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|---|---|
| Location: | **Land On The North West Side Of<br>Green Lane<br>Ashwell<br>Hertfordshire<br>SG7 5LW** |
| Applicant: | |
| Proposal: | **Erection of two 2-bed dwellings, three 3-bed dwelling and two four-bed dwellings, with associated access, landscaping and parking.** |
| Ref. No: | 24/02214/FP |
| Officer: | **Melissa Tyler** |

**Date of expiry of statutory period: 13/12/2024**

**Extension of statutory period: 27 June 2025**

**Reason for Delay: consultation and amendments and in order to present the application to an available committee meeting.**

**Reason for Referral to Committee – Call in by Cllr Tyson in support of the objections raised by the parish council.**

1.0 **Policies**

**National Planning Policy Framework**

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

**Supplementary Planning Document.**

Design SPD 2011
Sustainability SPD 2024
Vehicle Parking Provision at New Development SPD

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
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 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 HE4: Archaeology

**Ashwell Neighbourhood Plan**

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 23/02920/PRE Residential development comprising of 5no two storey dwellings with garages, vehicular access, landscaping and associated works

3.0 **Representations**

**Statutory Consultees**

3.1 **Herts Highways -** 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 Condition 1 and informatives 1-3.

3.2 **North Herts Environmental Health -** I have no objections to the proposals but make the following comments

**Noise – condition**

Based on submitted documentation, the installation of air source heat pumps shall be installed in a location so that associated noise levels meet the Microgeneration Certification Scheme (MCS) criteria.

**Air Quality – comments**

North Herts Council have specific air quality planning guidance that can be found at http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning
Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

**Land Contamination - Condition**

The application is not supported by any information on land contamination. However, given the location and existing use no objections subject to a condition.

3.3 **North Herts Ecology – conditions**

Having read the submitted documents there would be no ecological objection to the proposal. The September 2024 Ecological Appraisal (EA) identifies the site as a well-managed modified grassland lawn with an area of mixed scrub to the north of the site and a small area of semi-natural broadleaved woodland spanning much of the eastern boundary. It makes recommendation for appropriate protection measures for retained trees and advises precautionary mitigation measures to avoid adverse effects on nesting birds, bats and badger. A separate Biodiversity Impact Assessment has been supplied, and this provides detail on the site's baseline Biodiversity value being 2.36 habitat units and 4.52 hedgerow units. The proposal is expected to deliver habitats to a value of 1.98 habitat units and 9.56 hedgerow units. Meeting the statutory Biodiversity Net Gain requirement for hedgerows but resulting in a net loss of 16.16% of habitat units and failing to meet the trading rules, as such the assessment advises off-site units will be sought. In addition to mandatory BNG the North Herts Local Plan also advises development should consider the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks. These are also recommended in part 8 of the September EA together with hedgehog holes in fences to maintain permeability throughout the site for wildlife.

3.4 **North Herts Waste - Comments**

Vehicle tracking plan is for a correct size waste collection vehicle, however, drawings do not show entering/exiting the site.

Vehicles should be able to enter and exit a site in forwards motion and any reversing manoeuvres should be kept to a minimum and not more than 12m. It is important that the Highways Authority agree any proposed accesses into and out of a site onto the highway regardless of whether they adopt any new road.

Vehicular access in terms of vehicle weight, turning circles, visibility splays, width, etc, needs to be considered in the design.

More information can be found on http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision

3.5 **Ashwell Parish Council – OBJECTION**

Ashwell Parish Council wish to register their objection to the above planning application which has raised many concerns from local residents and the Parish Council, the key concerns are outlined below:

- The planning application shows a location plan illustration of Green Lane not an Ordnance Survey map. It is very important to note that previously HCC reported that the OS map was flawed, and research has showed it is not a public right of way. The road is privately owned; however, ownership of the access road has not been identified and subsequently the owner's obligations.

- When the site previously went to appeal in February 2018, the key issue by the Inspector was the access road and in particular the narrow pinch-point which measures between 3- 3.7m which impacts on road safety for pedestrians and vehicles.

- To illustrate the above, by comparison, NHC required the road in Chalk Bank Close to be made 6 metres wide. It should also be noted that there is a potential that legal issues around achieving agreement by residents on widening the road to give adequate safety standards could be considerable.

