

<u>Location:</u>	Dixies Meadow High Street Ashwell Hertfordshire SG7 5NS
<u>Applicant:</u>	Mr R Taaffe
<u>Proposal:</u>	Erection of 12 dwellings with associated hard and soft landscaping, creation of vehicular access, public open space and children's play area.
<u>Ref.No:</u>	23/00666/FP
<u>Officer:</u>	Melissa Tyler

Reason for Delay

COMMITTEE CYCLE – extension of time agreed

Reason for Referral to Committee

Site Area 1.35 ha

Policies

National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 - Promoting healthy communities
Section 9 - Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Requiring good design.
Section 14 – Meeting climate change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Document.

Design Supplementary Planning Document 2011
Developer Contributions Supplementary Planning Document January 2023

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy and Spatial Distribution
SP5: Countryside and Green Belt
SP6: Sustainable transport
SP7: Infrastructure requirements and developer contributions
SP8: Housing
SP9: Design and sustainability
SP11: Natural resources and sustainability
SP12: Green infrastructure, landscape and biodiversity
SP13: Historic environment
CBG1: Rural Areas beyond the Green Belt
T1: Assessment of transport matters
T2: Parking
HS2: Affordable housing
HS3: Housing mix
HS5: Accessible and adaptable housing
D1: Sustainable design
D3: Protecting living conditions
NE2: Landscape
NE4: Biodiversity and geological sites
NE7: Reducing Flood Risk
NE8: Sustainable drainage systems
NE10: Water conservation and wastewater infrastructure
NE11: Contaminated land
HE1: Designated heritage assets
HE4: Archaeology

Ashwell Neighbourhood Plan (ANP)

This was recently confirmed as 'made' following examination and referendum and therefore forms part of the Development Plan for North Hertfordshire and is a material consideration. The whole of the application site subject of this enquiry falls within the Neighbourhood Plan area. There are several ANP policies that are relevant to this proposal. These comprise –

ASH1: Local of Development
ASH2: Housing Mix
ASH3: Character of Development
ASH4: Design of Development
ASH5, Flood Risk
ASH6: Environmentally sustainable design
ASH7: Protecting historic assets
ASH8: Locally significant views
ASH9: Natural Landscape and Rural Character
ASH10: Natural Wildlife Assets, Wildlife Corridors and Green Infrastructure
ASH19: Accessible Paths in the Village and Rural Areas
ASH20: Residential and Public Car Parking

2.0 **Site History**

2.1 There is an application for the development of site for 30 elderly persons housing units submitted in 1986 (application reference 1/448/86 331). This was subject of public inquiry which was dismissed.

2.2 Pre application advice given.

3.0 **Representations**

3.1 **Statutory Consultees**

Ashwell PC – OBJECTION (Full representation on website)

Summary:

- *The site is outside the settlement boundary*
- *It conflicts with the limited LP and ANP policies allowing development outside the settlement boundary in carefully defined circumstances*
- *It conflicts with additional number of LP and ANP policies, meaning the application should be refused, even if the site was within the settlement boundary*
- *The development would cause harms that would significantly outweigh the limited benefits*

APC considers that there are no justifiable reasons to determine the application with reference to NPPF para 11 footnote d. However, even if the application was determined with reference to NPPF para 11 footnote d, the harms would still significantly outweigh the benefits.

Conservation and Listed Building Officer – OBJECTION (full comments can be found in appendix A)

I raise an OBJECTION on the basis that the scheme would fail to satisfy the provisions of Section 66 (1) & 72(1) 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

NHs Planning Policy –*The proposed development is located outside the settlement boundary of a Category A village in the Rural Area Beyond the Green Belt where there is a general policy of restraint.*

The Council can demonstrate a five-year housing land supply following the adoption of the Local Plan in November 2022 and there is no requirement to apply the tilted balance in this instance given that the Councils HDT measurement is 124%.

Whilst the proposed development will provide some homes, these are larger dwellings which do not meet the aspirations expressed in the Neighbourhood Plan for smaller units which would be attractive to families or people looking to downsize.

The application does not accord with a number of policies in the NHLP nor the Ashwell NP.

Hertfordshire LLFA – HOLDING OBJECTION – amended reports submitted

Despite addressing many of our comments and issues, there are still several concerns that the LLFA have in regards to the flood risk to the site, out falling to the ordinary watercourse and the drainage strategy. On this basis, we maintain our objection to this planning application.

CPRE- OBJECTION

1. The site lies in land designated in the adopted North Herts Local Plan as Rural Area Beyond the Green Belt, whose rural character should be maintained. The site is outside the village boundary of Ashwell and comprises a large green gap fronting onto High Street and providing an important visual feature within the village.

2. CPRE Hertfordshire agrees with and supports Ashwell Parish Council's submission with regard to this application regarding the inappropriateness of this proposal, and its non-compliance with adopted Local Plan policies. Sufficient land has been allocated in the North Herts Local Plan for projected housing need in the District.

