



St Paul's Walden Parish Council
19 North Road
Stevenage
Herts SG1 4BD
Tel No: 07503340291
www.stpaulswaldenparishcouncil.org.uk
E-mail: clerk@stpaulswaldenparishcouncil.org.uk

21/11/2015

John Chapman
NHDC Planning Control
By Email

Dear Mr Chapman,

Planning Application ref 15/02555/1 – Planning application for the erection of 41 residential units with details of access and landscaping –

I write on behalf of St Pauls Walden Parish Council to OBJECT to the above application for the reasons set out within this letter. In summary:

1. The application will lead to the loss of a large, open and natural area leaving permanent damage to the landscape character and the appearance of the area. This is a valued landscape which contributes the rural setting of Whitwell Village;
2. The proposed scheme will not protect and enhance the natural environment and will have an demonstrable and unacceptable impact on the natural environment to the detriment of residents, and those who use Whitwell as a place of leisure including many walkers and cyclists;
3. The proposed scheme will not connect to the village of Whitwell and the design of the scheme in seeking to overcome visual impact creates a housing estate that will be separate from the village and will create an enclosed development that is isolated, excluded and not integrated into the natural, built or historic environment of Whitwell Village;
4. The scheme proposes significant office development which is in an out of centre location with significant numbers of parking spaces, demonstrating that it will most likely be used by people travelling into Whitwell. The NPPF provides that in the absence of a 5-year housing supply housing policies are out of date. It does not allow for development of other uses in open countryside locations such as this.
5. This site is known to have risk of flood and the information submitted to date is insufficient to assess whether there will be increased flood risk from the built development of this currently natural site.

6. The Council's internal response from Landscape and Urban Design does not reference the Council's own document on Landscape Character. This should be the starting point for any assessment. The document identifies that the Whitwell Valley is considered to be of moderate to high sensitivity and of moderate landscape value. With regard to the capacity of the landscape to accommodate development it states that large urban extensions and new settlements would not be appropriate due to its remote, rural and undeveloped character. Visual Impacts would be high due to cross valley views currently experienced. Increased housing developments would be likely to affect the existing rural lanes, which could erode the character of the landscape. Even with regard to smaller extensions the report finds that they would not be entirely appropriate due to its rural and undeveloped character. Visual Impacts could be high.

a) Background

The application site is not allocated within the adopted North Hertfordshire District Local Plan Alteration No.2 (1996). The site lies outside of the defined village boundary of St Paul's Walden and as such Local Plan Policy 7 states that permission will only be permitted if the development lies within the village boundaries and is in line with policy aims for visual character areas and would maintain or enhance the character or visual quality of the village or the surrounding area; within a Conservation Area, the positive preservation or enhancement of its character will be expected.

The site is identified and promoted as Green Belt land within the Council's emerging Local Plan and significantly is required to replace green belt land which is being displaced adjacent to the larger towns within North Herts which are generally better served by public transport. The site has therefore been assessed by the Council as having the ability to meet the requirements of Green Belt as set out in the NPPF.

The Parish Council is aware that North Herts District Council (NHDC) is not able to demonstrate a 5-year supply of deliverable housing sites and that therefore paragraph 49 of the National Planning Policy Framework (NPPF) states that the local plan policies for the supply of housing cannot be considered to be up to date. Paragraph 14 of the NPPF states that:

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"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- (b) Specific policies in this Framework indicate development should be restricted."

In an appeal concerning Reed House, Royston (APP/X1925/A/14/2218194) the Inspector found that Policy 6 of the NHDC Local Plan Alteration No.2 could be considered to be a policy for the supply of housing in terms of the NPPF. As far as we are aware, no such decision has been reached with regard to Policy 7 which could be considered to be a policy concerning design and visual impact and landscape conservation.

In cases where paragraph 49 of the NPPF apply, paragraph 14 of the NPPF states (unless material considerations indicate otherwise) that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole; or specific policies in the Framework indicate that development should be restricted.

