



ASHWELL PARISH COUNCIL

Clerk

Jane Porter (Mrs), 89 Back Street, Ashwell, Baldock, Herts, SG7 5PG

☎01462 743706 ✉clerk@ashwell.gov.uk www.ashwell.gov.uk

Chairman Mark White ☎ 07977 099951

Strategic Planning and Projects Group
North Herts District Council
Gernon Road
Letchworth Garden City
Herts SG6 3JF

29th November 2016

BY EMAIL

Dear Sir/Madam

Re: North Hertfordshire Proposed Submission Local Plan Consultation

A. Ashwell Parish Council's response to this consultation is as follows:

These comments on whether the NHDC Local Plan meets the 'Soundness' criteria refer only to how the Local Plan affects the Parish of Ashwell.

Ashwell Parish Council has already objected to the inclusion of the site (AS1) in the emerging Local Plan. We continue to object to the NHDC Local Plan for Ashwell because we believe the Local Plan is unsound in so far as it is not consistent with National Policies (especially NPPF 11) and in its preparation NHDC have not taken adequate account of either expert evidence which contradicts the suitability of proposed site AS1, or of the views of the residents of Ashwell, and the fact that there are other more suitable sites within Ashwell capable of delivering the housing numbers required (as identified in the emerging draft Ashwell Neighbourhood Plan). We also object to the proposed changes to the Settlement Boundary on grounds of the change being unjustified and lacking consultation or justification.

Ashwell Parish Council has not objected to the principle of development, or the housing numbers allocated to the Parish, and has been pro-active, through the Neighbourhood Plan, in identifying what type of development is required to satisfy the housing needs of the village and the sites suitable for it. These would more than adequately satisfy the number of units required.

For NHDC to ignore both the work of Ashwell Parish Council in identifying the real needs of the community, and the widespread concerns of villagers and the concerns of NHDC's own consultants is undemocratic and fails to satisfy the requirements for local democracy (Localism Act 2011).

1 Background

- 1.1 The site AS1 has a history of Planning Applications which have been rejected by NHDC, and on appeal, because of the adverse impact on the environment (ref; NPPF Policy 11)
- 1.2 In July 2009 the site now referred to as AS1 was classified by NHDC as a low Priority 3 site which was not strategic for development. Weaknesses were identified in respect of:
 - 1.2.1. Biodiversity and landscapes would not be enhanced by development
 - 1.2.2. Development would be likely to increase commuting and private car use'
- 1.3 The September 2016 NHDC Sustainability Appraisal highlighted a number of significant negative effects associated with AS1:
 - 1.3.1 Greenfield site with potentially high biodiversity significance
 - 1.3.2 Close to a designated area of archaeological interest

- 1.3.3 Impact on the setting of a scheduled ancient monument
 - 1.3.4 No regular bus service within 400m and no train station within 800m
 - 1.3.5 A major development for its setting
 - 1.3.6 The site was shown **incorrectly** by the appraisal as within walking distance of the village centre because there is no safe footpath provision, and no access for the disabled or elderly, or parents with prams or pushchairs.
- 1.4 In response to the Preferred Options Consultation November 2014:
- 1.4.1 Ashwell Parish Council wrote to NHDC setting out its reasons for rejecting the Claybush Hill site (AS1)
 - 1.4.2 A total of 135 relevant and specific objections, 92% from residents of Ashwell, and just one letter in support. This from a community of 800+ households
 - 1.4.3. For the NHDC Council meeting 20th July 2016 about the Draft Local Plan, Ashwell Parish Council:
 - 1.4.4. Sent a letter, in advance of the meeting, to all NHDC members reiterating the reasons for rejecting the Claybush Hill (AS1) site
 - 1.4.5. Made a presentation to the meeting, as did a representative of the Neighbourhood Plan Working Group, reiterating the reasons for rejecting the Claybush Hill (AS1) site
 - 1.4.6. Wrote to David Scholes, CEO of NHDC, following the meeting, expressing concerns at the undemocratic decision to progress the draft Local Plan despite a plethora of consultee objections and reiterating the reasons for the objections.
 - 1.4.7. In response to a planning application for AS1 (Application 16/01797/1) in September 2016 there were a total of 343 objections from Ashwell residents.
- 1.5 **Neighbourhood Plan.** In response to the 2011 Localism Act Ashwell Parish Council, in 2013, set up the Neighbourhood Plan Working Group. The emerging plan has included parish-wide surveys and the preparation of a draft plan during the last two years. The Parish Council is acutely aware that their Neighbourhood Plan must be in conformity with the adopted Local Plan, and the proposed allocation of site AS1 is a significant issue. In Autumn 2014 the Group surveyed the parish on housing issues. The thrust of the survey was threefold: first to find out details of the housing stock, secondly to find out what was needed in the future and thirdly to find out what sort of development was wanted and where it was to be.

