

ITEM NO:	<u>Location:</u>	Land Development Off, Station Road, Ashwell
7	<u>Applicant:</u>	Beck Homes (UK) Ltd
	<u>Proposal:</u>	Residential development of 46 no. dwellings, children's play area, two new sports pitches, pavilion building and associated infrastructure.
	<u>Ref. No:</u>	17/01406/ 1
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period: 06 September 2017

Reason for Delay

Committee cycle.

Reason for Referral to Committee

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

1.0 Relevant History

- 1.1 Pre-application advice given in December 2016 concluding that there would be substantial environmental harms associated with extending the village at its southern extremity, such harms would be at odds with Policy 6 and ***significantly and demonstrably*** outweigh the benefits of approval.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations 1996 (Saved Policies)**
 Policy 6 - Rural Areas beyond the Green Belt
 Policy 14 - Nature Conservation
 Policy 16 - Areas of Archaeological Significance and other Archaeological Areas
 Policy 26 - Housing Proposals
 Policy 29 - Rural Housing Needs
 Policy 29A - Affordable Housing for Urban Local Needs
 Policy 39 - Leisure Uses
 Policy 51 - Development Effects and Planning Gain
 Policy 55 - Car Parking Standards
 Policy 57 - Residential Guidelines and Standards
- 2.2 **National Planning Policy Framework:**
 Paragraph 14: Presumption in Favour of Sustainable Development
 Paragraph 17: Core planning principles
 Section 4: Promoting sustainable transport
 Section 6. Delivering a wide choice of high quality homes
 Section 7. Design
 Section 10. Meeting the challenge of climate change, flooding and coastal change
 Section 11. Conserving and enhancing the natural environment
 Section 12. Conserving and enhancing the historic environment

2.3 **Supplementary planning documents:**

Design
Vehicle Parking Provision at New Developments
Planning Obligations

2.4 **North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016)**

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy CGB1 Rural Areas beyond the Green Belt
Policy CGB2 Exception Sites in Rural Areas
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

3.0 Representations

3.1 **Ashwell Parish Council** - Raise objections to the proposal. The full comments are appended to this report - see Appendix A. The objections can be summarised as follows:-

1. The site is outside the settlement boundary (both current and in the emerging Local Plan); the community benefit does not outweigh the presumption against development.
2. The proposals do not address the housing needs identified by the Neighbourhood Plan.
3. The design is contrary to the Ashwell Village Design Statement (Supplementary Planning Guidance) re density. There are concerns re the layout; access to the sports facilities is through residential areas.
4. Sustainability/Infrastructure. The village centre is some distance; this will encourage car use and exacerbate existing problems of traffic, highway safety and parking. Transport links are not good. The school is already oversubscribed.

3.2 **Site Notice / Press Notice and Neighbour consultation** – In response to publicity the Local Planning Authority has received a number of objections to the application. For a full understanding of all comments received Members can inspect the relevant pages on the Council's website. The objections can be summarised as follows:-

- It is not a designated site in the proposed development plan
- Contrary to the NPPF principles of Sustainability
- It is outside the village boundary
- The development will significantly alter the approach to the village and its character giving more of a town feel than a rural village
- The development will not integrate with the village in terms of access to amenities leading to congestion in the village centre
- Proposed development is over-bearing and out-of-scale with surrounding area
- Development is contrary to Ashwells emerging neighbourhood plan
- Would result in an unacceptably high density of dwellings in proportion to the surrounding area, also contradicting Ashwell PC's Design Statement
- Significant adverse effect on the residential amenity of neighbouring properties and users of the surrounding area, due to noise, disturbance, loss of privacy, increased traffic
- Unacceptable extension to the village of Ashwell into farm land/loss of arable land
- Loss of habitat
- Suggests that the tree planting on this site is a 'natural' barrier and screen, whereas the trees in question were deliberately planted within the last 15-20 years. Supporting such a deliberate attempt to 'partition' agricultural fields in such a manner would create a worrying precedent for future development proposals of open farmland in the area
- Loss of view
- The number of dwellings/occupants is far too high for the village to cope
- School, Doctors and sewage facilities are over capacity
- Road area is known to flood in heavy rain
- Entrance and exit will be onto a busy/fast stretch of road
- The development will add significant additional traffic to local roads and increase danger at junctions such as the A505 at Odsey
- The additional sporting facilities will add to congestion on Station Road with issues of parking and danger to pedestrians.
- The provision of sports pitches would probably require lighting and as such would add to the urbanisation of the plan
- Could the provision of leisure facilities not be construed as bribery to encourage less opposition by local residents?
- Children's play area: Given the remote proximity of the proposed development to the centre of the village would this be of benefit to the majority of existing village residents
- Sports pitches: no demand to support a new sports pitch, let alone two of them. The existing football pitch off Small Gains Lane more than caters for current needs, and the excellent cycle track in the adjacent field more than accommodates the needs of the community and surrounding area.
- The proposal has the wrong type of houses needed for Ashwell which should include single storey dwellings for retired / disabled residents. Ashwell does not need more 5 bedroom houses
- The existing track to Small Gains does not appear to benefit from this development and it is not clear if access to the allotments will be via the new road system.
- Increased pollution.

