

<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 affordable housing) including creation of access from Ashwell Street, footpath link to Lucas Lane, public open space and soft and hard landscaping, biodiversity enhancement and, associated infrastructure on land north of Ashwell Street, Ashwell.
<u>Ref. No:</u>	24/01444/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period:

Extension of statutory period:

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 22/03094/FP** - Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping.

Refused – Appeal Allowed

- 1.2 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 sustainable form of development contrary of 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 **National Planning Policy Framework (NPPF) (December 2024)**

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 transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places and beautiful 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

2.3 **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

Vehicle Parking at New Development SPD

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Comments received from 48 interested parties raising a number of matters (summary):

- The eastern boundary line is incorrect, with encroachment into neighbouring properties (notably East Lodge). Protected hedgerows and mature trees (ash, field maple) are omitted or misrepresented in plans. Photographic evidence is misleading, with vegetation airbrushed or removed. Root protection zones and buffer areas are not respected, risking destruction of 80–100m of hedgerow.
- The site lies within the Ashwell Conservation Area and contributes to its historic character. Development would destroy views, especially from The Ruddy and Lucas Lane. The site includes or borders a possible Roman temple and

archaeologically sensitive land. Visual Impact Assessments are misleading, underplaying the visibility and massing of buildings.

- Loss of green space, biodiversity, and wildlife habitats. The Ruddery is a green corridor and part of the ancient Icknield Way. Concerns about light, air, and noise pollution.
- The Ruddery is unsuitable for vehicular access — narrow, unpaved, and heavily used by pedestrians. Increased traffic would endanger walkers, children, and cyclists. Kingsland Way/Ashwell Street junction is already hazardous with poor sightlines. Risk of The Ruddery becoming a rat run to Station Road and A505.
- The village does not need more 3–5 bedroom homes. There is a shortage of affordable housing, starter homes, and retirement bungalows. Calls for First Homes Scheme and local occupancy restrictions.
- There is no local infrastructure. The school is full, with no room for expansion. Doctor's surgery and dentist are overstretched. Sewage and drainage systems are at or over capacity. Water runoff and flooding risk due to site slope and impermeable surfaces.
- This is the third application for the site and previous refusals have not been meaningfully addressed. Concerns about piecemeal development — only half the site is proposed now, suggesting future expansion. Repeated applications seen as an attempt to wear down opposition. Lack of consultation with neighbours and misuse of public resources.
- The design does not reflect the local vernacular or village character. Massing of buildings is excessive and poorly positioned (especially near boundaries). Loss of open space and visual amenity.
- Swift bricks: Requested by NE Herts Swift Group and others (10 bricks minimum). Archaeological conditions: Large-scale excavation and preservation if permission is granted. Accurate boundary surveys: Mandatory before any further consideration.

3.2 **Hertfordshire Highways** – Formal comments have been received on the 23rd August 2024 and 19th November 2024. Following clarification from the applicant/agent after the initial objection that the access design is identical to the design submitted under the previous application which Highways supported, the latter response was received stating no objection subject to conditions and seeking sustainable transport contributions.

3.3 **Ashwell Parish Council** – Formal comments haven been received on 8th August 2024 and 9th September 2024. Initial concerns raised over some apparent errors in the application drawings that see the boundary line encroach onto a neighbouring properties land, right up to a mature hedge line. Sought further time to comment on the application once this matter has been resolved. Following amended plans and re-consultation with the Parish Council, the following response was received:

“Ashwell Parish Council considered this application and agreed to object on the following grounds:

- *contrary to Ashwell Neighbourhood Plan policies;*
ASH 3 Section A. Development proposals should conserve and enhance the Conservation Area, the Character Areas V1 to V5 as shown in Figure 6.1, and key views and assets identified in the Conservation Area Character Statement 2019. This proposed development would degrade rather than preserve or enhance the Conservation Area.
ASH 8 The development conflicts with View SV12. The policy is designed to protect the rural character and locally significant views.

ASH 9 This policy seeks to protect the natural landscape and rural character. Damage to the Ickniel Way would be unavoidable from the proposed development, and would directly conflict with the views of Historic England reference SE03 Pg 51 of the Neighbourhood Plan.

- *site not allocated in the Local Plan and not listed as a requirement to meet the 5 year housing supply;*
- *adverse impact on the Conservation Area in particular on the ancient trackway known as The Ruddery, part of the Ickniel Way*

It was noted that the potential for damage to surfaces and surrounding trees/vegetation during the build process should be addressed;

- *adverse impact on the Conservation Area in particular on the important views identified in the Character Appraisal and Management Plan.*
- *adverse impacts on the transport network including Kingsland Way and Ashwell Street;*
- *lack of an agreed Section 106.*

The Parish Council requests that specific conditions be imposed

o to ensure retention of the public open space for the village in perpetuity;

o to include a change of status to the adjacent BOAT and physical measures to restrict access; bollards should be installed to restrict access by four-wheeled vehicles and the vehicular access should be sited as far to the west as possible to limit damage to the ancient trackway;

o to protect the trees on the site boundaries.

The Parish Council continues to have significant concerns re the disputed boundary issue; this could affect the position & layout of the houses being proposed. The view has been expressed that the current application should not be processed while this remains unresolved”.

- 3.4 **Environmental Health (Air Quality, Land Contamination, Noise)** – No objection subject to conditions covering a Construction Management Plan, EV Charging points, and if contamination is found during development.
- 3.5 **Minerals and Waste** – No objection subject to condition covering Site Waste Management Plan.
- 3.6 **Hertfordshire Archaeology** – None received.
- 3.7 **Waste and Recycling** – None received.
- 3.8 **Conservation Officer** – Objects to the proposal and provides two reasons for refusal:

“The application site makes a very positive contribution to the character and appearance of the Ashwell Conservation Area, having historic and archaeological significance and which includes 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). The site represents the last area of open land on the north side of 'The Ruddery' substantially removing 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. It is considered that developing this site would impair views towards an area to the east of the historic core and which includes 'The Springs' (Viewpoint 10/SV12) and will impact upon the inter-visibility between Townsend House, 5 High Street, and the Parish Church of St Mary the Virgin. Furthermore, the development would have an adverse impact upon the character of the medieval route that is Ashwell Street. It is considered that the development 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. 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".

