

NORTH HERTFORDSHIRE DISTRICT COUNCIL

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24 May 2017

Mr M Lake
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Our Ref : 17/00613/1PRE
Contact : Joanne Cousins
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Email : jo.cousins@north-herts.gov.uk

Dear Mr Lake

**Pre-application advice : Residential development of 9 dwellings together with associated access
Land Adjacent To, 54 Station Road, Ashwell**

I refer to your pre-application submission in respect of the above site, received complete on the 13 March 2017. I am writing to you following a site visit and an examination of the information submitted and apologise for the delay in my response.

I would emphasise that this does not constitute a formal determination and is without prejudice to any subsequent formal planning application.

For your information the relevant government guidance and policies from the development plan are set out below.

NPPF: Generally and specifically 7. Design; 6. Delivering a wide choice of quality homes; 11. Conserving and enhancing the natural environment. 12 Conserving and enhancing the historic environment

North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved) :

Policy 6 – Rural Areas beyond the Green Belt

Policy 55 – Car Parking

Policy 57 – Residential Guidelines and Standards

North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016)

Public consultation on the Council's Submission Local Plan has been completed and the Plan, having been agreed by full Council, is scheduled for submission to the Secretary of State in May 2017. The Policies of the submission Local Plan therefore carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption). Policies that may be of some relevance to this application are considered to be as follows:

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy

Policy SP5 Countryside and Green Belt

Policy SP8 Housing

Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy SP13 Historic Environment
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D3 Protecting living conditions
Policy D4 Air Quality
Policy NE1 Landscape
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE1: Designated heritage assets
Policy HE4 Archaeology

In addition, three supplementary planning documents are applicable. These are Design, Vehicle Parking Provision at New Developments and Planning Obligations. The latter seeks contributions to support the local infrastructure, services or facilities arising from the development consistent with the advice on creating sustainable communities as set out in The NPPF. These documents, the North Hertfordshire District Local Plan No. 2 with Alterations and Submission documents can be viewed on the Council's website: www.north-herts.gov.uk

Principle

Following the approval on 11 April by full Council to submit the Plan for examination, the Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land. In these circumstances paragraph 14 of the Framework is now arguably only engaged insofar as it encourages sustainable development or that which accords with the development plan. In other words, there is now no weighted presumption (engaged in situations where a 5 year supply of housing land can not be demonstrated) in favour of granting permission based on a judgement as to whether the adverse impacts significantly and demonstrably outweigh the benefits. Rather the planning balance is neutral and evaluated on the basis of whether the benefits (economic, social and environmental) of a proposal outweigh any identified harm OR the scheme accords with the development plan.

Your site is not allocated in the Submission Plan and is currently within the rural area beyond the Green Belt being outside the current defined settlement boundary. However the emerging plan redefines the Ashwell Settlement boundary such that the site would be included. As such the consideration of the development would be subject principally to assessment against saved Policy 6 (which is to a degree superseded by the National Planning Policy Framework) and the emerging Policy which is gain more weight now as the Plan proceeds forward. With regard to the current rural restraint policies, this would not support market housing in this location as a matter of principle but would support proposals as follows:

- strictly necessary for the needs of agriculture,/forestry if the need cannot practicably be met within a town, excluded village or selected village
- proposals that would meet an identified rural housing need, in compliance with Policy 29

- a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas
- proposals involving a change to the rural economy in terms of Policy 24 or Policy 25

Furthermore the site is within the Ashwell Conservation area so in accordance with the NPPF, while emphasising a presumption in favour of sustainable development the requirements of Paras 131 - 134 will be the main consideration here. As I set out above, this presumption is not in my view limited to development which accords with the development plan but extends to that which is demonstrably economically, socially and environmentally sustainable. Or, put another way, development where the benefits in this regard clearly outweigh any harm.

I will now examine whether the proposal you have submitted could be characterised as sustainable before looking at matters of detail.