3. The proposed layout indicates a development of very substantial houses which would introduce a discordant element into the character of the village. In the absence of specific proposals for implementation, it is difficult to anticipate how the affordable housing would be provided and CPRE Hertfordshire urges the Council to refuse permission for this wholly speculative application.

NHs Environmental Health – Contamination – Conditions proposed (Prior to commencement)

No objections following the inclusion of Conditions recommended.

NHs Environmental Health – Noise

No objections to the proposed development – Informative proposed.

NHs Environmental Health – Air Quality - Conditions proposed

There is no objection to the proposal in terms of local air quality. However, the following conditions are recommended in line with the NHDC Air Quality Planning Guidance as issued in October 2018.

NHs Waste – Condition/Informative proposed

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, with a maximum gradient of 1:12.

The vehicle tracking is welcome, but there is no indication of the turning capability of the freighter used. We would need to see that a freighter with a kerb-to-kerb radius of 12.1m could access, turn and egress the site in forward gear.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

NHs Housing Supply Officer -

If the development proposals are considered appropriate/ acceptable and a scheme for affordable and/ or market housing is approved all the homes should comprise one, two and three bedrooms only and any affordable homes should be restricted to people with a local connection to Ashwell in the first instance.

The affordable homes should be owned and managed by a registered provider and be physically indistinguishable from any market housing.

The council will accept social rent and affordable rent for the rented tenure dwellings, but it should be noted that the affordable rent for one- or two-bedroom dwellings should be no more than 80% of the equivalent local market rent (including service charges, where applicable).

For three-bedroom dwellings the affordable rent should be no more than 70% of the equivalent local market rent (including service charges, where applicable), to ensure affordability and all rents must be within Local Housing Allowance (LHA) rates, in accordance with the council's Tenancy Strategy.

Ashwell parish is in a protected area and staircasing on any shared ownership units is restricted to 80% in accordance with The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009.

HCC Historic Environment – Conditions proposed (Prior to commencement)

The site is in the core of the historic settlement, and forms part of a highly sensitive archaeological landscape. It has archaeological potential, being topographically suited to settlement, and comprising undeveloped land next to the High Street, close to the historic core of Ashwell. No buildings are shown on the site on the 1841 parish tithe map, but there are numerous late and early post-medieval buildings close by, alongside or near to the High Street, in addition to the 14th century parish church of St Mary [HER 4295]. Few archaeological investigations have taken place in the near vicinity, but evidence of prehistoric occupation, and Roman finds, and Saxo-Norman and medieval occupation, is known from Westbury Farm, to the west [HER no 9672].

HCC Waste and Minerals – Conditions proposed

SWMP is required.

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of County of opportunity removing waste for a project. The total volumes of waste during enabling works and construction works should also be summarised.

HCC Highways – Conditions and informatives proposed

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.

HCC Growth and Infrastructure

Planning obligations are 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 12 dwellings we would seek financial contributions.

Natural England – No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Anglian Water – Conditions proposed

Anglian Water would recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Herts Ecology- still awaiting consultation response.

3.9 Neighbour Representations

169 Representations received – 165 objections

Summary of neighbour representations:

- Contrary to policy
- Outside the village boundary
- Impacts on heritage assets – nearby listed buildings
- Impact on Conservation area
- Loss of wildflower Meadow – biodiversity net loss
- Housing mix does not meet Ashwell's housing need
- Detrimental environmental and social impact of the loss of Green space
- Impact on local infrastructure - Lack of school places and doctors
- Generic layout pays no regard to pattern of development of Ashwell
- Poor quality design of housing and layout
- Position of site access unsuitable – impacts on on-street parking
- Development will add to congestion issues
- Development will block views of the Church

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site relates to an open area of land known as Dixies Meadow (Donkey Field) and is located within the settlement of Ashwell on the north side of High Street. The front section of the site is located within the Ashwell Conservation Area and there are a number of listed buildings adjacent to and near to the site. The site includes a number of trees within it and adjacent to its boundaries. The site is bound to the north and north-east by agricultural land with a small number of rural dwellings nearby. The east, west and south is residential in character.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of 12 dwellings with associated hard and soft landscaping, creation of vehicular access, public open space and children's play area.

4.2.2 The proposed housing mix is:

- 5 x 5 bed (house type A - detached 2.5 storeys)
- 2 x 5 bed (house type B – detached 2 storey)
- 2 x 4 bed (house type C – detached 2 storey)
- 2 x 2 bed (house type D – semi-detached 2 storey) – Affordable units
- 1 x 3 bed (house type E – detached 2 storey) – Affordable unit.

4.2.3 Materials include red multi and buff multi bricks with brick banding, timber effect cladding with plain roof tiles in red and brown and exposed rafter feet details. UPVC windows.

