

ITEM NO:	
<u>Location:</u>	Land Rear Of 4-14 Claybush Road Ashwell SG7 5RA
<u>Applicant:</u>	Mr Evans
<u>Proposal:</u>	30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).
<u>Ref. No:</u>	16/01797/1
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 26.10.2016

Reason for Delay

Time taken to receive amended plans and the Land Tribunal issue.

Reason for Referral to Committee

At 1.74 hectares, the site area is larger than 0.5 hectares and therefore has to be presented to Planning Committee for determination.

1.0 Policies

1.1 National Planning Policy Framework February 2019

In general and with regard to:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making;
- Section 5 – Delivering a sufficient supply of homes;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 16 – Conserving and enhancing the historic environment.

1.2 North Hertfordshire District Local Plan No. 2 with Alterations 1996:

- Policy 6 - Rural areas beyond the Green Belt;
- Policy 16 - Areas of Archaeological Significance and other Archaeological Areas;
- Policy 26 - Housing Proposals;
- Policy 29A – Affordable Housing for Local Needs;
- Policy 51 – Development Effects and Planning Gain
- Policy 55 – Car Parking (SPD Car parking);
- Policy 57 – Residential Guidelines and Standards.

1.3 North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission - October 2016:

SP1 - Sustainable development in North Hertfordshire;
SP2 - Settlement Hierarchy;
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;
SP11 - Natural resources and sustainability;
SP12 - Green infrastructure, biodiversity and landscape;
SP13 - Historic Environment;
T2 – Parking;
HS1 - Local Housing Allocations
HS2 - Affordable housing;
HS3 - Housing mix;
D1 - Sustainable design;
D3 - Protecting living conditions;
D4 - Air quality;
NE1 - Landscape;
NE5 - New and improvement public open space and biodiversity;
NE7 - Reducing flood risk;
NE8 - Sustainable drainage systems;
HE4 - Archaeology.

1.4 Supplementary Planning Document.

Ashwell Neighbourhood Plan – Our Parish – Our Future – Our Say. Planning the development of Ashwell up to 2031. Pre-submission Consultation Version September 2018.

2.0 Site History

2.1 A pre-application request (16/00480/1PRE) was made to the Council regarding the residential re-development of this land with 33 houses. At that time the Council commented that the site is currently outside of the village boundary for Ashwell, and if any planning application were forthcoming, the application would need to address whether the Council had an up to date five year supply of housing land. Guidance was also provided regarding site layout, garden sizes, drainage, affordable housing, parking, highways and impact on historic assets.

3.0 Representations

3.1 **HCC Lead Local Flood Authority** - no objection subject to a condition and informative.

3.2 **HCC Hertfordshire Highways** - no objection subject to conditions and an informative.

3.3 **HCC Development Services** - HCC do not require a contribution towards Ashwell Primary School, as there is existing capacity within this school. HCC sought a contribution towards an existing youth service project in Hitchin to provide a training kitchen at Bancroft Youth Centre. However, due to the geographical distance from the site, the case officer decided that this requirement cannot be reasonably linked to this proposal consequently, this contribution has not been sought from the developer.

3.4 **HCC Hertfordshire Ecology** - no objection subject to conditions.

3.5 **HCC Historic Environment Advisor** - no objection subject to a condition.

3.6 **HCC Fire Services** - the provision of fire hydrants is required within the development, which are to be secured by condition.

3.7 **NHDC Affordable Housing Officer** - no objection to 12 units being provided for social housing which is a contribution of 40%. The proposed units are:

Affordable Rent:

- 4 x 1-bed flats (plots 14, 15, 29 and 30);
- 3 x 2-bed houses (plots 16, 17 and 28);
- 1 x 3-bed house (plot 27).

Affordable Shared Ownership:

- 2 x 2-bed houses (plots 25 and 26);
- 2 x 3-bed houses (plots 18 and 19).

The affordable homes should be restricted to people with a local connection to Ashwell in the first instance, at least for first lettings. As Ashwell has a population of 3,000 or less, protected status will be applied. Therefore, stair casing on any shared ownership properties is restricted to 80% to ensure that the home remains affordable in perpetuity, and any social rented properties are excluded from the Right to Acquire and the new Right to Buy. The affordable housing is to be secured via the S106 Obligation.

3.8 **NHDC Waste Services** - each property has sufficient space off street for the storage of bins. The surface to collection point should be uninterrupted.

3.9 **NHDC Environmental Health** - no objections subject to an informative regarding the hours of construction.

3.10 **NHDC Environmental Protection** - no objection subject to conditions.

3.11 **Anglian Water** - no objection subject to condition.

3.12 **Historic England East of England Office**

"the proposed housing development lies within long views from the hill fort Arbury Banks, which is the earthworks and buried archaeological remains of an Iron Age hill fort, designated as a scheduled monument, which sits on high ground to the south-west of the application site. However, given that the application site and these views are already framed by modern development to the south of the conservation area, and the height of the building does not exceed two storeys, the degree of harm which this would cause to its significance would be modest. In line with paragraph 134 of the NPPF the Local Planning Authority should consider this harm in relation to the public benefits of the proposals.

The site should be assessed and evaluated by means of a pre-determination archaeological evaluation, to ensure that if there are any important remains the application mitigates any harm to these".

3.13 **CPRE Hertfordshire**

"we maintain that this site is unsuitable for housing development. There is overwhelming opposition among the local community. The draft plan sets out that the District needs to provide 14,975 new homes, with the implication that this overrides all other considerations. We consider that these figures are overstated. There is no requirement on the Council to set such a figure. Ministerial statements have been clear that housing figures do not over-ride Green Belt policies and the overall quantum of housing should be adjusted to reflect this. This lowers the figure, which impacts on the Rural Area Beyond the Green Belt, in which this site lies.

The planning statement submitted in support of the application repeatedly refers to the Council's inability to demonstrate a five year housing land supply, and the implicit limited weight which can be given to the Saved Local Plan policies as a result. The Council should give due worth to the National Planning Policy Framework and the Saved Local Plan policies in determining this application and note that the lack of a five year housing land supply does not constitute a reason to justify the development. Under those policies this site should be inappropriate. The development is outside of the settlement boundary and in our view would cause harm to the character and appearance of the area. The pattern along both Claybush Road and Ashwell Street is not one of backland development and the proposal would be intrusive and clearly visible from the east to the south and west.

The Council has rejected previous applications for development on this site as it is unsuitable for residential use, decisions which were upheld on appeal. Nothing has materially changed and it is not consistent to now include it as a 'preferred option' in the emerging Local Plan"

3.14 **Ashwell Parish Council - object to the application, including all the amended plans, for the following reasons:**

- concern regarding drainage and flooding downhill from the development. In particular with regard the long term maintenance of the of the soakaway drainage proposed in the site and what will happen in the future if this does not work, or gets blocked up and houses downhill get flooded. Express concern that the developer is passing the responsibility of this development onto the new individual home owners and that the management company will not effectively manage the drainage or provide compensation for home owners downhill who get flooded.***
- The application fails to protect valued landscapes and heritage.***
- The proposal fails highway safety and we have concerns regarding pedestrian access and the use of a private road, where refuse vehicles have to reverse up. There is no footpath along the road and this is near a very busy junction where school buses park. The existing footpath extends up to the junction of Bear Lane and Ashwell Street and includes many (19) steps. It is steep and dangerous in icy weather. The residents of Ashwell Street are seeking legal clarification whether the pedestrian link can use their private street.***
- The site is outside of the village boundary and the PC have objected to this site's inclusion in the Land Allocations Plan.***
- Object to the adverse visual impact the development will have on the scheduled ancient monument, the protected landscape of the chalk uplands and the views into the conservation area.***
- The proposal is unacceptable in views from Claybush Hill as large buildings would dominate.***

- We do not consider that this proposal is consistent with the Heritage Assessment of Ashwell June 2016, which stated that development should be limited to the north west of the site and only 1.5 storeys high to protect long range views of the ancient monument.***
- Concern regarding the long term protection of the tree boundary to protect the views from the village.***
- The PC are of the view that even though the District Council cannot provide a five year land supply, the adverse impacts of this development on the landscape, the heritage setting and the failure to demonstrate highway safety significantly outweighs the benefit of housing on this site.***
- Other sites have been identified in Ashwell that would meet our local housing need.***
- Our objections and those of local parishioners are real concerns and not of a 'nimby' nature. People from across the village have expressed concern, not just residents of Claybush Road.***
- The emerging Neighbourhood Plan Housing Survey has identified a lack of provision for the elderly, and this development does not meet this need. Recent development a Walkdens and Philosophers Gate has addressed some need for social and small family units.***
- There are inaccuracies in the application and documents have been worded to favour the development.***
- The design is not reflective of the village of Ashwell.***
- The height of the dwellings is not compliant with the good design for a landscape sloping site overlooking a settlement that includes a conservation area and the Grade 1 listed St Mary's Church.***
- This is an area of archaeological significance and we are concerned that this has not been adequately considered.***
- There is insufficient infrastructure in the village and the application does not adequately address this and problems will be exacerbated.***
- We expect to be included in the negotiation of S106 obligations to ensure that the needs of the village are adequately taken into account.***

3.15 **Neighbour views** - the Council has received replies from approximately 300 respondents (running total is available to view on the website), with many people responding more than once, as local residents have been consulted four times on this application when amended plans have been received. Three replies have been in support, with the rest all objecting to the application. Due to the number of replies, the key points are grouped and summarised below:

3.16 Support

I have no objection. Layout looks good

3.17 Objecting - Principle:

- we object to any development of the proposed site.
- The site is outside of the village boundary. The village voted with a large majority to keep the boundary in a recent survey.
- We need to preserve our boundaries and remain as a village.
- The previous Inspector rejected the previous Planning Application for good reason.
- Other suitable sites have been and still are being identified for building new houses. We are not objecting to building just for the sake of it.
- There are better sites to build in Ashwell than this.
- The village has already had built 69 houses since 2011 and at least five other sites have been identified where you can build so we do not have to have these 33 houses.