Sustainable Development

Taking aside the para 134 considerations which I will set out further below, I consider this site to be a wholly sustainable location. The emerging plan includes the site within the settlement boundary and classifies Ashwell as a Category A Village with a school, shops and facilities and in easy reach of a mainline station. In this regard an appropriately scaled scheme is likely to be regarded as having convenient access to a range of services and facilities without the need to heavily rely on private transport. This said, I consider it unrealistic to expect that the use of private transport would be anything other than the main link to services and facilities even if the journeys may be short. In summary I would characterise opportunities for mixed mode access to services and facilities as reasonable for a rural location and therefore marginally positive **socially** and **environmentally**. In visual amenity terms it may be considered that there are no positive **environmental** benefit of developing this site as this is a long established field with mature trees and boundary vegetation. However, I acknowledge that the site is already bordered by development so there would be little harm occasioned by an appropriately designed and landscaped development scheme in visual impact terms in my view. You do need to be aware that the local school is close to capacity and that there may be problems with patient registrations at the Ashwell surgery. If this is the case a scheme of 9 new dwellings might give rise to a degree of **social** harm. You may want to research the capacity of these services before submitting a planning application. I would characterise a scheme for 9 dwellings **economically** as a positive benefit in terms of housing delivery and a boost to the local economy.

Conservation Area

The site lies within a designated heritage asset therefore any development must be considered in the light of paragraph 131, 133 and 134 of the NPPF not paragraph 14, regardless of whether the Council can demonstrate a 5 year supply of housing land (we consider that the plan can both demonstrate a five-year land supply and provide sufficient sites to meet our housing needs in full over the plan period). As you will be aware these paragraphs are weighted in favour of safeguarding the designated heritage asset as opposed to the weighed presumption in favour of development set out under paragraph 14:

Paragraph 131:

In determining planning applications, local planning authorities should take account of:

- ***The desirability of sustaining and enhancing the significance of heritage***

- *assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 133:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

Paragraph 134:

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

If we assume that the lesser test applies in this case (paragraph 134) and that the development of this site would lead to less than substantial harm to the significance of the designated heritage asset (Ashwell conservation area) then it would be incumbent on the Authority to weigh this harm against the public benefits of the proposal.

I acknowledge that a modest scheme of housing on this site would deliver some public benefits in terms of an increase in housing supply. The site is screened from main public views by the vegetation along Station Road/Ashwell Street and there are limited views into the site from the gap to the side of 54 Station Road. The site is in a visual character area in the current plan defined as: **V2 Eastern area. Main area of village separated from ribbon development around Station Road by recreation ground and fields to remain as part of wider countryside.** The proposals would not impact upon this characterisation in my view. The Councils Conservation Officer has not been formally consulted at this stage. However I have sought a brief comment regarding the significance of this land within the Conservation Area setting and it is concluded that the residential development would not be inappropriate provided that landscaping is retained and enhanced (including significant trees). The indicative layout retains a relatively loose knit form of development and boundary landscaping to the road frontage should be maintained/enhanced to safeguard the public views of the site. The considerations are likely to centre on the detail of the application such as house design, layout, materials and landscaping.

Urban Design & Landscape Architect Response

The following comments are made:-

'The site is within the village boundary and also within Ashwell Conservation Area. The site appears to be a garden area, laid to grass with mature trees and hedging surrounded by residential development which is mainly two storeys and a mix of semi-detached and detached.

Access would need to be off Station Road and would require the loss of some of the boundary vegetation to accommodate sightlines. The retention of the other existing vegetation is important for screening, creating a sense of place for the development, the setting of the Conservation Area and the character of Station Road. Additional planting could strengthen this.

Residential development is acceptable in landscape and urban design terms and a mix of detached and semi-detached and short terraces would reflect surrounding residential development. The density of the proposed development would reflect surrounding areas.

Layout should ensure that hard surfacing for access and parking is kept to a minimum. Further guidance can be found in the Design SPD (2011) available on the website.'

Housing Mix and Design

The mix of housing and its design would need to reflect the prevailing character of this village location as identified by the Urban Design and Landscape Architect. Given this site is within the Conservation Area, a designated heritage asset, its setting and the character of the countryside, need to be considered as part of the design approach. In terms of the form of housing here engagement with the Parish Council may assist in assessing the needs of the village in the public interest. Given this is a Conservation Area location I would not wish to encourage an increase in density here due to the existing pattern and character of development. While we can not insist on any affordable housing provision here in engaging with the Community this might be a positive for the site if there were some provision. Our Housing needs Officer Debbie Ealand may be able to assist you in the current needs for the village. She can be contacted on 01462 474526.