"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".

- 3.9 **Historic England** – *"Historic England Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 199 and 200. In determining this application, you should bear in mind the statutory duty 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.*

Historic England have clarified that in their opinion, the harm occasioned by the proposal on heritage assets would be at the moderate to low level of 'less than substantial harm'.

- 3.10 **North Herts Ecology** – Formal comments received on the 29th July 2024 and 12th September 2024. Both comments, with the latter updated following the amended plans, concluded with no objections subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, Lighting Strategy and the mandatory BNG condition.
- 3.11 **Hertfordshire Growth and Infrastructure** – Several formal comments received updating previous comments due to changing policy circumstances at HCC. The latest response received 16th July 2025 states as follows:

"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			FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0	1	0	0
2	1	2	2	0	0
3	6	1	3	0	0
4+	4	0	4+	0	0
Total	11	3	Total	0	0

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	14	0	0	0	0

Secondary Education Contribution towards the expansion of Knights Templar Secondary School and/or provision serving the development (£193,637 index linked to BCIS 1Q2024)

Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary school and/or provision serving the development (£224 index linked to BCIS 1Q2024)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) for pupils aged 2 to 19 years old and/or provision serving the development (£27,285 index linked to BCIS 1Q2024)

Library Service Contribution towards increasing the capacity of Royston Library and/or provision serving the development (£4,086 index linked to BCIS 1Q2024)

Youth Service Contribution towards increasing the capacity of Young People's Centres and detached work for Letchworth/Baldock and surrounding areas and/or provision serving the development (£3,941 index linked to BCIS 1Q2024)

Waste Service Transfer Station Contribution towards the new North Transfer Station at Baldock and/or provision serving the development (£4,090 index linked to BCIS 1Q2024)

Waste Service Recycling Centre Contribution towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development (£2,928 index linked to BCIS 1Q2024)

Fire and Rescue Service Contribution towards the new fire station at Royston and/or provision serving the development (£6,009 index linked to BCIS 1Q2024)

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 £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions”.

3.12 **Environment Agency** – No comments.

3.13 **Anglian Water** – General advice given.

3.15 **Housing Development Officer** – Advice given on provision of affordable housing.

3.14 **Lead Local Flood Authority** – Several formal responses received on 28th August 2024, 3rd December 2024 and 13th January 2025. Following clarification from the applicant that the proposal is subject to the same Flood Risk Assessment and Drainage Strategy as one previously considered on this site and supported by the LLFA, the latter comment provided no objections subject to conditions.

3.15 **County Council Rights of Way** – None received.

3.16 **Fire and Rescue** – Request a condition securing the provision and installation of a new fire hydrant.

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 downwards 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 4 x 4-bedroom properties, 6 x 3-bedroom properties and 4 x 2-bedroom properties, with 4 affordable dwellings (1x3-bedroom bungalow, 1x2-

bedroom bungalow, and 2 x 2-bedroom houses). The house-types have been designed to meet accessible standards M4(2) and M4(3) and range from 2 and 1 ½ storey dwellings and single storey bungalows.

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 as well as a 3.0m wide landscape buffer on the eastern/western boundaries. 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 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 Strategy and Visual Impact Assessment prepared by Aspect Landscape;
- Phase 1 Geo-environmental Assessment, prepared by Geo-Environmental Services;
- Services Appraisal by Martin Andrews Consulting;
- Transport Statement, Travel Plan and Technical Note 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 plans/information has been submitted during the course of this application in an effort to overcome objections/concerns raised from interested parties, primarily to overcome the boundary dispute concerns with East Lodge, objections from Hertfordshire Highways and the LLFA.

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 and is considered to be consistent with the Local Plan, also 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. It is important to note that the inclusion of the site within the Ashwell settlement boundary does not automatically mean it will be acceptable for residential development. The site is not designated as an allocated site in the Local Plan and is therefore a windfall site, where the Council must consider the benefits and harms of the proposal and come to a view.
- 4.3.5 The submitted Planning Statement makes a number of arguments in support of the principle of development. 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. Overall, there is no dispute that the principle of residential development in this location is acceptable, which is a matter addressed by the Inspector in the recent appeal decision at this site (to be considered in more detail later in this report).
- 4.3.6 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 3.9 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted if the harm of doing so would not

significantly and demonstrably outweigh the benefits unless i. or ii. of the same paragraph dictate otherwise. Part i. of 11 d) refers to ‘the application of policies in this Framework that protect areas or assets of particular importance, and these provide a strong reason for refusing the development proposed’, (which in footnote 7 includes designated heritage assets – in this case being the Ashwell Conservation Area and St. Marys Church). The footnote specifies that the policies referred to are those in this Framework and include those relating to designated heritage assets. Paragraph 215 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 matters relating to the impact of the proposal on the relevant designated heritage assets will be considered in more detail later in this report.
- 4.3.8 Another important consideration is the Governments objective to significantly boost housing supply in the context of an acute housing crisis, set out in Paragraph 61 of the NPPF as identified by the Inspector in the recent appeal. In this context, the Councils housing supply shortfall is a weighty consideration and the NPPF does acknowledge how small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.
- 4.3.9 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Ashwell, as designated in 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

- 4.3.10 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. This refused application was not taken to appeal.
- 4.3.11 More recently, an application was submitted under ref: 22/03094/FP for the Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping. This application was refused at Planning Control Committee for 3 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.
- 4.3.12 This decision was appealed to the Planning Inspectorate (APP/X1925/W/24/3349177) and on the 27th June 2025, the appeal was allowed and planning permission granted for the proposal. This is a significant material consideration in the context of the current application herein, as planning permission has been granted on appeal for a scheme of similar scale description of development with a suitably agreed s106 agreement with the required developer contributions.