3.3 **Hertfordshire County Council - Minerals and Waste** - advise that Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This could be covered by the imposition of a condition.

- 3.4 **Herts Ecology** - recommend the imposition of conditions to safeguard badgers, the timing of any tree/hedge removal to safeguard birds and the submission of a "*lighting design strategy for biodiversity*". In addition suggest that a landscaping scheme is submitted that incorporate all the recommendations made by the ecologist; including, the positions of bat and bird nesting boxes, native species planting, use of flowering and fruiting species, and the inclusion of ecological features such as log and brash piles.
- 3.5 **Herts & Middlesex Wildlife Trust** - Ecological report does not objectively demonstrate that the development will deliver no net loss or where possible net gain to biodiversity, in accordance with NPPF. Bat and bird boxes recommended by the ecological report have not been clearly marked on plans.
- 3.6 **HCC Fire & Rescue Service** - Planning obligations are sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community. In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.
- 3.7 **Hertfordshire Highways** - do not wish to restrict the grant of planning permission subject to the imposition of eight conditions and two highway informatives.
- 3.8 **Herts Archaeology** - the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. Recommend that a geophysical survey and an intrusive archaeological evaluation of the site be carried out prior to determination of the application.
- 3.9 **Lead Local Flood Authority** -confirm that the flood risk assessment carried out by Sutcliffe reference LRD28682 Issue 7 dated August 2017, raises no objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Recommend the imposition of two conditions.
- 3.10 **Environmental Protection (Land Contamination)** - Team records the land use history of the site is such that land contamination issues would not be expected, however, the increased vulnerability of the proposed land use to the presence of any contamination is such that a condition is recommended.
- 3.11 **Environmental Protection (Air Quality)** - Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum local air pollution mitigation is recommended by way of one condition and an Informative.
- 3.12 **Housing Supply Officer** - Comments that within the 40% affordable housing requirement (18 affordable units based on the provision of 46 units overall) a 65% rented (12 units) / 35% intermediate affordable housing (6 units) tenure split is required, in accordance with the proposed submission Local Plan and the Councils Planning Obligations SPD, supported by the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

The applicants proposals include the provision of 4 x one bed flats, 6 x two bed houses and 8 x three bed houses, which does not quite match the tenure mix to best meet housing needs as identified in the 2016 SHMA. Considering the small numbers involved, a variation to the mix could be agreed and the applicants proposed mix could be accepted. It is suggest that the rented units comprise:

4 x 1 bed flats
4 x 2 bed houses
4 x 3 bed houses

And the intermediate affordable housing units comprise:

2 x 2 bed houses
4 x 3 bed houses

The affordable housing should be owned and managed by a Registered Provider (RP). Grant funding for the provision of affordable housing is not available and the affordable housing should be delivered through planning gain alone.

On a site of mixed tenure the affordable housing units should be physically indistinguishable from the market housing.

Parking courts are not desirable as they often have limited natural surveillance. Parking provision should be in front of or adjacent properties as this is the preference of most people and offers the best natural surveillance.

Whilst the Council will accept Affordable Rents on one and two bed homes up to a maximum of 80% of market rents (including service charge, if applicable); for three bed homes the maximum is 70% (including service charge, if applicable) and four bed homes should be no more than an equivalent social rent (excluding service charges, if applicable) to ensure affordability in accordance with the SHMA Update and the Councils Tenancy Strategy. In addition all rents should be within Local Housing Allowance (LHA) rates.

As Ashwell has a population of 3,000 or less, protected area status applies. Therefore staircasing on any shared ownership properties is restricted to 80% to ensure that the homes remain affordable in perpetuity. Likewise any rented properties are excluded from the Right to Acquire.

All the affordable homes should be allocated to applicants with a local connection to Ashwell, in the first instance.

Any issues of viability should be proven using a recognised financial toolkit and will be independently tested at full expense to the applicant.

- 3.13 **HCC Infrastructure Officer** - Based on the information to date for the development of 46 dwellings we will not be seeking financial contributions for Childcare, Library and Youth at this point in time. Hertfordshire County Council has education capacity issues in this area and Assessment work has been undertaken by colleagues across several departments within Hertfordshire County Council (HCC). The result of this work identifies that Ashwell Primary School cannot expand on its existing site, the school site is slightly deficient in size at 1fe and any further expansion would increase this existing deficiency. It is therefore considered that any further developments within Ashwell could not be accommodated as the primary school has no further expansion potential, therefore we object to this application and no contributions are sought on this basis.
- 3.14 **Waste Management** - The application does not contain sufficient information regarding waste and recycling provision or access to the site for me to be satisfied that the necessary requirements can be met. The storage locations of bins are not shown and the collection locations of bins are not shown. I therefore can not determine if these are suitable and recommend that a condition be imposed to safeguard these requirements.

Any refuse collection vehicle (RCV) is required to enter the site and I note the provided swept path showing this is achievable. Further swept path information is required to demonstrate that an RCV can traverse the entire site in a forward motion and gain access to within 15m of bin collection locations in accordance with BS5906:2005. It is recommended that a condition be imposed to safeguard these details.