4.3 Key Issues

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Impact on heritage assets
- Design and layout, visual impact on the character of the area
- impact on neighbouring properties
- Standard of proposed accommodation for future occupiers
- highway access and car parking
- Flooding and drainage
- other matters
- S106 and mitigations

Principle of development and Policy compliance

4.3.2 Policy SP1 (Sustainable development in North Herts) demonstrates that the proposed development does not accord with criterion a), c ii) and c iv) because the proposed development is not on previously developed land and does not respect its surroundings or key elements of the environment (Rural Area beyond the Green Belt). However, the proposed development would deliver 12 homes that would contribute to the overall housing numbers in the Local Plan.

4.3.3 Ashwell is defined in Policy SP2 (Settlement Hierarchy and Spatial Distribution) as a Category A village where general development will be permitted within the recently defined settlement boundary. It should be noted that the settlement boundary for Ashwell was redrawn to exclude the application site.

4.3.4 Therefore, the proposed development is outside the defined settlement boundary for Ashwell and falls within the Rural Area beyond the Green Belt (Policy CGB1). This policy sets out the types of development for which planning permission will be granted in the rural area beyond the green belt. Criteria a), c), d) and e) are not relevant for this proposal. Criterion b) states that planning permission will be granted provided that the development meets a proven local need for community facilities, services or affordable housing in an appropriate location. The current proposal does provide three affordable units. Criterion f) states that planning permission will be granted if the development provides land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the open nature of the rural area. There is some provision for a children's play area on the site and public open space, although this is not quite the same type of outdoor recreation facility envisaged by the provisions of this policy.

4.3.5 The proposal does not meet any of the exceptions set out in CGB1 although it is acknowledged that the proposal would deliver 3 units of affordable housing. It is accepted that the site is located in a sustainable location with good services and facilities and would in this sense be sustainable location. Overall, though, the proposal would be contrary to policy CGB1.

- 4.3.6 The adopted Ashwell Neighbourhood Plan similarly identifies the whole site outside of the village settlement boundary. Policy ASH1 explicitly states that development proposals outside the settlement boundary will not be supported unless they meet one of the criteria. The proposed development does not meet three of the four criteria (ii, iii or iv) as it does not bring redundant buildings back into use, it does not relate to necessary utilities infrastructure and is not an allocated site in the Local Plan.

5-year land supply and tilted balance

- 4.3.7 The Planning Statement submitted with the application states that the Council cannot demonstrate that there is a five-year housing land supply and that the delivery of this site “*should be given significant weight in the planning balance*”. However, Paragraph 75 in the NPPF, and footnote 40, clearly states that a five-year supply can be demonstrated where it has been established in a recently adopted local plan. It is clear that the Councils Local Plan is recently adopted in line with the requirements set out in footnote 40. The Planning Statement goes on further to purport that under HDT the presumption of favour still applies. However, following the adoption of the Local Plan, the revised HDT measurement of 124%, which has been submitted to DLUHC, means that the requirements of HDT are met, no action is needed, and the tilted balance is not engaged.

Housing Mix

- 4.3.8 The proposed development will provide 12 dwellings, with 3 affordable units (25%). Policy SP8 requires a broadly even split between smaller (1 and 2 bed) and larger (3+ bed) properties, which would suggest that at least 6 of the homes should be smaller units (1 and 2 beds). The submitted Planning Statement suggests that the mix of dwellings on the site reflects the local context.
- 4.3.9 The proposed scheme is made up of seven x5 bed; two x4 bed; one x3 bed and two x2 bed homes. Paragraph 8.21 in the supporting text suggests that on edge of settlement sites there might be an initial assumption that 60% of the dwellings should be larger (3+ bed). However, in this location, the neighbourhood plan has an aspiration for smaller dwellings in the village. Policy ASH2 (B) is clear that development proposals for housing development should contribute to meeting housing needs in the neighbourhood and that an Affordable Housing and Dwellings Mix Strategy should be submitted with a planning application. The policy requires that the Strategy should show how the proposal meets the needs of older residents and younger people entering into the housing market.
- 4.3.10 Whilst the proposal does meet the requirement for the provision of affordable homes on site, it is unclear how the provision of nine 4 or 5 bed roomed dwellings would meet the aspirations of the neighbourhood plan that development schemes should include a significant proportion of one, two or three bed dwellings. In the circumstances, it is considered that the proposal would conflict with Policy ASH2 of the Neighbourhood Plan.

Previous appeal decision

- 4.3.11 In 1986, an outline application (design, external appearance and landscaping reserved) for erection of 30 elderly persons housing units was submitted under ref: 86/00448/1. The application was refused, and the subsequent appeal dismissed. The Inspector’s conclusions that this space was important in the context of the Ashwell Conservation Area

when determining that its development would be harmful thereto. While it is accepted that this appeal decision is many years old, the views expressed in relation to the value of the site in the context of its setting remain material.