- The village has been growing at 2% per year and this is not sustainable growth and additional development of this size is entirely inappropriate.
- Over 260 people have objected to this application along with the Parish Council. To approve this application is contrary to the Localism Act 2011 which states: *'that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhoods and shape the development and growth of their local area'*.
- The application fails to comply with Saved Policy 7 of the Local Plan.
- We need houses for the elderly. The village has struggled to find buyers for the recently built affordable housing.
- This proposal is contrary to the Ashwell Housing Needs survey, and these houses have already been built elsewhere.
- The village survey and the draft Neighbourhood Plan make it very clear that this proposal is against the village's wishes.
- Why should our heritage be sacrificed?
- Large scale developments in such a location are unnecessary and do not fit with the majority of the residents needs and wants.

3.18 Objecting - Layout and design:

- the scheme still shows the tallest plot (14-16) next door, on a higher elevation than plots 11-13. This plot will tower over anything in the area at a height that will dominate the landscape and intrude on us and neighbouring properties which are much smaller.
- The height of no.14 Claybush Road should not be used to mitigate the new location of the dwellings as due to the topography of the land they stand more than 3m higher than no.14.
- The density is significantly higher than development surrounding it and is contrary to the Ashwell Design Plan which states that lower densities should be favoured on the edges of the settlement where this respects the established local character. New development on the periphery of the settlements should be at a lower density to mark the transition to the rural area beyond.

3.19 Objecting - Landscape:

- the developers cannot and must not be allowed to propose a development which shows such disregard to the landscape.
- Towering houses will dominate the skyline.
- It will ruin the entrance into the village / visually impact on the horizon from the North.
- This will extend ribbon development considerably higher than the existing houses on Claybush Road.
- This is a protected landscape and on a high point of the village.
- A proper analysis of the impact on Arbury Banks has not been undertaken. It is unacceptable to say 'small possibility that the roof lines'. This needs to be objectively assessed by accurate cross-sections especially as the plans place the taller building at the higher (southern) end of the site. The fact that some buildings can already be seen is not relevant.
- It will impact the setting and views of St Mary's Church.
- There is no assessment of the impact on the landscape when viewed from the north-west of the village. The skyline behind the village is very significant and largely unspoiled. That is all part of the village setting and its relationship with the Historic Landscape.
- I object to the light pollution this site will introduce.
- Widening the road will change the character of this entrance into the village from a country road into a large expanse of suburban tarmac.

- When building our home we were informed by the planning office that this entrance into the village was vitally important as it was the first impression of the village.
- If a 15m level platform is being proposed to connect to Claybush Road I would have expected plans and a 3D diagram to show it for people to make a reasonable response considering how visible this would be when exiting the village.
- I object to the removal of the hedgerows and trees along the access track. This provides our screening.
- I object to the loss of this view where I enjoy walking my dog
- The houses are so close to the trees that new owners will probably cut the trees down.

3.20 Objecting - Highways issues:

- Ashwell Street is to be gated as it has been determined that it is unsuitable for pedestrian access. We cannot afford to pay for any injury to the public. Five houses on the street have agreed to this and the gate will be open on Mondays for refuse collection.
- Pedestrian and vehicle access is dangerous. Pedestrians will have to walk along unlit roads with no pavements.
- Any new housing development in the village needs to provide level pedestrian access to the High Street to allow people to walk to the village amenities,
- Visit the High Street on any weekday at school drop or pick up. It's mayhem. I watched a police car trying to drive up the High Street, they got so frustrated they parked up on the grass verge and started directing traffic. More houses means more cars it won't work. It's unsafe and nonsensical.
- Cars park along Claybush Road which blocks access for large vehicles and when bins are left out on collection day this block sight lines even more.
- There appears to be no assessment of the impact of 70% of the traffic turning left and impact upon the village. These corners - Silver Street / Bear Street / Back Street / High Street are often dangerous at peak times and school bus times and there is a risk to pedestrians and property damage.
- Safe access for mums with children, elderly and disabled has not been provided.
- These houses are isolated. People will have to drive down into the village.
- It is dangerous for the number of cars that will come from this development to discharge onto country roads and enter the village. The village cannot cope with any more cars.
- The recent Cooks development will exacerbate the parking problem in this part of the village.
- The whole of Claybush Road has a speeding problem. How can a plan requesting access for 90 more cars on Claybush Road be a good idea.
- The access crossed the driveway of no.14 making a very dangerous situation especially if there is a parked car to block the sight lines.
- The refuse lorry sweep path goes across both sides of the carriage way making a very dangerous situation.
- The highways sight line also extends across the lines of the deeds of no.12.
- My right of access has not been taken into account. The proposed alterations to my driveway are completely unacceptable because they are dangerous. The sight lines fabricated by Croudace go through my hedge - do they propose that I remove it? They will also create a steep incline from my drive, expect me to take a sharp turn into traffic and block my current access. They cannot do this, we have right of access to this road which they cannot remove.
- It is not possible to achieve the sight lines the plans / report set out.

3.21 Objecting - Drainage:

- soakaways do not work. There is a similar soakaway in Philosopher's Gate which does not work. A house there keeps flooding. These soakaways are costly to maintain, need maintenance every year and are ineffective as they get blocked up.
- The plans show two drainage grids immediate west of the junction discharging into the site. It is stated that the road access will be level with the road. A very considerable volume of rainwater flows down Claybush Road. This will divert into the development discharging into the site and no consideration has been given to this at all.
- I definitely do not want a soakaway behind my hedge because it is up hill and all the water will run into my house.
- What plans are there in place to stop water running down the palaeo-channel and flooding houses down the hill and into the High Street?
- The flooding specialists have turned this application down for good reason.
- It is difficult to assess what the likely permeability of the palaeo-channel might be since there is no real evidence presented beyond a description of the infill material. The permeability will be mainly controlled by the degree of fissuring in the 'friable sandy clay' and its gravel content. The Croudace letter makes sweeping statement and the permeability of 'clay' but does not entirely reflect the description from the trial pit logs.
- I do not consider proper inflation tests were carried out in the pits that intercept the palaeo-channel.
- The projection of the palaeo-channel from the site toward West End is speculative.
- Whilst it might be possible to demonstrate that the site will not flood, the flooding of other houses off site has not been demonstrated.
- The flood Risk Report does not take into account the extent of non-permeable surfaces in the development that will be inevitably be taken up over time with extensions, conservatories, sheds, patios and flower beds with weed membranes.
- My house and my neighbours are downhill to this site and already get flooded due to the inadequate drainage being overwhelmed by surface water being discharged. This development will be unable to suitably contain all of its run-off in thunderstorm conditions. The water will be unable to soak away fast enough and will enter the street drain which is already failing to cope with the quantity of water they already receive in thunderstorms.
- I am concerned that if the run off water goes into the palaeo-channel the water will flood up from underground.
- Forget about chimneys, no one cares about them. Think what will happen if lots of houses in West End become uninhabitable because of flooding. How would you feel if it were your home regularly flooding?

3.22 Objecting - Amenity issues

- It will place unacceptable demand on local amenities and infrastructure.
- The sewage infrastructure cannot cope with this development. Pipes are old and frequently block.
- This site is important for tourism.
- All my privacy will be lost. The windows of the house behind me will look into my bedroom windows.
- The shadowing from the houses will put our garden into the shade.

