (2011-2031).

### **Tree Retention**

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

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

### **Tree Replacement**

12. Any tree lopped, topped, felled, uprooted, removed or otherwise destroyed or killed contrary to the provision of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the LPA agrees in writing to dispense with this requirement.

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

### **Construction Environment Management Plan (CEMP)**

13. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) should be informed by the October 2024 Ecological Impact Assessment and include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";
  - c) Practical measures to avoid or reduce impacts during construction;
  - d) The location and timing of sensitive works to harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person in relation to amphibians, reptiles, birds, bats, badger and hedgehogs;
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the North Hertfordshire Local Plan.

### **Ecological Enhancements**

14. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with North Herts Local Plan Policy NE4.

### **Lighting**

15. Prior to the first occupation of the development hereby permitted, the details of a lighting design strategy for biodiversity for the site and for residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) Identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging;
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
  - c) Provide details of the design of lighting units, any supporting structures and the extent of the areas to be illuminated.

The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained therefore in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of biodiversity and the amenity of nearby residents and to ensure compliance with North Herts Local Plan Policies NE4 and D3.

## **Energy and Sustainability**

16. The development hereby approved shall be constructed in accordance with the submitted Energy Strategy Report prepared by Harniss (dated June 2024), and details of the proposed air source heat pump system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the identified sustainability measures shall be maintained and retained thereafter

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with North Hertfordshire Local Plan Policies SP9 and D1, and the adopted Sustainability SPD (2024).

## **Archaeology**

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

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

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

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan HE4 and Section 16 of the NPPF 2021.

### **Contaminated Land**

18. Any contamination that is found during construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with North Hertfordshire Local Plan Policy NE11.

### **Noise Mitigation**

19. No demolition/development shall take place until a scheme for the protection of nearby residential dwellings from noise is submitted to approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations identified in the Sound Solution Consultants Ltd report (Ref: 41005-R2 – dated 2 October 2024). No rooms shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Any plant, machinery or equipment installed as part of the development hereby permitted, shall not exceed the noise limits as set out in the submitted Sound Solution Consultants Ltd report (Ref: 41005-R2 – dated 2 October 2024).

Reason: To protect the amenity of nearby residents in accordance with the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031.

### **Air Quality – Odour**

20. Any kitchen equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation. The equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of the use hereby permitted.

Reason: To prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

### **Construction Management Plan**

21. Full details of a Construction Management Plan (CMP) for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The construction of the development shall thereafter be carried out in complete accordance with the approved details unless

otherwise agreed in writing by the Local Planning Authority. The Plan shall include the following:

- a) Details of the construction programme and phasing;
- b) Hours of operation, delivery and storage of materials;
- c) Details and timing of the removal of any site waste;
- d) Details of any highway works necessary to enable construction to take place;
- e) Details of parking and loading arrangements;
- f) Measures to deal with environmental impacts including noise, dust, air quality, light and odour;
- g) Details of any management of traffic to reduce congestion, construction traffic route signage, monitoring and enforcement measures;
- h) Details of any temporary screening and hoarding details to protect neighbouring residents;
- i) Details of consultation and complaint management with local businesses and neighbours;
- j) Details of the control of dust and dirt on the public highway including wheel washing facilities for construction vehicles leaving the site;
- k) Storage and removal of building waste for disposal or recycling;

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the North Hertfordshire Local Plan.

### **Construction Hours**

22. During the construction phase of the development hereby approved, no construction activities shall take place outside of the following hours: Monday to Friday 08:00-18:00, and Saturdays 08:00-13:00. No construction activities shall take place at any time on Sundays or bank holidays, and piling shall only be undertaken between 09:00 and 17:00 Monday to Friday.

Reason: To protect the living conditions of local residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

### **Fire Strategy Plan**

23. Prior to any above ground works, a Fire Strategy Plan shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Hertfordshire Fire and Rescue Service. The Fire Strategy Plan shall set out details of the proposed strategy for access and turning/manoeuvring for fire emergency vehicles to the site/building in the event of an emergency, the proposed fire suppression system(s) and fire evacuation strategy based on the design/layout of the building.

Reason: To minimise fire risk in the event of an emergency in accordance with Policies D3 and NE12 in the Local Plan

### **Fire Hydrants**

24. Before the first occupation of the development hereby permitted, details of a fire hydrant(s) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities.

### **Highways – EV Charging Points**

25. Prior to the first occupation of the development hereby permitted, the details of the siting, type and specification of EV charging points shall be submitted to and approved in writing by the Local Planning Authority. All EV charging points shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Highways – Car Parking Layout and Surface Water Drainage**

26. Prior to the first occupation of the development hereby permitted, the car parking layout shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Proactive Statement:**

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



## **Informatives:**

### Highways

HCC as Highway Authority recommends inclusion of the following highway informatives to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

The Highway Authority recommends inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

**Storage of materials:** The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

**Obstruction of public highway land:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website or by telephoning 0300 1234047.

**Road Deposits:** It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

**Construction standards for works within the highway.** The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website or by telephoning 0300 1234047.

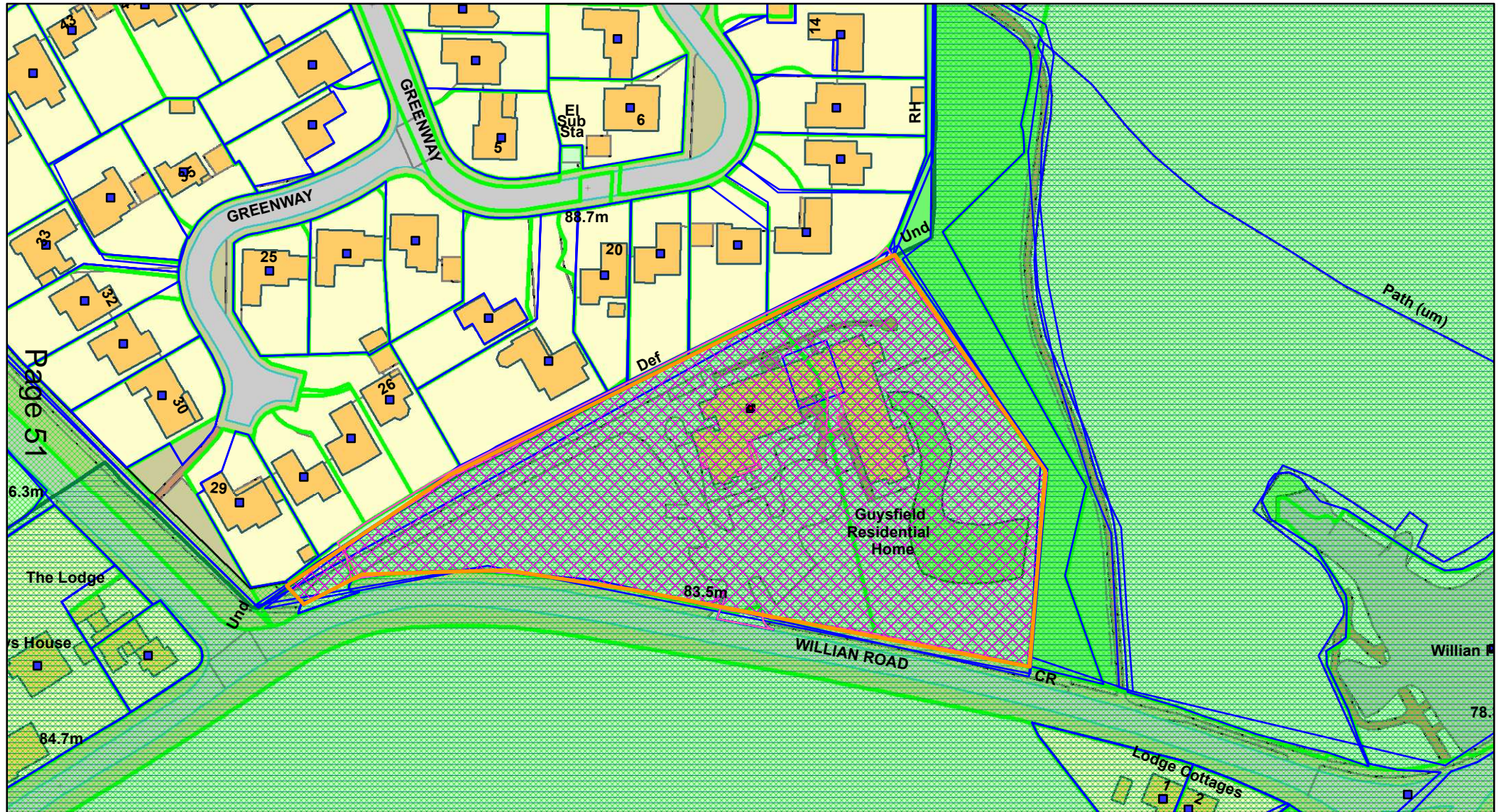
Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

#### Anglian Water

If permission is granted, we require the applicant to engage with us via our pre-development services and to submit a pre-development enquiry. Information can be found on our website: Pre-planning ([anglianwater.co.uk](http://anglianwater.co.uk)). Further information regarding our pre-development services and to submit a pre-development enquiry the applicant can click here: Pre-planning ([anglianwater.co.uk](http://anglianwater.co.uk)).







