

Location: Land at The Junction of Ashwell Street And
Station Road
Ashwell
Hertfordshire

Applicant: GPS Estates Ltd

Proposal: Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (Section 73 Application: Variation of Condition 2 of Planning Permission 19/00455/FP granted 11.08.2020 amendments to design improvements and provision of loft accommodation with rooflights plans - 2020/973/24; 2020/973/50A; 2020/973/51; 2020/973/52; 2020/973/53; 2020/973/54 and 2020/973/55), (amended plans received 27/11/20)

Ref. No: 20/02599/S73

Officer: Andrew Hunter

Date of expiry of statutory period:

6 January 2021

Submitted Plan Nos.:

2020/973/52A, 2020/973/55A, 2020/973/24, 2020/973/50A, 2020/973/51, 2020/973/53, 2020/973/54.

Extension of statutory period:

Not agreed at the time of writing.

Reason for referral to Committee:

Residential development with a site area of more than 0.5 hectares.

1.0 **Site History**

1.1 19/02691/S73 - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following

demolition of existing redundant structures. Creation of new access from Station Road (Section 73 application, variation of condition 8 - footway) – Withdrawn 05/03/20.

- 1.2 19/00455/FP - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (as amended by plans received on 14/06/19 and 23/07/19) – Approved 23/09/19.
- 1.3 18/01874/FP - Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road – Withdrawn 18/10/18.

2.0 **Policies**

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

- Policy 6 – Rural Areas beyond the Green Belt
- Policy 7 – Selected Villages beyond the Green Belt
- Policy 14 – Nature Conservation
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
- Policy 21 – Landscape and open space pattern in towns
- Policy 26 – Housing Proposals
- Policy 29 – Rural Housing Needs
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards

2.2 **Emerging Local Plan 2011 – 2031**

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy and Spatial Distribution
SP6: Sustainable Transport
SP8: Housing
SP9: Design and sustainability
SP11: Natural resources and sustainability
SP12: Green infrastructure, landscape and biodiversity
SP13: Historic environment

HS2: Affordable housing
HS3: Housing mix
D1: Sustainable design
D3: Protecting living conditions
D4: Air quality
NE1: Landscape
NE4: Protecting publicly accessible open space
NE6: Designated biodiversity and geological sites
NE7: Reducing flood risk
NE8: Sustainable drainage systems
NE11: Contaminated land
T1: Assessment of transport matters
T2: Parking

HE1: Designated heritage assets
HE4: Archaeology

2.3 **National Planning Policy Framework 2019**

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting Sustainable Transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.4 **Supplementary Planning Documents**

Vehicle Parking Standards at New Development (2011)
Design
Ashwell village design statement

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 19/11/20 Expiry Date: 12/12/20

3.2 **Press Notice:**

Start Date: 19/11/20 Expiry Date: 12/12/20

3.3 **Local Neighbours/Residents** – Eight following objections were received from properties on Lucas Lane, Philosophers Gate, Silver Street and Station Road on the following grounds:

- The 4 bedroom dwellings would not be smaller or more affordable, which the Parish Council and Neighbourhood Plan are clear about.
- Overlooking and loss of privacy from rooflights.
- House styles and layout too urban and not in keeping.
- Applicant obtaining permission for a tree to be removed.
- No decision made on footpath.
- Conflict with landscaping condition of permission.
- Greed by the developer.
- Should be a new planning application.
- Departures from planning statement, justification and needs assessment.

3.4 **Ashwell Parish Council** – Expressed concern that this was being progressed as an amendment rather than a new planning application.

Recommend that permission be refused on the grounds of the following objections:

1. The 2019 permission was for two storey houses of 3 and 4 bedrooms. This amendment for three storey houses of 4 and 5 bedrooms is a significant alteration that should not be a Section 73 application.
2. Would conflict with some sections of the officer's report of the 2019 permission.

3. The Ashwell Neighbourhood Plan is much further advanced than when the 2019 permission was granted, and should be given greater weight. The Plan is supportive of smaller houses and against larger houses.

3.5 **Ashwell Housing Association:**

These variations although seemingly minor impact even more on the neighbours and surrounding housing on this previously greenfield site, a fact in common with this company's current building project in Lucas Lane Ashwell, just nearing completion. Also a greenfield site. I live adjacent to this first site in Lucas Lane.