A recent appeal decision Appeal Reference APP/J1915/W/15/3004594 was dismissed on a site in East Hertfordshire. There are significant similarities which are discussed below, but specifically in relation to the NPPF it was clear from the appeal decision that the NPPF seeks to protect the natural environment and that impact on landscape character and the appearance of the area can be enough to dismiss an appeal even in circumstances where there is not a 5-year housing supply.

We have seen the officer's pre-application advice to the applicants dated June 2015. The pre-application letter raises concerns with the design of the proposed scheme. In the letter concerns the impact on Cresswick Road, the layout and design of the scheme, particularly the internal circular access road, impact on public views, the inclusion of 2.5 storey houses, the proposed urban typology, and lack of information regarding the open space, management of the open space and its maintenance.

The pre-application letter states that **"I would anticipate the proposals needing to be fundamentally reassessed in light of the above comments"**. In our opinion the submitted application makes no attempt to address any of the officer's concerns and therefore, in accordance with the officer's letter, the scheme cannot be supported.

In addition, whilst the officer's letter refers to acceptance in principle, due to the lack of a 5 year housing supply, in our opinion the letter does not attach sufficient weight to the landscape impact of the proposal. This may be because the officer was not at that time in receipt of the applicant's full visual impact assessment and it may also be that **the weight that should be attached to impact on the landscape impact has been increased by the Braughing appeal decision** which is a new material consideration directly applicable to this application.

b) The Main Planning Issues

The Parish Council consider therefore that the main issues in determining this application is whether there are any unacceptable impacts.

1. Does the application protect and enhance the natural environment?

The NPPF seeks to guide development in a sustainable way. Part of the consideration of sustainability is the protection and enhancement of the natural environment. The site comprises 5.9ha of agricultural land. This application seeks to develop one of the most beautiful fields on the edge of Whitwell Village for housing.

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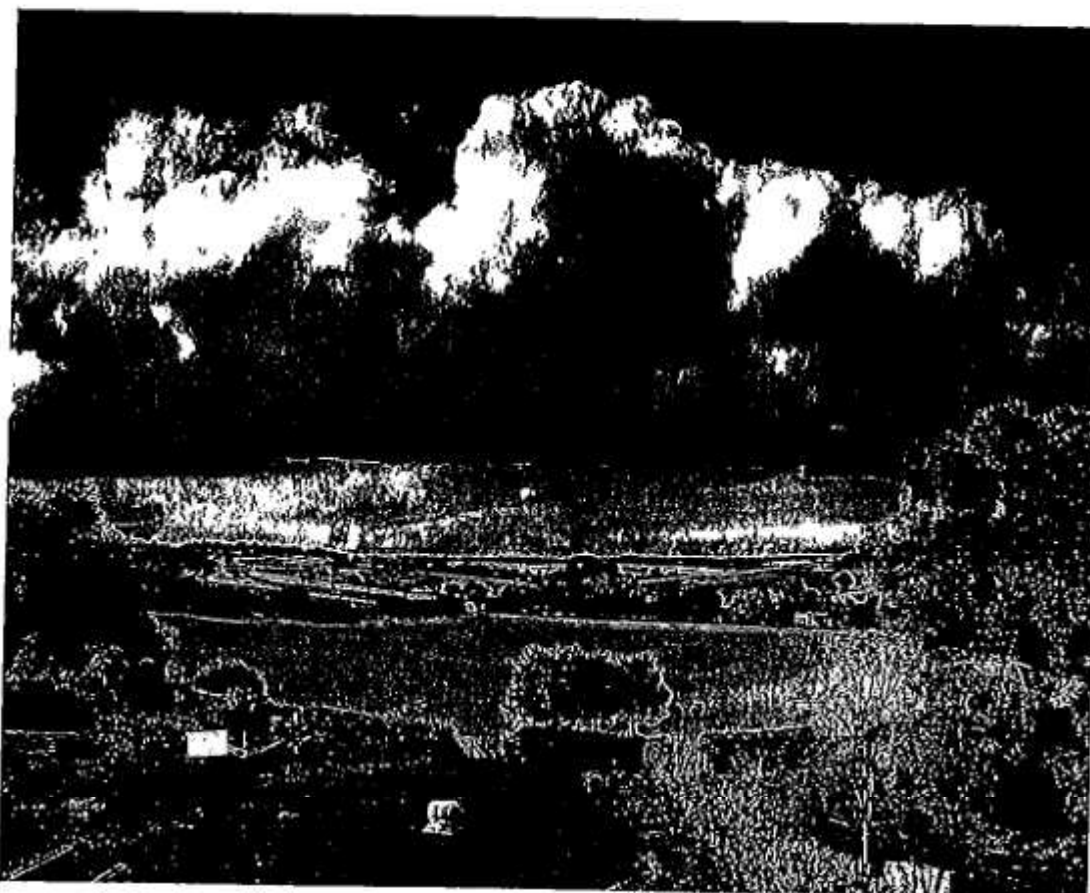
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The loss of this field to housing would not protect and enhance the natural environment and therefore planning permission should be refused.