A number of plots do not have direct access to the carriageway and bins must be presented by residents at the kerb side on collection day. In particular plots 1, 3, 6,13,14,15,34,35,36 appear to be affected and may require additional storage points for bins on collection day to prevent them being left on the pavements.

3.15 **Sport England** - The principle of the planning application is supported as a non-statutory consultee.

The following matters are requested to be addressed through planning conditions or section 106 agreement provisions in any planning permission:

- Playing Field Construction Design
- Ball Strike Mitigation;
- Sports Facility Management;
- Sports Facility Maintenance Contribution;

The following issues require consideration and, if appropriate, addressing before a planning application is determined:

- Vehicular Access to the Sports Facilities – the access arrangements should be reviewed to ensure residential amenity impact is minimised;
- Pedestrian Access to Small Gains Lane – details of pedestrian access arrangements from the application site to the existing sports facilities off Small Gains Lane should be sought and assessed;

An informative is requested to be included on a decision notice in relation to the design of the pavilion.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises 4.13 hectares of vacant agricultural land (grade 2), roughly rectangular in shape and lying to the south-east of Ashwell village separated from the village boundary by a track leading to Small Gains Recreation Ground. The site is to the northern-eastern side of Station Road and is bounded by established hedgerows and trees to the road frontage, north and eastern sides and notably a wide tree/shelter belt to the Southern boundary established over the last 15 years or so.

The site is located within the Rural Area beyond the Green Belt and is beyond the defined village boundary. The site lies within an areas of archaeological interest.

4.2 Proposal

4.2.1 The proposal is a fully detailed application for 46 dwellings, childrens play area, two sports pitches, pavilion building and associated infrastructure. A total of 222 parking spaces and 4 cycle spaces would be provided. The site itself has a boundary to a highway with the proposed vehicular access created approximately where the where the existing speed reducing built-out closest to the village is located. Both existing build-outs would be removed and relocated together with an upgrading of the footway along the site frontage and a new bus stop on Station Road. The application is accompanied by a detailed plan with drawing no. 8120/P/002 illustrating the site layout, landscaping and recreational facilities.

4.2.2 In summary the proposed residential development comprises:

- 4 x 5-bed detached houses;
- 21 x 4-bed detached houses (...with detached garages and ... with);
- 11 x 3-bed houses (one pair of semi-detached and three terraces);
- two terraces of 2-bed houses (6 houses in total);
- 4 x 1-bed flats in two two storey buildings.

4.2.3 All the detached houses have garages and off street parking. The semi-detached houses, terraces and flats have off street parking and some benefit from garages. Each dwelling has a private garden area, including the flats. On the southern side of the site the mature belt of trees is to be retained and linked to a pedestrian and cycle path that would continue along the rear boundary with the proposed sports pitches.

4.2.4 In summary the proposed recreational development comprises:

- A grassed sports pitch suitable in size for senior football;
- A grassed sports pitch suitable in size for junior football;
- Sports pavilion building with changing rooms, toilets and ancillary facilities;
- Associated car parking area (44 spaces);
- Childrens equipped play area (LEAP);
- Cycle and pedestrian route around the site and through the shelter belt woodland.

4.2.5 The application is supported by the following documents:

- Design and Access statement
- Planning Support Statement
- Landscape and Visual Impact Appraisal
- Transport Statement
- Village Character Appraisal
- Archaeological Desk Based Assessment
- Arboricultural Survey and Plan
- Arboricultural Impact Assessment
- Desk Study Report (Geotechnical & Environmental)
- Soakage Testing (Geotechnical & Environmental)
- Utilities Report
- Extended Phase 1 Habitat Survey
- Deliverability Statement
- Affordable Housing Statement
- Statement of Community Involvement
- Flood Risk Assessment and Foul Drainage Strategy
- Air Quality Screening Assessment
- Noise Impact Statement
- Street Lighting Design Details
- Draft Head of Terms for Section 106 Agreement

These documents are available to view on the Council's website.

4.2.6 The applicants planning statement makes the following points in support of the proposed development:-

- The application has been devised following extensive assessment of the site and in the context of the village and neighbouring uses and local needs. The proposal submitted presents a mixed use scheme that seeks to deliver significant benefits to the village with limited negative impacts.

- The location and physical attributes of the site mean its development can be forthcoming with little impact on the local environment. The proposal presented provides many economic, social and environmental benefits to the location and village of Ashwell.
- The proposals are consistent with the NPPF and with policies within the saved Local Plan and emerging Local Plan.
- Policies in the saved Local Plan are considered out of date and in the context of the significant shortfall of a five-year supply of new housing and lack of weight that can be applied to emerging planning policies, the proposal should be determined positively in accordance with national guidance and the emerging policy to significantly increase the level of new housing.