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<u>Location:</u>	<b>Land Between Huntsridge And Ashwell House 5 High Street Ashwell Hertfordshire</b>
<u>Applicant:</u>	<b>Mr Oscar Briggs</b>
<u>Proposal:</u>	<b>Erection of 14 dwellings (including affordable housing) including creation of access from Ashwell Street, footpath link to Lucas Lane, public open space and soft and hard landscaping, biodiversity enhancement and, associated infrastructure on land north of Ashwell Street, Ashwell.</b>
<u>Ref. No:</u>	<b>24/01444/FP</b>
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:**

**Extension of statutory period:**

**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 22/03094/FP** - Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping.

**Refused – Appeal Allowed**

- 1.2 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 **National Planning Policy Framework (NPPF) (December 2024)**

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 transport  
 Section 11: Making effective use of land  
 Section 12: Achieving well-designed places and beautiful places  
 Section 14: Meeting the challenge of climate change, flooding and coastal change  
 Section 15: Conserving and enhancing the natural environment  
 Section 16: Conserving and enhancing the historic environment

## 2.3 **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

### **Vehicle Parking at New Development SPD**

## 3.0 **Representations**

### 3.1 **Site Notice and Neighbour Consultation** – Comments received from 48 interested parties raising a number of matters (summary):

- The eastern boundary line is incorrect, with encroachment into neighbouring properties (notably East Lodge). Protected hedgerows and mature trees (ash, field maple) are omitted or misrepresented in plans. Photographic evidence is misleading, with vegetation airbrushed or removed. Root protection zones and buffer areas are not respected, risking destruction of 80–100m of hedgerow.
- The site lies within the Ashwell Conservation Area and contributes to its historic character. Development would destroy views, especially from The Ruddy and Lucas Lane. The site includes or borders a possible Roman temple and

archaeologically sensitive land. Visual Impact Assessments are misleading, underplaying the visibility and massing of buildings.

- Loss of green space, biodiversity, and wildlife habitats. The Ruddery is a green corridor and part of the ancient Icknield Way. Concerns about light, air, and noise pollution.
- The Ruddery is unsuitable for vehicular access — narrow, unpaved, and heavily used by pedestrians. Increased traffic would endanger walkers, children, and cyclists. Kingsland Way/Ashwell Street junction is already hazardous with poor sightlines. Risk of The Ruddery becoming a rat run to Station Road and A505.
- The village does not need more 3–5 bedroom homes. There is a shortage of affordable housing, starter homes, and retirement bungalows. Calls for First Homes Scheme and local occupancy restrictions.
- There is no local infrastructure. The school is full, with no room for expansion. Doctor's surgery and dentist are overstretched. Sewage and drainage systems are at or over capacity. Water runoff and flooding risk due to site slope and impermeable surfaces.
- This is the third application for the site and previous refusals have not been meaningfully addressed. Concerns about piecemeal development — only half the site is proposed now, suggesting future expansion. Repeated applications seen as an attempt to wear down opposition. Lack of consultation with neighbours and misuse of public resources.
- The design does not reflect the local vernacular or village character. Massing of buildings is excessive and poorly positioned (especially near boundaries). Loss of open space and visual amenity.
- Swift bricks: Requested by NE Herts Swift Group and others (10 bricks minimum). Archaeological conditions: Large-scale excavation and preservation if permission is granted. Accurate boundary surveys: Mandatory before any further consideration.

3.2 **Hertfordshire Highways** – Formal comments have been received on the 23<sup>rd</sup> August 2024 and 19<sup>th</sup> November 2024. Following clarification from the applicant/agent after the initial objection that the access design is identical to the design submitted under the previous application which Highways supported, the latter response was received stating no objection subject to conditions and seeking sustainable transport contributions.

3.3 **Ashwell Parish Council** – Formal comments have been received on 8<sup>th</sup> August 2024 and 9<sup>th</sup> September 2024. Initial concerns raised over some apparent errors in the application drawings that see the boundary line encroach onto a neighbouring properties land, right up to a mature hedge line. Sought further time to comment on the application once this matter has been resolved. Following amended plans and re-consultation with the Parish Council, the following response was received:

*“Ashwell Parish Council considered this application and agreed to object on the following grounds:*

- *contrary to Ashwell Neighbourhood Plan policies;*  
*ASH 3 Section A. Development proposals should conserve and enhance the Conservation Area, the Character Areas V1 to V5 as shown in Figure 6.1, and key views and assets identified in the Conservation Area Character Statement 2019. This proposed development would degrade rather than preserve or enhance the Conservation Area.*  
*ASH 8 The development conflicts with View SV12. The policy is designed to protect the rural character and locally significant views.*



*ASH 9 This policy seeks to protect the natural landscape and rural character. Damage to the Ickniel Way would be unavoidable from the proposed development, and would directly conflict with the views of Historic England reference SE03 Pg 51 of the Neighbourhood Plan.*

- *site not allocated in the Local Plan and not listed as a requirement to meet the 5 year housing supply;*
- *adverse impact on the Conservation Area in particular on the ancient trackway known as The Ruddery, part of the Ickniel Way*

*It was noted that the potential for damage to surfaces and surrounding trees/vegetation during the build process should be addressed;*

- *adverse impact on the Conservation Area in particular on the important views identified in the Character Appraisal and Management Plan.*
- *adverse impacts on the transport network including Kingsland Way and Ashwell Street;*
- *lack of an agreed Section 106.*

*The Parish Council requests that specific conditions be imposed*

*o to ensure retention of the public open space for the village in perpetuity;*

*o to include a change of status to the adjacent BOAT and physical measures to restrict access; bollards should be installed to restrict access by four-wheeled vehicles and the vehicular access should be sited as far to the west as possible to limit damage to the ancient trackway;*

*o to protect the trees on the site boundaries.*

*The Parish Council continues to have significant concerns re the disputed boundary issue; this could affect the position & layout of the houses being proposed. The view has been expressed that the current application should not be processed while this remains unresolved”.*

- 3.4 **Environmental Health (Air Quality, Land Contamination, Noise)** – No objection subject to conditions covering a Construction Management Plan, EV Charging points, and if contamination is found during development.
- 3.5 **Minerals and Waste** – No objection subject to condition covering Site Waste Management Plan.
- 3.6 **Hertfordshire Archaeology** – None received.
- 3.7 **Waste and Recycling** – None received.
- 3.8 **Conservation Officer** – Objects to the proposal and provides two reasons for refusal:

*“The application site makes a very positive contribution to the character and appearance of the Ashwell Conservation Area, having historic and archaeological significance and which includes 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). The site represents the last area of open land on the north side of 'The Ruddery' substantially removing 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. It is considered that developing this site would impair views towards an area to the east of the historic core and which includes 'The Springs' (Viewpoint 10/SV12) and will impact upon the inter-visibility between Townsend House, 5 High Street, and the Parish Church of St Mary the Virgin. Furthermore, the development would have an adverse impact upon the character of the medieval route that is Ashwell Street. It is considered that the development 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. 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".*

*"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".*

- 3.9 **Historic England** – *"Historic England Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 199 and 200. In determining this application, you should bear in mind the statutory duty 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.*

Historic England have clarified that in their opinion, the harm occasioned by the proposal on heritage assets would be at the moderate to low level of 'less than substantial harm'.