- The site in question has been the subject of a number of previous applications going back to the 1980s, all of which were rejected by NHC due to the above.
- The Parish Council ask that the Planning Officer notes that the local plan meets a 5-year supply identifying sites and windfall sites. The Ashwell Neighbourhood Plan states an adequate quantity of new development with no further windfall sites.

3.6 **<u>Neighbour Representations</u>**

**Representations received from Neighbours – (All representations are available on the website in full)**

**33 objections have been received – Summary below:**

1. <u>No Legal Access to Site</u>

- Green Lane is a private, unadopted road with no established public rights of way.
  Ownership under the "Ad Medium Filum" principle means all property owners own to the centre of the lane along their frontage.
- Access for development requires consent from multiple private landowners — many have explicitly refused to grant such rights
- Claims of existing access for garden maintenance are disputed and do not establish legal vehicular access for development.

2. <u>Highway and Pedestrian Safety Risks</u>

Green Lane is narrow, gravel-surfaced, and maintained privately by residents unsuitable for increased traffic.
Safety concerns include:

- Inadequate width for two-way traffic or emergency vehicles.

- Cars regularly parked, causing blind spots and congestion.
- Dangerous junction at Green Lane and Station Road, with poor visibility and history of near-misses and a previous fatal accident.
- Significant safety risks to children, pedestrians, cyclists, and horse riders.
- HCC Highways has stated the access is unsafe and unsustainable.
- New refuge points and passing spaces are inadequate to mitigate these risks.

3. Historical Rejections and Appeals

   Two previous applications (2016 and 2018) were refused and upheld on appeal due to highway safety concerns. The current application does not resolve or mitigate the previously identified issues.

4. Misleading or Insufficient Planning Documentation
   - Statements in the application regarding access and traffic impact are disputed or inaccurate
   - Residents object to suggestions that the development will have minimal impact, citing daily practical risks and traffic reality.

**10 comments of support have been received – summary below:**

1. Housing Need & Affordability

Many respondents emphasize a critical shortage of affordable and suitable housing, especially for young people, first-time buyers, and those who grew up in Ashwell but were forced to move away due to a lack of housing options.
The proposed mix of 2, 3, and 4-bedroom homes is widely praised for addressing different life stages and offering realistic opportunities for locals to remain or return.

2. Support for Community Sustainability

Several individuals highlight how the development would revitalize the village, sustain multigenerational living, and preserve the community spirit.
Concerns about stagnation and an imbalance caused by recent executive housing developments are contrasted with this scheme's more inclusive and diverse housing mix

3. Thoughtful Design & Integration

Respondents commend the design, landscaping, and scale of the proposed development, describing it as sympathetic to the village's character.
The retention of mature trees, inclusion of adequate parking, and screening from existing properties are noted as minimizing impact and maintaining the rural setting

4. Accessibility & Infrastructure

The development's proximity to village amenities and the walkability of the location are highlighted as major advantages.
Many express reassurance that the Highways Department has approved the plan, indicating proper traffic and access planning, including pedestrian safety improvements like passing places

**2 neutral comments have been received – summary below:**

Recommendation for a condition for the inclusion of seven integrated swift bricks in the interests of biodiversity.

*"No development shall take place until written details are approved by the LPA of the model and location of 5 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with Local Plan policy NE4 and Ashwell NP policy ASH10"*

## 4.0 Planning Considerations

### 4.1 Site and Surroundings

4.1.1 The proposal site on Green Lane, is located to the north-east of the village of Ashwell. Located within the Settlement boundary of Ashwell as defined by Policy SP2 of the Local Plan. It comprises maintained grass and trees forming part of a private rear garden to an existing residential property. The site in largely enclosed by a significant tree and hedge line significantly along the front boundary with Green Lane. To the western and northern site boundaries are arable agricultural fields. The southern boundary abuts a residential parcel with the dwelling set back from the boundary, and the eastern boundary runs alongside Green Lane with an existing access point.

### 4.2 Proposal

4.2.1 Planning permission is sought for the erection of seven dwellings, the housing mix would be two 2-bed dwellings, three 3-bed dwelling and two four-bed dwellings, with associated access, landscaping and parking.

