

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

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

Extension of statutory period: 01/02/2024

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

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

1.0 **Site History**

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

Refused

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

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

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

Reason 3: The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing affordable housing and any other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10 - Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy ETC7: Scattered local shops and services in towns and villages

Policy HS2: Affordable housing

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy NE1: Landscape

Policy NE2: Green Infrastructure

Policy NE5: New and improved public open space and biodiversity

Policy NE10: Water Framework Directive and wastewater infrastructure

Policy NE12: Renewable and Low Carbon Energy Development

Policy HE1: Designated Heritage Assets

Policy HE4: Archaeology.

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

Policy ASH1 Location of Development

Policy ASH2 Housing Mix

Policy ASH3 Character of Development

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

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

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.4 **Vehicle Parking at New Development SPD**

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

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

3.0 **Representations**

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

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

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

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

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

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

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

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

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

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

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

3.4 **Environmental Health (Air Quality)** – None received.

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

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

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

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

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

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

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

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

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

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

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

Summary of Advice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 3.15 **Affinity Water** – None received.
- 3.16 **Local Lead Flood Authority** – no objection subject to conditions. If the conditions are not included, the development would be contrary to NPPF and local planning policies including NE8 of the North Herts Local Plan and the LLFA would object until such time that the details are submitted.
- 3.17 **County Council Rights of Way** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a rectangular area of land that is located on the eastern side of the village of Ashwell, to the south of existing houses that front onto Lucas Lane and to the north of Ashwell Street, which runs south-westwards from Station Road in the east and forms the southern boundary of the village for most of its length. The site comprises approximately 1.18 ha of land that is surrounded on three sides by existing housing and has a frontage onto Ashwell Street of approximately 90 metres, and a depth of around 115 metres. The site is currently in use as pastoral land, used for the grazing of sheep.
- 4.1.2 The site is within the settlement boundary of Ashwell, which is a Category A Village. The site slopes upwards quite significantly from the south-west corner to the north-east corner and is located within Flood Zone 1. The site is located within an Archaeological Area and the Ashwell Conservation Area and there are no listed buildings immediately adjacent to the site; the nearest listed buildings being located at numbers 14 and 16 Lucas Lane. The Ashwell Conservation Area Character Appraisal and Management Plan (February 2023) sets out a list of the listed buildings and key views. Whilst there are no listed buildings immediately adjacent to the site, the ACACAMP acknowledges Viewpoint 10 and a Significant View 12 is acknowledged in the Ashwell Neighbourhood Plan (made April 2022), from Ashwell Street in the south-east corner of the site looking north. This is due to the elevated location of Ashwell Street.

4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the erection of 14 dwellings including a new access from Ashwell Street, affordable housing provision, new footpath link to Lucas Lane associated infrastructure, public open space, and landscaping. The 14 dwellings would comprise of 2 bungalows and 12 houses with the following split between market: 2 x 2-bedroom bungalow, 5 x 3-bedroom house, 2 x 4-bedroom house, and affordable: 4 x 2-bedroom house, 1 x 3-bedroom house. 29 parking spaces are proposed with 2 per dwelling and 1 visitor space.
- 4.2.2 The scheme would also incorporate new landscaping, with the principal area of public open space being provided on the western side of the spine road, which would include tree planting and wild-meadow landscaping to provide areas of play and wildlife habitats. The scheme would be facilitated by a new vehicular access into the site, which will comprise a new junction on the north side of Ashwell Street, to the south-west of the mid-point of the site frontage. This would lead to a spine road leading through the site diagonally to access the proposed dwellings. In addition, a new footway/cycle path link is proposed from the northern boundary of the site through to Lucas Lane.
- 4.2.3 The application is supported by the following documents:

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

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

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

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

Principle of Development

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

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

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

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

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

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

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

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

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

The Planning History

4.3.9 The site was the subject of a previous application under ref: 20/00126/FP for the erection of 24 dwellings including creation of vehicular access off Ashwell Street, footpath link to Lucas Lane, associated public open space and landscaping. This application was refused at Planning Control Committee for three reasons, namely identified harm to the heritage asset, the proposed development's adverse impact on the rural character of the area, and the lack of an agreed S106 Agreement. The full reasons for refusal are stated in section 1.1 of this report.