For the purposes of the NHDC Local Plan, i.e. looking into the future, the last two points were the most important.

- 1.5.1 The survey showed:
 - housing was required for those who wanted to downsize which in turn would free up larger houses
 - private housing for older people and those who have mobility issues
 - people did not want houses built outside the village boundary
 - people did not want sites of more than ten houses.
- 1.5.2 The survey also showed that what was required was smaller houses with a majority for older people, i.e. single story, flats with lifts, on flat land near the centre of the village.
- 1.5.3 To further these ends the Working Group sought out landowners who might be interested in offering their land. Three sites were found, two are brownfield sites and the third outside the village boundary. These sites were assessed using the criteria used by NHDC as well as the Working Group's criteria. One of the brownfield sites fitted with the criteria whereas the second was outside the village boundary. This site was however deemed fit for development and a change to the village boundary as it is unobtrusive. The third site did not fit two of the criteria namely that it was within the village boundary and was no bigger than 10 units. However, the site is on flat land, near the centre of the village and thus the shops, surgeries and pubs and the owners would like to see the site developed for private housing for older people. These reasons seem more important than the criteria which it does not meet.
- 1.5.4 Meetings with a NHDC Senior Planning Officer who has advised and guided the group were held. In December 2015 details of three alternative sites that

would meet the housing needs identified that cannot be catered for by AS1 were provided to NHDC via the Officer

- 1.5.5 The draft emerging Neighbourhood Plan issued to NHDC May 2016, i.e. within the timetable given to Ashwell Parish Council for registering alternative options for consideration for the NHDC draft Local Plan.

1.6 Besides the work of the Neighbourhood Plan Working Group, Ashwell Parish Council has:

- 1.6.1 reviewed and noted the Strategic Policies for North Hertfordshire and particularly applauded the inclusion of policies designed to support rural businesses, the retention of local retail and service outlets, and employment in villages.
- 1.6.2 responded to the Communities section with evidence from the emerging Ashwell Neighbourhood Plan surveys/consultations to ensure that they are representative of the parish as a whole.
- 1.6.3 noted that the view of the majority is not against development in principle but it must be in a suitable location(s) and reflect the identified housing needs of the village.
- 1.6.4 objected to the inclusion of the Claybush Hill site, AS1, (and the 'hostile' planning application by Croudace Homes) on the grounds of:
 - 1.6.4.1 Current Planning Policy: the site is outside the existing policy boundary (District Local Plan 2. Saved Policies 6 and 7)
 - 1.6.4.2 Landscape and Heritage: the site is within the North Baldock Chalk Uplands Character Area and thus fails to comply with National Planning Policy Framework (NPPF) and NHDC's own local planning policy, both current and emerging, to protect valued landscapes and heritage
 - 1.6.4.3 Highway Safety: the site fails to meet the requirements of both National Planning Policy Framework (NPPF) and NHDC's own current and emerging planning policy for Highway safety including the specific conditions for access to site AS1 in the draft Local Plan.

2 Soundness of NHDC Local Plan for Ashwell (including Site AS1)

2.1 Positively prepared – We are of the opinion that most of the Local Plan has been positively prepared and are pleased to see strengthening of the policies regarding the closing of retail outlets. (We have just lost a post office and a 'take away' because the policies were not strong enough).

However the Plan contains some factual errors regarding Ashwell site AS1. 13.11 states that 'The footpath network in Ashwell currently extends to the junction of Bear Lane and Ashwell Street and there may be opportunities to connect to here from the north of the allocated site'. What this fails to mention is that between Dixies Close and Ashwell Street there is a flight of 19 steps owing to the steepness of the hill. This would mean that anyone with a disability, in a wheelchair or with a child's pram or buggy walking from the allocated site, AS1, to the shops would have to walk down Bear Lane itself which because of parked cars would be extremely dangerous. 13.10 (pg. 135) states that there is no pedestrian access via Claybush Road. This is correct. The junction at Claybush Road and Ashwell Street is narrow with very poor sight lines and is dangerous. There is no footpath at all and no space to make one.

It is also considered that NHDC have not taken into account the reasons given by the inspector on an appeal for housing on the site in July 1987. The inspector's report stressed that the view, particularly of the medieval church tower, would be interrupted by building on the site, and that this would be harmful.

2.2 Justified

2.2.1. We do not accept that the inclusion of Site AS1 offers the most appropriate strategy for Ashwell for the following reasons:

- Of the 134 responses to the consultation on the preferred options only 1 was in favour of the allocated site. The population of the parish is c. 2,000.