4.2.2 This submission provides the following

Application Drawings including:

- Site Location Plan
- Site Layout Plan GLA-P-01B
- Plots 1 and 2 – Front and Left Hand Side Elevations GLA-P-08A
- Plots 1 and 2 – Rear and Right Hand Side Elevations GLA-P-09A
- Plot 3 – Front and Left Hand Side Elevations GLA-P-12A
- Plot 3 – Rear and Right Hand Side Elevations GLA-P-13A
- Site Street Scene GLA-P-05A
- Sketch CGI View 1 GLA-P-02A
- Sketch CGI View 2 GLA-P-03A
- Sketch CGI View 3 GLA-P-04A
- Design and Access Statement
- Transport Statement
- Landscape Layout 1139.2-01
- Energy Statement

4.2.3 The application drawings and documents have been amended to reflect the following changes because of consultation responses and discussion with Officers, and are considered in further detail below:

- Provision of additional pedestrian refuge area to the south;
- Amendment to the site boundary to include the additional refuge;
- Removal of gates from the site access to Green Lane;
- Simplification of the materials to be used for the homes

4.2.4 Proposed materials are as follows:

- Plot 1/2 – Yellow stock and slate roof
- Plot 3 – red stock, tile hanging and red roof
- Plot 4 – Yellow stock and slate roof
- Plot 5/6/7 - red stock, tile hanging and red roof

4.3 **Key Issues**

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Sustainability
- 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
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

**Introduction to principle of development and Policy compliance**

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 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 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 Ashwell is defined in Local Plan Policy SP2 as a Category A village where general development will be permitted within the recently defined settlement boundary. The proposed development is within the defined settlement boundary for Ashwell. The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside. The proposed dwellinghouses would be considered as windfall as the site is not allocated by Local Plan Policy SP8. Development of the site for housing would therefore be supported in principle under Policy SP2.

Ashwell Neighbourhood Plan (April 2022)

4.3.5 Ashwell Neighbourhood Plan is part of the statutory development plan. Policy ASH2 (B) is clear that development proposals for housing development should contribute to meeting housing needs in the neighbourhood and a 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.

4.3.6 The proposed housing mix which includes two 2-bed dwellings, three 3-bed dwellings provides a good mix of smaller houses that could meet local need for smaller housing. The applicant had taken on board the change of dwelling house size from that proposed under the PRE-APP where they proposed a 5-bed house. The scheme proposes two 4-bed houses.

4.3.7 Policy ASH3 (character of development) states that the design of new development should demonstrate how it has taken account of the local context and reflected the character and vernacular of the area, using architectural variety in form and materials.

The submitted Design and Access Statement (DAS) states that *"the proposed external wall finishes include red and buff brickwork; some with contrasting and non-contrasting brick details such as flat and sprung arches, stone lintels, sub-cills to windows and stonework window and door surrounds. There are also examples of painted render some with Tudor framed panels, weatherboarding, tile hanging towards the village centre. Roofs are pitched with either slates or brown mixture plain clay tiles, a few thatched properties still existing around the village. Fascia boards are mainly plain with plain or scalloped bargeboards painted white or black and many of the original dwellings have chimneys. Many of the roofs are simple front to back pitched forms but there are a number of feature gables, some of which are cantilevered, overhanging at first floor level. Entrance doors either have no covered porch at all or have simple door surrounds with either flat or small pitched roofs; some have larger covered pitched tiled roofs with decorative timber posts and struts. Fenestration styles and sizes vary from casement to sliding sash windows with either Georgian bars or more simple vertical glazing bars, they are mainly painted white but there are some examples of stained or black frames with white casements or sashes".*

Previous appeal decision

4.3.8 Several objections refer to the two former appeal decisions on Green Lane and it is suggested that the appeals are related to the application site. Two planning applications were refused and two appeals dismissed at Land rear of 39-59 Station Road. That site is not the same as that the subject of this application. The two applications relate to a site located outside the village boundary.