4.3 Key Issues

4.3.1 The application is for outline planning permission and the key considerations relate to:

- The principle of the development;
- Sustainability;
- Character and appearance of the countryside;
- loss of agricultural land;
- highway considerations;
- archaeology;
- Section 106
- The Planning Balance

4.3.2 Principle of the development in the Rural Area beyond the Green Belt

There are three policy documents which are relevant to the consideration of this application: North Hertfordshire District Local Plan No. 2 with Alterations (adopted 1996), the emerging Local Plan 2011 - 2031 Submitted for Examination to the Secretary of State 9th June 2017, and the National Planning Policy Framework. The weight that should be attributed to these policies and documents are considered below.

4.3.3 Paragraph 49 of the NPPF states that:

'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five -year supply of deliverable housing sites.'

4.3.4 Paragraph 14 of the NPPF defines the presumption in favour of sustainable development for decision makers as follows:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***

-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; or

-specific policies in this Framework indicate development should be restricted.'

Under paragraphs 14 it is necessary to assess the weight that can be applied to relevant development plan policies to this application.

4.3.5 North Hertfordshire District Local Plan No. 2 with Alterations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 215 of the NPPF states that:

' due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.'

The submitted site is outside both the Selected Settlement boundary (Policy 7) for Ashwell and within the Rural Area Beyond the Green Belt (Policy 6) in the Saved plan and within the emerging Rural Areas Beyond the Green Belt policy area (Policy CGB1) in the Submission plan. Neither of these policies would support the proposal as a matter of principle.

The applicant is claiming that the North Hertfordshire District Local Plan No. 2 with Alterations cannot demonstrate a five year housing supply, and so policies in that plan relating to the supply of housing are out-of-date. Policy 6 - Rural Areas beyond the Green Belt, in so far as it deals with the supply of housing, is considered out of date. However, it largely seeks to operate restraint in the Rural Area for the purpose of protecting the intrinsic character and beauty of the countryside and for this purpose it is in accordance with paragraph 17 of the NPPF.

This is an important point and is supported by a very recent Supreme Court decision in 2017 (in the case of Suffolk Coastal District Council v Hopkins Homes Ltd) which held that a local plan policy to protect the countryside from development (such as NHDC Policy 6) is not 'a policy for the supply of housing' and therefore is not 'out of date' and therefore should continue to be accorded weight in planning decisions insofar as it relates to countryside protection.

- 4.3.6 The applicant considers that the local plan does not meet the requirements of paragraph 47 of the NPPF to provide objectively assessed need and therefore Policy 6 carries reduced weight. This does not take into account the decision of the Supreme Court above which considers that policies to protect the countryside from development are consistent with the NPPF. Moreover the emerging local plan makes provision to meet the District's own full objectively assessed needs for housing and additionally makes positive contributions towards the unmet housing needs of its neighbouring authorities such as Luton and Stevenage. The emerging local plan achieves all of this without the need to allocate the application site for housing.

In taking the view that material weight can still be attached to Policy 6 it is clear that the proposed development does not meet any of the exceptions for development in the Rural Area Beyond the Green Belt. The development will clearly not maintain the existing countryside and the character of the village of Ashwell by reason of its location, adverse visual impact on the landscape, scale and density of development contrary to the aims of Policy 6.

4.3.7 Emerging Local Plan 2011 - 2031

The NPPF offers guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:

**** the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);***

*** the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and**

*** the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'**

- 4.3.8 Where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. The emerging Local Plan was Submitted to the Secretary of State 9th June 2017 and this claim will of course be tested at the forthcoming Examination in Public (EiP), the dates for which have now been set and commence in November 2017. Therefore, until the plan is adopted, I consider a precautionary approach should be taken to the weight that should be given to the emerging Local Plan insofar as it argues that the Council can demonstrate a five year supply of deliverable housing sites. On this basis I assess this application on the basis that the Council cannot at this stage claim to have a five year supply of deliverable housing sites, applying the presumption in favour of sustainable development set out in paragraph 14 of the NPPF. This precautionary approach has recently been supported at appeal.
- 4.3.9 The emerging Local Plan does not allocate the site for development. Indeed, the site has not been identified for consideration as a possible housing site at any stage of the emerging Local Plan process. Policy CGB1 - Rural Areas beyond the Green Belt is a policy of general restraint in the countryside and is in accordance with paragraph 17 of the NPPF, as it seeks to retain the intrinsic character and beauty of the countryside. The proposed development at Ashwell does not meet any of the criteria to permit development as set out in CGB1. Significantly the applicant does not make reference to CGB1 as being relevant and considers that the emerging policies should not carry decisive weight at this stage. On the other hand the applicant acknowledges the emerging plan in so far as it directs additional residential growth to Category A villages such as Ashwell and seeks to justify the development as natural extension of the village.
- 4.3.10 The development is arguably not for a proven local need for community facilities as confirmed by Ashwell Parish Council who state that **'part of the proposal is for two football pitches to be given to the village. Ashwell has need of further sporting facilities as it has some very active clubs. However, the proposal only looks to assist one area and does not address other sporting needs, eg new cricket facilities'**. Indeed under saved Policy 39 I would hold that the form of development is not appropriate as a medium or low intensity leisure uses are normally permitted **'exceptionally within rural settlements in other rural areas to meet only rural community needs'**. Furthermore the development is not for a proven need for services or rural housing (in compliance with Policy 29 of NHDLP or Policy CGB2 exception sites) in the emerging Local Plan. The application refers to 40% affordable housing, but this relates to Policy HS2: Affordable Housing, of the emerging plan and not to Policy CGB2: Exemption Sites in Rural Areas.