Conclusion on the Principle of the Proposal

4.3.12 The proposed development is located outside the settlement boundary of a Category A village in the Rural Area Beyond the Green Belt where there is a general policy of restraint. The Council can demonstrate a five-year housing land supply following the adoption of the Local Plan in November 2022 and there is no requirement to apply the tilted balance in this instance given that the Council's HDT measurement is 124%. Whilst the proposed development will provide some homes, these are larger dwellings which do not meet the aspirations expressed in the Neighbourhood Plan for smaller units which would be attractive to families or people looking to downsize.

Notwithstanding that the application site adjoins the settlement of Ashwell, I conclude that the application does not accord with Local Plan Policy CGB1 and Policies ASH1 and ASH2 of the Ashwell Neighbourhood Plan and that residential development in this location in the countryside is not acceptable in principle.

Impact on heritage assets

4.3.13 Policy SP13: Historic Environment states that the Council will balance the need for growth with proper protection and enhancement of the historic Environment. The southern portion of the site, where 2/3 of the development is proposed, is within the Ashwell Conservation Area. In considering the impact of the proposed development on the significance of the Conservation Area, great weight is given to the asset's conservation and the management of its setting. Neighbourhood Plan Policy ASH3 (A) confirms that development proposals should conserve and enhance the Ashwell Conservation Area.

4.3.14 The Local Plan Policy HE1: Designated Heritage Asset, carries material weight. The policy requires that planning applications which relate to a designated heritage asset, or its setting is accompanied by a Heritage Assessment. A Heritage Impact Assessment has been submitted with the application. The Heritage Impact Assessment refers to the Council's character assessment of the Ashwell Conservation Area and the states that there is no mention of Dixies Meadow in that assessment.

4.3.15 However, the Council has since commissioned a full Conservation Area Appraisal and Management Plan for the Ashwell Conservation Area. The CAAMP was adopted by the Council at its meeting in June 2023. The CAAMP does recognise that the agrarian landscape that surrounds Ashwell has played a part in the evolution of the village and that the quality of the surrounding rural landscape makes an important contribution to the historic setting and significance of the Conservation Area. The CAAMP also identifies key views within and outside of the Conservation Area, including views across Dixies Meadow to the north from the High Street and from Rolly's Lane to the south and east.

4.3.16 The Council's Conservation Officer has considered the proposals (his detailed comments can be found in Appendix A).

- 4.3.17 The NPPF advises that in determining applications, local planning authorities should take account of the desirability of new development making a **positive contribution** to local character and distinctiveness (para 197c) and that **great weight** should be given to the asset's conservation (para 199). Furthermore, at para 200 it is noted 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**.
- 4.3.18 In summary, the Conservation Officer concludes that less than substantial harm would be occasioned to the Ashwell Conservation Area and to the setting (hence the significance) of other nearby Designated Heritage Assets. The harm would be towards the upper end of the less than substantial harm continuum.

The following is a summary of salient points:

- *When commenting on an outline application in 1986 the case officer stated that “the land historically relates to Dixies Farm, one of the great listed farmsteads which dominates this portion of Ashwell High Street’ and that ‘the meadow at Dixies is the sole reminder of the Medieval pattern of agricultural landholding and as such as (sic) an historic interest”;*
- *The above application was refused, and the subsequent appeal dismissed. The Inspector’s Report stated the following at para 11: “the village has progressed with a series of consolidations of development and leaving large areas of open space protruding into the main body of the village. This has in my opinion contributed to the high standard of appearance and spacious character”. Furthermore, the Inspector says that “Far from closing a discordant gap in the High Street frontage, the development would in my opinion cause the loss of a pleasant open appearance to the High Street”.*
- *Contrary to the submitted HIA saying that “Dixies meadow is not mentioned by name in the council’s appraisal of the conservation area, and its spatial and historic relationship with Dixies farmhouse is not discussed”, pages 56-58 of the Conservation Area Appraisal and Management Plan for Ashwell prepared by Place Services and nearing adoption does provide commentary.*
- *Para 70 of the NPPF says that: “Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area”. The application site has not been allocated as a suitable site in the ANP.*
- *The Heritage Impact Assessment acknowledges that the application site forms part of the setting to Dixies Farmhouse thus forms part of its significance and that “there will be harm to the character and appearance of the conservation area, and to the significance of the conservation area” (para 4.9). Furthermore, the HIA says “The main heritage effects will be on the setting of Dixies farmhouse, and on the character and appearance of Ashwell Conservation Area. On the basis of the council’s own appraisal, and on the present assessment, both those effects will fall into the category of less than substantial harm to significance” (para 4.12).*
- *Although there is development in depth at Colbron Close/John Sale Close and at Bacons Yard, these developments are, to an extent, set behind more established properties such as Farrows Farm and Digswell Manor respectively (both grade II) so their impact upon the character of the area is not as pronounced as would be the case with the development site.*