4.3.9 2015 Planning Application (15/00691/1) / 2016 Appeal – APP/X1025/W/15/3136314)

*Outline Planning Application (all matters reserved, except for access) - residential development comprising of 14 dwellings with associated access off Green Lane. This application was refused on 1 July 2015 and later dismissed at appeal due to its failure to provide a safe and suitable means of access and its severe residual cumulative impact on highway safety.*

4.3.10 An application for 14 homes was refused planning permission on 1 July 2015 with an appeal dismissed on 24 February 2016. The application proposed vehicular access from Green Lane with a pedestrian/cycle access onto Station Road. The application proposed re-marking Green Lane to provide 'give-way' markings and provide a passing/waiting area on Green Land adjacent to the access to the site.

4.3.11 However, highways related Reasons for Refusal related to:
• Green Lane is an inadequate width for two-way traffic; and
• The narrow width of Green Lane is inadequate to accommodate large vehicles (e.g. delivery and refuse vehicle) satisfactorily. In the appeal, the Inspector dismissed the scheme citing the following concerns:
• The distance vehicles would need to reverse if they met on the single-track part of Green Lane;
• The absence of pedestrian provision on Green Lane; and
• The single-track section impeding access by emergency vehicles.

4.3.12 2017 Planning application (16/02863/1) / 2018 Appeal – APP/X1925/W/17/3184448

*Outline Planning Application (all matters reserved, except for access) - residential development comprising of 9 dwelling with associated access off Green Lane. This application was refused on 17 March 2017 and later dismissed at appeal, again due to severe harm to highway safety.*

4.3.13 An application for 9 dwellings was refused planning permission on 17 March 2017 and dismissed at appeal on 22 February 2018. The same access arrangements were proposed as the 14-unit scheme, and it was refused on the same highways grounds as the original application. An updated plan was submitted during the appeal process which proposed increasing the width of Green Land to 5.5m along the unmade part of the road (except for a 10m stretch outside no. 5 which would remain 3.7m wide). This would be secured via a Grampian planning condition. During the appeal, the Inspector remained concerned about highway safety with the following concerns: • The distance vehicles would need to reverse if they met on the single-track part of Green Lane;
• The single-track section impeding access by emergency vehicles; and
• Whilst the increase in width of Green Lane would overcome many of the concerns, the Inspector was concerned that, due to land ownership disputes, it may not be possible to widen the road under a Grampian condition

4.3.14 As outlined in supporting document the agent has outlined why they think that the proposed development site would overcome the previous reasons for refusal for the other site accessing onto Green Lane:

*To overcome the Reasons for Refusal and the Inspector's concerns from the other site on Green Lane, the current planning application proposes a number of access arrangements:*
*• 2.4m by 25m visibility splays – suitable for a 20mph design speed in line with Manual for Streets / HCC guidance;*

*• Closures of the existing gated site access and a new access provided slightly to the north which will serve the 7 new homes;*
*• Localised widening of Green Lane in the vicinity of the access to allow a car and refuse/emergency vehicle to pass;*
*• Provision of 2 pedestrian refuge areas which will be protected by wooden bollards; and*
*• The access into the site provides a turning head for large refuse vehicles which are used in the local area. This provides a betterment as there is currently no turning head in Green Lane.*

Five-Year Housing Land supply

4.3.15 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). The current published position is 3.9 years supply. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, a there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal ; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.

4.3.16 The principal benefit is that the development would approve 7 new dwellings on land that can be relatively easily developed, resulting in an improvement to the District's housing land supply position.

4.3.17 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.

**Sustainability**

4.3.18 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.

4.3.19 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase and additional spending locally from future occupiers, which is a modest benefit.

4.3.20 Secondly, in terms of the social objective, this would add additional dwellings to the districts housing figures, whilst the scheme is modest in size, significant weight is attached as a planning benefit, given that the Council does not have a 5-year supply of housing.

4.3.21 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for most of their needs. This issue is covered in more detail in the section below on highway matters. The site is within a category 'A' village which has primary school and some local facilities. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.

4.3.22 An Energy Statement has been submitted with the application. This details some sustainability measures which are predicted to achieve a 71% carbon emissions improvement beyond Part L of Building Regulations. The proposal will incorporate sustainable building features, such as an EV charging points, whilst these are now required by building regulations, a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development as set out in the submitted Energy Statement. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.23 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

**Design and layout, visual impact on the character of the area**

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

4.3.25 The application site is located to the west of Green Lane and is maintained grass and trees forming part of a large private rear garden to No. 7 Green Lane. The site is not isolated but is adjacent to residential development to the north and south. Officers consider the site could accommodate new residential development subject to acceptable siting, design, landscaping etc.