Firstly, the parish council and the neighbourhood plan are very clear about the need for smaller affordable homes and the is considerable concerned about increasing the scale of all properties to 4 bedroom homes - this does not give a variety in price or affordability, and raises concerns about the original application and invalidates what was said by the applicant in the design and access statement in the statement of need and justification This application variation is for even bigger homes 4/5 bedrooms of which there have been many newly built in Ashwell, together with whole estates of 4/5 bed homes in Ashwell over the last recent years. Ashwell does not need this. As a popular village of course developers want to maximise their profits but we ask you to consider our village which has already had multiple - yes multiple sites of previously green areas built on never to be returned. The village needs to breathe not clog up with multiple new housing. We have had more than our share and a further large site is already being built sadly after a major fight, in Ashwell on the road to Bygrave and on higher land (another greenfield site) which will prove transformational to the view coming into Ashwell. There is also a further application almost adjacent to this current one under discussion for even more houses also on higher land all of which will overlook the old characterful cottages and houses of Lucas Lane Ashwell. I would ask you not just to review this application variation but the many that have recently passed say in the last five years. We accept the majority of these variations may seem minor but are very concerned about the attempt to vary condition 2 - in particular the right to privacy and that the roof lights on properties no 1, 2, 3 and to a lesser extent 4 and 5 will overlook neighbouring properties and from the elevated height risk neighbour privacy. As I live in a property adjacent to the developers other current site (ref above) houses now look straight into my bedroom and my garden is now fully overlooked. So I know what this feels like. Privacy should also be taken into account.

I strongly recommend the condition 2 is not varied in this manner and that they revert to existing proposals without the need to increase bedroom numbers. This village needs starter homes and downsizing homes, please do not make this a village just for the wealthy. We need homes for local people, our young people in particular and I speak as Secretary to the social housing Ashwell Housing Association (AHA) where we have few houses but massive demand. With a small three bedroom new house (same developer) in Ashwell costing over half a million pounds you may see my point.

Statutory Consultees:

3.6 Environmental Health Air Quality

No objections.

3.7 Environmental Health Noise

No objections.

3.8 Lead Local Flood Authority

No comments to make.

3.9 Archaeology

The proposed alterations to the development plans do not change its archaeological implications. The remaining archaeological conditions (16 and 17) should remain extant.

3.10 Hertfordshire County Council highways

No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is largely undeveloped agricultural grazing land, and has planning permission for the construction of nine dwellings resulting from planning permission 19/00455/FP. Ground levels slope up gently from north to south and from east to west. Some mature trees are located within the site and on its boundaries. The east and west boundaries are comprised of a hedge/vegetation. Adjacent and nearby uses are primarily residential, being a mix of detached, semi-detached and terraced dwellings.

4.1.2 In the adopted and emerging Local Plans, the site is within a Conservation Area. In the adopted Local Plan, the site is outside the village boundary and in the Rural Area beyond the Green Belt. In the emerging Local Plan the site is within the settlement boundary.

4.2 **Proposal**

4.2.1 The application seeks to vary Condition 2 of previous planning permission 19/00455/FP which was for 'Erection of 9 (6 No. Three Bedroom, 3 No. Four bedroom) dwellings with associated parking, amenity space and associated ancillary works, following demolition of existing redundant structures. Creation of new access from Station Road (as amended by plans received on 14/06/19 and 23/07/19)'.

4.2.2 Condition 2 stated:

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.

4.2.3 The proposal seeks to vary the approved plans referred to by this condition, which proposes the following alterations:

- Plots 1 and 9 dwellings – Additional bedroom in the roof to increase the number of bedrooms to five; three rear elevation rooflights; alteration of external materials from render to brick (excluding part of the first floor front elevation wall); alterations to openings and their detailing.
- Plots 2 and 7 dwellings – Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick; removal of front gable end detailing; alterations to openings and their detailing.
- Plot 3 dwelling - Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alterations to openings and their detailing.
- Plots 4 and 5 dwellings – Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick; removal of front gable end detailing; alterations to openings and their detailing.
- Plot 6 dwelling - Additional bedroom in the roof to increase the number of bedrooms to five; three rear elevation rooflights; alterations to openings and their detailing.
- Plot 8 dwelling - Additional bedroom in the roof to increase the number of bedrooms to four; two rear elevation rooflights; alteration of external materials from render to brick (excluding the front gable projection); removal of front gable end detailing; alterations to openings and their detailing.
- Street scene – Minor alterations to ground levels of plots 1, 2, 3, 8 and 9, lowering from west to east.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The acceptability of the proposed development with regards to parking.

Character and appearance

4.3.2 The principle of residential development on this site has been established by previous planning permission 19/00455/FP. The roof tiles would remain as proposed, with changes to the external materials of the walls amounting to an increase in the amount of brickwork and a reduction in the amount of render. The use of render and brick would as with the original permission be in keeping with the character and appearance of dwellings near the application site, and are considered acceptable. The differences in ground levels shown would more accurately reflect the sloping nature of the site and are acceptable.

4.3.3 The alterations to fenestration are minor in nature, and are not considered harmful. The additional rear rooflights would be small individually and cumulatively, and are not

considered harmful to the character and appearance of the approved development and the wider locality.

- 4.3.4 Many of the objections relate to the additional bedrooms and loft conversions that the proposed rooflights would facilitate. A significant material consideration is that permitted development rights for the insertion of new rooflights were not removed by planning condition of the original permission (with internal alterations to add a new bedroom in any case not requiring planning permission), therefore any occupants of the dwellings could carry out these works once built without needing to make a planning application. This means that such changes could be carried out irrespective of Neighbourhood Plan policies (the NP can be given only limited weight at this time, consistent with the approach of recently determined nearby application 20/00126/FP). I consider it unreasonable to object on this basis when occupants could undertake these alterations under permitted development. Overall the proposed amendments would retain a proposal of high quality as per the original permission, therefore in design quality I consider the proposal acceptable.