4.3.11 National Planning Policy Framework

Although the Council considers the emerging Local Plan 2011 - 2031 to hold sufficient weight for the Council to be able to demonstrate a 5 year housing land supply, this is not a situation that can currently be afforded any certainty, as the Plan has yet to be taken through EiP and adopted. The National Planning Policy framework directs us in this instance under paragraphs 14 and 49, mentioned and quoted above. I, therefore, take a precautionary approach and shall consider the proposal under these paragraphs and consider whether the development is sustainable and whether the adverse impacts of the development would significantly outweigh the benefits.

4.3.12 Summary on the principle of the development

The development site is in the rural area beyond the Green Belt. Saved Local Plan Policy 6 can still be afforded weight in determining this application in that it seeks to protect the countryside from development which would be in conformity with the NPPF which requires decision makers to recognise the intrinsic character and beauty of the countryside. The proposed development is in open countryside and fails to meet any of the criteria set out in Policy 6.

4.3.13 Furthermore, the proposed development would be contrary to policies in the Emerging Local Plan in that the development site lies outside of the proposed defined village boundary of Ashwell in the rural area beyond the Green Belt where the Council intends to operate a policy of restraint. The development would be contrary to Policies SP5 and CGB1 of the North Hertfordshire District Council Submission Local Plan 2011 - 2031.

4.3.14 The applicants submissions concerning the Council's five year housing land supply are acknowledged. However even if the Council could not demonstrate a five year land supply I consider that the proposal would fail to provide a sustainable form of development for which there is a clear national and local imperative as set out in the NPPF, the NPPG and the emerging local plan. Therefore the presumption in favour of granting planning permission in paragraph 14 of the NPPF would not apply as in my view this harm and other harm identified below in my view clearly and demonstrably outweighs the benefits of delivering new homes on this site.

4.3.15 Sustainability

There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn.

4.3.16 **Economic role** - it is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. Although the applicant describes the land as vacant (agricultural) there would be a loss of high quality agricultural land and therefore some loss to the agricultural economy. It is also recognised that there would be a potential increased expenditure in local shops and pubs and other services. Additionally there would be economic benefit from the new homes bonus which assists local authorities to maintain and provide services. The recreational use would also have some economic benefits but it is unclear how the facilities would be maintained and this would potentially be of some considerable expense.

4.3.17 **Social role** - the development would provide housing to assist in meeting the needs of existing and future generations including affordable housing. It would also support community facilities such as the school and churches as well as potentially contributing towards recreational facilities and their improvement. Additional public open space (childrens play area) and outdoor sports pitches would be provided within the site and some improvement in connectivity between Station Road and the proposed sports facilities and those existing to the north of the site. However there is a lack of justification for the sports facilities proposed. Ashwell is currently served by a number of outdoor recreation facilities which provide opportunity within the community. The sports facilities would need to be maintained properly in perpetuity for the benefits of the community to satisfy a social role here. The County Council have confirmed an objection to the proposals as the School can not accommodate any expansion as a result of the development, again failing to provide a social role. I therefore consider that social benefits of the development would be very limited.

4.3.18 **Environmental role** - the development would not be environmentally sustainable for several reasons. The facilities of Ashwell consist of a primary school, doctors surgery, three public houses, village hall, Church, recreation grounds and a range of village shops including a Pharmacy, Butchers and Bakers. There is no capacity for the school to take additional children arising from this development and doctors surgery is under pressure. There is no secondary school and employment opportunities are limited. There are no proposals in the emerging local plan to allocate any employment, retail or community facilities within the village. There are bus services to and from the village and Ashwell train station is approx 1.5 miles away. However, given the location of the development it is likely that the future occupiers would be reliant on private transport. As such I consider that the development would be contrary to Section 4 (Promoting Sustainable Transport) of the NPPF and in particular paragraph 34 which requires new development that generate significant movement to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The site provides a total of 222 parking spaces and just 4 cycle spaces. The inclusion of sports pitches would also encourage the use of private transport in my view.

4.3.19 The landscape impact of the development will be severe in my opinion with the urbanising of the rural environment, encroachment into open countryside and loss of rural views around the site. The site does benefit from a wide and densely planted tree belt which would screen views on approaches to the village from the south, however this in itself is a somewhat alien feature in the surrounding countryside.

Insufficient evidence has been submitted to demonstrate that the development will not affect the historic environment particularly with regard to assets of archaeological interest.

The development will result in the loss without replacement of grade 2 agricultural land.

4.3.20 Summary on sustainability

In summary I consider that given the significant environmental impacts the **overall** balance of sustainability would be against this development. The development would be contrary to Policies D1 (Sustainable Design) and SP9 (Design and Sustainability) of the North Hertfordshire District Council Submission Local Plan 2011 – 2031.