4.3.26 The proposed layout indicates dwellinghouses along the middle of the site, running north to south with an access off Green Lane and separate highway running parallel to Green Lane serving the proposed dwelling and those dwellings with good sized rear gardens fronting the proposed access road. There would be a tree belt between the proposed access road and Green Lane, comprising retained and proposed trees, and along the rear boundary to the proposed dwellings. The tree belt along the front boundary would soften and enhance the appearance of the development from Green Lane.

4.3.27 The buildings have been designed with traditional architectural forms and materials which reflects the local vernacular. The dwellings would have generous spacing between them, parking, cycle storage provision and large gardens. They would be orientated to avoid excessive solar gain. Each dwelling would benefit from an air source heat pump and electric vehicle charging point and will comply with or exceed the Building Regulations part L requirements. All the proposed dwellings would comply with the requirements of accessibility contained in the Building Regulations Part M4(2)

4.3.28 The application is for 7 new dwellings. I consider the density and number of dwellings would be acceptable as the large amenity areas, retained landscaping a retaining mature boundary treatment would be contextually appropriate.

4.3.29 Overall, it is considered that the design and layout of the proposed scheme is acceptable. As such, the proposal would accord with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.

**Impact on neighbouring properties**

4.3.30 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. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.

4.3.31 Given the distances between the scheme and nearby dwelling houses, the proposed boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwellings.

4.3.32 The proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

**Standard of proposed accommodation for future occupiers**

4.3.33 The layout of the scheme would ensure that the proposed dwellings would have access to suitably sized private amenity space and benefit from other open space within the development. The orientation of the dwellings would see them all benefit from acceptable levels of daylight/sunlight.

4.3.34 The dwellings have been designed to meet or exceed the Nationally Described Space Standards.

| **Plot** | **Tenure** | **Floorspace (NDSS)** |
|---|---|---|
| **Plot 1** | 3 bed – Semi detached | 92 m2 (84 m2) |
| **Plot 2** | 3 bed – Semi detached | 92 m2 (84 m2) |
| **Plot 3** | 4 bed - Detached | 158 m2 (97- 124 m2) |
| **Plot 4** | 4 bed - Detached | 181.4 m2 (97- 124 m2) |
| **Plot 5** | 3 bed - Terrace | 88.4 m2 (84m2) |
| **Plot 6** | 2 bed - Terrace | 76 m2 (70 m2) |
| **Plot 7** | 2 bed - Terrace | 76 m2 (70 m2) |

**Highway access and car parking**

4.3.35 Green Lane is an unadopted, gravel topped, road which varies in width between 3-5.5m and acts as a shared surface for vehicles and pedestrians. Beyond the Maltings building near to Station Road there are six other detached and semi-detached dwellings served by Green Lane.

4.3.36 One of the main concerns raised by the Parish Council and neighbours is the Legal complication around access issues on to Green Lane. Green lane is a privately owned highway with unresolved questions over ownership, maintenance, access rights and liability. This matter is not a material planning consideration. The agent has confirmed that all highway widening works and mitigation measures via passing places for vehicles and pedestrians are deliverable by the applicant using land that they own/control.

*"The proposed Green Lane improvement scheme will introduce intervisible passing bays on Green Lane, which do not currently exist. Narrower widths between these passing areas are acceptable and beneficial because narrower widths encourage slower vehicle speeds. The minimum 3.7m width complies with HCC's design guidance for the acceptable design of shared surfaces.*

*• Feb 2018 Appeal identified unsafe access as a key issue – The site subject to the February 2018 appeal relates to a site to the east of Green Lane, for a larger scale of development and with a very different approach to the highway improvements suggested and were proposed to be achieved via a Grampian condition. The site subject of this application lies to the north of Green Lane and is for a smaller number of homes. The proposed highway improvements within this application are fully deliverable and are within the applicant's ownership"*