- NHDC had been made aware that there were other sites in the village which would deliver not only the number of units the planners were looking for but in places that were likely to be acceptable to the parish. The Neighbourhood Plan Working Group, following a survey of housing and housing needs which indicated that the greatest need was for private housing for older people in an area of the village which would be easily accessible for people with mobility problems for the shops, doctors' and dentist surgeries and pub as well as smaller houses for those who wished to downsize.

2.2.2. We do not accept the latest Settlement Boundary included in the final version of the Local Plan because it also includes sites that represent amendments to the current Settlement Boundary and which have not been consulted on. Examples include:

- Land north of Ashwell Street and south of Lucas Lane. This site was identified as no.6 in Land Allocation -Additional Suggested Sites July 2009. It was not included in Housing Options February 2013. It was identified as no.304 in the Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan. Report to North Hertfordshire District Council by CAG Consultants, September 2016. Appendix 7 Non-preferred sites -Ashwell.
- Land Adjoining 7 Green Lane, Ashwell. This site was identified as no. 5 in Land Allocation -Additional Suggested Sites July 2009. In Housing Options February 2013; it failed to meet the criteria.

2.3 Effective - We are not sure that this is the most appropriate strategy as the vehicular access in Claybush Road is not up to the standard required and with the lack of pedestrian footpath in Claybush Road is likely to be dangerous especially when compared with the alternative sites offered by the Neighbourhood Plan Working Group.

2.4 Consistent with national legislation and policy - We do not believe that the allocation of this site is consistent with national legislation or policies;

- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the setting of a listed building, while Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- NPPF Policy 11: the site fails to protect the historic environment (SP13, para 4.151), and the green infrastructure, biodiversity and landscape (SP12, para 4.142)
- Highway Safety: the site fails to meet the requirements of both National Planning Policy Framework (NPPF) and NHDC's own current and emerging planning policy for Highway safety including the specific conditions for access to site AS1 in the draft Local Plan

APPENDIX OF SUPPORTING EVIDENCE

1.1 LANDSCAPE

National Planning Policy Framework

<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/11-conserving-and-enhancing-the-natural-environment/>

NPPF Section 11. Conserving and enhancing the natural environment.

Extract:

'Protecting and enhancing valued landscapes...'

NHDC draft Local Plan 2011-31

http://www.north-herts.gov.uk/sites/northherts-cms/files/local_plan_preferred_options_december_2014_0.pdf

Policy NE1: Landscape and Environmental Protection (page 56).

Extracts:

9.5 Government advice set out in the NPPF seeks to conserve the natural environment which contributes to the local distinctiveness of the area. Plans and policies should ensure that new development preserves or enhances historic buildings and landscapes, conservation areas and important archaeological features and their settings.

9.8 The North Hertfordshire Landscape Study (Character, Sensitivity & Capacity) assesses the character of the landscape across the district by looking at factors such as the geology, landform, soil types and historical activities for each area. This study provided a description of the characteristics of each landscape character area. It has subsequently been developed to identify the inherent sensitivities of each character area in landscape and visual terms, together with its capacity to accommodate a range of different types of development. Development should respect the sensitivities of each landscape character area and accord with the guidelines identified for each landscape character area in relation to built development and landscape management.

Design SPD (Page 17)

117. The Council's Landscape Character Assessment provides a very useful tool and will play an important role in providing guidance for the acceptability of proposals.

Evidence base/Background papers -Landscape Study (Character, Sensitivity and Capacity) - 2011

<http://www.north-herts.gov.uk/planning/planning-policy/local-plan-emerging-policy/evidence-base/north-herts-landscape-study>

North Baldock Chalk Uplands. Area 224. Map (page 146).

Extracts:

(i) Landscape Character sensitivities (page 151), 'The southern edge of Ashwell is well contained and would be sensitive to further development.'

(ii) Visual sensitivities (page 151), '...considered to be of moderate to high sensitivity. Open views and skylines throughout the Character Area are particularly sensitive to development.'

(iii) Capacity to accommodate development/Smaller urban extensions <5ha (page 151a), 'This type of development would not be appropriate within much of this Character Area, due to its rural character in all areas, except potentially the eastern fringes of Baldock. It would introduce elements that would reduce the openness of the North Baldock Chalk Uplands in all other locations, including the fringes of Ashwell.'

Section 12. Communities/Ashwell

Extracts:

1.9 The impact of the proposed site on heritage assets and the landscape is a key consideration'.

Site History

NHDC has refused all three previous applications on the grounds of adverse impact on the landscape. One of these went to appeal and the Planning Inspector upheld the refusal on the same grounds; '...an unsightly incursion into the attractive open land that rises southwards from the village.'

July 1987 - Erection of 4 detached bungalows. Refused by NHDC; applicant appealed to the Planning Inspector but the refusal was upheld. Case Ref 1/1216/86(890)

T/APP/XI925/A/87/065956/P3.

Nov 1978 - Case Ref 78/01417/1 Refused by NHDC.