Highway and Access

Herts County Council, as the highway authority (HA), now offers and charges for highway advice directly and should be consulted independently in respect of access points from the County road. Any application should address the need for safe access for both vehicles and pedestrians in accordance with paragraph 32 of the NPPF and emerging Local Plan policy T1.

Housing Standards

We would encourage all dwellings to at least CFSH level 4 (or equivalent). The Council had been requiring this standard by condition but recent Government announcements have indicated a clear direction of travel away from building standards being imposed via the planning system. This said, environmental sustainability is a key theme in the NPPF and all development proposals should demonstrate that all reasonable efforts have been made to reduce carbon footprint through the design process including maximising passive solar gain where possible.

Ecology

The site may have significant ecological value given its current use and presence of mature trees this should be explored in an appropriate study.

Archaeology Response

The County Historic Environment Advisor makes the following comments:-

The proposed development area is located within an Area of Archaeological Significance, as identified in the Local Plan. This area covers the historic village of Ashwell and the fields to its south and east. The village likely dates to the late Saxon period, but the Ashwell area has been a focus for human activity for much longer, with a very high density of cropmarks representing likely Bronze Age barrows and later prehistoric and/or Romano-British settlement enclosures. The Extensive Urban Survey for Ashwell notes that Ashwell may have been a Roman religious site, associated with the springs. It also notes that Ashwell Street is likely to date to the Roman period (HER4692) and was in use in the medieval period.

The proposed development area is less than 60m north west of a Late Neolithic henge monument, identified during archaeological investigations prior to a housing development in May 2015 (Oxford Archaeology East 2015). This is one of only two such monuments known from Hertfordshire and is of considerable archaeological importance.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. I recommend that the results of an archaeological evaluation of the site are included with any planning application. This evaluation is likely to comprise geophysical survey followed by trial trenching.

This advice is given with regard to NPPF paragraph 128: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Noise, Contamination and Air Quality

I have not consulted our Environmental Protection Team at this stage and do not imagine that there would any significant issue with noise or air quality. However, these matters should be adequately addressed in any application. In this regard you are advised to submit an assessment with any application and this will be reviewed by the Councils Environmental Protection Team.

Flood Risk

The Local Lead Flood Authority would not be consulted on a scheme of this size. However, you should provide the Council with evidence that surface drainage and flooding have been adequately considered.

Arboriculture

A full site survey should be submitted identifying any vegetation of note, including any to be removed. This survey should form part of any biodiversity / ecological management plan.

Waste Management response

The following conditions would be recommended upon any formal planning application:-
Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point [or within 5m]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details

Reason – To facilitate refuse and recycling collections.

No development shall commence until further details of the construction of the road/drive have been submitted to the local planning authority and approved in writing. The required details shall include a construction specification for the route demonstrating the suitability for refuse collection vehicles, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason – To facilitate refuse and recycling collections.

You are invited to view the guidance on the Councils website in respect of waste servicing.

<http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

Should further advice be required the applicant should contact Chloe Hipwood at

chloe.hipwood@north-herts.gov.uk

Planning Obligations

This scheme would not require any planning agreements given the likely quantum of development.

Summary

The identified site lies within the Ashwell conservation area and as such there is presumption that this should be protected for its own sake as once lost it would be irreplaceable. However in this case given the nature and scale of the proposed development I consider that there are benefits associated with the scheme which would demonstrably outweigh the harm occasioned to the asset. In my opinion a carefully considered development is unlikely to be injurious to the significance of the heritage asset and I conclude that the modest benefits which might accrue from the delivery of nine dwellings would be sufficient to outweigh any harm. The site is within the Settlement boundary in the emerging plan and is considered to be a sustainable location.

I hope this advice is of assistance. I must reiterate that it does not constitute a formal determination and is without prejudice to a formal application.

Yours sincerely

Joanne Cousins
Planning Officer