

Sara Burke
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

8th October 2024

Dear Planning Inspector

Your Ref: APP/X1925/W/24/3349177

Re: Application for erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping.

Ashwell Parish Council has re-considered its objections to the 2022 application (22/03094/FP) in the light of the latest 2024 application (24/01444/FP) and the latest views of the HCC Highways Officer and the NHC Development & Conservation Officer and wishes to **object** to the application on the following grounds:

1. The site is not allocated in the Local Plan and is not listed as a requirement to meet the 5 year housing supply;
2. The application fails to sufficiently meet the requirements of the Neighbourhood Plan housing policy, ie for smaller units for the elderly/poorly mobile, downsizers and starter homes.
3. The development would have a significant adverse impact on the conservation area as identified by the NHC Development & Conservation Manager in the 19 November 2020 decision to refuse the application for development ref 20/00126/FP. The negative impacts will also breach the following Neighbourhood Plan Policies:
 - a. ASH 3 Section A. Development proposals should conserve and enhance the Conservation Area, the Character Areas V1 to V5 as shown in Figure 6.1 , and key views and assets identified in the Conservation Area Character Statement 2019. This proposed development would degrade rather than preserve or enhance the Conservation Area.
 - b. ASH 8. The development conflicts with View SV12. The policy is designed to protect the rural character and locally significant views and forms part of the views identified in the Character Appraisal and Management Plan.
<https://www.north-herts.gov.uk/conservation-areas-villages>
 - c. ASH 9. This policy seeks to protect the natural landscape and rural character. The proposed development would cause unavoidable damage and change to the character of a significant part of the ancient track,

known as ‘the Ruddery’ which forms part of the Icknield Way (see: <http://greatchalkway.org.uk/routes/icknield-way/>). This track contributes significantly to the rural character of the area, and would directly conflict with the views of Historic England reference SE03 Pg 51 of the Neighbourhood Plan (see: <https://www.north-herts.gov.uk/ashwell-neighbourhood-plan>

4. The development would have an adverse impact on pedestrian safety due to additional traffic on the Ruddery and the already hazardous Ashwell Street/Kingsland Way junction.
5. The concern of the red line boundary dispute with the neighbouring property. It was noted at our Parish Council meeting held on 2nd October 2024 that the appeal showed the incorrect position of the red line boundary and that the applicant, when submitting the appeal agreed it would be moved. However there is no document relating to this on the planning portal!

The Parish Council also requests that the views expressed by local residents be taken into account. Twenty four local residents attended the January 2023 Council meeting and twenty-eight attended the on-site meeting. Representatives from the applicant were present at both meetings to present information and answer questions.

Please see **Appendix A** for a summary of the objections from local residents, questions put to the applicant’s representative and comments made to the Parish Council. The Parish Council also noted the objections that had been posted on the NHC website and the one neutral comment requesting the provision of boxes for bats and swifts.

Proposed conditions for development should the applicant’s appeal be successful.

1. Change the status of the adjacent BOAT (Ashwell Street aka ‘The Ruddery’) to a Restricted Byway and include:
 - bollards should be installed to the East of the site access to restrict access by four-wheeled vehicles
 - repositioning of the vehicular access as far to the West as possible (or to the existing gate) to limit damage to the ancient trackway;
 - Removal of the proposed new pedestrian access into The Ruddery to the East of the main vehicular access.
2. Ensure a legally binding agreement re the ownership of the public open space is required between the developer and the Parish Council or a body of its choosing
3. Protection for the trees and hedges on the site boundaries.
4. Reposition the bungalows from the Southern edge of the site to the bottom (i.e. to the North) of the site slope to address some of the issues raised by parishioners
5. Boundary materials & design of the pedestrian access to Lucas Lane should reflect the concerns of neighbours and Highways.
6. Restrict lighting provision on the site and its approaches.
7. Highways matters:
 - the vehicular restrictions to the Ruddery already agreed in principle with the County Council to be in place prior to the development being started

- safety improvements to the Ashwell Street/Kingsland Way junction to be agreed with the County Council's Highways Dept also to be implemented prior to the development being started.
8. Planning obligations (Ashwell S106 claim).
If the Inspector allows the appeal we would expect an agreement put in place for developer contributions toward Ashwell's community assets. We are aware that North Herts Council has drafted heads of agreement but have been unable to establish whether the claim that Ashwell made is included in these. Therefore please refer to **Appendix B (see separate document)** for details of our claim and justifications for it.

Please contact us if any clarification is required.

Yours sincerely,



Sally Roberts,
Clerk, on behalf of Ashwell Parish Council

cc: Alex Howard, Planning Officer, North Herts Council
cc: Planning Office, North Herts Council
cc: Tom Tyson, District Councillor

Appendix A: Questions put to the applicant's representative and Objections from local residents:

Q & A's with the applicant's agent

Q. 1 Infrastructure. Any additional infrastructure would be requested by relevant statutory consultees in their responses to the consultation eg school places by the county council, sewerage upgrades by the drainage authority, and would be funded by the developer. Concern was expressed that aspects of village infrastructure were already overburdened and required attention prior to any additional housing.