4.3.37 Although Green Lane is an unadopted highway Herts Highways were consulted for highway safety comments. Following a consultation response from the Highway Authority, an additional pedestrian refuge is proposed near no. 7 Green Lane and a drawing has been formally submitted to demonstrate this amendment. HCC Highways have responded and noted that: "*The applicant has provided another pedestrian refuge area as shown on drawing (Site Access Arrangements and Green Lane Improvements Rev F). This will definitely help with pedestrian access / access for all along Green Lane*". The proposed access arrangements, including the localised widening of Green Lane, would eliminate the occasions when two vehicles meet and therefore any need for reversing. It would also ensure safe access for emergency vehicles. This overcomes previous concerns along Green Lane. The localised widening along Green Lane would occur within the applicant's ownership, thereby removing the need for a Grampian condition. The 3 pedestrian refuge points provide safe access for pedestrians which overcomes former concerns raised regarding pedestrian safety. The highway concerns raised by North Hertfordshire District Council and the Planning Inspectorate in relation to the other site on Green Lane have therefore been overcome through this planning application.

Parking and bins

4.3.38 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 – 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided. Each house would have space to park at least two cars on plot, and there are three visitor parking spaces, so this proposal meets the parking requirements of the Local Plan.

4.3.39 Each house must provide bin storage and cycle parking for each plot. The provision of these stores are supported as providing secure cycle parking is in accordance with the parking requirements, and a bin store will prevent the bins from being left cluttering the parking area. A Condition is recommended to provide the details of the stores and their locations.

**Biodiversity net gain, Landscape and Ecology**

4.3.40 The development will retain existing trees and hedges where possible to support biodiversity and provide a mature landscape setting for the new built environment. This will be enhanced by new indigenous trees, hedges and other planting.

4.3.41 There is a mandatory requirement for the proposed development to achieve 10% biodiversity net gain (BNG).

4.3.42 The proposal shows indicative landscaping to the site and currently there are no trees here that would be removed. The indicative details need to be expanded upon and solidified. Conditions are suggested that would achieve this, as well as the baseline biodiversity.

**Waste and Recycling**

4.3.43 The proposal would incorporate a bin collection point near the large vehicle turning area, which has been shown can accommodate a refuse vehicle. Residents would be expected to present their bins to on the morning of the collection day, is circa 45m and 40m walk from the furthest dwelling, but within 30m of 5 of the dwellings. The Waste and Recycling Team were consulted on this application but did not respond but in any case, this proposed arrangement is considered to be acceptable.

**Planning Balance**

4.3.44 The Council does not have a five-year supply of deliverable housing land. The proposal would deliver seven dwellings within the settlement boundary of Ashwell. Social and economic benefits would arise from this modest housing development. Overall, the provision of the proposed development in this location within a Category A village, which would contribute towards maintaining the vitality of the village, is a planning benefit to which significant weight is attributed.

4.3.45 It is considered that the design and layout of the proposed scheme is acceptable, through its low-density nature that would respond positively to the site's rural location and the high-quality buildings.

4.3.46 The proposal will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight, which attracts neutral weight in the planning balance.

4.3.47 Measurable gains in biodiversity will be secured via condition. Local Plan Policy NE4 requires measurable biodiversity net gain and the mandatory requirement for 10% BNG applies. Therefore, this matter is given neutral weight in the planning balance.

4.3.48 Whilst the site lies within a Category A village, future occupiers would be reliant upon private vehicles to meet their day-to-day needs. Whilst the Local Plan and the NPPF promote sustainable transport, NPPF paragraph 110 accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In the circumstances it is considered that the site is in a sustainable rural location. Highway safety issues have been raised by the Parish Council and residents. However, these have been addressed by the applicant and the Highway Authority considers that highway safety benefits would arise from the proposed development. Overall, in terms of sustainable transport and highway safety this matter to which limited positive weight is attributed.

4.3.51 The predicted achievement of a 71% carbon emissions improvement beyond Part L of Building Regulations is a planning benefit and officers consider that this weighs moderately in favour of the proposal.

4.3.50 The proposal would have an urbanising impact upon the appearance of the site. However, the site is a large residential garden within the defined settlement boundary of Ashwell and the design of the proposed development is considered acceptable. It is considered that the adverse impacts of the proposed development are limited and that they would not significantly and demonstrably outweigh the benefits that would arise from the delivery of 7 dwellings.