Impact on Designated Heritage Assets

- 4.3.13 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 212 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 215 of the NPPF.
- 4.3.14 The site is within the Ashwell Conservation Area. 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).
- 4.3.15 Historic England and the Council’s Conservation Officer were formally consulted on this application, providing the following concluding statements:

“Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 199 and 200. In determining this application, you should bear in mind the statutory duty 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.

Historic England have clarified that in their opinion, the harm occasioned by the proposal on heritage assets would be at the moderate to low level of ‘less than substantial harm’.

The Council’s Conservation Officer provided draft wording for two reasons for refusal, but concluded in their comments as follows:

“Historic England and the applicant’s Heritage Consultant, attribute some significance to the application site. For instance, Historic England has consistently noted the significance of the site as part of the conservation area and the harm to the area which could result in it being built on. Whilst Asset Heritage Consulting says that the site has survived as open land and therefore retains a limited degree of interest in this respect. (3.2.24) and makes a low to moderate contribution to the character and appearance of ACA (3.2.33). Furthermore, AHC also state that there is some impact arising from limited development proposed within the purview of KV23, the view identified in the CACS (and the CAAMP and NP) from the field gate looking north across the site over Lucas Lane and towards the countryside beyond. (5.3)

At 5.4.32 of the submitted Planning Statement it is stated that ‘whilst the proposed development would lead to ‘less than substantial harm’ to the character and appearance of the Ashwell Conservation Area, the identified public benefits of the scheme would significantly outweigh any harm’. In my view the harm ‘bar’ is set higher

than what the applicant has indicated which is, in my view, reinforced by Historic England's comments. As such the bar for public benefits should be set accordingly".

Historic England's email clarifying the extent of less than substantial harm on the moderate to low end of the spectrum was received after the Conservation Officers comment.

- 4.3.16 Officers acknowledge that there has been consistent heritage based objections to development of this site in previous applications, under refs: 20/00126/FP, 22/03094/FP and this current application. However, a notable and significant material consideration in this respect is the recent appeal decision for application ref: 22/03094/FP which allowed the appeal for the development of 14 dwellings on this site which was refused solely on heritage based reasons (reasons 1 and 2) after the third reason for refusal fell away. The Inspector considered the existing contribution of the site to identified key views and the Conservation Area generally, as well as its impact on the setting of the Grade I listed St Marys Church and No.5/Townsend House (BLIs), before then appraising that proposal in the context of these heritage assets and any identified harm. The notable paragraphs from the Inspectors decision are set out below:

"28. Overall, the proposal would not preserve or enhance the CA and it would harm the character and appearance of the area, namely that of Ashwell Street. The proposal would fail to preserve the setting of the Grade I St Mary's Church causing harm to the special interest and significance of the Church as a designated heritage asset and No 5 and Townsend House as non-designated heritage assets and the contribution these make to the CA.

30. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. There is no dispute between the parties that the proposal would result in less than substantial harm to the significance of the CA. However, the Council has set out in its reason for refusal that the level of harm would be moderate to high on the less than substantial scale. The advice from Historic England places the level of harm as moderate. The appellant's own assessment puts the harm at the lower end of the less than substantial scale.

31. The proposed development would impact negatively on the identified key views, and the CA, which would be at a moderate level. It would impact negatively on the setting and significance of the Grade I listed St Mary's Church to a minor degree. There would be a very small degree of impact upon the BLI the Council identified in its reason for refusal. However, the special interest of the wider designated heritage assets would be recognised due to the provision of large areas of undeveloped public open space. The considered layout, low density design of the homes and landscape would moderate the urbanising effects of the proposal. The totality of the effects would be limited to within the appeal site and its immediate environs. I consider this to be very finely balanced given the cumulative number of assets affected. However, the mitigating factors I have identified, I find that the harm would be at the moderate level of the scale of less than substantial in this instance.

32. In conclusion, taking all of the above points together the proposal would cause harm to the significance of the CA and would fail to preserve its character and appearance, and that of the area. Policy HE1 of the Local Plan reflects the requirements of Framework paragraph 215. This advises that harm should be weighed against the public benefits of the proposal. In order to do this in a comprehensive

manner, the wider planning benefits that coincide with public benefits need to be set out.

33. Such requirements, to weigh harm against public benefits are not set out in NP Policies ASH3 and ASH8. Together, and insofar as they relate to the appeal, these seek, to conserve and enhance the CA, safeguard key views identified in the CACS, and make a positive contribution to the village. As such I find the proposal would be in conflict with these NP Policies”.

- 4.3.17 Whilst it is acknowledged that the Inspector in this case identified that the proposal would result in harm to the significance of the Ashwell Conservation Area and the identified key views, with the harm established to be moderate on the less than substantial harm continuum, as well as a minor degree of harm to the Grade I St Marys Church and the nearby BLI, the Inspector went on to allow the appeal in any case in the concluding planning balance. The most notable paragraphs from that previous decision are set out below:

“55. I am conscious of the advice in the Framework that great weight should be given to the conservation of heritage assets, and the more important the asset the greater the weight should be. I have gauged that harm to equate to less than substantial harm at a moderate level on the scale. I ascribe the overall moderate level of less than substantial harm to designated heritage assets that would be caused by the proposed development considerable importance and weight.

56. However, the above elements of the proposal would provide clear socio-economic and environmental benefits to the local area. The various social, economic and environmental benefits of the scheme, range from substantial to limited in terms of weight. Notwithstanding my views on the harm to heritage assets, together, to my mind, these amount to a notable combination of public benefits. The scheme would collectively provide clear and convincing public benefits relative to outweigh the totality of the heritage harm.

57. For applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, framework paragraph 11 d) i sets out permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance, which includes designated heritage assets provides a strong reason for refusing the development proposed. This replaces the requirement within the Framework prior to its update in December 2024, when the planning application was determined, whereby a clear reason for refusal would disapply the requirement of 11 d).

58. Given that I have found the public benefits to outweigh the totality of the heritage harm, this does not provide a strong reason for refusing the development. Paragraph 11 d) ii of the Framework is not disapplied. Therefore, any adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

59. The Council has only referred to Local Plan policy HE1 in its reasons for refusal. I conclude that the proposal would be in accordance with Policy HE1 of the North Hertfordshire Local Plan, which sets out planning permission affecting designated heritage assets and their setting will be granted where the harm is outweighed by the public benefits of the proposal.