3.23 Objecting - Other issues:

- the re-consultation process is confusing and unclear. It is not clear if my earlier comments have been passed to the developer as my objection to the plans still exists.
- The lack of a detailed response on the amendments does not mean a change of view or an acceptance of the development.
- Are we to assume that the Council now supports this development even though other sites have been offered in the village?
- The amendments have in no way addressed my objection and I assume that my objections are being completely ignored. Is there any point in making objections? Is anyone listening to the views of those most directly affected by this disastrous development? It would appear that the legitimate concerns and objection of the hundreds of people most closely affected by their development are being completely ignored.
- It seems to me that the decision to go ahead with this development was made quite some time ago - once a suitable 'arrangement' between yourselves and the developers was made - and that any form of public consultation is a sham and a waste of time as our views will be ignored. You should be ashamed of yourselves for behaving in such a corrupt and undemocratic manner, but instead you are probably rubbing your hands with glee at the prospect of the rearwards coming your way.
- NHDC needs to take local democracy seriously and consider the will of the vast majority of Ashwell's residents. We are growing tired of hostile planning applications, such as this one, driven by avaricious landowners who have no interest in local concerns and wishes.
- The plans on the website are hard to read and the time scale for consultation is too short and over the holiday period so many people will miss it.
- I feel it is disingenuous that this is the third time we are being consulted on this application when nothing materially has changed to alter the validity of my previous objections.
- The amended plans have not overcome the objections stated on this application.
- It is disgusting that the proposed developer has been taking steps as if planning permission has already been granted. Including marking out plots and netting up the hedgerows. Acting as if permission is a foregone conclusion is outrageous behaviour and does nothing to breed confidence in the overall planning permission process.
- It is immoral that our previous objections have not even been read, let alone taken into account.
- You are determined to sacrifice the village because some greedy person is willing to sell the land.
- I urge you to reject this application which has been the most objected to planning application in living memory in the village for very good reason.
- Ashwell school is oversubscribed with no more space for expansion even if finance were available.
- Ashwell school is reducing its size down to one class group per year to balance its budget.
- The proposal does not meet the needs of the many older people in the village who need appropriate housing within the village. If they could move into flats / bungalows within the village that would free up family sized houses within the village.

- the residents of numbers 47, 49, 51, 53, 55, 57 and 59 Ashwell Street do not agree to the re-surfacing of Ashwell Street, or to any trees being cut back, or to the road being widened.
- The sight lines required by the DOE cannot be provided.
- We object to the development as the pedestrian link via Ashwell Street is not safe.
- Croudace does not own the land required to undertake the works set out in the Road Safety Audit. Therefore, these works cannot be done.
- Any attempt to undertake these works without the consent of the owners of the properties fronting Ashwell Street is in contravention of the 1862 Ashwell Enclosure Map and Awards, which the applicant is relying on to say they have access over the lane in the first instance.
- The owners along here are keeping the road not repaired and the hedges unclipped as a strategy to keep traffic speeds low as there have been many near miss accidents over the years.
- The applicant has no right to use the area of the site marked as 'public open space' as this is outside of these awards. Mr Gurney realised this a number of years ago and tried to sell this land to the neighbours.
- The Enclosures Award state that this route is only for fit able bodied people to work the land and to provide food for the poor. Therefore, this cannot be considered a suitable right of way for everyone, including mothers with buggies and those in wheelchairs.
- The new vehicle sight lines for the access on Claybush Road goes through the front garden of no.12 and therefore this fails DoE advice and cannot be delivered on site.
- The Transport Statement undertaken by Transport Dynamics advises that the pedestrian route is not safe.
- The Parish Council are concerned at not being included in the negotiations of the S106 Document.

3.25 New issues raised by neighbour's following re-consultation in July 2019 of the Council's commissioned RSA documents:

- The recently provided RSA includes a number of significant omissions or statement that do not necessarily reflect the true position.
- This section of Ashwell Street is a private carriageway, not a public right of way;
- The photo in the document shows a car on the road but this is mis-leading as refuse vehicles and other large vehicle use this road and there is not space around these vehicles for a pedestrian at all. Many of these large vehicles have to reverse 100 plus metres as there is no where to turn and there is no where along this 20m section of road for pedestrians to step off.
- This proposed pedestrian access fails Manual for Street as there is no adequate visibility for either vehicles or pedestrians of each other.
- The re-surfacing of this section of Ashwell Street would result in vehicles travelling faster which would only increase the risk of accidents.
- Any lighting of Ashwell Street would not be acceptable to local residential and this would be vigorously opposed.
- It is not physically possible for pedestrians to pass vehicles.
- The safety audit fails to take into account the safety of pedestrian crossing to the nearest footpath at Bear Lane.
- The route is not suitable for disabled, elderly, mothers and buggies and children. The average gradient between Claybush Fields and the Village High Street is 1 in 10 which exceed mobility access recommendation of less than 1 in 20 so is unacceptable for a new access.
- We believe the Safety Audit is inadequate, incomplete and unsound. For the reasons of Safety Risk and limitations on accessibility to the village amenities we object to this planning application.

- We continue to object to this development. Nothing alters the fundamental unsuitability of the site.
- Since the report was written the junction has changed due to the new housing estate on the Cooks site. Cars and off road motor bikes wizz up and down the newly tarmacked road. There is an increased threat to pedestrian safety. This three way junction is now a four way junction.
- There are unsold new homes in Ashwell so I do not understand why any developer would want to risk losing money which so many building company have lost money in Ashwell.
- The builder at The Limes said he wished he has never set eyes on the site because he has had so many problems with water and the drains.
- In the last few day the head teacher has informed parents the school is full.
- We strongly object to the development of AS1 as it does not pass the NPPF test of Soundness and Sustainability and it does not accord to the relevant Local and Central Government Policy Guidelines.

New comments from the Parish Council:

- We object to these documents as we consider they contain significant errors as this part of Ashwell Street is a Private Road not a Public Right of Way.
- The PC has been informed that legal disputes with the residents of the Private Road remain unresolved. It is understood that the recent claim by the applicant that they are the dominant landowner and are thus entitled to undertake repairs to the private road to make it safe is disputed and there is evidence to support this.
- Unless the issues of safety can be fully resolved then the application fails to comply with the requirements of AS1.
- NHDC should not be considering this application until all issues have been resolved. Any grant of permission at this stage would potentially open their decision to legal challenge and potential litigation on safety grounds in the event of an accident involving pedestrians.
- The PC maintains its objections to the allocation of this site as AS1.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is a greenfield site (1.7 ha) positioned on the south side of the village of Ashwell. The site lies to the west of Claybush Road, rear of houses numbers 4 - 14 Claybush Road. The site extends to the north, adjoining the rear of houses 41 - 57 Ashwell Street. There is an existing gated, track access off Claybush Road, between no.14 and an existing pumping station. Whilst the field itself is open, there is a belt of mature trees rear of 4 - 14 Claybush Road, and some trees around the site along the field boundaries. The land is a hill, with the land sloping downhill to the north and west. As a result, the change in levels across the site is quite significant.

4.2 **Proposal**

- 4.2.1 The application is seeking full planning permission for the residential development of the land of 30 dwellings comprising 26 houses and four flats. The layout plan, drawing no. 1130.P1.400.Q shows that a vehicle access would be created off Claybush Road on the south side of no.14. This would lead down into the site forming a circular ring road, with the houses positioned around this.

- 4.2.2 In summary the proposed dwellings comprise:
- 2 x 5-bed detached houses;

- 3 x 4-bed detached houses with detached garage with studio accommodation above;
- 2 x 4-bed detached houses;
- 7 x 3-bed detached houses;
- one pair of 3-bed semi-detached houses (2 houses in total);
- one pair of semi-detached houses comprising 1 x 3-bed house and 1 x 2-bed house;
- two pairs of 2-bed semi-detached houses (4 houses in total);
- 4 x 2-bed detached bungalows;
- 4 x 1-bed flats in two two storey buildings.

4.2.3 All the detached houses have garages or car ports and off street parking. The semi-detached houses, bungalows and flats have off street parking and no garages. Each dwelling has a private garden area, including the flats. On the east side of the site the mature belt of trees is to be retained, and the grass area rear of the trees bordering up to the houses in Claybush Road is being retained and proposed as an area of public open space.

4.2.4 The application is supported by the following documents:

- Planning Statement;
- Design and Access Statement;
- Open Space Assessment;
- Sustainability Statement;
- Affordable Housing Statement;
- Statement of Community Involvement;
- Transport Statement;
- Flood Risk Assessment and letter dated 24th January 2017 regarding the palaeo-channel;
- Desk Based Assessment - Land West of no.1 Claybush Road, Ashwell;
- Specification for Archaeological Evaluation;
- Heritage Impact Assessment - Land West of no.1 Claybush Road, Ashwell;
- National Vegetation Classification (NVC) Report - Land to the West of 1 Claybush Road, Ashwell;
- Arboricultural Report for Lane to the West of Claybush Road, Ashwell;
- Extended Phase One Ecology Report;
- Southern Testing Site Investigation Report;
- Stage 1 Road Safety Audit;
- Landscape Screening - Additional Information

4.2.5 All these documents are available to view on the Council's website. Some key points are summarised below:

4.2.6 Planning Statement - this sets out the policy background for the application and sets out that as the Council does not have a five year land supply and that the site is not a Green Belt location, there is no objection to the principle of this proposal. Furthermore, that the published Strategic Housing Land Availability Assessment (SHLAA November 2014) identifies this site as a deliverable site within the housing trajectory (set out in the SHLAA) and that this site should be able to deliver on completions from the financial year 2016 -17.