4.4 **Conclusion**

4.4.1 It is concluded that the proposal would be sustainable development, and that planning permission should be granted subject to the recommended conditions.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

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 An Energy statement has been submitted as part of the application. To summarise the following strategies are proposed:

- Passive - Optimised design to enable controlled solar gain and improved direct and indirect natural lighting
- Fabric - Building fabric U values have been enhanced over and above those detailed within Part L1 2021
- Heating - Individual Air Source Heat Pumps Radiators and underfloor
- Heating - Hot Water Supplied via Individual Air Source Heat Pumps Cooling None Ventilation - Natural Ventilation – System 1 Intermittent Extract Fans Low design air permeability (DAP)
- Lighting - Energy efficient LED Lighting where applicable

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

1. No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority.

   The Statement shall be informed by September 2024 Ecological Appraisal and include the following:
   a) Review of site potential and constraints.
   b) Details of any necessary working methods to prevent harm to wildlife.
   c) Type and source of materials to be used where appropriate.
   d) Persons responsible for implementing the works. Ecological Enhancements
   No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, as informed by the September 2024 Ecological Appraisal, has been submitted to and approved in writing by the local planning authority.

   Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
   (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
   (b) the planning authority has approved the plan.
   The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
   There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments ).
   Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

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

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

5. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number (ITL16680-GA-017) The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

   Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). INFORMAVTIVES HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

6. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
   a) The construction programme and phasing
   b) Hours of operation, delivery and storage of materials
   c) Control of dust and dirt arising from groundworks and construction
   d) Waste management proposals
   e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

   Reason: In the interests of environmental impacts. Based on submitted documentation, the installation of air source heat pumps shall be installed in a location so that associated noise levels meet the Microgeneration Certification Scheme (MCS) criteria.

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

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

8. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

   Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to the commencement of development, a vegetation/tree protect plan shall be Submitted to and approved in writing by the Local Planning Authority to show how existing vegetation proposed for retention, will be protected during construction. The approved plan shall be implemented on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

10. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

    Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

12. The trees and hedgerows to be retained shall not be felled, uprooted, removed or otherwise destroyed or killed (other than works required for routine management and maintenance) without the prior written agreement of the Local Planning Authority. Any replacement hedgerows or trees shall be agreed in writing by the Local Planning Authority and shall be maintained for the lifetime of the development.

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

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

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

14. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, shown on the approved plans, shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

15. The garages hereby approved shall be retained for car parking purposes and for no other purpose incidental to the enjoyment of the dwellinghouse unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure their use is maintained for the stated purpose.

16. Prior to the first occupation of the development hereby approved, a scheme for the screening of the bin stores and the details of external cycle parking shall be submitted to and approved in writing by the LPA. The approved scheme shall be installed prior to occupation and the development and thereafter retained.

Reason: To ensure acceptable design and provision of cycle parking in accordance with Policies D1 and T2 of the adopted North Hertfordshire Local Plan 2011 - 2031.

17. Energy and sustainability measures as detailed in the approved Energy Statement July 2024 must be implemented on site for each dwelling prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

18. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features, has been submitted to and approved in writing by the local planning authority. These shall include:
1. One integrated bat box per dwelling should be incorporated in the design of the building;
2. Hedgehog highways should be formed to ensure hedgehogs can freely forage across the site - one hedgehog gap per fence should be created;
3. One integrated bird box and swift bricks per dwelling should be incorporated in the design of the building;
4. The provision of bee and insect habitats across the site
and the agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse and thereafter retained on site.

Reason: To ensure development secures bio diversity enhancements in accordance with Policy NE4 of the Local Plan.

19. Prior to any above ground works being commenced, full details of all external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. This should include non-intrusive light fittings and locations designed to minimise light spill into adjoining residential properties. Thereafter, the development shall be completed in complete accordance with the approved details.

Reason: In the interests of residential amenity and to minimise light nuisance.

20. No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

**Proactive Statement**:

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

**Informative/s:**

1. AN1) Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-h ighways.aspx.

2. AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.
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3. AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning