

ASHWELL PARISH COUNCIL



Clerk

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Ms Anne McDonald
Planning and Environment
North Herts District Council
Gernon Road
Letchworth SG6 3JF

8th September 2016

BY EMAIL

Dear Ms McDonald

**Re NHDC Case Ref No: 16/01797/1 Land rear of 4-14, Claybush Road.
Full Planning Permission: 33 dwellings together with associated access, parking,
amenity and open space**

At its recent meeting Ashwell Parish Council resolved (unanimous) to recommend to the NHDC Planning Officer that the application be **REFUSED** with objections on the following grounds:-

Ashwell Parish Council has already objected to the inclusion of this site (AS1) in the emerging Local Plan. The emerging Ashwell Neighbourhood Plan, resulting from widespread public consultations and surveys, has been ignored.

Ashwell Parish Council has not objected to the principle of development 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.

This is undemocratic and fails to satisfy the requirements for local democracy (Localism Act 2011).

Supporting evidence for this includes:

A. Preferred Options Consultation November 2014. (i) Letter from Ashwell Parish Council to NHDC setting out its reasons for rejecting the Claybush Hill site. (ii) A total of 135 relevant and specific objections, 92% from residents of Ashwell. Just one letter in support. This from a community of 800+ households.

B. Neighbourhood Plan. (i) Emerging plan has included parish-wide surveys and the preparation of a draft plan during the last 2 years. (ii) Meetings with an NHDC Senior Planning Officer who has advised and guided the group. (iii) December 2015 details of three alternative sites provided to NHDC that would meet the housing needs identified that cannot be catered for by AS1. (iv) The draft emerging Neighbourhood Plan issued to NHDC May 2016, ie within the timetable given for registering alternative options for consideration for the NHDC draft Local Plan.

C. NHDC Council meeting 20th July 2016/Draft Local Plan. (i) Letter from Ashwell Parish Council, in advance of the meeting, to all NHDC members reiterating the reasons for rejecting the Claybush Hill site. (ii) Presentation to the meeting by a representative of the Parish Council and the Neighbourhood Plan working group reiterating the reasons for rejecting the Claybush Hill site. (iii) Letter to David Scholes, CEO 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.

Current Planning Policy: This is a hostile application; the Claybush Hill site is outside the existing policy boundary.

(District Local Plan 2. Saved Policies 6 and 7)

Landscape and Heritage: This application 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.

The site falls within the North Baldock Chalk Uplands Character Area designated by NHDC for its landscape value, '... considered to be of moderate to high sensitivity. Open views and skylines throughout the Character Area are particularly sensitive to development.'

Supporting evidence for NHDC Policy HE1: Heritage Strategy states '...development of any scale within the site is likely to impact upon views north towards Ashwell Church Tower from Claybush Hill across the site'. Any development would adversely affect the setting of Arbury Banks, a Scheduled Ancient Monument.

NHDC has refused three previous applications on this site for these reasons. The NHDC refusal was upheld by the Planning Inspectorate on the same grounds following appeal by the applicant.

Supporting evidence for this includes:

A. NPPF 11. Conserving and enhancing the natural environment.

NPPF 12. Conserving and enhancing the historic environment.

B. NHDC current policy and emerging policy/draft Local Plan 2011-31.

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

Policy HE1: Heritage Strategy (Page 67)

Design SPD (Page 17).

NHDC Supplementary Planning Guidance No.18 Ashwell Village Design Statement.

NHDC Supporting evidence: Landscape Study (Character, Sensitivity and Capacity)

2011; North Baldock Chalk Uplands/Area 224 (page 146). Heritage Assessment

Ashwell, June 2016.

Section 12. Communities/Ashwell

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

Highway Safety: This application fails to comply with 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 2011-31.

The existing footpath network extending to the junction of Bear Lane and Ashwell Street includes x19 steps and thus fails to meet national and local planning policy 57. There is no land available to overcome this problem. The requirement for adequate pedestrian access to and from the site itself is also unachievable. The proposed route is along a private, un-adopted, unmade, single track road opening onto a complex junction with no pavement provision. Council waste/recycling vehicles servicing this limb of Ashwell Street have to reverse along the road and across the junction. Access to the centre of the village is via a shared road surface with significant traffic flows and a steep gradient that is particularly hazardous in icy conditions. The proposed development of the adjacent brownfield site (Cooke Engineering) for additional housing will exacerbate these concerns.

Supporting evidence for this includes:

A. NPPF Section 4. Sustainable development: 32. ‘Safe and suitable access to the site can be achieved for all people...’

B. NHDC current policy and emerging policy/draft Local Plan 2011-31.

Policy D1: Design and Sustainability (Page 45): 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 site AS1.

‘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.’

Ashwell Parish Council would also like you to note the following points:

- Housing supply. The Parish Council is aware that the District Council cannot demonstrate a five-year supply of deliverable sites. However, it is of the view that the adverse impacts on the valued landscape and significant heritage setting, and the failure to demonstrate Highway safety, would significantly outweigh the benefits of housing development on the Claybush Hill site. Other sites have been identified in Ashwell to fulfil the housing need.
- Local consultation. A significant number of Ashwell parishioners have responded to consultations and expressed their views at public meetings. Twenty-one people attended the committee site meeting for this application. The Chairman noted that, again, parishioners’ objections were not of a ‘nimby’ nature. Those who had expressed their concerns resided in all parts of the village and not just adjacent to the Claybush Hill site. The surveys undertaken as part of the emerging Neighbourhood Plan had achieved an excellent response and clearly expressed the views of the community.
- Housing needs. The emerging Neighbourhood Plan Housing Survey has identified a lack of provision for the elderly. Prior to the recent NHDC policy changes re access to Wolverley House many Ashwell residents looked forward to being accommodated within this North Herts Homes facility. There is a very severe shortage of suitable private accommodation in the village. Recent developments at Walkdens and Philosophers Gate have addressed some of the need for social/affordable and small family units.
- Inaccuracies in the application. Concerns have been expressed by parishioners and parish councillors that documents supplied by the applicant contained factual inaccuracies and wording carefully chosen in order to support the application. Examples cited have included statements concerning pedestrian access, traffic flows relevant to suburban rather than rural areas, densities for a semi-rural not a rural location.
- Poor design. Parishioners and parish councillors have expressed their concerns that the design of the proposed dwellings was poor and ‘not worthy of Ashwell’. It has been noted that some years ago Ashwell was included in a list of the top 100 villages for design; sadly some recent developments had meant that this was no longer the case. It was noted that design guidelines required the density to be reduced towards the outskirts of a settlement; this application did not comply with

this. The height of the buildings was also not compliant with good design for a valued landscape on a sloping site overlooking a settlement that included a conservation area and the Grade 1 listed building of St Mary's Church. The proposed screening of the site by tree planting would be only partial and very inadequate for the part of the year when there was no foliage.


- Archaeology. The Claybush Hill site falls within an area designated to be of archaeological significance. Parishioners and parish councillors have expressed their concerns that this has not been adequately considered.
- Infrastructure delivery. Parishioners and parish councillors have expressed their concerns that current inadequacies in infrastructure will not be sufficiently addressed and problems thus exacerbated.
- Planning obligations/section 106. Parishioners and parish councillors have expressed their concerns that the views and needs of the community have been inadequately addressed in previous planning applications. As a matter of procedure Ashwell Parish Council would expect to be included in negotiations to agree these.

Please see also the Appendix of Supporting Evidence.

Please contact me if any clarification is required.

Please can you ensure that the Parish Council is kept informed as to how and when this application will be progressed.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jane Porter', written in a cursive style.

Jane Porter (Mrs), Clerk
Ashwell Parish Council

Cc Janine Paterson, District Councillor

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 Herts 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

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.’