4.2.7 Design and Access Statement - that sets out that this site has a long history of refusals over a 30 year period, but that now the site is an allocated site for housing in the new local plan. It sets out the design process the applicant has gone through. It also states that the application site has excellent transport and pedestrian links, and due to the layout of the land the site is well screened from views around the site. It also sets out an appraisal of design styles of existing dwellings within the village, and states that the design of the proposed houses is taken from local character.

- 4.2.8 Landscape screening - the site has a mixed boundary of mature hedgerow and mixed mature field trees, forming a strong characterful boundary screen to the site. This asset will be retained and enhanced as part of the development. Part of the landscape proposal is to plant approximately 40 additional native trees within the development, with the intention of further softening and screening the built elements.
- 4.2.9 Flood Risk Assessment - The proposed residential development will result in an increase in impermeable area, therefore the risk of flooding compared to the current situation is considered to increase. It is proposed that wherever possible private house soakaways will be utilised in back gardens in order to attenuate and discharge via infiltration the surface water produced as a result of each house and its associated hard standing. The site will be drained by a combination of private soakaways and cellular storage. The application regarding drainage has not been updated following the amendment of the application from 33 dwellings to 30. The drainage strategy for the site when 33 dwellings was proposed, confirmed that the site has been split into two catchment areas and each will have its own cellular storage structure which has been sized to accommodate the surface water run off in order to result in no flooding for the 1 in 100 year plus climate change event, before discharging via infiltration, and this was concluded to be a sustainable solution in terms of flood risk. The applicant has confirmed that this was a strategy only, and that the principle of this will not be greatly different following the amendment of the application. A condition is recommended to cover the issue of drainage from the site.

4.2.10 Letter dated 24th January 2017 from Croudace (applicant)

" I can confirm that though a palaeo-channel is present it will not aggravate off-site flooding. Furthermore, the development itself will utilise SUDS to mitigate future flooding events rather than cause additional flooding. Palaeo-channels that consist of sands and gravels offer a permeable route for ground water to travel, hence the level of concern regarding palaeo-channels. We have undertaken extensive ground investigation activities at the development site and reviewing the Site Investigation Report it is demonstrable from trail pits 5, 7, 8 and 9 which are clearly aligned with the palaeo-channel, show the channel to be entirely comprised of a band of clay. As the palaeo-channel is formed of secondary clays which are highly impermeable and do not offer a viable drainage route, the groundwater will infiltrate through the surrounding chalk, which is highly permeable, rather than along the palaeo-channel.

Furthermore, it is unreasonable to claim that the proposed development will overall increase the volume of surface water infiltrating into the ground, thus affecting the ground water table. The volume of water is wholly controlled by the weather and the build up of the site makes no difference to the resulting volume of water from precipitation. Thus, it is unreasonable to argue that the development will affect the local ground water table, as presently precipitation must primarily infiltrate into the ground. The drainage system proposes utilising a permeable pavement as the primary infiltration device on the site and utilises checkdam structures to control water levels within the permeable subbase of the pavement. This avoids the focused outlet nature of individual soakaways as our proposed permeable pavement structure is spread across 2000m2 of land".

- 4.2.11 Archaeological Report - Oxford Archaeology East was commissioned by Croudace Homes to evaluate the application and trial trenching was done on site before determination. This work took place between the 3rd to 7th October 2016. As a result of the evaluation a pre-historic palaeo-channel, two small features relating to the Roman period, a post-medieval field boundary and windmill mount were recorded.

4.3 Key Issues

4.3.1 The key areas for consideration are:

- Policy context and principle of development;
- Layout, design and site context;
- Access and highways issues;
- Landscape and heritage considerations;
- Environmental matters - drainage, sewage, ecology and archaeology;
- Amenity issues;
- Sustainability;
- Planning Obligations;
- Ashwell Plan;
- Planning balance and conclusion.

Policy context and principle of development

4.3.2 The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan no.2 with Alterations (1996). Saved Policy 6 - Rural areas beyond the Green Belt, is applicable as the proposed development site is outside of the village boundary of Ashwell. Saved Policy 6 is a rural restraint policy which seeks to prevent new development in rural areas outside of existing settlements.

4.3.3 The application site has been identified in the NHDC emerging Proposed Submission Local Plan (incorporating Main Modification) as a housing site – AS1. Paragraph 13.7 of this plan states that this housing site is identified for up to 33 homes with the following policy criteria:

- Provision of a vehicular and pedestrian access into the village;
- Sensitive design and layout required in terms of ridge line and setting within the landscape, retain existing boundary hedgerows and supplement with additional planting on the east and west boundaries to improve views from Arbury Banks and screen properties on Claybush Road;
- Heritage Impact Assessment required informing design and layout at southern extent of site to respect setting of Arbury Banks Schedule Ancient Monument and the views of St Mary's Church; and
- Provide archaeological survey prior to development.

4.3.4 Although in the Rural Area beyond the Green Belt under the Saved policies of the 1996 Local Plan, this site is identified in the Submission Local Plan (incorporating Main Modifications) as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land, which is currently estimated to be between to be less than 1.5 years supply (exact figure to be published in forthcoming Annual Monitoring Report (AMR)). Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed, and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years worth of housing against their housing requirement set out in adopted strategic policies.

4.3.5 Paragraph 48 of the NPPF (Framework) advises that emerging plans can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that can be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to this Framework, (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.3.6 The emerging Local Plan is at an advanced stage. Consultation on the Main Modifications took place between 3rd January – 11th April 2019. Whilst there are still unresolved objections to the policies in the plan, including with regards to AS1 (see below for more discussion on this point), it is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the NPPF.

4.3.7 Paragraph 49 of the NPPF states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) The emerging plan is an advance stage but is not yet formally part of the development plan of the area.

4.3.8 In this case, the emerging Local Plan (over the plan period 2011 – 2031) identified the need to deliver at least 14,000 new homes for North Hertfordshire's own needs. Policy SP8 of the emerging plan sets out that 4,860 of these homes are to be provided through local housing allocations, such as AS1. In total, 21 housing sites are recommended / allocated to meet the target of 4,860 new homes, and given that this site is proposing only 30 of these 4,860 new homes, the delivery of these houses, when combined with the other allocated housing sites, will make a meaningful contribution to meeting future housing needs. When considered in isolation, this proposal is not considered to be so significant or substantial as to undermine the plan making process. As this proposal does not meet the requirements of test (a) above, test (b) is not applicable, as both grounds need to be satisfied. Therefore, I do not consider that a reason for refusal of this planning application based on prematurity in advance of the Local Plan could be sustained at an appeal.

Unresolved objections

4.3.9 A number of parties have made objections to emerging Policy AS1. These include objections with regards to heritage and landscape issues. Local residents and amenity groups raised objection to this part of the policy at the Examination in Public (EiP). The Inspector has not expressly said how he intends to deal with the objections. To that extent, they remain 'unresolved'. However, set against this, to date, the Inspector has not required the Council to make any substantive changes to the wording of this policy with regards to these two issues.

4.3.10 As a result, in my view, substantial weight can be given to the conclusion that the wording as set out within the emerging Policy AS1 is likely to remain unchanged throughout the remaining stages of plan preparation. Therefore, consideration of these issues is discussed in more detail below, along with all the other development management considerations.

4.3.11 In light of the policy context for this application, namely the advanced stage of the emerging Local Plan, the absence of a five year housing land supply and the analysis that the application cannot be considered to be premature, there is no objection to the principle of residential development on this site, as there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11d of the NPPF. I consider that this outweighs the relevance of Saved Policy 6 of the 1996 Local Plan and that as the site has locus in the emerging the Local Plan, that a refusal of permission on the basis of prematurity cannot be sustained and the Council currently has less than a 1.5 year land supply of deliverable housing sites, well short of the five year supply required in the Framework, that no sustainable objection can be raised to the principle of new housing on this site. As such this report moves on to assess more detailed development management considerations.

Layout, design and site context

4.3.12 The site amounts to an outward expansion to the village although there is existing residential development on two sides of the site, which the proposed development will be an extension to. As existing the land is open agricultural land with important screening along the western boundary and to the rear of the houses in Claybush Road. The important tree screen rear of Claybush Road is being retained with an area of open space rear of these houses. The proposed new dwellings form a circular cul-de-sac with the gardens extending out to the site boundaries.

4.3.13 This proposal is for 30 dwellings, formed by 22 houses, four bungalows and four flats (with the flats appearing as two two storey houses), set around a circular road. The bungalows are 6m in height, and the houses vary from 7.2m (the two bed semi-detached houses) to 8.5m in height, with most of the detached houses being 8.3m to 8.5m tall. Each property, including the flats, has its own private rear garden area and off street parking for at least two vehicles. The garden sizes and off street parking varies, with larger houses having the larger rear gardens and double garages with parking for a further two to four cars on the driveway. Nine of the three bed houses have three off street car parking spaces including a car port and around the development there is lay-by parking for a further six vehicles. As each house / flat has its own rear garden area, there is space for bin storage for each property within the garden and not in the road frontage.