- 3.10 **North Herts Ecology** – Formal comments received on the 29<sup>th</sup> July 2024 and 12<sup>th</sup> September 2024. Both comments, with the latter updated following the amended plans, concluded with no objections subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, Lighting Strategy and the mandatory BNG condition.
- 3.11 **Hertfordshire Growth and Infrastructure** – Several formal comments received updating previous comments due to changing policy circumstances at HCC. The latest response received 16<sup>th</sup> July 2025 states as follows:

"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			FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0	1	0	0
2	1	2	2	0	0
3	6	1	3	0	0
4+	4	0	4+	0	0
Total	11	3	Total	0	0

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	14	0	0	0	0

*Secondary Education Contribution towards the expansion of Knights Templar Secondary School and/or provision serving the development (£193,637 index linked to BCIS 1Q2024)*

*Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary school and/or provision serving the development (£224 index linked to BCIS 1Q2024)*

*Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) for pupils aged 2 to 19 years old and/or provision serving the development (£27,285 index linked to BCIS 1Q2024)*

*Library Service Contribution towards increasing the capacity of Royston Library and/or provision serving the development (£4,086 index linked to BCIS 1Q2024)*

*Youth Service Contribution towards increasing the capacity of Young People's Centres and detached work for Letchworth/Baldock and surrounding areas and/or provision serving the development (£3,941 index linked to BCIS 1Q2024)*

*Waste Service Transfer Station Contribution towards the new North Transfer Station at Baldock and/or provision serving the development (£4,090 index linked to BCIS 1Q2024)*

*Waste Service Recycling Centre Contribution towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development (£2,928 index linked to BCIS 1Q2024)*

*Fire and Rescue Service Contribution towards the new fire station at Royston and/or provision serving the development (£6,009 index linked to BCIS 1Q2024)*

*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 £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions”.*

3.12 **Environment Agency** – No comments.

3.13 **Anglian Water** – General advice given.

3.15 **Housing Development Officer** – Advice given on provision of affordable housing.

3.14 **Lead Local Flood Authority** – Several formal responses received on 28<sup>th</sup> August 2024, 3<sup>rd</sup> December 2024 and 13<sup>th</sup> January 2025. Following clarification from the applicant that the proposal is subject to the same Flood Risk Assessment and Drainage Strategy as one previously considered on this site and supported by the LLFA, the latter comment provided no objections subject to conditions.

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

3.16 **Fire and Rescue** – Request a condition securing the provision and installation of a new fire hydrant.

#### 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 downwards 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 4 x 4-bedroom properties, 6 x 3-bedroom properties and 4 x 2-bedroom properties, with 4 affordable dwellings (1x3-bedroom bungalow, 1x2-

bedroom bungalow, and 2 x 2-bedroom houses). The house-types have been designed to meet accessible standards M4(2) and M4(3) and range from 2 and 1 ½ storey dwellings and single storey bungalows.

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 as well as a 3.0m wide landscape buffer on the eastern/western boundaries. 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 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 Strategy and Visual Impact Assessment prepared by Aspect Landscape;
- Phase 1 Geo-environmental Assessment, prepared by Geo-Environmental Services;
- Services Appraisal by Martin Andrews Consulting;
- Transport Statement, Travel Plan and Technical Note 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 plans/information has been submitted during the course of this application in an effort to overcome objections/concerns raised from interested parties, primarily to overcome the boundary dispute concerns with East Lodge, objections from Hertfordshire Highways and the LLFA.

### 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 and is considered to be consistent with the Local Plan, also 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. It is important to note that the inclusion of the site within the Ashwell settlement boundary does not automatically mean it will be acceptable for residential development. The site is not designated as an allocated site in the Local Plan and is therefore a windfall site, where the Council must consider the benefits and harms of the proposal and come to a view.
- 4.3.5 The submitted Planning Statement makes a number of arguments in support of the principle of development. 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. Overall, there is no dispute that the principle of residential development in this location is acceptable, which is a matter addressed by the Inspector in the recent appeal decision at this site (to be considered in more detail later in this report).
- 4.3.6 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 3.9 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted if the harm of doing so would not

significantly and demonstrably outweigh the benefits unless i. or ii. of the same paragraph dictate otherwise. Part i. of 11 d) refers to ‘the application of policies in this Framework that protect areas or assets of particular importance, and these provide a strong reason for refusing the development proposed’, (which in footnote 7 includes designated heritage assets – in this case being the Ashwell Conservation Area and St. Marys Church). The footnote specifies that the policies referred to are those in this Framework and include those relating to designated heritage assets. Paragraph 215 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 matters relating to the impact of the proposal on the relevant designated heritage assets will be considered in more detail later in this report.
- 4.3.8 Another important consideration is the Governments objective to significantly boost housing supply in the context of an acute housing crisis, set out in Paragraph 61 of the NPPF as identified by the Inspector in the recent appeal. In this context, the Councils housing supply shortfall is a weighty consideration and the NPPF does acknowledge how small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.
- 4.3.9 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Ashwell, as designated in 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

- 4.3.10 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. This refused application was not taken to appeal.
- 4.3.11 More recently, an application was submitted under ref: 22/03094/FP for the Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping. This application was refused at Planning Control Committee for 3 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.
- 4.3.12 This decision was appealed to the Planning Inspectorate (APP/X1925/W/24/3349177) and on the 27<sup>th</sup> June 2025, the appeal was allowed and planning permission granted for the proposal. This is a significant material consideration in the context of the current application herein, as planning permission has been granted on appeal for a scheme of similar scale description of development with a suitably agreed s106 agreement with the required developer contributions.

### Impact on Designated Heritage Assets

- 4.3.13 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 212 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 215 of the NPPF.
- 4.3.14 The site is within the Ashwell Conservation Area. 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).
- 4.3.15 Historic England and the Council’s Conservation Officer were formally consulted on this application, providing the following concluding statements:

*“Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 199 and 200. In determining this application, you should bear in mind the statutory duty 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.*

Historic England have clarified that in their opinion, the harm occasioned by the proposal on heritage assets would be at the moderate to low level of ‘less than substantial harm’.

The Council’s Conservation Officer provided draft wording for two reasons for refusal, but concluded in their comments as follows:

*“Historic England and the applicant’s Heritage Consultant, attribute some significance to the application site. For instance, Historic England has consistently noted the significance of the site as part of the conservation area and the harm to the area which could result in it being built on. Whilst Asset Heritage Consulting says that the site has survived as open land and therefore retains a limited degree of interest in this respect. (3.2.24) and makes a low to moderate contribution to the character and appearance of ACA (3.2.33). Furthermore, AHC also state that there is some impact arising from limited development proposed within the purview of KV23, the view identified in the CACS (and the CAAMP and NP) from the field gate looking north across the site over Lucas Lane and towards the countryside beyond. (5.3)*

*At 5.4.32 of the submitted Planning Statement it is stated that ‘whilst the proposed development would lead to ‘less than substantial harm’ to the character and appearance of the Ashwell Conservation Area, the identified public benefits of the scheme would significantly outweigh any harm’. In my view the harm ‘bar’ is set higher*



*than what the applicant has indicated which is, in my view, reinforced by Historic England's comments. As such the bar for public benefits should be set accordingly".*

Historic England's email clarifying the extent of less than substantial harm on the moderate to low end of the spectrum was received after the Conservation Officers comment.

- 4.3.16 Officers acknowledge that there has been consistent heritage based objections to development of this site in previous applications, under refs: 20/00126/FP, 22/03094/FP and this current application. However, a notable and significant material consideration in this respect is the recent appeal decision for application ref: 22/03094/FP which allowed the appeal for the development of 14 dwellings on this site which was refused solely on heritage based reasons (reasons 1 and 2) after the third reason for refusal fell away. The Inspector considered the existing contribution of the site to identified key views and the Conservation Area generally, as well as its impact on the setting of the Grade I listed St Marys Church and No.5/Townsend House (BLIs), before then appraising that proposal in the context of these heritage assets and any identified harm. The notable paragraphs from the Inspectors decision are set out below:

*"28. Overall, the proposal would not preserve or enhance the CA and it would harm the character and appearance of the area, namely that of Ashwell Street. The proposal would fail to preserve the setting of the Grade I St Mary's Church causing harm to the special interest and significance of the Church as a designated heritage asset and No 5 and Townsend House as non-designated heritage assets and the contribution these make to the CA.*

*30. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. There is no dispute between the parties that the proposal would result in less than substantial harm to the significance of the CA. However, the Council has set out in its reason for refusal that the level of harm would be moderate to high on the less than substantial scale. The advice from Historic England places the level of harm as moderate. The appellant's own assessment puts the harm at the lower end of the less than substantial scale.*

*31. The proposed development would impact negatively on the identified key views, and the CA, which would be at a moderate level. It would impact negatively on the setting and significance of the Grade I listed St Mary's Church to a minor degree. There would be a very small degree of impact upon the BLI the Council identified in its reason for refusal. However, the special interest of the wider designated heritage assets would be recognised due to the provision of large areas of undeveloped public open space. The considered layout, low density design of the homes and landscape would moderate the urbanising effects of the proposal. The totality of the effects would be limited to within the appeal site and its immediate environs. I consider this to be very finely balanced given the cumulative number of assets affected. However, the mitigating factors I have identified, I find that the harm would be at the moderate level of the scale of less than substantial in this instance.*

*32. In conclusion, taking all of the above points together the proposal would cause harm to the significance of the CA and would fail to preserve its character and appearance, and that of the area. Policy HE1 of the Local Plan reflects the requirements of Framework paragraph 215. This advises that harm should be weighed against the public benefits of the proposal. In order to do this in a comprehensive*

manner, the wider planning benefits that coincide with public benefits need to be set out.