2. Is the application in line with policy aims for visual character areas and will it maintain or enhance the character or visual quality of the village or the surrounding area in accordance with the NPPF and Policy 7 of the Local Plan?

The application will not maintain or enhance the character or visual quality of the village in direct contravention of Policy 7 of the Local Plan. The Key characteristics of the Whitwell Landscape area are: steep sided valley, dominant arable land use, scattered woodland parcels of irregular shape, locally smaller field parcels on the upper reaches of the valley, smaller paddocks and horse grazing associated with local settlements, flood meadow vegetation screening views of the River Mimram. As acknowledged by the applicant's visual impact assessment:

"In the evaluation section of the character area description, a statement is made on the ability of the character area to accommodate 'incremental small scale development'. The document states that there may be some very limited capacity for carefully located and designed small scale developments within the character area,

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particularly if they were of a vernacular style and form in keeping with the rural character. It says that any development should in most cases be closely associated with existing settlements. The landscape capacity for incremental small scale developments is considered to be low to moderate."



In direct contravention of the evaluation, the proposed development is neither incremental or small scale or in keeping with the rural character.

The North Hertfordshire and Stevenage Landscape Character Assessment is a background document to the Council's Local Plan. This document, produced by Babbie, is an independent review of the landscape character area of the Whitwell Valley within which this application falls. This document confirms that visual sensitivities are moderate to high and that these arise from:

"Cross valley views from the higher vantage points are an important feature of the character area. Panoramic views are common from the higher valley slopes, views along the valley are an important feature in the character area."

The document also states that:

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“large urban extensions and new settlements (>5ha) would not be appropriate within this Character Area, due to its relatively remote, rural and undeveloped character. It would be of an inappropriate scale and would introduce elements that would urbanise the landscape, altering the character and removing the existing key characteristics. Visual impacts would also be high due to the cross valley views currently experienced.”

Even with regard to smaller developments <5ha the report states that:

“This type of development would not be entirely appropriate within this character area due to its rural and undeveloped character. Visual impacts could be high, due to the cross valley views currently experienced. Some small scale expansion at the periphery of Whitwell, carefully designed and in keeping with the existing character of the village, could possibly be accommodated. The landscape capacity for small urban extensions is considered to be low.”