60. However, the proposal would result in harm to the character and appearance of the area and there would be conflict with the NP Policies ASH3 and ASH 8. Whilst this weighs against the proposal, given my finding above collectively there are no adverse impacts that would significantly and demonstrably outweigh the benefits with reference to the statutory basis for decision-taking, other material considerations are of sufficient weight to justify granting planning permission”.

- 4.3.18 The sites undeveloped nature, allowing views from the edge and within the Conservation Area, awards an appreciation of Ashwell as a historic village and its development over time. The site and its undeveloped nature make a very positive contribution to the significance of the Conservation Area.
- 4.3.19 The viewpoints identified in the Conservation Area Character Statement, Conservation Area Management Plan, and the Neighbourhood Plan show the villages setting, sloping down towards the northern boundary of the site, present open space, and has an air of rural tranquillity. These identified views, from the southwest part of the site looking north along the western boundary will be impacted by the development, in particular, the siting of plots 1, 2 and 3. The existing view of homes along Lucas Lane screened by mature landscaping would be compromised by the context of dwellings, an access road and ancillary paraphernalia to the east of the site. In addition, and materially different from the previous appeal decision, plots 1, 2 and 3 sited alongside the northern boundary towards the west of the site will impact this view and its contribution to the significance of the Conservation Area. The re-siting of plots, in particular plots 1 and 2, will have some, minor, additional impact on internal views within the site of St Marys Church over the prominent No.5 High Street. The topography of the site is such that Plots 1 and 2 will be on a lower level. A condition will be imposed requested ensuring the landscaping in front of plots 1 and 2 are provided evidencing that this landscaping could mature to an extent where plots 1 and 2 will over time be viewed behind features in a similar format to existing views of dwellings on Lucas Lane.
- 4.3.20 This change in impact must be considered in the context of commensurate re-distribution of open space within the site. Dwellings within the site have been set back from Ashwell Street to the south and present a more open entrance to the site. In addition to presenting an open entrance to the site when approached from Ashwell Street, the absence of development along the south boundary will present greater opportunities of views towards Townsend House through the landscape boundary and East Lodge.
- 4.3.21 Officers accept relevant consultees concerned with appraising the impact of development on heritage assets have provided consistent objections to development on this site, however, the recent appeal decision at this site is a significant material consideration. The scheme considered on appeal is a material consideration to the proposal, with the same number of dwellings, a similar provision of affordable housing, a similar large areas of public open space, the same vehicular access design onto Ashwell Street, and a similar landscaping strategy. The difference between the two schemes is the design and layout, with this scheme adopting a farmstead/barn typology which will be considered in more detail later in this report, which, in appearance terms, has the support of Officers given the rural character of this part of Ashwell, but this is not supported by the Conservation Officer.

- 4.3.22 I have considered the objections received from the Conservation Officer and indeed the draft reasons for refusal, which are in principle objections to development of this site and a new access onto Ashwell Street, rather than concerns over the design/layout of the proposal. Officers are not convinced that the proposal before the Council now is so materially different to the proposal considered at appeal, such that a different conclusion resisting development in heritage terms could be sustained. There are competing interests within the site in terms of heritage value, and the proposal herein strikes a different balance with differing priorities, but subject to conditions, will cause less than substantial harm on the moderate end of the spectrum.
- 4.3.23 Overall, Officers acknowledge that the proposal would result in harm to the character of the Conservation Area and impact negatively on identified key views, whilst also resulting in minor harm to the Grade I listed St Marys Church and the nearby BLI. This harm is judged to be moderate on the less than substantial harm continuum, the same level of harm judged by the Inspector. Policy HE1 of the Local Plan and paragraph 215 of the NPPF requires that any harm should be weighed against the public benefits of the proposal. This exercise will be carried out at the end of this report.

The 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 Further to the aforementioned considerations which are in principle heritage based concerns, the site contributes to the rural character of the Conservation Area. The site is undeveloped agricultural land and therefore, any development proposal will undoubtedly result in some degree of visual impact upon that character. The proposal would see the delivery of 14 dwellings, with 5 of them located in the southeast parts of the site where the ground level is higher compared to the remaining parts of the site. 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 to ensure it is safe for future users.
- 4.3.26 In the context of the recent application allowed at appeal under ref: 22/03094/FP, the scheme is broadly similar but there are some differences. The site would retain a sense of openness due to the amount and location of open space within the site on its western side. The development has been set back from Ashwell Street and the number of dwellings in this location reduced, to reduce the visibility and resulting impact of development from this area, which would help maintain the rural character of Ashwell Street. The proposed access location is sited in the same position as the previous scheme, which was considered acceptable by the Inspector.
- 4.3.27 Considering the proposal in the context of the previously allowed application, the scheme results in some changes that amount to positive and negative impacts in the view of Officers. The number of units has been kept the same at 14, and development is largely sited on the eastern side of the site allowing a large area of open space on the west part of the site, such that there would be some, albeit more interrupted than the previous scheme allowed at appeal, retention of existing viewing corridors from the south corner of the site through to the north, which is Significant View 12 in the ANP. This scheme does incorporate 2 dwellings in the northwest corner of the site, which is

a primary difference from the previously allowed scheme and does have some impact on this identified view, but these dwellings are not considered unsuitable in this case given the topography of the site, their siting/design, the typology that is sought for this proposal, and subject to a condition requiring further landscape detail focussed to the front of these proposed dwellings. It is also acknowledged that the proposal would look to utilise 2, 1 ½ and 1 storey for the proposed dwellings, which is suitable on this site where there are considerable topographical changes. It is also considered that those dwellings in the northern parts of the site, at lower ground level, are largely 1 and 1 ½ storey in height, such that they would not be overly visible from Ashwell Street and would be screened from view in the main from wider aspects.