*33. Such requirements, to weigh harm against public benefits are not set out in NP Policies ASH3 and ASH8. Together, and insofar as they relate to the appeal, these seek, to conserve and enhance the CA, safeguard key views identified in the CACS, and make a positive contribution to the village. As such I find the proposal would be in conflict with these NP Policies”.*

- 4.3.17 Whilst it is acknowledged that the Inspector in this case identified that the proposal would result in harm to the significance of the Ashwell Conservation Area and the identified key views, with the harm established to be moderate on the less than substantial harm continuum, as well as a minor degree of harm to the Grade I St Marys Church and the nearby BLI, the Inspector went on to allow the appeal in any case in the concluding planning balance. The most notable paragraphs from that previous decision are set out below:

*“55. I am conscious of the advice in the Framework that great weight should be given to the conservation of heritage assets, and the more important the asset the greater the weight should be. I have gauged that harm to equate to less than substantial harm at a moderate level on the scale. I ascribe the overall moderate level of less than substantial harm to designated heritage assets that would be caused by the proposed development considerable importance and weight.*

*56. However, the above elements of the proposal would provide clear socio-economic and environmental benefits to the local area. The various social, economic and environmental benefits of the scheme, range from substantial to limited in terms of weight. Notwithstanding my views on the harm to heritage assets, together, to my mind, these amount to a notable combination of public benefits. The scheme would collectively provide clear and convincing public benefits relative to outweigh the totality of the heritage harm.*

*57. For applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, framework paragraph 11 d) i sets out permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance, which includes designated heritage assets provides a strong reason for refusing the development proposed. This replaces the requirement within the Framework prior to its update in December 2024, when the planning application was determined, whereby a clear reason for refusal would disapply the requirement of 11 d).*

*58. Given that I have found the public benefits to outweigh the totality of the heritage harm, this does not provide a strong reason for refusing the development. Paragraph 11 d) ii of the Framework is not disapplied. Therefore, any adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.*

*59. The Council has only referred to Local Plan policy HE1 in its reasons for refusal. I conclude that the proposal would be in accordance with Policy HE1 of the North Hertfordshire Local Plan, which sets out planning permission affecting designated heritage assets and their setting will be granted where the harm is outweighed by the public benefits of the proposal.*

*60. However, the proposal would result in harm to the character and appearance of the area and there would be conflict with the NP Policies ASH3 and ASH 8. Whilst this weighs against the proposal, given my finding above collectively there are no adverse impacts that would significantly and demonstrably outweigh the benefits with reference to the statutory basis for decision-taking, other material considerations are of sufficient weight to justify granting planning permission”.*

- 4.3.18 The sites undeveloped nature, allowing views from the edge and within the Conservation Area, awards an appreciation of Ashwell as a historic village and its development over time. The site and its undeveloped nature make a very positive contribution to the significance of the Conservation Area.
- 4.3.19 The viewpoints identified in the Conservation Area Character Statement, Conservation Area Management Plan, and the Neighbourhood Plan show the villages setting, sloping down towards the northern boundary of the site, present open space, and has an air of rural tranquillity. These identified views, from the southwest part of the site looking north along the western boundary will be impacted by the development, in particular, the siting of plots 1, 2 and 3. The existing view of homes along Lucas Lane screened by mature landscaping would be compromised by the context of dwellings, an access road and ancillary paraphernalia to the east of the site. In addition, and materially different from the previous appeal decision, plots 1, 2 and 3 sited alongside the northern boundary towards the west of the site will impact this view and its contribution to the significance of the Conservation Area. The re-siting of plots, in particular plots 1 and 2, will have some, minor, additional impact on internal views within the site of St Marys Church over the prominent No.5 High Street. The topography of the site is such that Plots 1 and 2 will be on a lower level. A condition will be imposed requested ensuring the landscaping in front of plots 1 and 2 are provided evidencing that this landscaping could mature to an extent where plots 1 and 2 will over time be viewed behind features in a similar format to existing views of dwellings on Lucas Lane.
- 4.3.20 This change in impact must be considered in the context of commensurate re-distribution of open space within the site. Dwellings within the site have been set back from Ashwell Street to the south and present a more open entrance to the site. In addition to presenting an open entrance to the site when approached from Ashwell Street, the absence of development along the south boundary will present greater opportunities of views towards Townsend House through the landscape boundary and East Lodge.
- 4.3.21 Officers accept relevant consultees concerned with appraising the impact of development on heritage assets have provided consistent objections to development on this site, however, the recent appeal decision at this site is a significant material consideration. The scheme considered on appeal is a material consideration to the proposal, with the same number of dwellings, a similar provision of affordable housing, a similar large areas of public open space, the same vehicular access design onto Ashwell Street, and a similar landscaping strategy. The difference between the two schemes is the design and layout, with this scheme adopting a farmstead/barn typology which will be considered in more detail later in this report, which, in appearance terms, has the support of Officers given the rural character of this part of Ashwell, but this is not supported by the Conservation Officer.

- 4.3.22 I have considered the objections received from the Conservation Officer and indeed the draft reasons for refusal, which are in principle objections to development of this site and a new access onto Ashwell Street, rather than concerns over the design/layout of the proposal. Officers are not convinced that the proposal before the Council now is so materially different to the proposal considered at appeal, such that a different conclusion resisting development in heritage terms could be sustained. There are competing interests within the site in terms of heritage value, and the proposal herein strikes a different balance with differing priorities, but subject to conditions, will cause less than substantial harm on the moderate end of the spectrum.
- 4.3.23 Overall, Officers acknowledge that the proposal would result in harm to the character of the Conservation Area and impact negatively on identified key views, whilst also resulting in minor harm to the Grade I listed St Marys Church and the nearby BLI. This harm is judged to be moderate on the less than substantial harm continuum, the same level of harm judged by the Inspector. Policy HE1 of the Local Plan and paragraph 215 of the NPPF requires that any harm should be weighed against the public benefits of the proposal. This exercise will be carried out at the end of this report.

#### The Visual Impact on the Character of the Area

- 4.3.24 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.
- 4.3.25 Further to the aforementioned considerations which are in principle heritage based concerns, the site contributes to the rural character of the Conservation Area. The site is undeveloped agricultural land and therefore, any development proposal will undoubtedly result in some degree of visual impact upon that character. The proposal would see the delivery of 14 dwellings, with 5 of them located in the southeast parts of the site where the ground level is higher compared to the remaining parts of the site. 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 to ensure it is safe for future users.
- 4.3.26 In the context of the recent application allowed at appeal under ref: 22/03094/FP, the scheme is broadly similar but there are some differences. The site would retain a sense of openness due to the amount and location of open space within the site on its western side. The development has been set back from Ashwell Street and the number of dwellings in this location reduced, to reduce the visibility and resulting impact of development from this area, which would help maintain the rural character of Ashwell Street. The proposed access location is sited in the same position as the previous scheme, which was considered acceptable by the Inspector.
- 4.3.27 Considering the proposal in the context of the previously allowed application, the scheme results in some changes that amount to positive and negative impacts in the view of Officers. The number of units has been kept the same at 14, and development is largely sited on the eastern side of the site allowing a large area of open space on the west part of the site, such that there would be some, albeit more interrupted than the previous scheme allowed at appeal, retention of existing viewing corridors from the south corner of the site through to the north, which is Significant View 12 in the ANP. This scheme does incorporate 2 dwellings in the northwest corner of the site, which is

a primary difference from the previously allowed scheme and does have some impact on this identified view, but these dwellings are not considered unsuitable in this case given the topography of the site, their siting/design, the typology that is sought for this proposal, and subject to a condition requiring further landscape detail focussed to the front of these proposed dwellings. It is also acknowledged that the proposal would look to utilise 2, 1 ½ and 1 storey for the proposed dwellings, which is suitable on this site where there are considerable topographical changes. It is also considered that those dwellings in the northern parts of the site, at lower ground level, are largely 1 and 1 ½ storey in height, such that they would not be overly visible from Ashwell Street and would be screened from view in the main from wider aspects.