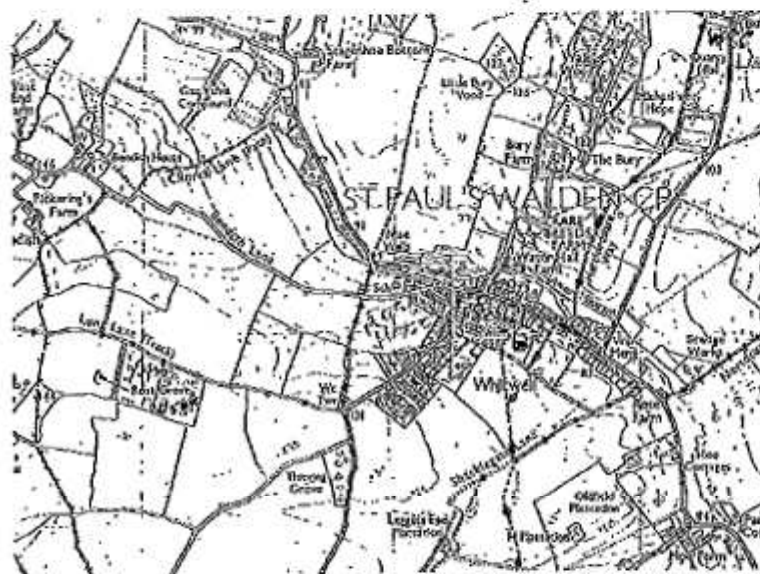
The application site lies on the edge of Whitwell village with housing positioned on the ridge of Horn Hill. The application site currently forms the clear distinction between the village and open countryside beyond providing panoramic views as recognised in the landscape character study. The side of Whitwell proposed for development is the MOST sensitive side of the village due to the topography of the site and the Whitwell Valley which is identified by the Council as having the potential for high visual impacts.

The site is bounded by mature hedgerows and is sloping, falling some 10 metres from Horn Hill.



The scale of the development proposed does not relate well to the local area and will provide an intrusion of built form into the local countryside that is out of keeping with the character of the village and the landscape. The adverse impact on the surrounding landscape will be permanent and irreversible and will give rise to major visual impact on existing residents and those who use the village for recreation including a number of cyclists and walkers.

Attached is a plan of the area showing the public footpaths.



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The plan clearly shows the topography of the Whitwell valley. The site will have unacceptable impact on views from Bendish Lane and on footpaths including Church Lane Path, Long Lane track and the track that runs north from the water tower to Nine Wells and up to Long Spinney. The site is highly visible from the much used path that runs northwards towards Little Bury Wood and Chalkleys / Walk Wood.

The development of the site will also provide unacceptable visual impacts for cyclists who use the routes around Whitwell because of the open landscape countryside character of the village.

Whitwell is an attractive rural village with a compact core of heritage buildings and a conservation area. The village is predominantly focused around two main roads which the character of the village providing houses that front onto the roads with open countryside behind. The character of Whitwell is one of an undulating rural landscape. The fact that properties on Horn Hill are built on the ridge with open countryside falling away from the village is a key defining characteristic of the village in this location. The application site falls away from the ridge at Horn Hill and therefore forms part of the undulating valley, a key feature of the Whitwell landscape character area. Any development on this site will therefore have a detrimental impact on the landscape character of the area surrounding the village and will also have an unacceptable impact on the village itself. The applicants seek to argue that the visual impact is mitigated by the fact that the development will only develop 2/3 up the hill, but the Parish Council does not agree with this view.

The visual impact assessment states that the visual impact on residences on Horn Hill will be sight adverse. The Parish Council strongly disagrees with this conclusion. The photo below is taken from residences on Horn Hill. The development of this beautiful field will be strong adverse, particularly due to the site's topography and its location with regard to the open countryside beyond.



The importance of impact on the intrinsic character and beauty of the countryside should not be underestimated. In March 2015 the Planning Minister, Brandon Lewis, wrote to the Inspectorate stating that appeal decisions should recognise this as a key issue and that Inspectors should also ensure that development is suitable for the local context. His letter highlighted that one of the twelve principles of planning as set out in the NPPF is the need to consider the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. His letter emphasises that areas that do not enjoy a national designation may also have protection as impact of development on the landscape is an important material consideration.

Please find attached a recent appeal on a site in East Hertfordshire (APP/J1915/W/15/3004594). The appeal was dismissed on one single reason relating to landscape and visual impact. The Parish Council believes that there are a surprising number of direct comparisons with the site at West Whitwell.