4.3.21 Character and Appearance of the Countryside

The site lies outside the village envelope and within the Steeple Morden Plain Area 226 landscape character area and on the boundary of the North Baldock Chalk Uplands Area 224 landscape character area for the purposes of identification. The site is in National Landscape Character Area 87 'East Anglian Chalk' as managed by Natural England. The applicants report states that the overall characteristics of this area indicate a settled, downland agricultural landscape with references to settlement, built form and transport infrastructure.

The approaches to the village from the south would be screened by the existing deep semi-mature planting which limiting views across the site. This is not a defensible boundary such as might be defined by a road or long established and contiguous landscape feature. It is a relatively short and contrived row of semi mature planting which could all too easily be replicated to create arbitrary 'defensible boundaries' in otherwise open landscapes elsewhere and for no other reason than to artificially and conveniently punctuate the development limits of any proposed scheme.

Station Road is linear in nature particularly at the point it leaves the village heading south. The development of this site 'in-depth' as shown, would be wholly at odds with this established grain and character and despite claims to the contrary would self evidently be highly visible and exposed. The uncharacteristic 'deep' form and scale of such development would be accentuated by this exposure. This harm would be materially significant in my view and clearly at odds with the aims of both the Saved and emerging local plans.

Paradoxically, the alien nature of development on this site as proposed would be exacerbated by the sports facilities including the necessary pavilion and car parking. What is not clear is the intention for equipment storage as well as lighting (only indicated for the residential element) which would have a further negative impact on the appearance of the area and surrounding countryside.

4.3.22 The existing hedge to the front would be maintained with an access formed through and would take on an urban and more manicured appearance offering views into the site. Existing boundary trees and hedges are retained with planting is indicated within the site the site and to the boundary with the junior sports pitch to ensure screening of a 2.4m high acoustic fence. The layout would have an urban feel with the access road passing through two shared surface areas and around a central block of eight residential units to reach a parking area to the side of the proposed pavilion. I consider this would significantly change the agricultural and thus rural character of the site and its contribution within the landscape.

4.3.23 The erection of dwellings on the site, introduction of the associated infrastructure and sports facilities would permanently alter the appearance of the site and would represent a substantial change to the character of the area. The scheme has a landscaped led approach which would break up views of the proposed dwellings, it would in itself bring about changes to the character of the area. I consider that the extent of the encroachment of the built development into the countryside in relation to the existing residential character of station Road to be very urban and this would appear incongruous in the wider views of the settlement which the landscaping would not successfully overcome, to the significant detriment of the character of the landscape.

4.3.24 Summary on character and appearance

It is considered that the proposed development would be harmful to the intrinsic beauty and character of the countryside, contrary to Policy NE1 of the emerging local plan and paragraphs 17, 109, 116, 156 of the NPPF.

4.3.25 Agricultural Land

The application site is Grade 2 agricultural land. Paragraph 112 of the NPPF states: ***"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."***

The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. There is no evidence to demonstrate that the use of high quality agricultural land for housing and sports pitches is necessary. No evidence has been put forward to demonstrate that the provision of the Sports Pitches and associated infrastructure requires the provision of 46 dwellings.

4.3.26 Summary on loss of Agricultural land

The development would result in the loss of high grade agricultural land and would therefore be harmful to the natural environment and contrary to the NPPF, paragraph 112 and to Planning Practice Guidance - Natural Environment para 026.

4.3.27 Technical Considerations

The responses from consultees have been set out under 3.0 above. However there are a number of areas of concern which I set out below.

4.3.28 Open Spaces/recreation facilities

The proposed formal playing pitch provision is questioned in that it would only serve one sector of the community (football) and be likely to need buildings (secure maintenance equipment store for example) and lighting to be useful or compliant with advice from Sport England, particularly in this location. Once included, this provision may have a more urbanising effect on the surrounding countryside. In addition, no details are provided as to how the sports provision would impact on existing facilities in the village. It is noted that Ashwell Academics may have an identified need but this could limit the sites use for other outdoor sport activity and therefore the site may not offer sufficient public benefits to be properly weighed in the planning balance.

It is also identified that access to the two football pitches would be through the new housing estate. This would not be desirable for a number of reasons including noise and disturbance, potential on-street parking and danger to pedestrians. If matches are played against visiting teams the parking may not be not adequate.

On site open space has been shown in the form of a LEAP and should be managed by the Parish Council or a private management company as the District Council would not be likely to adopt such areas. This, and the Management of the Sports facilities would need to be considered as part of a s106 agreement.

Overall the gains to the community from the sports provision would not out weigh potential harm to the area in my view.

4.3.29 Highway issues

As there are no objections from the Highway Authority although they have expressed some concerns regarding the suitability of parking within the site in proximity to some of the dwellings, and the limits of highway adoption that the highway authority would accept given that the submitted road layout may not be to an adoptable standard. I am of the opinion that the proposed development would not cause harm that can be sustained by way of objective evidence in terms of highway impacts.