- 4.3.28 In respect of the formation of the new access onto Ashwell Street, Officers acknowledge that this matter has been a consistent reason for refusal for development of this site until the very recent appeal decision allowing the proposal. This application was submitted following the previous refusal of application ref: 22/03094/FP at Planning Committee and before the Inspector allowed the appeal, where the applicants considered the possibility of overcoming this reason for refusal with alternate access to the site. The applicants considered the suitability and viability of providing the primary access to this site via Lucas Lane, whether that be by improving the current pedestrian access so it can accommodate vehicular traffic, or by purchasing one of the properties on Lucas Lane to demolish and provide a new access. Following consideration of these two options, it was determined that the current pedestrian access could not be improved sufficiently to accommodate vehicles given the level of existing constraints, making this technically unviable. For the second option, a review of the house prices for properties on Lucas Lane that could be demolished to serve as an access were significant (approx. £740,000), such that purchasing one of these properties just to knock it down would have a material impact on viability. In this case, the matter is considered satisfactorily resolved that access to this site cannot be from anywhere other than Ashwell Street, which is an existing BOAT. Since this exercise took place and this application was submitted, the previous refusal on this site was allowed at appeal which includes the new access onto Ashwell Street, where the Inspector has considered the scheme acceptable in its impact on the character and appearance of Ashwell Street. Given that the proposed access design under this proposal is identical to the scheme allowed at appeal, there is no reasonable basis to object on this reason as it would not be dependable in an appeal scenario.
- 4.3.29 It is considered that the proposed development would result in an acceptable visual impact on the character and appearance of the area, and by extension the Conservation Area. This is in accordance with Policy SP9 and D1 of the Local Plan, and Section 12 of the NPPF.

Design, Layout and Landscaping

- 4.3.30 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.
- 4.3.31 The design and layout of the proposal has been subject to pre-application discussions with Officers. The layout and external appearance of the scheme has been designed to resemble an agrarian farmstead, seeking to respond positively to the rural character of Ashwell. The scheme is designed with Plots 1 and 2 acting as the main farmhouse buildings overlooking the large area of open space, which are the only buildings on the western half of the site and have a distinctive form and materiality as the primary

buildings on this scheme. Plots 3 – 14 have been designed to resemble the ancillary barns and associated buildings in an agrarian farmstead, largely 1 and 1 ½ storey in scale with some two-storey, and with a form and materiality you would expect for these types of ancillary buildings (black weatherboarding, red brick/tiles, hipped roofs). 4 of the dwellings would be built to M4(2) standards and 2 of the dwellings would be built to M4(3) standards.

- 4.3.32 The proposal is considered acceptable in design and layout. Officers acknowledge that the scheme does not benefit from the support of the Council's Conservation Officer, who has concerns over the farmstead typology in this location. However, Officers consider that the design and layout is acceptable in this rural location and given the layout/design of development allowed at appeal, it would be difficult to justify a refusal on such grounds on this application. The scheme before the Council has been the product of pre-application advice, which is collaborative, even though the Conservation Officer was not involved in those discussions. The scale, forms and materiality proposed on this scheme are suitable in this context, accounting for the topographical changes and retaining the sizable amount of public open space, which would respond positively to local character. The provision of 4 dwellings at M4(2) standard is an under provision to that required by Policy HS5, which requires 50% (7 dwellings), but the scheme will deliver 2 dwellings at M4(3) standard which does comply with Policy HS5 at 10%. On balance, this under provision is considered acceptable.
- 4.3.33 The proposal would accord with SP9 and D1 of the Local Plan, Policy ASH3 and ASH4 of the ANP, and Section 12 of the NPPF in terms of the design and layout of the scheme.
- 4.3.34 With a site area of 1.18 HA, the proposal would have a density of 12 dwellings per hectare. This low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.
- 4.3.35 The submitted Landscaping Scheme shows the extent of hard and soft landscaping across the proposed development, including the large area of open space on the western side which is a significant benefit. The site is bounded by mature hedgerows and trees on all four of its boundaries which the proposal seeks to retain where possible and enhance with supplementary landscaping, including 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 3.0m wide landscape buffer along the eastern and western boundaries of the site. The extent of hardstanding within the site is limited to the access roads, pedestrian footpaths, and driveways, which is acceptable. Subject to a condition requiring further details of the landscaping proposed in front of plots 1 and 2 for heritage reasons, 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

- 4.3.36 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.
- 4.3.37 In terms of the layout of the proposed dwellings relative to the immediate neighbours, Plots 1, 2, 3, 4, and 5 will be sited to the rear of the existing properties on Lucas Lane (no's 2, 4, 8, 10 and 12), and Plots 13 and 14 will be sited adjacent to the boundary with the existing property to the east (East Lodge), which will have some impact upon these existing properties. The remaining dwellings are not expected to result in any material harm to the amenity of neighbouring properties, given their location relative to

any nearby receptors, separation distances, existing landscaping features and their scale.

- 4.3.38 In respect of the 5 plots on the northern side adjacent to the dwellings on Lucas Lane, these existing properties benefit from sizable rear gardens with considerable landscaping. The minimum distance between an existing property on Lucas Lane and a rear elevation of a new dwelling for this scheme is approx. 23.0m, which relates to Plots 1 and 2 and their shared rear boundaries. This distance is considered suitable and whilst these plots are largely 1 ½ storey, their siting and the existing landscaping will screen the plots from view, even in light of the increase in ground level relative to these neighbours such that there will not be any adverse impacts on the amenities of these neighbours. Moreover, the rear facing first floor windows from Plots 1 and 2 would serve a bedroom for Plot 1 and a bathroom window (which would be obscure glazed) for Plot 2, which alongside the aforementioned considerations will not result in adverse loss of amenity through overlooking. Overall, these two plots will not result in an overbearing impact or daylight/sunlight loss. Plots 3 – 5 are bungalows and are therefore modest in scale, such that it is considered that any impact will be acceptable in terms of overdominance, loss of privacy and loss of daylight/sunlight. Whilst the proposal will undoubtedly result in visual changes and some impacts compared to the existing site, which is free of any development, the level of harms are not considered to be materially adverse to cause unacceptable harm to living conditions of neighbours.
- 4.3.39 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.
- 4.3.40 The proposal would therefore accord with Policy D3 of the Local Plan.