4.3.14 With regards to garden size, gardens are adequate in my judgement. The houses along the west boundary have rear gardens of 10m to 15m in depth, with the three bedroom houses having gardens 10m to 12m wide, and the four and five bed houses having gardens between 18m to 30m wide. These gardens are west facing and run up to the important west boundary of the site.

4.3.15 The bungalows on the north boundary also have 10m deep rear gardens, which are 15m wide. These are north facing rear gardens, but given the spacing around the bungalows with the parking areas, sufficient sunlight should reach the back gardens to make these useable and enjoyable spaces in my judgement.

4.3.16 The houses in the central part of the site have opposing rear elevations. This back to back distance varies from 24m between the rear of plots 18/19 to 22 to a more generous distance of 37m between plots 14/15 and 25/26. Saved Policy 57 of the existing Local Plan requires a back to back distance of 30m. Given that this can be considered to be a generous allowance and that this is a factor that future owners can take into account, I consider these relationships to be satisfactory. Some effort has been made to site the houses on slightly different angles so that windows are not

directly opposing, although this is not fully achieved and there would be some overlooking between the rears of these houses and over each other's rear gardens. In summary however, it is my view that the occupiers of these new dwellings will experience some loss of amenity as a result of the design, but this has to be balanced against the need to make effective use of land and other material considerations.

- 4.3.17 There is a significant levels change across the site. The Indicative Levels Plan (DES/072/100C May 2016) indicates that the works to create the vehicle access will result in this access having a 3m drop in levels from Claybush Road to the point where the access road joins the inner ring road. Furthermore, the inner ring road in front of plots 2 and 3 is 5m higher than the level of the ring road in front of plot no. 11. The proposed street scene elevations shown on drawing no. 1130.P1.600.J shows that the houses do drop in ridge height level as they go down the hill. The tree belt on the west boundary will effectively screen the development in my view. Given that the trees are approximately 6m in height and the houses are 8.3m to 8.5m in height, the roofs of the houses will be visible above the trees. The impact this will have in the landscape is discussed in more detail below.
- 4.3.18 I have no objection to the design of the proposed houses or chosen external materials with sections of brick work, timber cladding and render, which will provide for visual variation within the street scene and is complementary to the character of Ashwell village. However, for two storey houses the houses would have a prominent appearance and several of the designs do appear to have very tall roofs. However, on balance, no objection is raised to the layout and design of the proposed dwellings and the scheme layout is considered to be appropriate for the site context with existing residential development on two sides of the site.

Access and highway issues

- 4.3.19 The proposed pedestrian and highway accesses have been a contentious issues in relation to this application. To comply with Policy AS1 this site must deliver both a vehicular and pedestrian access.

Vehicle Access

- 4.3.20 The site layout plan, drawing no. 1130.P1.400.Q shows a vehicle access joining Claybush Road to the south of no.14, and a pedestrian pathway linking down past plot no.11 to an access track linking down to Ashwell Street. This track is grassed over in the rear part and the front half is used as a driveway access by numbers 47 and 51 Ashwell Street.
- 4.3.21 With regards to the vehicle access, the latest layout plan, drawing no. 1130.P1.400.Q shows that the vehicle access is to be relocated to the south side of the existing access track with the long hedgerow leading from the lane to the site to now be retained. A section of hedgerow along the road frontage is to be removed and the lane will have a wider section where the access road joins the highway of Claybush Road. The roadway of Claybush Road is just over 5m wide with a grassy verge on either side. The plans do not show any significant works to widen the lane other than at the point where the new vehicle access way joins. A 13m wide section of hedgerow from the lane frontage is to be removed to allow the space for the access to be constructed and to allow necessary vision splays.
- 4.3.22 With regards to impact on no.14, the access has been amended so that it now no longer impacts the right of way to no.14 and the existing access track into the field.

- 4.3.23 A benefit of the access way being sited on the south side of the track, means that the shared surface access way is now further away from no.14. The shared surface vehicle access way is now just over 14m away from the side flank wall of no.14, and the retention of the existing hedgerow on the north side of the proposed shared surface will help to block noise and screen number 14 from vehicles coming and going from the development, and will help to reduce any adverse impact on the residential amenities of no.14 from the proposed development.

Pedestrian Access

- 4.3.24 The application proposes a pedestrian access on the north side of the site, adjacent to plot no.11. As existing there is a field gate in this location which connects down to a grassy track in the rear part of the land between numbers 47 and 51 Ashwell Street, with the front part hard gravel and used as driveway access for numbers 47 and 51. The plans show a pedestrian pathway to connect down, with the front section re-paved (the details of this are not provided at this stage) to still allow access into the front gardens / parking areas for numbers 47 and 51. This pedestrian link has proved to be contentious locally, both in terms of the use of Ashwell Street as a pedestrian link for the development, and the safety of it. I shall discuss each issue separately.

Use of Ashwell Street

- 4.3.25 It is a requirement of the emerging local plan Policy AS1, that to deliver this site as a local plan housing allocation there must be the provision of pedestrian access into the village. Given that Claybush Road does not have pavements, this cannot be realistically considered to form an effective pedestrian link. Furthermore, due to land ownership and the extent of front gardens it is not possible for the applicant to enter the necessary agreements with the Highway Authority to create a new pedestrian footpath link along Claybush Road. Therefore, the application is proposing the pedestrian link from the north side of the site via Ashwell Street.
- 4.3.26 In terms of establishing the right of access, the applicant has referred back to the 1862 Enclosure Award for Ashwell. Allotments 249, 250 and 285 comprise most of the development area of the site, and the area within these allotments have a right of way over the 'road no.251' owned by field number 253. The applicant sets out that field 253 is land now owned by Mr Farr, but that all houses fronting Ashwell Street and the majority of the land within the application site (within the areas of old allotments plots 249, 250 and 285) have an equal right of way over Ashwell Street for the use of it.
- 4.3.27 On this basis the applicant applied to Land Registry to seek amendments to the deeds of the land, which resulted in a Tribunal in January 2019. On 29/05/19 the Lands Tribunal found in favour of the applicant and has confirmed that the application site does have the right to use the un-adopted stretch of Ashwell Street and the Court has instructed the Land Registry to update the property title information accordingly. The decision letter from the Tribunal at paragraph 37 states:

“I have found that Mr Gurney did use Ashwell Street to access the Field (the application site). However even if he had not used it, I would not have found that the right of way over Ashwell Street to the field had been abandoned...”

- 4.3.28 Therefore on this basis, the applicant has set out that the application site does have a right of way over Ashwell Street and pedestrians from the proposed new housing would have a legal right to use Ash well Street to walk to the village centre from the new dwellings. It is therefore acceptable for the layout plan (plan 400Q) to show a pedestrian footpath coming down past the side of proposed plot 11 adjoining onto Ashwell Street between numbers 47 and 51. This route would therefore form the

required pedestrian access from the development to the village centre, as set out in Policy AS1 of the emerging Local Plan.

Safety

- 4.3.29 Local residents have also raised concerns about the safety of the proposed pedestrian link over Ashwell Street. The proposed pedestrian route off the application site will lead to the short un-adopted section of Ashwell Street to then reach the junction of Ashwell Street with Bear Lane. Whilst being relatively short in distance, this section of Ashwell Street is very narrow with the concrete roadway being 2.6m wide, with extra width to the bank (a muddy channel next to the edge of the concrete roadway) of 0.3m taking the total width to 2.9m. Owners along this section of Ashwell Street state that when cars, refuse vehicles or other vehicles are using this lane, pedestrians have to 'duck off' the pathway into front gardens / driveways as it is too narrow to allow a pedestrian to pass by a car. There are no pavements or street lights, and the road surface has dips and pot holes. Local residents have expressed concern that if an increased number of pedestrians start using this lane, and in particular school children walking to school and parents with pushchairs, there is the fear that this could increase the risk of accidents.
- 4.3.30 As a result, the developer was asked to carry out a Safety Audit this route. The results of this are contained in **Appendix 1**. In summary this raises concerns with safety, and concludes that to improve visibility and safety, trees and hedgerows should be cut back and the road re-surfaced.
- 4.3.31 Following the Land Tribunal Result, the applicant has set out that as they now have a proven right of way, they also have the right to carry out the works to re-surface the road and cut back the vegetation overhanging this section of Ashwell Street to make this short un-adopted section of Ashwell Street as safe as possible, in accordance with the requirements of the Safety Audit. A letter confirming this right and an extract from the Practical Law Property encyclopaedia are attached at **Appendix 2**.
- 4.3.32 Attached at **Appendix 3** is the RSA by Transport Dynamics, which was submitted by the local neighbour objection group, and attached at **Appendix 4** is the RSA prepared by Transport Planning Associates. This document was commissioned on behalf of the Council. The reason officers commissioned this independent reports was because Hertfordshire County Council (Highways) would not comment on the safety or otherwise of an un-adopted street. Both these reports refer to the un-adopted section of Ashwell Street as Public Rights of Way, which neighbour's have objected to, stating that this section of Ashwell Street is in fact private carriage way. Whilst I note this error in both of these documents I do not consider that this incorrect use of terminology is significant or affects the conclusions of these reports.
- 4.3.33 The Transport Dynamics report sets out concerns regarding pedestrian safely along the Ashwell Street section and states that a lack of continuity for pedestrians along Ashwell Street and Bear Lane may result in an increased risk of slip / trip hazards for pedestrians or vehicle / pedestrian collisions. This report states that signs should be erected on Ashwell Street warning that pedestrians may be in the carriageway.
- 4.3.34 The Transport Planning Associates report, commissioned by officers, refers to the section of Ashwell Street as being *'not an adopted highway and does not confirm to any Highway Standards and/or safety regulations. ...it is accepted therefore that it operates outside of any Highway Traffic Act's, Regulations and / or Standards. There is currently no priority hierarchy given to pedestrians or vehicles except it is known that pedestrians tend to use private driveways to avoid vehicles on Ashwell Street PRow, which is an accepted practice by all residents.*