4.3.30 Affordable Housing

Affordable housing would be required in line with the provisions of emerging policy HDS2 of the Local Plan. These dwellings would be provided on plots 7 to 24 located to the northern boundary of the site and close to the childrens play area, pavilion and associated parking area. The Council's Housing Supply Officer has commented that on a site of mixed tenure the affordable housing units should be physically indistinguishable from the market housing. By clustering the dwellings in my view this may not be best achieved in my view. In addition the parking layout (as also commented on by the Highway Authority) does require some of the parking to be away from the dwellings they serve and thus not offering the best natural surveillance.

In terms of Ashwells housing need this has been documented both by the applicant and the Housing Supply Officer. Ashwell has an identified need for 32 dwellings, 22 of which have been delivered on sites at Walkdens and 61 Station Road, Ashwell. A further 12 dwellings are proposed on the site at Clay Bush, Road - a site allocated for development in the emerging Local Plan.

4.3.31 Archaeology

The proposed development site lies within an area of archaeological significance which has been documented as containing prehistoric / Roman / Anglo-Saxon remains. The County Archaeologist has advised that whilst the submitted archaeological desk-based assessment contains some useful information a geophysical survey and an intrusive archaeological evaluation of the site should be carried out prior to the determination of the application. A Neolithic henge was recently discovered through archaeological investigations at the Walkdens, circa 200m west of the proposed development area. This is one of only two such monuments in Hertfordshire, and is of very high significance. Numerous ring ditches have been identified in the area and aerial photographic evidence also suggests that there may be significant archaeology in the area. Therefore there is reason to suggest that the application is also likely to contain features of archaeological interest.

4.3.32 At present the submitted desk based archaeological assessment concludes that the site has a high potential for archaeological remains from the Bronze Age period, medium potential for Iron Age and Roman periods of low significance and a low potential from the Saxon period. The comments received from the County Council's Historic Environment Advisor would appear to place a much greater importance on the archaeological potential of the site. I conclude that at present not enough information is provided to demonstrate the archaeological significance of the site and therefore the proposed development would be contrary to Section 12 of the NPPF.

4.3.33 Section 106

The application does not include a draft Section 106 document however the applicants agents have provided a short Heads of terms document has now been submitted listing the following Heads of Terms :

- Affordable Housing
- Education
- Childrens Play Space
- Sports Pitches
- Sports Pavilion
- Management of woodland/landscape areas
- Waste collection facilities and recycling

The document is inadequate for the purposes of mitigating the impact of the development on all relevant infrastructure. As such and given the substantial planning objections to this proposal no further negotiations have been undertaken in respect of S106 matters. As a satisfactorily completed S106 obligation agreement has not been completed this forms a separate recommended reason for refusal as set out below.

4.3.34 Noise, Contamination and Air Quality

The Environmental Protection Team do not have any material issues with contamination or air quality. However, there are outstanding issues relating to noise and a lack of detail to the technical report submitted. Some of the issues are as follows:-

- 1. No noise monitoring has been undertaken.**
- 2. Identify on a plan those properties facing Station Road (and any where else on site) which require enhanced acoustic glazing / ventilation; different specifications for bedrooms / living rooms as required.**
- 3. Specify requirements for glazing and acoustically enhanced trickle ventilators in terms of R_w and $D_{n,e,w}$ respectively so that any planning condition will be enforceable.**
- 4. Proposed hours and days of use been not been specified. The report should state the days and hours of anticipated maximum usage and relate to background absolute noise levels.**
- 5. Children's playground – comments on why screening to plots 13 to 17 not considered.**
- 6. Proposed acoustic barrier. Several queries: - Provide details on a plan for inclusion in planning application submission, the precise location of the proposed barrier based on your barrier calculations (supply details). There are discrepancies in proposed position between your Report Figure 6.1 and the Landscaping master plan ref LC/00104. Master plan indicates large amount of vegetation between residential barrier and acoustic barrier – resulting in acoustic barrier being extremely close to sports pitch boundary, with absolutely minimal spectator standing area to that side of the junior pitch – apparently 2/3 metres from pitch edge. Your report implies the acoustic barrier will be 7 metres away from the sports pitch edge at the rear boundary of residential properties. Please clarify. In addition, so as to be enforceable, detail the acoustic barrier specification in terms of kg/sqm. Can you comment on whether an extension to the of length of proposed acoustic barrier and/ or a return to the northern boundary of junior sports pitch is appropriate for inclusion;**
- 7. Proposed barrier is extremely high at 2.4 metres and only marginally acceptable in planning terms due to the softening by the proposed extensive vegetation. If the vegetation is not to be incorporated due to distance constraints defined by the position of the acoustic barrier, can barrier height be reduced by increasing acoustic sound insulation properties of the acoustic barrier.**

In the absence of details requested above I consider there to be sufficient grounds to include noise as a reason for refusal.

4.3.35 Summary on Technical Considerations

The scheme presents a number of outstanding issues some of which could be resolved but given the fundamental objection to the proposal I have not sought amendments to the scheme. Notably a lack of a s106, insufficient Archaeological investigation and noise issues are significant enough to form reasons for refusal in my view.