4.3.28 In respect of the formation of the new access onto Ashwell Street, Officers acknowledge that this matter has been a consistent reason for refusal for development of this site until the very recent appeal decision allowing the proposal. This application was submitted following the previous refusal of application ref: 22/03094/FP at Planning Committee and before the Inspector allowed the appeal, where the applicants considered the possibility of overcoming this reason for refusal with alternate access to the site. The applicants considered the suitability and viability of providing the primary access to this site via Lucas Lane, whether that be by improving the current pedestrian access so it can accommodate vehicular traffic, or by purchasing one of the properties on Lucas Lane to demolish and provide a new access. Following consideration of these two options, it was determined that the current pedestrian access could not be improved sufficiently to accommodate vehicles given the level of existing constraints, making this technically unviable. For the second option, a review of the house prices for properties on Lucas Lane that could be demolished to serve as an access were significant (approx. £740,000), such that purchasing one of these properties just to knock it down would have a material impact on viability. In this case, the matter is considered satisfactorily resolved that access to this site cannot be from anywhere other than Ashwell Street, which is an existing BOAT. Since this exercise took place and this application was submitted, the previous refusal on this site was allowed at appeal which includes the new access onto Ashwell Street, where the Inspector has considered the scheme acceptable in its impact on the character and appearance of Ashwell Street. Given that the proposed access design under this proposal is identical to the scheme allowed at appeal, there is no reasonable basis to object on this reason as it would not be dependable in an appeal scenario.

4.3.29 It is considered that the proposed development would result in an acceptable visual impact on the character and appearance of the area, and by extension the Conservation Area. This is in accordance with Policy SP9 and D1 of the Local Plan, and Section 12 of the NPPF.

#### Design, Layout and Landscaping

4.3.30 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.

4.3.31 The design and layout of the proposal has been subject to pre-application discussions with Officers. The layout and external appearance of the scheme has been designed to resemble an agrarian farmstead, seeking to respond positively to the rural character of Ashwell. The scheme is designed with Plots 1 and 2 acting as the main farmhouse buildings overlooking the large area of open space, which are the only buildings on the western half of the site and have a distinctive form and materiality as the primary

buildings on this scheme. Plots 3 – 14 have been designed to resemble the ancillary barns and associated buildings in an agrarian farmstead, largely 1 and 1 ½ storey in scale with some two-storey, and with a form and materiality you would expect for these types of ancillary buildings (black weatherboarding, red brick/tiles, hipped roofs). 4 of the dwellings would be built to M4(2) standards and 2 of the dwellings would be built to M4(3) standards.

- 4.3.32 The proposal is considered acceptable in design and layout. Officers acknowledge that the scheme does not benefit from the support of the Council's Conservation Officer, who has concerns over the farmstead typology in this location. However, Officers consider that the design and layout is acceptable in this rural location and given the layout/design of development allowed at appeal, it would be difficult to justify a refusal on such grounds on this application. The scheme before the Council has been the product of pre-application advice, which is collaborative, even though the Conservation Officer was not involved in those discussions. The scale, forms and materiality proposed on this scheme are suitable in this context, accounting for the topographical changes and retaining the sizable amount of public open space, which would respond positively to local character. The provision of 4 dwellings at M4(2) standard is an under provision to that required by Policy HS5, which requires 50% (7 dwellings), but the scheme will deliver 2 dwellings at M4(3) standard which does comply with Policy HS5 at 10%. On balance, this under provision is considered acceptable.
- 4.3.33 The proposal would accord with SP9 and D1 of the Local Plan, Policy ASH3 and ASH4 of the ANP, and Section 12 of the NPPF in terms of the design and layout of the scheme.
- 4.3.34 With a site area of 1.18 HA, the proposal would have a density of 12 dwellings per hectare. This low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.
- 4.3.35 The submitted Landscaping Scheme shows the extent of hard and soft landscaping across the proposed development, including the large area of open space on the western side which is a significant benefit. The site is bounded by mature hedgerows and trees on all four of its boundaries which the proposal seeks to retain where possible and enhance with supplementary landscaping, including 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 3.0m wide landscape buffer along the eastern and western boundaries of the site. The extent of hardstanding within the site is limited to the access roads, pedestrian footpaths, and driveways, which is acceptable. Subject to a condition requiring further details of the landscaping proposed in front of plots 1 and 2 for heritage reasons, 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

- 4.3.36 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.
- 4.3.37 In terms of the layout of the proposed dwellings relative to the immediate neighbours, Plots 1, 2, 3, 4, and 5 will be sited to the rear of the existing properties on Lucas Lane (no's 2, 4, 8, 10 and 12), and Plots 13 and 14 will be sited adjacent to the boundary with the existing property to the east (East Lodge), which will have some impact upon these existing properties. The remaining dwellings are not expected to result in any material harm to the amenity of neighbouring properties, given their location relative to

any nearby receptors, separation distances, existing landscaping features and their scale.

- 4.3.38 In respect of the 5 plots on the northern side adjacent to the dwellings on Lucas Lane, these existing properties benefit from sizable rear gardens with considerable landscaping. The minimum distance between an existing property on Lucas Lane and a rear elevation of a new dwelling for this scheme is approx. 23.0m, which relates to Plots 1 and 2 and their shared rear boundaries. This distance is considered suitable and whilst these plots are largely 1 ½ storey, their siting and the existing landscaping will screen the plots from view, even in light of the increase in ground level relative to these neighbours such that there will not be any adverse impacts on the amenities of these neighbours. Moreover, the rear facing first floor windows from Plots 1 and 2 would serve a bedroom for Plot 1 and a bathroom window (which would be obscure glazed) for Plot 2, which alongside the aforementioned considerations will not result in adverse loss of amenity through overlooking. Overall, these two plots will not result in an overbearing impact or daylight/sunlight loss. Plots 3 – 5 are bungalows and are therefore modest in scale, such that it is considered that any impact will be acceptable in terms of overdominance, loss of privacy and loss of daylight/sunlight. Whilst the proposal will undoubtedly result in visual changes and some impacts compared to the existing site, which is free of any development, the level of harms are not considered to be materially adverse to cause unacceptable harm to living conditions of neighbours.
- 4.3.39 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.
- 4.3.40 The proposal would therefore accord with Policy D3 of the Local Plan.

#### Open Space Management

- 4.3.41 The proposal is offering a significant amount of public open space, and this would need to be managed if permission is granted. The Council's Greenspace Service Manager has 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, which has been considered and forms part of the current signed/sealed s106 for the previous application allowed on appeal at this site. This has been agreed with the applicant and will form the basis of the resulting legal agreement.

#### Highways, Access, and Parking

- 4.3.42 The Highway Authority have provided formal comments on this application, raising no objection to the proposal subject to four conditions ensuring that the vehicular access off Ashwell Street is completed prior to occupation, that the pedestrian access onto Lucas Lane is completed prior to occupation, that technical details shall be submitted to and approved prior to commencement of development, and that a Construction Method Statement is submitted prior to commencement of development. The proposed primary access onto Ashwell Street and pedestrian access onto Lucas Lane are identical to that considered acceptable by the Inspector in the recent decision allowed at appeal.

- 4.3.43 The concerns raised by local residents and the Parish Council in respect of the impact of the proposal on highway safety are acknowledged, as these concerns were raised during the previous application as well. The concerns were relating to 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, since the Highway Authority have formally stated no objection to the proposal on highway grounds, and an identical vehicular/pedestrian access has been granted planning permission at appeal, it would be unreasonable to object to the scheme on such grounds.
- 4.3.44 The scheme for 14 dwellings would deliver 32 parking spaces, with at least 2 per dwelling and 4 visitor spaces. 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 will incorporate 12 garages, with only Plots 7 and 8 not benefitting from one, Officers consider that a 0.5 figure is used in this instance, which works out at 7 visitor spaces for the scheme. 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 and in the case of four properties, they have overprovided parking spaces which mitigates this under provision to a certain degree. Therefore, whilst this is technically an under provision of visitor parking, it is considered acceptable and is not convinced that this would be a substantiative reason to refuse planning permission for.

#### Ecology

- 4.3.45 This application was submitted with a full biodiversity metric, ecological impact assessment and technical briefing note. Following consultation with the North Herts Ecologist, no objections are raised subject to several conditions, namely the submission and agreement of a Construction Environment Management Plan and Ecological Enhancement Plan prior to commencement, submission, and agreement of a Lighting Design Strategy prior to occupation, and the mandatory Biodiversity Net Gain condition. A condition requiring integrated Swift bricks on 10 of the dwellings is recommended given the local population of this species. The proposal would deliver significant biodiversity net gains in accordance with Policy NE4 of the Local Plan.

#### Archaeology

- 4.3.46 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 comments. During the previously refused application under ref: 20/00126/FP, the County Councils' archaeological department raised no objection subject to conditions for a larger residential development, following the carrying out of an archaeological investigation. Within the recent application under ref: 22/03094/FP, the Inspector allowed the appeal subject to the following condition:

*“Development, including site clearance shall not commence until an archaeological watching brief has been submitted to and approved in writing by the local planning authority. It shall include measures for if any archaeology artefacts are found during*



*the site clearance and digging out stages. Development shall only commence in accordance with approved details”.*

- 4.3.47 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 to ensure due consideration is given to archaeological matters.