Conclusion on Heritage Impacts

4.3.19 Having regard for the detailed comments made by the Conservation Officer, although the dwelling types are generally considered to be well-designed, by reason of their number and two-storey height, these dwellings would erode the importance of this gap which contributes positively to the open nature and rural character of the Ashwell Conservation Area. This would lead to an uncharacteristic interruption of this gap and lead to a built form and suburbanisation that would be at odds with the open quality of the area. The development would also impair the setting and hence the significance of Dixies Farmhouse/Dixies. Whilst the scheme for 12 dwellings would deliver some social and economic benefits, which I consider to be public benefits, it is considered that this will not outweigh the less than substantial harm that would be occasioned to the Ashwell Conservation Area and to the setting (hence the significance) of other Designated Heritage Assets. **The harm would, in my opinion, be towards the upper end of the less than substantial harm continuum.** Therefore, the proposal would conflict with Local Plan Policies SP13 and HE1 and Ashwell Neighbourhood Plan Policy ASH3.

Effect upon the character and appearance of the area

4.3.20 The National Planning Policy Framework requires all development to be of high-quality design and to respect the setting of listed buildings and the Conservation area. Policy SP9 and D1 of the Local Plan states 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. In terms of Neighbourhood Plan Policy ASH4ii), the proposal does not demonstrate that it has been designed to take into account the needs of older people, in terms of the provision of bungalows.

4.3.21 I consider that the proposed development would have an adverse visual impact on the rural character of High Street. One of the Local Design Principles for Ashwell as set out in the Supplementary Planning Document (Design) is: ***“Seek to protect open spaces maintaining the existing character.”*** Whilst private rather than public open space, the application site is an open space nonetheless and it contributes to the existing village character. It is one of the few remaining meadows that break up the built development on the edge of Ashwell.

4.3.22 The proposal would not create a high-quality development that respects and improves its surroundings and would fail to protect key elements of North Hertfordshire’s environment including important landscapes, heritage asset and green infrastructure contrary to Local Plan Policy SP1 (Sustainable development in North Hertfordshire). The proposal would fail to respond positively to the site’s local context and would not enhance the public realm. As such the proposal would fail to comply with Local Plan Policy D1 (Sustainable Design).

4.3.23 The proposed development would have a significant urbanising effect upon this open space that lies outside the defined settlement boundary for Ashwell that currently makes a positive contribution to the character and appearance of the area due to its openness. It is considered that the proposed development would not function well 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 setting (paragraph 127 of the NPPF). Also, 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 (paragraph 130 of the NPPF). Paragraph 170 b of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by...recognising the intrinsic character and beauty of the countryside...” It is considered that the proposal would harm the intrinsic character and beauty of the countryside.

- 4.3.24 In addition to the urbanising impact of the development that would result from the number, size, design and position of the house-types, there are also concerns over the layout (in particular the way the access road terminates), which leaves the potential for development to extend even deeper on the site at some later date, and also proposed hard-landscaping, parking bays and garages that would also figure significantly at the front of the site, contrary to the Green Infrastructure annotation in the Ashwell Neighbourhood Plan and adversely affecting View SV6. This would also be contrary to paras 56 & 58 of the Conservation Area Appraisal and Management Plan for Ashwell prepared by Place Services.
- 4.3.25 As such it is considered that the wholesale development of this site would be harm the character and appearance of the area and would conflict with Policies SP1 and D1 of the adopted Local Plan.

Conclusion on effect upon character and appearance

- 4.3.26** The proposed dwellings would erode the existing gap which contributes positively to the open nature and rural character of the Ashwell Conservation Area. This would lead to an uncharacteristic interruption of this gap and urbanisation of this open space that would be at odds with the open quality of the area and conflict with Local Plan Policies SP1, SP9 and D1

Impact on neighbouring properties

- 4.3.27 The layout of the development does not raise any obvious concerns from a residential amenity perspective. There is adequate separation space provided between existing and proposed dwellings to avoid unneighbourly impacts and first floor windows are positioned so as to avoid overlooking to neighbouring garden areas.

Standard of proposed accommodation for future occupiers

- 4.3.28 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of D3 of the Local Plan.
- 4.3.29 The applicant has confirmed that the dwellings meet the nationally described space standards and has produced a table to demonstrate. Air Source Heat Pumps will be provided to all homes on the development to deliver a low-carbon source of heating to the properties in compliance with Local Plan Policy D1: Sustainable Design. The proposed houses have private gardens, and it is noted that these are all ample in proportion to complement the detached structures.
- 4.3.30 In terms of amenity, the 12 proposed dwellings would be sufficiently spaced and would be set within relatively generous plots and so each of the new dwellings would benefit from sufficient privacy and a sufficient amount of amenity space.