August 1996 - Case Ref 95/00909/1 Refused by NHDC.

1.2 HERITAGE

The Planning (Listed Buildings and Conservation Areas Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions.

- 1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 - General duty as respects conservation areas in exercise of planning functions.

- 1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework

<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/12-conserving-and-enhancing-the-historic-environment/>

NPPF Section 12. Conserving and enhancing the historic environment.

Extracts:

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

NHDC draft Local Plan 2011-31

http://www.north-herts.gov.uk/sites/northherts-cms/files/local_plan_preferred_options_december_2014_0.pdf

Policy HE1: Heritage Strategy (Page 67)

Extract:

10.4 This section of the Local Plan is the Heritage Strategy, setting out the main features of the historic environment in North Hertfordshire. The determination of applications affecting heritage assets, will take place in accordance with the policies of this plan, the NPPF and relevant legislation.

Evidence base/Supporting evidence -Heritage Assessment Ashwell June 2016

<http://www.north-herts.gov.uk/sites/northherts-cms/files/Heritage%20Assessment%20%20-%20Ashwell%20-%20June%202016.pdf>

Extract:

'...development of any scale within the site is likely to impact upon views north towards Ashwell Church Tower from Claybush Hill across the site'.

Section 12. Communities/Ashwell

Extracts:

1.9 The impact of the proposed site on heritage assets and the landscape is a key consideration'.

Site History

NHDC has refused all previous applications (1978, 1987, 1996).

July 1987 - Erection of 4 detached bungalows. Case Ref 1/1216/86(890)

On appeal the Planning Inspector upheld the refusal; '...I conclude that the conservation of good quality rural land, and the protection of the setting of an important historic village override the general presumption in favour of allowing proposals for development'.

T/APP/XI925/A/87/065956/P3.

1.3 HIGHWAY SAFETY

National Planning Policy Framework

<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/4-promoting-sustainable-transport/>

NPPF Section 4. Sustainable development.

Extract:

32. 'Safe and suitable access to the site can be achieved for all people...'

NHDC draft Local Plan 2011-31

http://www.north-herts.gov.uk/sites/northherts-cms/files/local_plan_preferred_options_december_2014_0.pdf

Policy D1: Design and Sustainability (Page 45)

Extract:

7.11 The policy seeks to ensure that the design and location of new development makes it accessible to all potential users.

Policy 57 ('...road and footpath layout provides safe and convenient pedestrian routes between homes and local community facilities')

Section 12. Communities/Ashwell

Extracts:

'1.10 Currently there is no pedestrian access along Claybush Road, therefore the development should deliver a pedestrian access route into the village to enable access to services and facilities.

1.11 The footpath network in Ashwell currently extends to the junction of Bear Lane and Ashwell Street and there may be opportunities to connect from here from the north of the allocated site.'

Recent decisions in Ashwell

NHDC Case Ref 15/00691/: Land rear of 39-59 Station Road.

Appeal against refusal by NHDC/refusal upheld by the Planning Inspectorate February 2016.

From the Planning Inspector's report.

'Highway safety 19; ... the route a pedestrian may take cannot be controlled by planning condition.'

- Relevance to AS1; Concerns exist that the most direct route to and from the school would be via Claybush Road, a shared surface road with a blind corner; no land is available for the provision of a pavement.

'Highway safety 20; Local residents have drawn my attention to the number of cars that park...given the nature of the junction, ..., such a situation would be detrimental to highway safety.'

- Relevance to AS1; Concerns that the proposed pedestrian access is via a complex junction and a single track road where waste/recycling vehicles reverse in order to service this limb of Ashwell Street. The area has an existing off-street parking problem due to the large number of neighbouring properties with no, or inadequate, off-street parking; also overflow parking from the school. Development of the adjacent brownfield site (Cooke Engineering) will increase traffic flows and exacerbate the parking problems.

'Highway safety 24. I therefore conclude, for the reasons outlined above, that satisfactory provision has not been made for access to the site, and as such the development would compromise highway safety. This is a matter which carries significant weight. Consequently the proposal would not be in accordance with Policy 57 of the Local Plan as set out above.

'The Planning Balance and Conclusion 29; ...However, the benefits of the scheme are significantly and demonstrably outweighed by the adverse impact of proposal in terms of its failure to provide a safe and suitable means of access for all people and its severe residual cumulative impact on highway safety.'

- B. Ashwell Parish Council is seeking modifications and considers it necessary to participate at the oral part of the examination.

Ashwell Parish Council considers it necessary to participate in the oral part of the examination in view of its emerging Neighbourhood Plan for the parish and as the representative body for the significant number of parishioners who have engaged in the process.

- C. Ashwell Parish Council wishes to be notified when the Local Plan is submitted.

Yours faithfully,



Jane Porter (Mrs)
Clerk to the Council