There is insufficient room for pedestrians and vehicles to pass safely along the length of Ashwell Street PRow. Where currently it is accepted that pedestrians use local resident's driveways to take refuge to avoid vehicles, this practice is not expected to be allowed to continue with the increased number of pedestrians expected to use the link from the development site".

- 4.3.35 The report concludes that this section of Ashwell Street is essentially a 'shared space for vehicles and pedestrians' with the level of visibility allowing drivers to give way to pedestrians and other vehicles from both directions during the hours or daylight. However, there is no street lighting along this section of Ashwell Street and during the hours of darkness visibility of pedestrians would be reduced and would have to be picked up by vehicle headlights.
- 4.3.36 It states that there is no data to set out if the increased or new pedestrian movements would be at new or the same peak times. It concludes that this section of Ashwell Street should be re-surfaced to stop pedestrians from stepping round potholes, and thus more likely to increase collisions by then stepping in front of vehicles, and that this section of Ashwell Street should have lighting to further increase safety.
- 4.3.37 The report concludes by stating that the interaction of pedestrians and vehicles along this section of Ashwell Street has taken place for many years and it cannot be determined at this stage as to whether any increased pedestrian use along this section of Ashwell Street is likely to increase the risk of collisions as it has not be determined whether the increased use is in addition to existing pedestrian traffic flows at the same times, or whether the increased pedestrian use would be at difference times with less or more vehicle traffic. It does however seem likely to me that the proposed addition of 30 dwellings would increase pedestrian use of this section of Ashwell Street. However, with the increased demand from the residential development site, it is likely that there may be more of a tendency for drivers to give way more to pedestrians under this new regime as drivers will be more aware of pedestrians thus being slower and more aware of pedestrians using the shared space. Finally, the point is made that although this section of Ashwell Street is very narrow, it is possible for a pedestrian and a vehicle to pass by each other.
- 4.3.38 As the road is un-adopted, Hertfordshire County Council (Highways) state that they are not in a position to comment on the safety audit reports as they deal with safety issues for a pedestrian route that is outside the limits of the adopted highway. My own view is that the applicant is proceeding with caution and taking all reasonable and possible steps to improve the potential safety of the route with resurfacing, cutting back the vegetation to improve visibility along the route and is happy to put in some form of lighting along Ashwell Street to increase safety. Conditions are recommended to ensure that these works are undertaken prior to the first occupation of the development. Given the narrow width of the lane drivers have to go slowly and future users, as with all pedestrian / road junctions, will have to take due care. The Council's commissioned document concludes that with more pedestrians, drivers will be more aware of pedestrians locally and thus will have more awareness of pedestrians and the Council's commissioned document does conclude that it is possible for pedestrians to pass by a standard car. I note the comments from neighbours that it is not possible to pass by a bin lorry or larger vehicle. However, as with any road junction it is the responsibility of both the driver and pedestrian to take due care.
- 4.3.39 Many local residents have raised objection on the basis that the pedestrian route to the village is down a steep hill with steps and this route is not suitable for the disabled or the elderly and that this development is not acceptable on this basis. Whilst I note this objection, I cannot support it. Once at the top of Bear Lane, this pavement / route into

the village is both existing, and outside of, the application site and this application therefore has no influence or control over these existing pavements. If they are unacceptable, these are the responsibility of Hertfordshire Highways to change the pavement width or number, depth or steepness of the steps. Emerging Policy AS1 states '*provision of a vehicle and pedestrian access into the village*'. This application can be concluded to meet this requirement, as a pedestrian link is provided. The fact that the existing pavement down Bear Lane is a hill with steps and thus not suitable for disabled people, in my view is outside of the remit of this application and is an argument that could not be substantiated at appeal.

4.3.40 In conclusion, given that Claybush Road does not have pavements and is a relatively steep hill down to the village, and that the route via Ashwell Street is a more level route from the north side of the application site to the village, and that the application has set out a right of way over the route and measures to improve safety, I raise no objection to the proposed pedestrian access layout. On this basis I consider that the planning application meets the provision of both a vehicle and pedestrian access into the village requirement of Policy AS1 of the emerging Local Plan. Suitably worded planning condition(s) are recommended below to ensure that the requirements of the Safety Audit are carried out in a timely manner before the occupiers of the development start using the pedestrian access.

4.3.41 A land owner who has an interest in Ashwell Street states in representations to this planning application that the applicant would not have the right to undertake works to Ashwell Street. Such an issue is not relevant to the determination of this planning application, it is a civil matter between the applicant and the owners of Ashwell Street. The Grampian condition recommended below (condition 25) does however require these works to be undertaken before the development is commenced and thereafter maintained. How this is carried out is not a matter for the local planning authority, save to say if the works are not undertaken then the development within the application site cannot commence. Members must be advised that a refusal of planning permission based on a civil matter such as this could not be sustained at an appeal. Case law is also clear that when conditions can be used to mitigate the impact of development and make otherwise unacceptable development acceptable in planning terms, permission should not be refused and that such a refusal would be unreasonable. Recommended condition nos. 24 and 25 achieve this aim and are in accordance with the Policy requirements of AS1.

Landscape and heritage considerations

Heritage

4.3.42 Many Ashwell residents have objected on the basis that they consider the proposal will harm the setting of the nearby Ancient Scheduled Monument Arbury Banks, as it will be visible in long distance views. Having walked to Arbury Banks and assessed this relationship I cannot support this objection as the distance separating the two sites is three fields and a public footpath. In my view the two sites are not within the immediate visual context of each other, and the visual impact of the development when viewed from Arbury Banks would, in my view, be so minimal that I do not consider that the refusal of this application for this reason can be justified.

4.3.43 Consideration must also be given to the setting of Claybush Road and the impact the new vehicle access will have. The existing mature hedgerow fronting the lane is an attractive roadside feature and part of the setting of Claybush Road and the entrance

into the village of Ashwell. From this part of Claybush Road, due to the steep drop in levels it is possible to see the steeple of St Mary's Church, a Grade 1 listed building, and this approach forms an attractive approach into the historic village of Ashwell. I have a degree of concern that the removal of the 13m stretch of hedgerow to allow the new access combined with its location on the south side of the existing access track into the application site off Claybush Road, will alter the character of this approach. I consider that more landscaping on the south side of the proposed shared surface vehicle access (which can be achieved via the landscaping condition) is required to further screen this in approach views from the lane itself to minimise any impact. However, on balance I raise no objection to this issue and conclude that the impact will be less than substantial harm to the setting of the lane and the approach into the village. I base this conclusion on the following analysis; that in my view car drivers will pass by the access fairly quickly and given that the closest house is set back from Claybush Road by 35m, views from Claybush Road will be of a hedged / landscaped access which is similar to the existing context of the lane as existing.

- 4.3.44 Furthermore, this site is not within the Conservation Area nor are there any listed buildings in proximity to the proposed site which need protecting in their immediate setting. The access will not block the view of the church from the lane, it would merely change the appearance of a small section of the lane, and in time people will adjust and accept the change. Finally, this is an allocated housing site in the emerging local plan, and needs an access. In conclusion I do not consider that there are any outstanding heritage issues relating to the application, and I do not consider that the setting of the lane or the impact the development would have on the context of the approach into the village is a reason to withhold the grant of planning permission. I therefore consider that the proposal meets this requirement test of Policy AS1.