Open Space Management

- 4.3.41 The proposal is offering a significant amount of public open space, and this would need to be managed if permission is granted. The Council's Greenspace Service Manager has 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, which has been considered and forms part of the current signed/sealed s106 for the previous application allowed on appeal at this site. This has been agreed with the applicant and will form the basis of the resulting legal agreement.

Highways, Access, and Parking

- 4.3.42 The Highway Authority have provided formal comments on this application, raising no objection to the proposal subject to four conditions ensuring that the vehicular access off Ashwell Street is completed prior to occupation, that the pedestrian access onto Lucas Lane is completed prior to occupation, that technical details shall be submitted to and approved prior to commencement of development, and that a Construction Method Statement is submitted prior to commencement of development. The proposed primary access onto Ashwell Street and pedestrian access onto Lucas Lane are identical to that considered acceptable by the Inspector in the recent decision allowed at appeal.

- 4.3.43 The concerns raised by local residents and the Parish Council in respect of the impact of the proposal on highway safety are acknowledged, as these concerns were raised during the previous application as well. The concerns were relating to 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, since the Highway Authority have formally stated no objection to the proposal on highway grounds, and an identical vehicular/pedestrian access has been granted planning permission at appeal, it would be unreasonable to object to the scheme on such grounds.
- 4.3.44 The scheme for 14 dwellings would deliver 32 parking spaces, with at least 2 per dwelling and 4 visitor spaces. 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 will incorporate 12 garages, with only Plots 7 and 8 not benefitting from one, Officers consider that a 0.5 figure is used in this instance, which works out at 7 visitor spaces for the scheme. 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 and in the case of four properties, they have overprovided parking spaces which mitigates this under provision to a certain degree. Therefore, whilst this is technically an under provision of visitor parking, it is considered acceptable and is not convinced that this would be a substantiative reason to refuse planning permission for.

Ecology

- 4.3.45 This application was submitted with a full biodiversity metric, ecological impact assessment and technical briefing note. Following consultation with the North Herts Ecologist, no objections are raised subject to several conditions, namely the submission and agreement of a Construction Environment Management Plan and Ecological Enhancement Plan prior to commencement, submission, and agreement of a Lighting Design Strategy prior to occupation, and the mandatory Biodiversity Net Gain condition. A condition requiring integrated Swift bricks on 10 of the dwellings is recommended given the local population of this species. The proposal would deliver significant biodiversity net gains in accordance with Policy NE4 of the Local Plan.

Archaeology

- 4.3.46 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 comments. During the previously refused application under ref: 20/00126/FP, the County Councils' archaeological department raised no objection subject to conditions for a larger residential development, following the carrying out of an archaeological investigation. Within the recent application under ref: 22/03094/FP, the Inspector allowed the appeal subject to the following condition:

“Development, including site clearance shall not commence until an archaeological watching brief has been submitted to and approved in writing by the local planning authority. It shall include measures for if any archaeology artefacts are found during

the site clearance and digging out stages. Development shall only commence in accordance with approved details”.

- 4.3.47 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 to ensure due consideration is given to archaeological matters.

Surface Water Drainage

- 4.3.48 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and Drainage Strategy has been submitted. This FRA and Drainage Strategy is identical to that submitted and approved by the Local Lead Flood Authority pursuant to the scheme allowed on appeal. The Local Lead Flood Authority have been 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 Anglian Water providing general advice to the applicant. As such, whilst it is acknowledged that interested parties 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

- 4.3.49 The proposed development would provide 14 new dwellings, 4 of which would be affordable. Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings should 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 4 dwellings are proposed which results in 28% affordable, which complies with Policy HS2 of the Local Plan.
- 4.3.50 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 1 shared ownership properties. The Councils Housing Officer has set out that the rented dwellings should comprise 1 x 2-bedroom bungalows (M4(3) Standard), 1 x 2-bedroom house, and 1 x 3-bedroom bungalow and the shared ownership should comprise 1 x 2-bedroom house. The housing mix has also been influenced by the ANP which sets out the local need for housing and has been agreed by the applicant. Policy ASH3 (Housing Mix) states that proposal should include a high proportion of one, two and three bed dwellings. Over 70% of the dwellings would be two or three bed for this proposal and it also includes two single storey bungalows aimed at older people.
- 4.3.51 As such, the proposed housing mix is acceptable and in accordance with Policy HS2 of the Local Plan and ASH3 of the ANP. The scheme would provide suitable 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

- 4.3.52 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 be acceptable means of waste collection for this proposal.

Climate Change/Sustainability

- 4.3.53 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.
- 4.3.54 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 moderate in the context of the village of Ashwell and would therefore attain moderate weight in my view.
- 4.3.55 In terms of the social objective, the proposed development would deliver 14 dwellings, 4 of which would be affordable, and S106 contributions: even in the absence of a completed S106 agreement at present which would be agreed later should planning permission be resolved to be granted. The proposed development would make a modest contribution to housing land supply and need for affordable housing, which the Council is presently under-delivering on both points, to which significant weight should be attributed within the context of a governments recent push to boost housing numbers. 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
- 4.3.56 In terms of the environmental objective, the proposed development would deliver some benefits. The large area of public open space, a significant uplift in the mandatory 10% biodiversity net gain and retention and planting of new soft landscaping would all be significant benefits.
- 4.3.57 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.

Planning Obligations

- 4.3.58 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.*
- 4.3.59 The application has not included a draft S106 agreement. However, the applicant has agreed to the below draft Heads of Terms which has been formed through consultation with the agent and the relevant service providers and is largely based on the signed and sealed S106 agreement which supports the recent application that was allowed on appeal.