#### Surface Water Drainage

- 4.3.48 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and Drainage Strategy has been submitted. This FRA and Drainage Strategy is identical to that submitted and approved by the Local Lead Flood Authority pursuant to the scheme allowed on appeal. The Local Lead Flood Authority have been 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 Anglian Water providing general advice to the applicant. As such, whilst it is acknowledged that interested parties 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

- 4.3.49 The proposed development would provide 14 new dwellings, 4 of which would be affordable. Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings should 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 4 dwellings are proposed which results in 28% affordable, which complies with Policy HS2 of the Local Plan.
- 4.3.50 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 1 shared ownership properties. The Councils Housing Officer has set out that the rented dwellings should comprise 1 x 2-bedroom bungalows (M4(3) Standard), 1 x 2-bedroom house, and 1 x 3-bedroom bungalow and the shared ownership should comprise 1 x 2-bedroom house. The housing mix has also been influenced by the ANP which sets out the local need for housing and has been agreed by the applicant. Policy ASH3 (Housing Mix) states that proposal should include a high proportion of one, two and three bed dwellings. Over 70% of the dwellings would be two or three bed for this proposal and it also includes two single storey bungalows aimed at older people.
- 4.3.51 As such, the proposed housing mix is acceptable and in accordance with Policy HS2 of the Local Plan and ASH3 of the ANP. The scheme would provide suitable 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

- 4.3.52 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 be acceptable means of waste collection for this proposal.

#### Climate Change/Sustainability

- 4.3.53 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.
- 4.3.54 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 moderate in the context of the village of Ashwell and would therefore attain moderate weight in my view.
- 4.3.55 In terms of the social objective, the proposed development would deliver 14 dwellings, 4 of which would be affordable, and S106 contributions: even in the absence of a completed S106 agreement at present which would be agreed later should planning permission be resolved to be granted. The proposed development would make a modest contribution to housing land supply and need for affordable housing, which the Council is presently under-delivering on both points, to which significant weight should be attributed within the context of a governments recent push to boost housing numbers. 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
- 4.3.56 In terms of the environmental objective, the proposed development would deliver some benefits. The large area of public open space, a significant uplift in the mandatory 10% biodiversity net gain and retention and planting of new soft landscaping would all be significant benefits.
- 4.3.57 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.

#### Planning Obligations

- 4.3.58 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.*
- 4.3.59 The application has not included a draft S106 agreement. However, the applicant has agreed to the below draft Heads of Terms which has been formed through consultation with the agent and the relevant service providers and is largely based on the signed and sealed S106 agreement which supports the recent application that was allowed on appeal.

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><b>£193,637 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Childcare Contribution	<p>Towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary school and/or provision serving the development</p> <p><b>£224 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' 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><b>£27,285 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' 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 Young People's Centres and detached work for Letchworth/Baldock and surrounding areas and/or provision serving the development</p> <p><b>£3,941 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' 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>	S106 obligation

	<p><b>£4,086 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	
Affordable Housing	<p>Applicant has offered 4 affordable properties.</p> <p>Social rent will comprise: 1 x 2-bedroom bungalows (M4(3) Standard), 1 x 2-bedroom house, and 1 x 3-bedroom bungalow</p> <p>Shared ownership will comprise: 1 x 2-bedroom house</p>	S106 obligation
Sustainable Transport contributions	<p>Agreed site access improvements and general highway improvements, once agreed delivered through a S278 agreement (Strand 1)</p> <p><b>£95,564</b> towards Sustainable Transport Contributions (Strand 2) index linked to BCIS 1Q2024</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development</p> <p><b>£2,928 index linked to BCIS 1Q2024</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Waste Service Transfer Station	<p>Towards the new North Transfer Station at Baldock and/or provision serving the development</p> <p><b>£4,090 index linked to BCIS 1Q2024)</b></p>	S106 obligation
Monitoring Fees	<p>NHC will charge monitoring fees. These will be based on the following fee calculation:</p> <p><b>For NHDC contributions – 2.5% of the total contributions, with a minimum of £750 and maximum of £25,000.</b></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 <b>£340 (adjusted for inflation against RPI July 2021).</b></p>	S106 obligation

	Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document	
Ashwell Parish Council	Ashwell Newbuild Pavilion Project  Ashwell Parish Council are seeking financial contributions towards their local pavilion project.  <b>£50,700 (index linked to BCIS 1Q 2022)</b>	S106 obligation

4.3.60 The Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF.

#### Other Matters

4.3.61 Whilst the majority of comments received from interested parties have been addressed in the body of the report, the following comments have not and will be addressed at this stage:

- There is no local infrastructure. The school is full, with no room for expansion. Doctor's surgery and dentist are overstretched. Sewage and drainage systems are at or over capacity. Water runoff and flooding risk due to site slope and impermeable surfaces.

The legal agreement that will be secured through this application will provide financial contributions to certain areas to offset the associated impacts of the development, which includes schools. The occupiers of 14 dwellings are not anticipated to result in a significant impact on doctors/dentists, and it is the responsibility of these providers to improve their provisions. Sewage and drainage systems are a matter for the relevant statutory bodies and not covered in the planning system.

- This is the third application for the site and previous refusals have not been meaningfully addressed. Concerns about piecemeal development — only half the site is proposed now, suggesting future expansion. Repeated applications seen as an attempt to wear down opposition. Lack of consultation with neighbours and misuse of public resources.

Applicants are well within their rights to submit applications for sites, and the Council is duty bound to consider them. The area of public open space will be secured for this purpose in the associated legal agreement with management of that space carried out by the Parish Council. Planning permission has already been granted on this site at appeal for a small number, scale and layout of dwellings and associated matters.

4.3.62 A number of conditions have been recommended by relevant statutory consultees to cover technical matters associated with the proposal. Officers have also considered the imposition of further conditions where appropriate and have taken the recent appeal decision which granted planning permission subject to conditions into account. Conditions are recommended which seek to retain and protect those trees on the site which are proposed to be retained, to ensure that parking areas are delivered prior to occupation, the submission of a Site Waste Management Plan (SWMP) prior to commencement above slab level, a condition ensuring 2 of the dwellings will be built to M4(3) standards, the submission of details for external materials prior to commencement, and the removal of Permitted Development Rights through classes

A, B, C, D and E. These are all reasonable conditions and have been enforced by the Inspector on the previous decision.

#### Planning Balance

- 4.3.63 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 3.9 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted if the harm of doing so would not significantly and demonstrably outweigh the benefits unless i. or ii. of the same paragraph dictate otherwise. Part i. of 11 d) refers to 'the application of policies in this Framework that protect areas or assets of particular importance, and these provide a strong reason for refusing the development proposed', (which in footnote 7 includes designated heritage assets – in this case being the Ashwell Conservation Area and the setting of other notable listed buildings within the zone of influence of the development site). Part ii of 11 d) refers to 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.
- 4.3.64 The proposal would cause harm to the significance and fail to preserve the character of the Ashwell Conservation Area, the contributions of the setting of the Grade I listed St Marys Church to its significance, as well as No 5 and Townsend House as non-designated Buildings of Local Interest (BLIs). It is also noted that the Conservation Officer does not consider the design and layout of the proposal to be acceptable in this location, even though this matter does not form part of the drafted reasons for refusal. This harm to the relevant designated and non-designated heritage assets is deemed to be at the moderate level of the scale of less than substantial harm in this case. In accordance with paragraph 215 of the NPPF, the harm to the relevant heritage assets must be weighed against the public benefits of the proposal.
- 4.3.65 The proposal would deliver 14 dwellings, 4 of which would be affordable housing, which would be a social benefit and make a modest contribution to housing supply but in the context of the Councils poor market/affordable housing supply and delivery position, as well as the Governments objective to boost housing numbers, this small to medium sized site can make an important contribution and be built out relatively quickly. The site is a sustainable location for residential development given it is within the settlement boundary of Ashwell, a Category A village. The affordable housing mix is policy compliant and responds to the needs of the village. The proposed dwellings would all meet the necessary space standards, and some would also be M4(2) and M4(3) standards. The proposal would achieve a significant uplift in Biodiversity Net Gain, exceeding the mandatory 10% figure, with the provision of an area of public open space, a new pedestrian link to Lucas Lane to improve access in the village generally, which are environmental benefits. The scheme would also deliver economic benefits during construction and maintenance as well as local spending by future occupiers.
- 4.3.66 The proposal has addressed all of the technical matters relating to flood risk and drainage, highways and access, ecology, landscaping, land contamination and archaeology, which all relevant consultees submitting no objections subject to the imposition of relevant conditions. Noting that the Conservation Officer does not support the proposed design/layout, Officers consider that the proposed design and layout is acceptable in this rural location, especially considering the general layout and scale of

development allowed at appeal on this site recently. The proposal would be subject to a suitable legal agreement which would deliver financial contributions to a wider variety of areas to offset the impacts of the proposed development, as per the agreed heads of terms.