Similar to NHDC, East Herts cannot demonstrate a 5-year housing supply. Braughing and Whitwell are a similar size, both have a similar amount of local facilities, the schemes propose a similar number of houses on a similar sized site. Both sites are on the edge of villages that have a historic core and a similar landscape characterised by valleys and ridges. The appeal site was a field of open pasture, probably lower in value than the West Whitwell agricultural field.

The single issue examined was 'the effect of the proposed development on the character and appearance of the area and the planning balance having regard to the undersupply of housing and the benefits of the proposal.' The Inspector found the site in Braughing to be important to the landscape as it forms part of the undulating valley and the countryside setting to Braughing and the site marked the clear change from the village to the open countryside with open views to the countryside.

Similar to West Whitwell, the appeal scheme proposed low density housing with areas of open space, and again similar to West Whitwell the Inspector found that the houses would not easily be assimilated and that there is no doubt that the appeal scheme would significantly alter the visual and landscape character of the site from pasture to a housing development. Although there is some development along the valley sides and ridges, there would be a significant and adverse effect on the character of the landscape within the local area. The contribution of the site to the rural, undulating valley landscape and attractive and open setting of the village would be lost.

In the appeal the Inspector attaches weight to the effect on local views, attaching weight to views from local houses and local footpaths and attaching weight to those impacts on people living and walking in the area and the effect on the appreciation of the open and rural land surrounding the village.

The Inspector came to the decision to dismiss the appeal having taken into account a large number of appeal decisions that had gone before this one and still determined that even though the Council could not demonstrate a 5-year housing supply, and that the site would make a valuable contribution to the provision of housing. Weighing this in the balance, it was found that **the environmental impact is a significantly adverse one, of a very high order leaving permanent damage to the landscape character and the appearance of the area. The environmental harm would not meet the environmental strand of sustainable development as set out within the NPPF which is described as contributing to protecting and enhancing, among other things, our natural environment.**

The Parish Council is of the opinion that the site at West Whitwell makes a significant contribution to the character and appearance of the village to the benefit of residents, cyclists and walkers who use the area. The granting of permission in

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this location will have an unacceptable impact leaving permanent damage to the landscape character of the area and therefore in accordance with the Local Plan and the NPPF planning permission should be refused.

3. Traffic and Transport and Public Transport Accessibility and Reliance on the Private Car

The Parish Council has consistently objected to the District Council's insistence that Whitwell is a sustainable location for significant new housing. The Parish Council is aware of the Housing and Settlement Hierarchy Background Paper 2014. This seeks to identify sustainable locations for housing based on facilities. This background paper has no status. It is a background paper to a Local Plan that remains to be tested by an independent Inspector. Whitwell is accessed by small country lanes, has little to no public transport, no supermarket and very few employment opportunities. It is therefore not a sustainable location for significant new housing.

The NPPF core planning principles at paragraph 17 are clear that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be made sustainable.

Elected MPs are also bringing into question the approach taken in the emerging Local Plan with calls for the Council to investigate the potential for a new settlement rather than the unsustainable extensions and loss of open countryside favoured by the emerging Local Plan.

Whitwell, whilst having services within the village, requires most of its residents to travel to work by car. There is very limited public transport and buses are poor in that they provide no evening service and only a two hourly service in the day. The application does not propose specific car ownership restrictions and accordingly the scheme would be likely to give rise to significant reliance on private transport. There appears to be no attempt on behalf of the applicant to try to improve public transport accessibility of the site and therefore the scheme is in conflict with relevant requirements of the NPPF.

4. The Proposed Offices

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The scheme proposes significant office accommodation on a site which is open countryside and not within the village centre. The Parish Council objects to the location of employment floorspace in this location, preferring, for sustainability reasons, employment to be directed towards the village centre. Offices in this location would be primarily accessed by car and this is borne out by the provision of 17 car parking spaces.