4.3.36 **The Planning Balance**

As set above I have identified broad areas of how I consider this planning application is unacceptable in terms of the principle of development in addition to other planning considerations. As a result of these significant objections to the application no further negotiations have been undertaken with regard to a Section 106 agreement as there is no realistic prospect of such an agreement overcoming the fundamental objections to this proposal.

Whilst paragraph 187 of the NPPF requires local planning authorities to act pro-actively and seek to find solutions, in my view the substantial and compelling planning objections to this development are not capable of resolution in my judgement. At the pre-application advice stage no positive encouragement was offered for this development and I do not consider that view should now change. In the light of the progress with the emerging Local Plan and the programme of dates for the EiP I consider that the Council is now moving forward towards achieving its Housing Allocations (this site not being one of them) and thus demonstrating it has a 5 year land supply.

- 4.3.37 However, in the absence of a five year land supply where relevant policies which restrict the supply of housing can be considered out-of-date (paragraph 14 of the NPPF) the weighted planning balance is tipped in favour of granting planning permission for sustainable development. Planning permission should only be refused in such circumstances where:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of [of delivering new homes], when assessed against the policies in this Framework taken as a whole.'

- 4.3.38 Whilst the Council now claims to be able to demonstrate an up to date five year land supply of deliverable housing sites (since the submission of the Local Plan to the Secretary of State in June 2017) I have applied a precautionary approach and have assessed this application against paragraph 14 of the NPPF whereby any adverse impacts must significantly and demonstrably outweigh the benefits of delivering new homes.
- 4.3.39 This planning application proposes 46 new homes which would make an important contribution towards improving the five year land supply but also helping to meet the objectively assessed housing need for at least 14,000 (+ 1,950 for Luton's un-met need) new homes across the District through the plan period (2011-2031). Meeting housing need is in itself a clear benefit of the proposed development.
- 4.3.40 The applicant also offers 40% affordable housing and there are clear social and economic benefits arising from the delivery of the new homes as I have acknowledged above and the case for which has been clearly made by the applicant. In addition the proposed Sports Pitches and associated infrastructure would have social and economic benefits to the local community.
- 4.3.41 Applying the presumption in favour of sustainable development it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole before judging whether any identified harm as a result of this analysis would 'significantly and demonstrably' out weigh the benefits of delivering new homes on this site.

4.3.42 I have identified however that there would be significant and demonstrable environmental harm caused by this development relating to the following:

- The development would cause harm to the intrinsic beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- The development would be harmful to the character and appearance of the landscape
- There would be harmful urbanising impact of the development beyond the settlement boundary
- The development would be unsustainable due to its location, the lack of community infrastructure to serve the development and likely high dependence of the occupiers of the new development on the private car
- The development would result in the loss of grade 2 agricultural land
- A pre-determination archaeological survey has not been carried out
- Noise issues arising from the development have not been resolved

4.3.43 In my view the environmental harm arising from the proposed development significantly and demonstrably outweighs the benefits of delivering new homes on this site.

4.4 Conclusion

4.4.1 I conclude, even with the best case for **social** and **economic** benefits being made, that these positives would not be so telling in the planning balance such that they would so significantly and demonstrably outweigh the identified and substantial **environmental** harm - harm associated with extending the village with an estate style scheme in-depth off a road out of the village which is effectively only one dwelling deep at its southern extremity. As such, planning permission should be refused.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That permission be **REFUSED** for the following reasons:

1. By reason of its siting beyond the built limits of Ashwell, the location within open farmland in landscape character area 226 - Steeple Morden Plain Area and the heavy use of planting to screen the site, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significant and demonstrable harm to the intrinsic beauty of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraph 17, 109, 116, 156 of the National Planning Policy Framework. The development would also be contrary to Policy CGB1 of the North Hertfordshire Emerging Local Plan 2011 - 2031.

2. In the opinion of the Local Planning Authority due to the location of this planning application site, separated from the main body of Ashwell village, the proposed development for 46 dwellings and sports pitches would have a heavily urbanising impact on the character and appearance of the rural area, against the pattern and grain of existing development and poorly integrated with Ashwell village. Such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposal therefore conflicts with saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.
3. Given the lack of essential services in the vicinity of the site, in particular a lack of primary education provision to serve the needs of this development, the occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In additions to this, the land on which the site is located is Grade 2 agricultural land, which constitutes the best and most versatile land. As well as being harmful to the natural environment, this would amount to development of the land which is both environmentally and economically unsustainable. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14, 49 and 112, and to Policies SP1 and SP6 of the Emerging Local Plan 2011 - 2031, and to Planning Practice Guidance - Natural Environment para. 026.
4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).
5. The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.

6. The application fails to adequately demonstrate that there is a proven need for the proposed sports facilities. In addition the proposal fails to demonstrate that the development would not occasion harm to either existing residents in the vicinity of the site or future occupiers of the proposed dwellings in terms of noise, the impact of access arrangements on residential amenity and the management and operational arrangements for the sports pitches. As such the application would be contrary to saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 & D3 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.