4.3.10 Accordingly, as this refused application was not taken to appeal, the applicant has amended the proposal seeking to overcome the three reasons for refusal, with the change in Local Plan circumstances also a key material consideration in the determination of the application. The extent to which the Council considers the scheme has overcome the previous reasons for refusal will be considered later in this report.

Impact on Designated Heritage Assets

4.3.11 Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use"*. This is reinforced by paragraph 208 of the NPPF.

4.3.12 The site is within the Ashwell Conservation Area as designated by the Local Plan and the ANP. Therefore, consideration is given as to the impact of the proposal upon this heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. The ACACAMP acknowledges Viewpoint 10 across the site and a Significant View 12 is also acknowledged in the Ashwell Neighbourhood Plan (made April 2022). Historic England and the Council's Conservation Officer were formally consulted on this application, providing the following concluding statements:

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

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

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

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

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

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

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

The Visual Impact on the Character of the Area

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

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

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

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

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

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

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

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

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

Design, Layout and Landscaping

4.3.20 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

4.3.21 The design and layout of the proposal splits the site into two halves, with a triangular shaped area of public open space on the west side and the proposed dwellings and access road on the east. The height of the proposed dwellings would be 1 ½ storey with two single storey bungalows, ranging in form and design whilst retaining a traditional character. The dwellings would have varying orientations but would establish a street scene frontage on the east side of the access road facing the westerly public open space, with a number of back-to-back dwellings hugging the eastern boundary behind this frontage. The dwellings would all have reasonable sized rear gardens and would collectively benefit from the public open space.

4.3.22 Notwithstanding the aforementioned considerations around the impact of this proposal on the character of the Conservation Area and the rural character of Ashwell Street, it is considered that the layout, design, and scale of the proposed development is acceptable in planning terms. The 1 ½ story height is appropriate for this site which has significant topographical changes, the design, form, and materials palette would reflect the traditional character of Ashwell, and the layout of the site allows for a sizable amount of public open space to maintain a rural setting. The dwellings would also have gardens of an acceptable size and on the whole, the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme, notwithstanding the overall unacceptable urbanising impact of the proposed development.

4.3.23 With a site area of 1.18 HA, the proposal would have a density of 12 dwellings per hectare. In my opinion, this low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.

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

Living Conditions

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

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

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

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

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

Open Space Management

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

Highways, Access, and Parking

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

Ecology

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

Archaeology

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

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

Surface Water Drainage

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

Housing Mix

4.3.37 The proposed development would provide 14 new dwellings, 5 of which would be affordable. Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings to provide 25% of the total number of dwellings to be affordable and provided on-site. In the case of the proposed development, a total of 5 dwellings are proposed which results in 35% affordable. This is an increase of 1 additional affordable dwelling from the policy requirement. The affordable housing tenure is proposed to be split between rented and shared ownership. Policy HS2 requires the split to be 65% rented and 35% other forms of affordable housing. This equates to 3 rented and 2 shared ownership properties. The housing mix has also been influenced by the ANP which sets out the local need for housing. Policy ASH3 (Housing Mix) states that proposal should include a high proportion of one, two and three bed dwellings. Over 85% of the dwellings would be two or three bed for this proposal and it also includes two single storey bungalows aimed at older people.

4.3.38 Whilst the Council's Housing Officer has not provided a formal comment on the housing mix, it is considered that the proposed mix is acceptable and in accordance with Policy HS2 of the Local Plan and ASH3 of the ANP. The scheme would provide for affordable housing and provide a range of tenures and number of bedrooms, which is suitable for this location and the needs of Ashwell.

Waste and Recycling

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

Climate Change/Sustainability

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

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

Planning Obligations

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

Element	Detail and Justification	Condition/Section 106
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Secondary Education	<p>Towards the expansion of Knights Templar School Secondary School and/or provision serving the development</p> <p>£176,975 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Towards the Delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development</p> <p>£19,681 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Youth Service	<p>Towards increasing the capacity of Royston Young People's Centre and/or provision serving the development</p> <p>£3,701 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Library Services	<p>Towards increasing the capacity of Royston Library and/or provision serving the development</p> <p>£3,130 (index linked to BCIS 1Q2022)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Affordable Housing	<p>Applicant has offered 5 affordable properties.</p>	S106 obligation

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

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

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

Planning Balance

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

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

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

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

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

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

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

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

4.4 Conclusion

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

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

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

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

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

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

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.