Neighbour amenity

- 4.3.5 The closest dwellings to the site are No. 54 Station Road to the north-west, and No. 24 Lucas Lane to the west/south-west. Due to the siting and orientation of the southern dwellings, the rear rooflights proposed would primarily provide views of the remaining agricultural land adjacent to the south-east boundary of the site, and would not be considered harmful to the amenity of No. 24 Lucas Lane.
- 4.3.6 The proposal would result in additional rear openings facing No. 54 Station Road. However these would be small, at a high level, oblique angles, and further away from No. 54 than the first floor rear windows which were considered an acceptable distance of 16.5m to 24.5m at two storey level from the curtilage of No. 54. Due to the above factors I do not consider that harmful overlooking and loss of privacy would occur to No. 54. In addition the insertion of rooflights and bedrooms in the roofs of the dwellings would be permitted development as referred to above once the dwellings are built and occupied. The other amendments proposed would not affect neighbour amenity. Impacts on residential amenity are considered acceptable.

Living conditions

- 4.3.7 The new rooflights would not harmfully overlook the other approved dwellings on the site. The bedrooms that the rooflights would serve are considered to be of an acceptable size and would receive sufficient outlook and light. The rear gardens would be considered of an acceptable size and quality for the amended dwellings with additional bedrooms. Living conditions for future occupants are considered acceptable.

Parking

- 4.3.8 The dwellings would have a minimum of 4 bedrooms each. The Council's 2011 parking standards SPD require each dwelling with two or more bedrooms to have a

minimum of 2 parking spaces, which were provided as part of the original application. The proposed amendments would not change this minimum level of parking provision, therefore parking is considered acceptable.

4.4 **Alternative Options**

4.4.1 None applicable.

4.5 **Pre-Commencement Conditions**

4.5.1 Not applicable.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission ref: 19/00455/FP.

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

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

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

3. The development hereby approved shall be carried out in accordance with the materials approved under Discharge of Condition ref: 20/02168/DOC.

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

4. The development hereby approved shall be carried out in accordance with the landscaping details approved under Discharge of Condition ref: 20/02532/DOC.

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

5. The approved details of landscaping shall be carried out before the end of the first

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

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

6. The first floor side elevation windows of the approved dwellings shall be obscure glazed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of privacy and amenity.

7. The development shall be in accordance with the Construction Traffic and Management Plan approved under 20/02674/DOC.

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

8. Prior to the first occupation of the development hereby permitted, a provision of footway (minimum width as agreed with DM- implementation team) towards North direction of proposed access should be provided and connected with existing footway up to 54 Station Road. Also, provision of tactile paving pedestrians crossing point onto Station Road as shown on drawing (Ref- 263-100, Rev-B) should be provided.

Reason: In the interests of pedestrian and highway safety.

9. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres in both directions of Station Road and as shown on drawing (Ref-263-100, rev -B) shall be provided and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. The development hereby approved shall be carried out in accordance with the refuse collection route approved under Discharge of Condition ref: 20/02560/DOC.

Reason: To facilitate refuse and recycling collections.

11. The development hereby approved shall be carried out in accordance with the cycle stand details approved under Discharge of Condition ref: 20/02546/DOC.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

12. The development shall be in accordance with contaminated land investigations and

any required remediation that is required to be submitted to and approved in writing by the Local Planning Authority under Condition 12 of planning permission ref: 19/00455/FP.

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

13. The development shall be in accordance with refuse vehicle turning space details that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 13 of planning permission ref: 19/00455/FP.

Reason: In the interests of satisfactory development and highway safety.

14. Prior to the first occupation of the development hereby permitted, the nine dwellings shall incorporate on Electric Vehicle (EV) ready domestic charging point.

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

15. The development hereby approved shall be carried out in accordance with the archaeological Written Scheme of Investigation approved under Discharge of Condition ref: 20/02547/DOC.

Reason: In the interests of archaeology.

16. No 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 15.

Reason: In the interests of archaeology.

17. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. The development permitted by this planning permission shall be carried out in accordance with the SuDS Statement carried out by EAS dated 25 February 2019 and the following mitigation measures;
1. Undertake drainage strategy based on infiltration
 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising permeable paving and plot soakaways.

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

19. The development shall be in accordance with drainage details that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 19 of planning permission ref: 19/00455/FP.

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

20. The development shall be in accordance with proposed trees, bat and bird boxes that are required to be submitted to and approved in writing by the Local Planning Authority under Condition 20 of planning permission ref: 19/00455/FP.

Reason: In the interests of ecology.

21. Prior to the first occupation of the development hereby permitted, provision of a tactile paving pedestrian crossing point onto Station Road as shown on drawing (Ref-263-100, Rev B) shall be provided.

Reason: In the interests of pedestrian and highway safety.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.