Element	Detail and Justification	Condition/Section 106
Secondary Education	<p>Towards the expansion of Knights Templar School Secondary School and/or provision serving the development</p> <p>£193,637 index linked to BCIS 1Q2024</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
Childcare Contribution	<p>Towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary school and/or provision serving the development</p> <p>£224 index linked to BCIS 1Q2024</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>£27,285 index linked to BCIS 1Q2024</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 Young People's Centres and detached work for Letchworth/Baldock and surrounding areas and/or provision serving the development</p> <p>£3,941 index linked to BCIS 1Q2024</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>	S106 obligation

	<p>£4,086 index linked to BCIS 1Q2024</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>	
Affordable Housing	<p>Applicant has offered 4 affordable properties.</p> <p>Social rent will comprise: 1 x 2-bedroom bungalows (M4(3) Standard), 1 x 2-bedroom house, and 1 x 3-bedroom bungalow</p> <p>Shared ownership will comprise: 1 x 2-bedroom house</p>	S106 obligation
Sustainable Transport contributions	<p>Agreed site access improvements and general highway improvements, once agreed delivered through a S278 agreement (Strand 1)</p> <p>£95,564 towards Sustainable Transport Contributions (Strand 2) index linked to BCIS 1Q2024</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development</p> <p>£2,928 index linked to BCIS 1Q2024</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Waste Service Transfer Station	<p>Towards the new North Transfer Station at Baldock and/or provision serving the development</p> <p>£4,090 index linked to BCIS 1Q2024)</p>	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>	S106 obligation

	Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document	
Ashwell Parish Council	Ashwell Newbuild Pavilion Project Ashwell Parish Council are seeking financial contributions towards their local pavilion project. £50,700 (index linked to BCIS 1Q 2022)	S106 obligation

4.3.60 The Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF.

Other Matters

4.3.61 Whilst the majority of comments received from interested parties have been addressed in the body of the report, the following comments have not and will be addressed at this stage:

- There is no local infrastructure. The school is full, with no room for expansion. Doctor's surgery and dentist are overstretched. Sewage and drainage systems are at or over capacity. Water runoff and flooding risk due to site slope and impermeable surfaces.

The legal agreement that will be secured through this application will provide financial contributions to certain areas to offset the associated impacts of the development, which includes schools. The occupiers of 14 dwellings are not anticipated to result in a significant impact on doctors/dentists, and it is the responsibility of these providers to improve their provisions. Sewage and drainage systems are a matter for the relevant statutory bodies and not covered in the planning system.

- This is the third application for the site and previous refusals have not been meaningfully addressed. Concerns about piecemeal development — only half the site is proposed now, suggesting future expansion. Repeated applications seen as an attempt to wear down opposition. Lack of consultation with neighbours and misuse of public resources.

Applicants are well within their rights to submit applications for sites, and the Council is duty bound to consider them. The area of public open space will be secured for this purpose in the associated legal agreement with management of that space carried out by the Parish Council. Planning permission has already been granted on this site at appeal for a small number, scale and layout of dwellings and associated matters.

4.3.62 A number of conditions have been recommended by relevant statutory consultees to cover technical matters associated with the proposal. Officers have also considered the imposition of further conditions where appropriate and have taken the recent appeal decision which granted planning permission subject to conditions into account. Conditions are recommended which seek to retain and protect those trees on the site which are proposed to be retained, to ensure that parking areas are delivered prior to occupation, the submission of a Site Waste Management Plan (SWMP) prior to commencement above slab level, a condition ensuring 2 of the dwellings will be built to M4(3) standards, the submission of details for external materials prior to commencement, and the removal of Permitted Development Rights through classes

A, B, C, D and E. These are all reasonable conditions and have been enforced by the Inspector on the previous decision.

Planning Balance

- 4.3.63 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 3.9 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted if the harm of doing so would not significantly and demonstrably outweigh the benefits unless i. or ii. of the same paragraph dictate otherwise. Part i. of 11 d) refers to 'the application of policies in this Framework that protect areas or assets of particular importance, and these provide a strong reason for refusing the development proposed', (which in footnote 7 includes designated heritage assets – in this case being the Ashwell Conservation Area and the setting of other notable listed buildings within the zone of influence of the development site). Part ii of 11 d) refers to 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.
- 4.3.64 The proposal would cause harm to the significance and fail to preserve the character of the Ashwell Conservation Area, the contributions of the setting of the Grade I listed St Marys Church to its significance, as well as No 5 and Townsend House as non-designated Buildings of Local Interest (BLIs). It is also noted that the Conservation Officer does not consider the design and layout of the proposal to be acceptable in this location, even though this matter does not form part of the drafted reasons for refusal. This harm to the relevant designated and non-designated heritage assets is deemed to be at the moderate level of the scale of less than substantial harm in this case. In accordance with paragraph 215 of the NPPF, the harm to the relevant heritage assets must be weighed against the public benefits of the proposal.
- 4.3.65 The proposal would deliver 14 dwellings, 4 of which would be affordable housing, which would be a social benefit and make a modest contribution to housing supply but in the context of the Councils poor market/affordable housing supply and delivery position, as well as the Governments objective to boost housing numbers, this small to medium sized site can make an important contribution and be built out relatively quickly. The site is a sustainable location for residential development given it is within the settlement boundary of Ashwell, a Category A village. The affordable housing mix is policy compliant and responds to the needs of the village. The proposed dwellings would all meet the necessary space standards, and some would also be M4(2) and M4(3) standards. The proposal would achieve a significant uplift in Biodiversity Net Gain, exceeding the mandatory 10% figure, with the provision of an area of public open space, a new pedestrian link to Lucas Lane to improve access in the village generally, which are environmental benefits. The scheme would also deliver economic benefits during construction and maintenance as well as local spending by future occupiers.
- 4.3.66 The proposal has addressed all of the technical matters relating to flood risk and drainage, highways and access, ecology, landscaping, land contamination and archaeology, which all relevant consultees submitting no objections subject to the imposition of relevant conditions. Noting that the Conservation Officer does not support the proposed design/layout, Officers consider that the proposed design and layout is acceptable in this rural location, especially considering the general layout and scale of

development allowed at appeal on this site recently. The proposal would be subject to a suitable legal agreement which would deliver financial contributions to a wider variety of areas to offset the impacts of the proposed development, as per the agreed heads of terms.