Landscape

- 4.3.45 In terms of the visual impact the proposed houses will have it is clear that they will be visible in the context of the landscape when viewed from Claybush Road and in longer distance views from the public footpath that lies to the west of the development. As set out in the design and layout section above, the internal road layout drops by 5m across the site. Proposed street scene plan 600J at cross-section AA shows that the ridge height of plot 4 (at the top of the hill) is 4.8m higher than the house in plot 10 (at the bottom of the hill). Policy AS1 requires for the "*sensitive design and layout required in terms of ridge line and setting within landscape*". Given that the houses have been designed so that the ridge height of the dwellings drops as the land goes down hill it is my view that reasonable efforts have been made to take account of site topography and the layout can be regarded to be sensitive to the landscape context. Whilst it is acknowledged that the houses will be visible in comparison to the undeveloped field, the site layout plan drawing no. 1130.P1.400.Q shows that along the south and west boundaries there are many existing trees, which are to be retained and additional tree planting specified to fill in any gaps. A landscaping condition is recommended to ensure final consideration of the proposed landscaping. Accordingly it can be concluded that the site will have effective tree setting and screening. This, combined with the effort to set the dwellings within the context of the site and given that this is an allocated housing site, leads me to conclude that the impact in the landscape will be acceptable and the policy test of AS1 in this regard is met, in my view.
- 4.3.46 I note the concern that there will be conflict between the future occupiers and the trees along the west boundary, as future owners may wish to fell the trees to achieve open views of the countryside rear of the houses. A condition is also recommended to secure the retention of the landscaping and in my view this concern, which may not arise, is not a reason to withhold the grant of planning permission.

Environmental Matters

Flooding

- 4.3.47 A major objection to this application from the Parish Council and local residents is the concern that this development will result in increased flooding downhill within the village of Ashwell and the issues of a paeleo-channel on site have been raised. As a result, this application has been critically assessed on the issue of site drainage. In conclusion, the HCC Lead Local Flood Authority team are raising no objection subject to a condition. Furthermore, it is set out in the application that in the event that the development is built, a management company would be set up and one of their responsibilities will be the long term maintenance of the SUDs drainage system. The setting up of this management company is a clause within the draft S106 Legal Agreement, which if signed and the development is built, will ensure this happens.

Sewage

- 4.3.48 With regards to the proposed sewage system, the application sets out:

"The capacity in the existing sewer system has been confirmed by Anglian Water. The sewers and pump station shall both accord with the Building Regulations Part H and BS EN 752. These standards mandate the foul pump station shall provide 24 hour emergency storage in the event of a breakdown for the entire site. An audible and visual alarm shall be fitted to the pump station and shall activate should the storage chamber start to fill up. The site shall also benefit from a Management Company who will maintain the Pump Station and will also be able to respond in the situation of a breakdown. It is also worth noting that additional storage is also provided in the way of upstream drains and chambers, so the actual storage provided shall be in excess of 24 hours. With such safeguards in place it is beyond any reasonable doubt that the pump station will not overflow. However also observing the system from an engineering point-of-view the foul flow rate for 31 houses is 1.4l/s. So in the event of a flood, which is exceptionally unlikely given the safeguards in place, the flow from a flood event is so low that it would also be exceptionally unlikely to leave the site before further action could be taken. In conclusion there are multiple levels of protection in place to prevent an overflow event and even if against all probability that a flood were to occur the flow rate of such an event is so low that it poses a very minimal risk. Finally the low flow rate from the site is very unlikely to impact the local sewer system significantly and Anglian Water have also confirmed that the existing system does have capacity".

- 4.3.49 Based on the above information and given that Anglian Water raise no objection subject to a condition being imposed, no objection is raised to the proposal.

Ecology

- 4.3.50 An updated Ecology report was submitted on 24/06/19. This concludes that with the recommended mitigation and enhancement measures there will be no harm on site. These measures are recommended.

Archaeology

- 4.3.51 As set out above, an archaeology report has been submitted with the application and the Historic England team at HCC have been consulted on the results. The archaeology evaluation identified the presence of archaeological features on site. These were dated to the Roman and post-Medieval periods, with a Roman ditch and

pit in the northern part of the site. These have been interpreted as representing activity that is peripheral to Roman settlement in the area. A mound in the farm south west of the area has been interpreted as the site of Kitchener's mill.

- 4.3.52 The results of the evaluation suggest that this presence of remains of national importance that would require preservation '*in situ*' is unlikely. However, given that there are significant archaeological features, such as Bronze Age round barrows to the east and Arbury Banks hillfort to the west it is appropriate to conclude that there may be the possibility archaeology on site. Therefore, an archaeological condition is recommended to cover this issue and it can be concluded that this aspect of the proposal is in accordance with the requirements of Policy AS1.

Amenity issues

- 4.3.53 As discussed above under layout and design considerations, there will be a degree of overlooking and loss of privacy between the proposed houses that back towards each other in the central part of the site. However, as future occupiers can take this into account, this is of less concern than the adverse impact proposed on the existing adjoining neighbours to the site.
- 4.3.54 With regards to impact on no.14, as stated above, the access has now been relocated, and the impact on no.14 will, in my view, now be minimal. I have a degree of concern that the dwellings on proposed plots 11 - 13 will be visible to the existing occupiers of numbers 43 - 47 Ashwell Street. Saved Policy 57 of the adopted Local Plan advocates that a back to back distance of 30m is an acceptable distance to retain privacy and prevent dominance. The site layout plan shows that a back to back distance of at least 33m is to be retained between these neighbours and the proposed bungalows in plots 11 - 13, in compliance with Saved Local Plan Policy 57. The plans show that the properties in plots 11 - 13 are 6m high bungalows. The cross-section details on drawing number 1130.P1.650.C shows the fall in ground level as the land continues to the north down to Ashwell Street. These plans show that the bungalow rear of no. 47 Ashwell Street has a ridge height 1.5m taller at a distance of 33m and the bungalow rear of no.43 (plot 13) will have a ridge height 4.5m taller at a distance of 35m. There are some trees and shrubs on the rear boundary, and the layout plans show that this is to be increased. As these existing occupiers currently have views out over open countryside and instead they will have a row of trees along their rear boundary fence with the new properties behind, the outlook of these occupiers will be most affected. As Members will be aware, in planning there is no right to retain a view. The proposed back to back distance is in excess of that recommended in the Saved Policy 57 of local plan of 30m and landscaping to screen the new properties is also proposed. Whilst I acknowledged that the outlook will be changed for the residents in Ashwell Street and that these occupiers will see the development, this is not considered to be a reason for refusal that could be substantiated at appeal in my view.
- 4.3.55 With regards to privacy to these neighbours, as plots 11 - 13 are bungalows, their ground floor windows will be screened by the proposed fencing and trees on the rear boundary. Therefore, I do not consider that this proposal represents an unacceptable loss of privacy to these proposed neighbours on Ashwell Street
- 4.3.56 There will be less impact to on the existing neighbours on Claybush Road in terms of impact on outlook, as these houses have their outlook mainly protected by the open space and retention of the tree belt separating the area of open space from the built part of the development. On balance, I have no objection to this proposed relationship.

Sustainability

4.3.57 The NPPF sets out a presumption in favour of sustainable development as a general policy stance, although it still requires to deliver on housing numbers. Given, as discussed above, there is no objection to the principle of the residential re-development of this site, in my view, no significant material weight can be given to the assertion that building on a greenfield site is not sustainable in principle. Looking at the site in the broader context of sustainability, Ashwell has a train station, primary school, public house, local shops and a vibrant community spirit. Even though secondary school aged children and many people in paid employment commute out of the village for these, Ashwell is still regarded to be a sustainable settlement. As a pedestrian footpath link is proposed, future occupiers will have the choice to walk or cycle into the village, rather than having to take the car. In conclusion, in the overall context of the application, no objection is made to the application on the basis of sustainability.

Affordable housing

4.3.58 Set out within the emerging Local Plan it states that North Hertfordshire is going to be affected by considerable housing growth over the plan period, and that if all of this were to be private / market housing that it would fail to meet the housing needs of new forming households on lower incomes who would not be able to afford to live locally. Affordable housing is provided for those who cannot access open market housing and including affordable rented housing and intermediate housing, such as shared ownership schemes. It will be secured through the S106 Agreement to make sure that the benefit of the housing continues in the long term.

4.3.59 Policy HS2 of the emerging Local Plan requires for housing proposals with 25 or more dwellings to provide 40% of dwellings as affordable dwellings. As set out above, the application is proposing 12 units to be for affordable accommodation, which meets this 40% contribution target. The affordable accommodation is to be 8 dwellings (4 x 1-bed flats; 3 x 2-bed houses and 1 x 3-bed house) for affordable rent and 4 dwellings (2 x 2-bed houses and 2 x 3-bed houses) for affordable shared ownership. This is considered to be in accordance with this policy and no objection is raised on this basis.

Planning Obligations

4.3.60 The applicant has agreed to pay the following S106 Legal Agreement undertakings. All the payments are to be collected by NHDC:

- 12 units for affordable housing with the split of 65% for affordable rent and 35% for affordable shared ownership;
- That development cannot commence until it has the Council's approval of the SUDs scheme and management scheme, and that this has to be implemented on site;
- Details of the management plan for the open space to be submitted to and agreed by the Council's and these details have to be implemented on site;
- A contribution towards bin provision (£2,062 based on £71 per dwellinghouse and £54 per flat);
- £8,000 for Sustainable Transport improvements towards the design and construction of highway improvement works to the bus stop along the High Street;
- £75,000 to Ashwell Parish Council for funds towards a new pavilion building collected under the 2006 SPD categories of community halls / centres; leisure, play space and pitch sport.