4.3.67 All of the above matters amount to a culmination of notable public benefits with varying degrees of weight attached to them. It is important to note that the recent appeal decision at this site which allowed the appeal and granted planning permission for 14 dwellings is very similar to the proposal under consideration herein. In that decision, the Inspector concluded that the array of benefits associated with the proposal would collectively provide clear and convincing public benefits relative to outweigh the totality of the heritage harm. Officers are minded to draw the same conclusion in this respect, that the proposed development provides economic, social and environmental benefits that would collectively outweigh the moderate harm on the less than substantial harm continuum to the relevant designated heritage assets. Paragraph 11d) i sets out that the application of policies in the Framework that protect areas of assets of particular importance must provide a strong reason for refusal in order to disengage the tilted balance. Based on the above conclusions, Officers do not consider that there is a strong reason to refuse development in heritage terms when that harm is assessed against the relevant public benefits, in accordance with Policy HE1 of the Local Plan which sets out planning permission affecting designated heritage assets and their setting will be granted where the harm is outweighed by the public benefits of the proposal. As such, paragraph 11d of the NPPF is not disengaged.

4.3.68 On this basis, subject to Paragraph 11 d) ii, Officers consider that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The proposal is therefore considered acceptable against the relevant local and national planning policies and is recommended for approval, subject to conditions and the completion of a suitable legal agreement.

#### 4.4 **Conclusion**

4.4.1 As above.

#### 4.5 **Alternative Options**

4.5.1 N/A

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

4.6.1 The applicant has agreed to the proposed pre-commencement conditions.

#### 4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

#### 5.0 **Recommendation**

5.1 The application is therefore recommended to the Planning Control Committee with a resolution to **GRANT** planning permission, subject to the following matters:

- a) The completion of a suitable legal agreement in line with the agreed Heads of Terms.
- b) An agreement to an extension of time to the statutory determination date to allow for a) to occur.

c) The conditions and informatives set out below.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> ).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

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

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

3 - No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the June 2024 Ecological Impact Assessment and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.



- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan and Section 15 of the NPPF.

4 - No development shall take place until an Ecological Enhancement Plan (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan and Section 15 of the NPPF.

5 - Prior to occupation, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;

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

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

Reason: To ensure that works do not result in adverse impacts to protected species, in accordance with Policy NE4 of the Local Plan and Section 15 of the NPPF

6 - Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 190-TA10 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate

arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7 - Prior to the first occupation of the development hereby permitted the pedestrian access on to Lucas Lane shall be completed and thereafter retained as shown on drawing number A\_2133 PL100 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 8 - A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number 190-TA10 including surfacing, traffic calming and pedestrian/cycling facilities on Ashwell Street have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

#### B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 9 - Construction Management Statement

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management

Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

10 - All the trees and hedges shown on the Tree Retention and Removals Plan 220715 22043 AIA V1d as "to be retained" and/or any trees canopies and hedges which overhang the site shall be protected by temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction'. The fencing shall be erected in accordance with the specification before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless otherwise agreed with the local planning authority. Nothing shall be stored or placed within any fenced area, and the ground levels, within those areas shall not be altered, nor shall any excavation be made, unless measure are specified within the Arboricultural Impact Assessment Ref: 220715 22043 AIA V1d (Origin Environmental). No building materials shall be stacked or mixed within 10 metres of the tree or hedge. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: In order to protect existing trees and hedges in the interests of biodiversity, in line with Policy NE4 of the Local Plan.

11 - Notwithstanding the submitted details, no development shall commence until a scheme of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. These details shall include:

- i. earthworks showing existing and proposed finished levels or contours;
- ii. means of enclosure and retaining structures;
- iii. boundary treatments;

- iv. all hard surfacing materials, including surface materials/footpaths/access to homes within the development;
  - v. details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) with a specific focus on enhanced landscape features located on the south of the shared driveway serving plots 1 and 2;
  - vi. schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
  - vii. provisions for replacement planting within a period of 5 years from the completion of the development for species which die, are removed or become seriously damaged or diseased; and
  - viii. an implementation programme.
- The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

Reason: To safeguard and enhance 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.

12 - None of the trees or hedgerows to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. Any retained tree or hedgerows felled, lopped, topped, uprooted, removed or otherwise destroyed or killed be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the local planning authority.

Reason: To safeguard and enhance 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.

13 - Notwithstanding the submitted details, no on-site works above slab level shall commence until a scheme for the provision and location of 10 nest boxes and integrated swift and bat boxes has been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved details and thereafter maintained and retained.

Reason: In order to maintain the interests of biodiversity, in line with Policy NE4 of the Local Plan.

14 - Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Control of dust and dirt arising from construction

- d) Waste management proposals
- e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

Reason: In the interests of environmental impacts

15 - In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

16 - Development, including site clearance shall not commence until an archaeological watching brief has been submitted to and approved in writing by the local planning authority. It shall include measures for if any archaeology artefacts are found during the site clearance and digging out stages. Development shall only commence in accordance with approved details.

Reason: To protect the possible archaeological interests at the site, in line with Policy HE4 of the Local Plan.

17 - All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment for Land off Ashwell Street, Ashwell, Hertfordshire by Martin Andrews Consulting Ltd, Revision D dated November 2024 Report Reference: 190-FRA-02-D), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE7 of the Local Plan.

18 - Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected, in accordance with NPPF and Policy NE7 of the Local Plan.

19 - The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy NE7 of the Local Plan.

20 - Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 17. Where necessary, details of corrective work to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE7 of the Local Plan.

21 - Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure the development has adequate parking provision and areas for vehicles to manoeuvre in accordance with Policy D1 of the Local Plan.

22 - Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme and/or the materials to be used in all walls, roofs, windows and rainwater goods of the development hereby approved have been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has an acceptable impact on local character and is sympathetic to the area, in accordance with Policies SP9 and D1 of the Local Plan.

23 - Prior to the first occupation of the development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The SWMP should cover the operation of the development. Once approved the development shall commence in accordance with the SWMP for the duration of the development.

Reason: To ensure a suitable strategy for site waste is delivered during the development, in accordance with Policy D4 of the Local Plan.

24 - The two bungalows on plots 4 and 5 hereby permitted shall be built to M4(3) standard and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development provides adequate provision for wheelchair users, in accordance with Policy Hs5 of the Local Plan.

25 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no enlargement, improvement or other alteration including (but not limited to) extensions, roof alterations, insertion of windows and doors, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved in writing by the local planning authority.

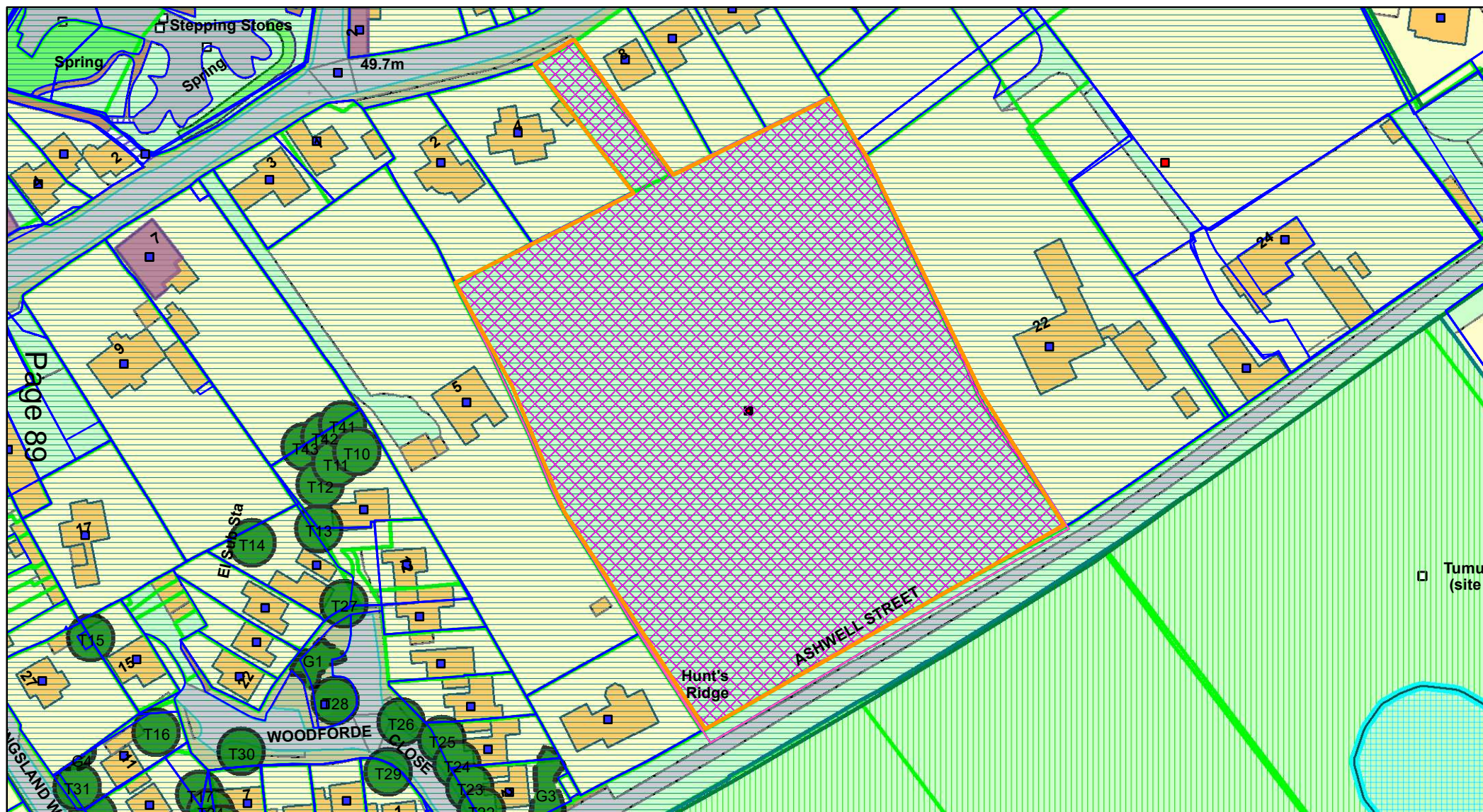
Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