Conclusion on Living Conditions

- 4.3.31 It is concluded that the proposed development would not result in any significantly adverse impacts on the amenity of neighbouring properties and the future occupiers of the development would also be provided with a sufficient level of amenity and would comply with Local Plan Policy D3.

Highways, Access, and Car Parking

- 4.3.32 A transport statement has been submitted with the application in line with the requirements of Policy T1.
- 4.3.33 The proposed plans show a new vehicular access from the High Street to serve the development which would comprise a 5.5m wide carriageway with radii of 6m. Default 20mph visibility splays of 2.4m x 25m are achievable from the access. The access would be flanked by footways into the site, connecting with the footway on High Street. Associated access roads, turning areas and off-street car parking is also shown. Amendments to the proposed layout were made following comments from Hertfordshire County Council (HCC) Highways. It is understood that these amendments have addressed all highways matters raised by the Highways officer.
- 4.3.34 The proposed development site is in a village location which is served by a number of local facilities and some public transport services to Baldock, Letchworth and Royston. The proposed development includes a total of 42 car parking spaces (Each dwelling will have 1 space equipped with electric vehicle charging provision), including 9 visitor spaces which exceeds the minimum requirements in the Local Plan. The transport assessment suggests that some of the additional visitor spaces are provided to offset the loss of on-street spaces through the provision of access to the site. Therefore, the proposed development meets the requirements set out in Appendix 4 of the Local Plan in line with policy T2 (Parking).

Conclusion on Highways, Access and Car Parking

- 4.3.35** I consider that the proposed development would not result in any significantly adverse impacts on the highway safety and is compliant with Policy T1 and T2 of the Local Plan.

Flooding and drainage – LLFA holding objection

- 4.3.36 Flood risk considerations are a key local concern which is reflected in the Local Plan and the Environment Agency's flood risk mapping. All development must therefore ensure that they do not exacerbate existing issues. A formal flood risk assessment is required and policies NE7, NE8 and NE10 identify a range of drainage and water issues which should be considered and incorporated into the development of the site. Following consultation with the LLFA they currently have a holding objection as there was a lack of sufficient supporting information to demonstrate the drainage strategy is viable alongside adequate consideration of surface water flood risk. Further information has been submitted by the agent and further consultation response has been received. The LLFA are still maintaining a holding objection. Therefore, I have drafted a reason for refusal to reflect this objection by the LLFA.

Other matters

4.3.37 Ecology and Biodiversity Net Gain

The Local Plan sets out a clear strategic approach for the protection, enhancement, creation and management of networks of green infrastructure. This is detailed in Policy SP12 (Green Infrastructure, landscape and biodiversity). Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with SP12. All development should deliver measurable net gains.

4.3.38 The site is a greenfield site which currently contributes to the green infrastructure of the village. The proposal includes amenity green space to the north of the High Street and a large open space to the north of the site, which will include a children's play area. A SUDs feature is also proposed.

4.3.39 Given the proposal will involve the loss of existing undeveloped land, there is potential for the proposal to affect existing species and habitats. There is also the opportunity to create new habitats and increase the biodiversity of the site. In the circumstances, an ecology appraisal identifying opportunities for protecting and improving these elements has been submitted.

4.3.40 The submitted Ecological Impact Assessment and Biodiversity Net Gain document produced by Sound Ecology concludes that the site is *“comparatively low ecological value, with minimal risks to protected and notable species and habitats. While ecological factors are not impediments to redevelopment, reasonable avoidance measures will be enacted to mitigate potential low-level impacts. In addition, allowance has been made within the proposals to ensure the delivery of proportionate biodiversity enhancements.”*

4.3.41 The report also outlines the Biodiversity Net Gain:

A BNG calculation using the DEFRA metric 3.1 has delivered an On-site net uplift (habitat retention and creation) of 123 % in Habitat Units and a 1,942 % uplift in Hedgerow Units. This result meets the general expectation of a greater than 10 % uplift in biodiversity units. However, it is acknowledged that there is an overall loss of natural surfaces, specifically low conservation value modified grassland. The loss of small areas of mixed Bramble and Elder scrub (medium distinctiveness) results in unmet BNG trading rules. However, these habitats are widespread in the vicinity, and their loss is not considered ecologically significant. In the context of a significant overall biodiversity net gain, the failure to precisely match trading rules is not considered material to achieving a satisfactory outcome.

4.3.42 However, at time of writing this report a consultation response is still outstanding from Herts Ecology.

4.3.43 I conclude that I can only attach a neutral weight to this matter given that the documents have not been reviewed by Herts Ecology.