Ashwell Neighbourhood Plan

4.3.61 The first round of public consultation was undertaken in Autumn 2018. To date the plan has not progressed to the stage of being 'made'. Therefore, very little weight can be given to the policies within this plan. It is noted that this plan does identify three

possible housing sites within the village, none of which are this proposed site, AS1. However, as this plan is not made, and given the progressed stage of the emerging Local Plan where this is an allocated housing site, it is not considered that the Ashwell Neighbourhood Plan has any material influence on the determination of this application at this time.

Planning balance and Conclusion

- 4.3.62 Site AS1 is a housing allocation in the emerging Local Plan which is at an advance stage in preparation. Its development will make a contribution towards the Council's planned supply of housing land. At present the Council does not have up-to-date housing policies in the Saved Local Plan and cannot demonstrate a five year deliverable supply of housing land, indeed the shortfall is significant. The site will also make a valuable and much needed contribution to the supply of affordable housing in the District. I consider that these benefits have considerable weight in the planning balance.
- 4.3.63 The application site is not Green Belt and does not fall within a protected landscape area. The development has been designed to sit sensitively within the landscape, with the houses positioned so their slab levels and resulting ridge heights drop as the land falls downhill and with gardens extending out to the site boundaries. The existing landscaping rear of the houses in Claybush Road and along the west boundary is being retained and enhanced to help screen the site and to maintain the site's context and setting in the landscape. It is also concluded that the application poses no adverse harm to the setting of Arbury Banks and less than substantial harm to the setting and context of Claybush Lane and the approach into the village from this direction.
- 4.3.64 The distances the new dwellings are sited to the existing neighbours both along Ashwell Street and Claybush Road are adequate, and additional landscaping along site boundaries is being proposed. Therefore, whilst neighbours will see these houses, it cannot be concluded that there would be direct adverse harm on their residential amenities from the development. Within the development, there will be some overlooking and a limited loss of privacy between some of the dwellings that back on to each other. However, efforts have been made to position windows so that they are not directly overlooking and potential future occupiers can take the layout of the houses and the relationship between neighbours into account before purchase. The application provides for adequate off street parking, bin storage space and private amenity areas and will overall provide future residential with a good quality living environment.
- 4.3.65 The vehicle access off Claybush Road has been repositioned to the south of the existing access track, so that the right of way of no.14 Claybush Road is not affected. The application has set out that it does have a right of way for future pedestrians to walk via Ashwell Street into the village and will undertake measures to enhance the safety of the un-adopted section of Ashwell Street. As a result, the application is considered to meet all the requirements of emerging Policy AS1.
- 4.3.66 As it is possible to walk into the village and given the Ashwell is classed as a sustainable village, no objection is made to the application on the basis of sustainability. I note the concerns around the public footpath outside of the application site and the ability for those with walking limitations to be able to use this route. However, by implementing the requirements of the Safety Audit this route can be made as safe as possible for pedestrians.
- 4.3.67 The application is therefore considered to meet the necessary policy requirements for such new developments and is recommended for conditional permission, subject to the

completion of the S106 Legal Agreement and the recommended conditions and S278 highways works.

4.5 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the completion of the Section 106 Legal Agreement and the following conditions:

6.2 In the event that the applicant does not agree any necessary extensions to the Statutory Determination that the Development and Conservation Manager be given delegated authority to refuse planning permission on the basis of the absence of a completed S106 Obligation.

7.0 **Appendices**

7.1 **Appendix 1** – Pedestrian Access Road Safety Audit Stage 1 & 2.

7.2 **Appendix 2** – Statement regarding right to carry out works to un-adopted road and extract from Planning Law.

7.3 **Appendix 3** – RSA prepared by Transport Dynamics.

7.4 **Appendix 4** - RSA prepared by Transport Planning Associates.

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. Details and/or samples of materials to be used on all external elevations and the roofs of the development hereby permitted shall be submitted to and approved in writing by

the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

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

4. Before any development commences on site, full details covering the following are to be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details are to be implemented on site:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained;

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. The planting along the south side of the vehicle access way is to be enhanced / increased;

- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;

- d) details of any earthworks proposed.

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

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

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

6. None of the trees 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.

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

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

foliage, and no notices shall be attached to trees.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from 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.

9. Prior to any other development and / or construction works on site, the proposed access shall first be constructed to base course construction for the first 12 metres and the join to the existing carriageway is to be constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity

10. The gradient of the access shall not be steeper than 1 in 50 for the first 12 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

11. The access road shall be a minimum of 5.50 metres wide and the kerb radii shall be 10 metres as identified on drawing number 072/064 revision F.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 90 metres to the northern direction and 2.4 metres x 84 metres to the southern direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the foot way level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

13. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

14. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Cleaning of site entrance and the adjacent public highways and,
- f. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

15. A No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

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

Reason: To protect any archaeological finds on site.

16. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and agreed in writing by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, Project no. 70020615, Revision 3, dated of December 2016, produce by WSP Parsons Brinckerhoff and updated additional information.

The surface water drainage scheme should include:

10 BRE Digest 365 compliant infiltration tests for the two soakaways, specifying the exact location and the exact depth where the infiltration features are proposed to be located. This should take into account that the bottom of the soakaways should be located below the clay layer (which is comprised between depths from 0.3m to 1.4m) so that infiltration will take place only through the base of the soakaway

2) If the infiltration rates obtained of the soakaways prove to be lower than 1.0×10^{-6} then the applicant should provide an alternative strategy in order to drain the surface water from the new development.

3) Once the results of the infiltration tests are known, all calculation should be updated including pre development and post development for all rainfall events up to and including the 1 in 100 year plus climate change event. The updated calculation should consider the whole site and not only the impermeable area. Also no flooding should occur at and below the 1 in 30 year rainfall event. It should be demonstrated that any flooding above this can be managed within the site without increasing flood risk to the proposed development and the surrounding area. Both the 1 in 100 year and the 1 in 100 year + climate change extents, depths and volumes should be established.

4) Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 year rainfall return period).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure adequate drainage.

17. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage

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

18. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

19. Before any development commences on site, a landscape and ecological

management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect the natural environment.

20. Prior to occupation a 'lighting design strategy for biodiversity' for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access 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 specification) 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 protect bats.

21. No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment
Methodology

No development approved by this permission (other than that necessary for the

discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

This site shall not be occupied, or brought into use, until:

All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

22. Prior to occupation each property with dedicated parking (either in the form of a garage or dedicated space adjacent to a house) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

23. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

24. Prior to the commencement of the development hereby permitted, full details of a scheme of pedestrian safety measures for works on Ashwell Street, incorporating measures identified in the applicant's safety audit and the Council's safety audit (including street lighting for the benefit of Ashwell Street) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate safety measures are undertaken along Ashwell Street to improve pedestrian and vehicular safety into and out of the site.

25. The development hereby permitted shall not commence until all safety measures approved in writing by the Local Planning Authority under condition 24 of this planning permission identified are implemented in full. The completed works shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority in perpetuity.

Reason: To ensure safe vehicular and pedestrian access into and out of the application site and the correct phasing of development. To ensure that the applicant

is able to implement these works before the development on the application commences. To ensure the development complies with the requirements of Policy AS1 of the North Hertfordshire Submission Local Plan (2011-2031).

Proactive Statement:

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

Informative/s:

Highways Informative:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or call on 0300 1234 047 to obtain the requirements for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

PLANNING OBLIGATION INFORMATIVE: Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

This approach is consistent and relate to the scale and impact of development. The sustainable contribution means the sum of eight thousand pounds (£8,000) (Index Linked) as a contribution towards the design and construction of highway improvement works to the bus stops along the High Street that will encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

OFFSITE WORKS INFORMATIVE:

The requirement as part of the offsite s278 works is to include the to extend the existing speed limit to the south. The details of the Speed Limit Order should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.

As a requirement of the section 106 agreement the bus stops along Station Road are required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site. The bus stops will need to be upgraded with easy access kerbs (the existing shelter may need relocating). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106 agreement.

Reason:

1. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

EV Recharging Infrastructure Informative

EV Charging Point Specification:

Each charging point, whether wall or post-mounted shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)

If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

Environmental Protection Informative:

During construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to:

During the construction phase no activities should take place outside the following hours:

Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Drainage Informative:

We noted that the applicant has provided a SuDS Maintenance and Management Plan, Reference 70020615, dated of 15 December 2016, produced by WSP.

It is stated that the maintenance of the structures will be responsibility of the private management company to be set up by the developer. It is also stated that the property owners will have to undertake complete replacement of any drainage component once they have reached the end of their functional lifetime and when repair is not the practicable solution.

The LPA needs to be satisfied that the maintenance arrangements for proposed drainage scheme are suitable and can be maintained for its lifetime.