Q.2 Impact on Ashwell Street (the Ruddery) track and the conservation area. The new entrance to the top of the site, including a footway as well as a road, was positioned adjacent to the existing field gate. The gate was to be retained as a feature and to maintain the existing views. Along the section of Ashwell Street from Woodforde Close leading up to the new access the existing track would be upgraded to highways standards. Concern was expressed that this would encroach on the special nature of the Ruddery. The representative agreed to take this up with the Conservation Officer.

Q.3 Safety concerns on Ashwell Street (the Ruddery) track and the Kingsland Way junction. County councillor Steve Jarvis reported that, following the request from the Parish Council some time ago for the current BOAT status to be changed and bollards installed to restrict vehicular traffic this had been agreed in principle with the Highways authority. This was being progressed through what was a lengthy approval system that included both informal and formal consultations with local residents. There had been some objections and there was a requirement that these had to be responded to. It was noted that there were existing safety concerns re the junction of Ashwell Street and Kingsland Way and the Highways authority had been requested on many occasions to review this.

Q.4 Planning obligations/section 106 funding agreement. This would form part of any planning approval. It was noted that the current 'safer routes to the station' project required significant funding and was a relevant sustainable transport initiative.

Q.5 Affordable housing. The application included 5 affordable homes of which 3 were to be rented and 2 intermediate; this was above the Local Plan requirements.

Q.6 Sustainability. All of the dwellings on the site would be built to a standard that met net zero criteria with EV chargers and a fabric first approach to construction. This was in line with Neighbourhood Plan policy.

Q.7 Site layout. The location of the bungalows at the top of the site, ie nearer to Ashwell Street, was questioned in relation to the significant slope and the accessibility for anyone with mobility issues using the pedestrian route to access local facilities. The impact on the existing bungalows in Lucas Lane should also be considered. The representative responded that this had been done to lessen the landscape impact. None of the buildings would be greater than one and a half storeys. The representative agreed to consider the request that the bungalows be located at the bottom of the site, ie nearer to Lucas Lane.

Q.8 Landscape boundary details. The representative agreed to consider requests from local residents re the details, eg fencing and/or walls.

Q.9 Public open space. The plans included a grassed area and a small orchard. The area would be protected from any future development by a planning condition. Management of the area would be by an appointed management company or it could possibly be gifted to the Parish Council.

Objections from members of the public:

P.1 Infrastructure. There had already been too many new houses in the village without addressing the already strained infrastructure, eg school places, sewerage, traffic congestion. It was agreed that the current situation re school places be determined.

P.2 Public open space. The allocation of a large area in the application was commended but concern was expressed that this might not be protected from future development. The applicant's agent stated that the option existed for the freehold to be gifted to the Parish Council.

P.3 Adverse impact on the Ruddery and the conservation area/location of the vehicular access. It was noted that adverse impact on the conservation area had been a key reason for the refusal of the previous application. The new access would require the tarmacking and widening of Ashwell Street resulting in the loss of part of the ancient trackway and vegetation. A suggestion was made that this access be moved as far as possible to the west of the site to reduce the loss; if this meant the entrance being at the position of the existing gate this would still allow the retention of the significant viewpoint as provided from the existing field gate. A further suggestion was made that the pedestrian access at the south-east corner be eliminated; it was not necessary for access and would lessen the negative impact.

P.4 Adverse impact on the Ruddery/pedestrian safety. The additional vehicular traffic would exacerbate the existing hazard for pedestrians; there had been at least one accident resulting in injury to a pedestrian. It was noted that the County Council, following a request some years ago from the Parish Council, had agreed in principle to change the status of this section of Ashwell Street and to install bollards to restrict vehicle access; their consultation process on this was ongoing but lengthy. It was requested that this be implemented as a condition of any development.

P.5 Access/additional traffic to the Ashwell Street junction with Kingsland Way. This was already a dangerous junction on a key route for pedestrians, including those going to the school, with poor sight lines, very limited footways and a record of speeding. Additional traffic would exacerbate the hazards.

P.6 Housing need. The larger houses did not address the needs of the village; the Neighbourhood Plan policy required smaller units for the elderly/poorly mobile, downsizers and starter homes.

P.7 Archaeology. The site was in a key area and a Roman temple had been identified. Further investigation was required.

P.8 Drainage. Flooding was already an issue in the village and more houses/hard landscaping would exacerbate the risk particularly to the bungalows in Lucas Lane at the bottom of the slope. Who would be liable for any issues arising in the longer term was questioned.

P.9 Security concerns. The proposed pedestrian route to Lucas Lane would increase the security risks for immediate neighbours.

P.10 Boundaries. Requests were made by neighbours that their requests re walls/fences be considered and adequate provision for access by local wildlife be provided. The applicant's agent agreed to this and noted the 3 metre boundary buffers in the plans.

P.11 Height and location of dwellings. Concern was expressed that the bungalows were sited at the top of the significant slope and thus poorly situated for those with mobility issues. The current layout with the two-storey dwellings adjacent to the existing Lucas Lane bungalows would result in overlooking/dominance issues. Siting the bungalows at the bottom of the site would address both these matters.

P.12 Lighting. This was questioned and the view expressed that it should be in keeping with the site; pedestrian routes should have low-level units.