Trees and landscaping

- 4.3.44 As previously stated, the site includes several trees within the site and adjacent to boundaries. The retention of these would be desirable and could help the integration of the new buildings into the rural area. The application was accompanied with an Arboricultural Report, Tree Protection Plan and Landscape Strategy Plan. These documents show the number of trees and their position to be felled and showing those trees to be protected and root protection zones to be erection throughout the development phase if approved. The plans also show that the addition of native hedgerows, shrubs and trees to be planted following construction.
- 4.3.45 A maintenance plan will be required by condition should the application be approved. Following delivery of the play area and landscaping the developer will be responsible for contributing financially towards the long-term management and maintenance of the site.

Historic Environment and Archaeology

- 4.3.46 The proposed development site is in an Archaeological Area (Area of Archaeological Significance) identified in the Local Plan. This covers the medieval and later village of Ashwell, which is recorded in Domesday Book and has its origins as a Late Saxon planned town. It was a substantial medieval settlement, with borough status. There is also extensive evidence of prehistoric and Roman settlement in the area, including Bronze Age barrows (plough-raised burial mounds), and a late Neolithic henge that was excavated in 2015 [Historic Environment Record no. 30533], south of Ashwell Street. This is one of only two such monuments that have been investigated in Hertfordshire. The site is in the core of the historic settlement, and forms part of a highly sensitive archaeological landscape. It has archaeological potential, being topographically suited to settlement, and comprising undeveloped land next to the High Street, close to the historic core of Ashwell. No buildings are shown on the site on the 1841 parish tithe map, but there are numerous late and early post-medieval buildings close by, alongside or near to the High Street, in addition to the 14th century parish church of St Mary [HER 4295]. Few archaeological investigations have taken place in the near vicinity, but evidence of prehistoric occupation, and Roman finds, and Saxo-Norman and medieval occupation, is known from Westbury Farm to the west [HER no 9672].
- 4.3.47 As such, the HCC Historic Environment Officer has advised that whilst they do not raise any objections to the proposals 'it should be regarded as likely to have an impact on heritage assets with archaeological interest. Therefore, three conditions have been recommended which require that further site investigations take place prior to the commencement of development if planning permission is granted.

Environmental Health and waste

- 4.3.48 In regard to environmental Health (Noise, Contamination and Air quality) and Waste, no technical objections are raised to this development by the relevant statutory and non-statutory consultees. Conditions have been recommended by a number of these consultees if permission were to be granted.

S106 and mitigations

4.3.49 In considering Planning Obligations in relation to this development the Framework advises that:

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

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

4.3.50 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies:

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>£183,859 (index linked to BCIS 1Q2022)</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>£16,869 (index linked to BCIS 1Q2022)</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 Royston Young People's Centre and/or provision serving the development</p> <p>£4,451 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 ‘Infrastructure requirements and developer contributions’ Planning Obligations SPD and Guide to Developer Infrastructure Contributions</p>	S106 obligation

	Hertfordshire County Council's requirements document	
Library Services	<p>Towards increasing the capacity of Royston Library and/or provision serving the development</p> <p>£3,230 (index linked to BCIS 1Q2022)</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
Affordable Housing	<p>Applicant has offered 3 Social rent properties.</p> <p>2 x 2 bed 1 x 3 bed dwellings</p>	S106 obligation
Sustainable Transport contributions	<p>£81,912 (index linked to Jan 2019)</p> <p>HCC's adopted Developers Planning Obligation Toolkit (2021)</p>	S106 obligation
Travel Plan	<p>Agreed improvements and travel plan support and monitoring fee</p> <p>£1,200pa for 5 years, indexed from May 2014)</p> <p>HCC's adopted Developers Planning Obligation Toolkit (2021)</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development</p> <p>£2,573 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' 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 Northern Transfer Station and/or provision serving the development</p> <p>£2,061 (index linked to BCIS 3Q2022)</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</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</p>	S106 obligation

	<p>attracting a charge of £340 (adjusted for inflation against RPI July 2021).</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	
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Summary

4.3.51 Given the recommendation set out below, a completed section 106 agreement has not been compiled at the time of writing this report. Should permission be refused the lack of a completed agreement would need to be part of that refusal (see recommendation below). However, should a subsequent appeal be lodged, I would fully expect the appellant and Council to agree Heads of Terms as above as common ground.

Planning Balance

4.3.52 Following the adoption of the North Herts Local Plan 2011 – 2031 the Council has demonstrated that it has a deliverable five-year supply of housing land. Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive (paragraph 79). The proposal is for 12 dwellings which would provide social benefits in the form of large market houses and 3 affordable dwellings. However, this is a modest number in terms of the overall number of dwellings that would be delivered through the Plan. In view of these factors, only limited weight is attached to the proposed housing in the planning balance.