### **Proactive Statement**

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

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**PLANNING CONTROL COMMITTEE**

**DATE: 18 September 2025**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr & Mrs Rogers	Single storey side extension, installation of rooflights to existing front and box dormer to existing rear roofslope to facilitate conversion of loftspace into habitable accommodation, relocation of existing front door and erection of front entrance canopy following demolition of existing chimney, existing side conservatory and detached garage.	Tall Timbers 1b Melbourn Road Royston SG8 7DB	25/00381/FPH	Appeal Dismissed on 21 August 2025	Delegated	<p>The Inspector concluded that in respect of the dormer, the proposal conflicts with Policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan 2011 – 2031(NHLP) which require development proposals to respond positively to the site's local context, ensuring that the extension is sympathetic to the existing house in height, form, proportions and roof type.</p> <p>The Inspector also found that that the ground floor extension would give rise to a degree of overshadowing to the side ground floor bay window of no1A and the proposal conflicts with NHLP Policy D3 (Protecting living conditions) which only grants permission for development proposals which do not cause unacceptable harm to living conditions.</p>

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## Appeal Decision

Site visit made on 11 August 2025

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20 August 2025**

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**Appeal Ref: APP/X1925/D/25/3368377**

**Tall Timbers, 1B Melbourne Road, Royston, Hertfordshire SG8 7DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Lee & Samantha Rogers against the decision of North Hertfordshire District Council.
  - The application Ref. is 25/00381/FPH.
  - The development proposed is for demolition of garage and conservatory and construction of side extension, loft conversion (addition of roof lights and dormer), removal of chimney and relocation of the front door with covered entrance.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the appeal proposal upon:
  - 1) the character and appearance of the area; and
  - 2) the living conditions of the occupants of 1A Melbourne Road, with specific reference to outlook, daylight, sunlight and noise.

### Reasons

#### *Character and Appearance*

3. The appeal site is located in a residential area to the east of Royston town centre; it is verdant in character, with many houses set well back from Melbourne Road with largely mature vegetation to the frontages screening principal elevations.
4. Tall Timbers is a gable fronted bungalow accessed via a private drive that also leads to Lansdown, 1C Melbourne Road, a detached chalet dwelling to the rear. The appeal site has a substantial gravel frontage as a result of recent landscaping works, which included the removal of vegetation.
5. There is no definitive building line along this section of Melbourne Road, although 1A and 1B, the former a one and a half storey house, are broadly in alignment with each other. 1 Melbourne Road (Coach House) to the south is more of an exception to the rule, it is more historic in character and has a two storey front gable projecting close to the back edge of the highway, due south of the appeal site.
6. The host dwelling is currently orientated at 90° within its plot, such that the main entrance door is on the southern elevation with the western gable elevation fronting

the main road, described as a side elevation it has a conservatory presently attached to it off of the existing lounge. The scheme seeks to change the internal ground floor configuration of the dwelling, in addition to the provision of a 5.2m deep extension to the western elevation, consequently bringing built form closer to the public highway, and with a front door to be provided under an open porch.

7. This internal reconfiguration appears logical bearing in mind that the main area of private amenity space serving the dwelling is to the east; and would still enable a significant area of driveway to the frontage to be retained. I therefore find that notwithstanding its length, the extension to the western elevation, by virtue of its design, scale and form would harmonise with the existing dwelling, street scene and the prevailing pattern of development within the locality, providing a stepped approach in regard to the siting of principal elevations from 1A through to 1 Melbourne Road.
8. However, the proposed box dormer would be constructed on the northern elevation of the existing roof and it would have a blank facade with a window identified to either end to provide natural light and ventilation to 2no shower rooms at first floor level. At 8.6m long and rising to the height of the main ridge, the box dormer would be visible from Melbourne Road especially from a point roughly in line with the driveway of 1A Melbourne Road and from the opposite side of the street. Overall, I consider that by virtue of its bulky and rather featureless appearance, it would detract from the existing simple roof form of the host dwelling creating an alien feature in a relatively publicly exposed location.
9. I acknowledge that the proposed dormer would be constructed in the same materials as the roof itself, however, that would not mitigate its sheer visual presence that, with respect, would appear to be a case of form following function. I consider that its overall scale would be harmful to the character and appearance of the area. In coming to this conclusion, I have had regard to the presence of other dormers within the area, however those on No 1A, for example, are small in scale, but ultimately each case must be assessed on its own merits. I therefore find that in respect of the dormer, the proposal conflicts with Policies D1 and D2 of the North Hertfordshire Local Plan 2011 – 2031(NHLP) which require development proposals to respond positively to the site's local context, ensuring that the extension is sympathetic to the existing house in height, form, proportions and roof type.

#### *Living Conditions*

10. During my site visit I had an opportunity to view the appeal site from 1A Melbourne Road, and I have also had regard to the photographs submitted by all parties. No 1A has a bay window and French doors on the south facing elevation which serve a living room. The outlook from this would certainly be curtailed by the ground floor extension with current views above the intervening boundary fence across the frontage of the appeal site and towards the northern flank elevation of 1 Melbourne Road. Being due north/north west of the ground floor extension, the proposal would likely cause a degree of overshadowing and consequent loss of sunlight to the neighbouring property. I note the appellants comments that there would be no loss of light to no 1A, however, I have not been provided with any evidence to demonstrate that this would be the case. Furthermore, I acknowledge that there would have been some overshadowing caused by the trees that have since been removed from the site's frontage, but I have been provided with no detail as to what species they were of, or their size.



11. With regards to the proposed dormer, whilst there are a few trees in between the appeal site and no 1A, these are largely deciduous and consequently cannot be relied upon to obscure views of it all year round. However, whilst functional in its design, it would not be any higher than the ridge of the host dwelling, notwithstanding the fact that vertical built form would be brought closer to the shared boundary at first floor level. Having said that, there is a reasonable distance between the southern elevation of 1A and the southern boundary, consequently the effect upon the first floor bedroom windows of no1A would be limited by virtue of their elevated position. I therefore find, on balance, that the proposed box dormer would not have an overbearing effect upon the occupants of 1A Melbourne Road.
12. I therefore find that in respect of a lack of evidence to demonstrate otherwise, that the ground floor extension would give rise to a degree of overshadowing to the side ground floor bay window of no1A and the proposal conflicts with NHLP Policy D3 which only grants permission for development proposals which do not cause unacceptable harm to living conditions.
13. I acknowledge that the proposal would increase the living accommodation of the host dwelling which would render it as more attractive for family living, but that does not outweigh the harm that I have found above. I also acknowledge the appellants' frustration with regard to the manner in which they felt the Council determined the planning application, however that is not a determining factor in this appeal.
14. With regard to the proposed Air Source Heat Pump, I note that the proposed ground floor plan highlights an indicative location for such a unit which could well be deemed to be permitted development, providing that it complies with the MCS Planning Standards. Bearing in mind that it did not form part of the description of the proposed development and that no specific purported harm has been advanced by the Council in this respect, I consider that it does not form part of the appeal proposal; especially as I note that the Council's delegated report highlights that no objection is raised in principle to the proposed installation at ground floor level to the northern side elevation.

## **Conclusion**

15. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR

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