4.3.67 All of the above matters amount to a culmination of notable public benefits with varying degrees of weight attached to them. It is important to note that the recent appeal decision at this site which allowed the appeal and granted planning permission for 14 dwellings is very similar to the proposal under consideration herein. In that decision, the Inspector concluded that the array of benefits associated with the proposal would collectively provide clear and convincing public benefits relative to outweigh the totality of the heritage harm. Officers are minded to draw the same conclusion in this respect, that the proposed development provides economic, social and environmental benefits that would collectively outweigh the moderate harm on the less than substantial harm continuum to the relevant designated heritage assets. Paragraph 11d) i sets out that the application of policies in the Framework that protect areas of assets of particular importance must provide a strong reason for refusal in order to disengage the tilted balance. Based on the above conclusions, Officers do not consider that there is a strong reason to refuse development in heritage terms when that harm is assessed against the relevant public benefits, in accordance with Policy HE1 of the Local Plan which sets out planning permission affecting designated heritage assets and their setting will be granted where the harm is outweighed by the public benefits of the proposal. As such, paragraph 11d of the NPPF is not disengaged.

4.3.68 On this basis, subject to Paragraph 11 d) ii, Officers consider that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The proposal is therefore considered acceptable against the relevant local and national planning policies and is recommended for approval, subject to conditions and the completion of a suitable legal agreement.

4.4 **Conclusion**

4.4.1 As above.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The applicant has agreed to the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 The application is therefore recommended to the Planning Control Committee with a resolution to **GRANT** planning permission, subject to the following matters:

- a) The completion of a suitable legal agreement in line with the agreed Heads of Terms.
- b) An agreement to an extension of time to the statutory determination date to allow for a) to occur.

c) The conditions and informatives set out below.

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.

1 - 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.

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

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

3 - No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the June 2024 Ecological Impact Assessment and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan and Section 15 of the NPPF.

4 - No development shall take place until an Ecological Enhancement Plan (EES) 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, 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 Policy NE4 of the Local Plan and Section 15 of the NPPF.

5 - Prior to occupation, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;

- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that works do not result in adverse impacts to protected species, in accordance with Policy NE4 of the Local Plan and Section 15 of the NPPF

6 - Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 190-TA10 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate

arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7 - Prior to the first occupation of the development hereby permitted the pedestrian access on to Lucas Lane shall be completed and thereafter retained as shown on drawing number A_2133 PL100 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

8 - A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number 190-TA10 including surfacing, traffic calming and pedestrian/cycling facilities on Ashwell Street have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

9 - Construction Management Statement

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management

Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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

10 - All the trees and hedges shown on the Tree Retention and Removals Plan 220715 22043 AIA V1d as "to be retained" and/or any trees canopies and hedges which overhang the site shall be protected by 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'. The fencing shall be erected in accordance with the specification before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless otherwise agreed with the local planning authority. Nothing shall be stored or placed within any fenced area, and the ground levels, within those areas shall not be altered, nor shall any excavation be made, unless measure are specified within the Arboricultural Impact Assessment Ref: 220715 22043 AIA V1d (Origin Environmental). No building materials shall be stacked or mixed within 10 metres of the tree or hedge. 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: In order to protect existing trees and hedges in the interests of biodiversity, in line with Policy NE4 of the Local Plan.

11 - Notwithstanding the submitted details, no development shall commence until a scheme of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. These details shall include:

- i. earthworks showing existing and proposed finished levels or contours;
- ii. means of enclosure and retaining structures;
- iii. boundary treatments;

- iv. all hard surfacing materials, including surface materials/footpaths/access to homes within the development;
 - v. details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) with a specific focus on enhanced landscape features located on the south of the shared driveway serving plots 1 and 2;
 - vi. schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - vii. provisions for replacement planting within a period of 5 years from the completion of the development for species which die, are removed or become seriously damaged or diseased; and
 - viii. an implementation programme.
- The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

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 - None of the trees or hedgerows to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. Any retained tree or hedgerows felled, lopped, topped, uprooted, removed or otherwise destroyed or killed be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the local planning authority.

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.

13 - Notwithstanding the submitted details, no on-site works above slab level shall commence until a scheme for the provision and location of 10 nest boxes and integrated swift and bat boxes has been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved details and thereafter maintained and retained.

Reason: In order to maintain the interests of biodiversity, in line with Policy NE4 of the Local Plan.

14 - 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 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

15 - 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.

16 - Development, including site clearance shall not commence until an archaeological watching brief has been submitted to and approved in writing by the local planning authority. It shall include measures for if any archaeology artefacts are found during the site clearance and digging out stages. Development shall only commence in accordance with approved details.

Reason: To protect the possible archaeological interests at the site, in line with Policy HE4 of the Local Plan.

17 - All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment for Land off Ashwell Street, Ashwell, Hertfordshire by Martin Andrews Consulting Ltd, Revision D dated November 2024 Report Reference: 190-FRA-02-D), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE7 of the Local Plan.

18 - Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected, in accordance with NPPF and Policy NE7 of the Local Plan.

19 - The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy NE7 of the Local Plan.

20 - Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 17. Where necessary, details of corrective work to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE7 of the Local Plan.

21 - Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure the development has adequate parking provision and areas for vehicles to manoeuvre in accordance with Policy D1 of the Local Plan.

22 - Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme and/or the materials to be used in all walls, roofs, windows and rainwater goods of the development hereby approved have been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has an acceptable impact on local character and is sympathetic to the area, in accordance with Policies SP9 and D1 of the Local Plan.

23 - Prior to the first occupation of the development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The SWMP should cover the operation of the development. Once approved the development shall commence in accordance with the SWMP for the duration of the development.

Reason: To ensure a suitable strategy for site waste is delivered during the development, in accordance with Policy D4 of the Local Plan.

24 - The two bungalows on plots 4 and 5 hereby permitted shall be built to M4(3) standard and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development provides adequate provision for wheelchair users, in accordance with Policy Hs5 of the Local Plan.

25 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no enlargement, improvement or other alteration including (but not limited to) extensions, roof alterations, insertion of windows and doors, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved in writing by the local planning authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 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.