4.3.53 The NPPF advises that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 197c) and that great weight should be given to the asset's conservation (para 199). Furthermore, at para 200 it is noted 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. In my opinion, whilst the development of the site would still enable some narrow gaps through to the land beyond to be maintained, I consider that the development would erode this gap which contributes positively to the open nature and rural character of the Ashwell Conservation Area. This would lead to an uncharacteristic interruption of this gap and lead to urbanisation that would be at odds with the open quality of the area. The development will also impair the setting and hence the significance of Dixies Farmhouse/Dixies. Overall, bearing in mind the great weight and importance to be attached to heritage assets in the Framework, it is considered that the public benefits of the proposal do not outweigh the harm caused to the settings of the Ashwell Conservation Area and nearby listed buildings.

4.3.54 The proposal would provide some open space however no mechanism has been offered to secure this area for public use such as through a S106. Even so, the open space is fairly modest in area and the village has extensive areas of open space. The provision of open space would provide little overall benefit.

4.3.55 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, given the modest number of dwellings proposed, and the fact that 117 homes have been

built or granted planning permission since 2011 only limited weight is given to this benefit in the planning balance.

4.3.56 The application site is located outside a category A village. The site is not within a town centre and cannot be said to be highly accessible. As such, in terms of the sustainability of the location of the proposed housing, this does not weigh materially in favour of the proposal, therefore little weight is given to this matter in the planning balance.

4.3.57 A holding objection from the LLFA can be given significant weight, and a reason for refusal on its own merit.

4.4 Conclusion

4.4.1 The proposal's clear and identified harm to the heritage asset, the proposed development's adverse impact on the rural character of the area and a holding objection from the LLFA and the lack of an agreed S106 Agreement would in my judgement significantly and demonstrably outweigh the public benefits of 12 additional dwellings including 3 affordable units and the required S106 planning contributions. As such there would be an objection in principle to the proposed development. The proposed development is therefore considered unacceptable for the reasons outlined above and that planning permission should accordingly be refused.

4.5 Alternative Options

None applicable

4.6 Pre-Commencement Conditions

4.6.1 No pre-commencement conditions are proposed due to recommendation for refusal.

4.7 Climate Change

4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.

4.7.2 The Planning Statement states that the proposed dwellings will be orientated to maximise solar gains, use "thermally high-performance construction materials and will be provided with air source heat pumps and low water consumption goods. It does not appear that the development seeks to exceed the minimum standards expected. If permission were granted I would recommend a condition that a sustainability Report outlining the renewable energy and energy saving functionality be submitted and approved prior to commencement.

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 **REFUSED** for the following reasons:

REASON 1

Loss of openness / urban form

The proposed development would detract from the open and rural character of the site and this, together with its inappropriate scale and urbanising effect, would have an adverse effect upon the character and appearance of the surrounding area. The development in this regard would conflict with Policies SP1, SP2, CGB1 of the Local Plan and Section 12 of the National Planning Policy Framework and Policy ASH1 of Ashwell Neighbourhood Plan.

REASON 2 - Historic

The NPPF advises that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 197c) and that great weight should be given to the asset's conservation (para 199). The application site is a greenfield site that historically relates to Dixies Farm and is a reminder of the medieval pattern of an agricultural landholding and its contribution lies in its very contrast with the built-up sites on either side and in its bringing a reminder of the agricultural basis of village life into the heart of this part of the village. The open nature of the application site also provides a view into the centre of the village from the land to the north in the vicinity of Ashwell Grange. By reason of the number of units proposed, the road layout resulting in an incursion in depth into open countryside and together with the two-storey height of the development, the scheme will result in the irretrievable loss of this space, thus, failing to respect the open and positive contribution the site makes to the character and appearance of Ashwell Conservation Area. Furthermore, depending upon where viewed from, the development will harm the wider setting off the Church of St Mary the Virgin (grade I). Although Colbron Close and Bacons Yard are relatively recent developments north and off the High Street, the case for developing the application site is not convincingly justified. The scheme fails to satisfy the provisions of Sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also fail to satisfy the aims of Section 16 of the NPPF, Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and Policies ASH1, ASH3 and ASH9 of the Ashwell Neighbourhood Plan. The degree of harm would be towards the upper end of the less than substantial harm continuum and this would not be offset by public benefits.

Reason 3 – LLFA

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, the submitted planning application has not been accompanied by an acceptable Flood Risk Assessment (FRA) / Drainage Strategy / supporting information relating to Local flood risk to the development and

demonstrating if the impacts from the development adversely effects flood risk elsewhere. Therefore, the development does not comply with NPPF, PPG or local policies - NE7: Reducing Flood Risk (North Hertfordshire Local Plan 2011-2031) and NE8: Sustainable Drainage System (North Hertfordshire Local Plan 2011-2031)

Reason 4 – SECTION 106

The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the affordable housing provision 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 - Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document . 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, Local Plan Policy HS2 of the Council's Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.0 **Appendices**

7.1 Annex A – Comments of the Senior Conservation Officer