In the absence of 5-year housing supply, the NPPF states that housing supply policies are to be considered out of date. This only applies to housing supply policies. Local Plan policies 6 and 7 are to be considered up to date in so far as they are not housing supply policies. The application should therefore be refused as it is contrary to Local Plan Policy 7 which states that planning permission will not normally be granted for development unless the exceptions of Policy 6 apply. None of the exceptions of Policy 6 apply to the office development as it is not strictly necessary and there is no proven need, it will not enhance the rural environment and it is outside of the boundaries of Whitwell. Planning permission should therefore be refused.

5. Design Considerations

The NPPF states that good design is indivisible from good planning. The NPPF states that decision should ensure that developments establish a strong sense of place and respond to local character and do not undermine community cohesion.

The application as proposed creates a cul-de-sac development that does not address the existing streets or the local character of the area. The scheme is physically separated from the village providing an estate that will undermine community cohesion. The street layout takes no design references from the local context and relates to no other buildings or schemes in the local area.

The proposed view along Bendish Lane contained at page 9 of the D&A suggests that none of the proposed houses will be viewed from Bendish lane as they will be behind very tall trees. There are no trees on this boundary at present and as the development proposes to build houses 2/3 of the way up the site it is impossible to see how the site will be viewed as anything other than an urban housing estate to

the detriment of the open countryside and the current clearly defined boundary of Whitwell.



Two storey houses are proposed across most of the site. Given the visual impact and the slope of the site and the character of the surrounding properties, the proposed design does not reflect the local character of the area and the open countryside nature of this area.

Properties on Cresswick are single storey bungalows with roof accommodation. They will be significantly impacted upon by the proposed two storey housing in close proximity to the boundaries of their gardens.

6. Quantum of development

The site seeks permission for up to 41 homes. The village is not against development that supports the long term viability of the village. In a questionnaire 40% of respondents felt that developments of between 10 and 20 homes would be sustainable and 93% felt that developments of the size proposed were not sustainable. This is because residents know that they travel significant distances by car for most of their daily needs, work, shopping and senior schooling for their children.

Also relevant to the consideration of the quantum and location of development, whilst S106 payments will be requested to provide school places, it should be noted that there is a serious lack of secondary school places for existing Whitwell residents with children often failing to get places at Hitchin or Harpenden schools and having to

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take up places within Luton schools. This is unsustainable and is another indication of why Whitwell is not a sustainable location for significant numbers of new homes.

7. Flood Risk

The Parish Council is aware that this site has been the subject of serious flooding in the past. The Parish Council is aware that Hertfordshire County Council recommends refusal on the basis that the submitted flood risk assessment is insufficient.

The Parish Council also raises concerns with the provision of balancing ponds on a site that is likely to house families with small children and in an area close to the primary school. The safety of introducing these ponds should be questioned.

8. Planning Balance

The Parish Council is aware that there is a need for new homes. NHDC has not undertaken any work to try to assess the appropriate number of houses for Whitwell. The village survey suggested that the appropriate number of new homes should be up to 30 new homes in total. The Parish Council is in the process of working on a Housing Needs Survey for Whitwell, in association with NHDC and this will provide more information of housing needs in the village.

We accept that the proposed housing would provide part of the undersupply of housing, but the visual impact on the landscaping and character of the area is such that planning permission should be refused. If planning permission is granted on this agricultural site in a highly visible location on the edge of Whitwell then the environment will be forever damaged and the landscape character of the area forever changed. This is not sustainable development as set out in the NPPF which is described as protecting and enhancing the natural environment.

We do not consider that there are any benefits that are able to outweigh the significant harm and we urge you to recommend the refusal of this application.

c) S106 and Conditions

If NHDC is minded to approve this application the Parish Council would request that, in addition to the County Council requirements, the following S106 provisions and conditions are attached:

- i) The proposed increase in new residents will place additional stress on the community facility at Fellowship Hall. There are capital improvement programmes that the Parish Council would like to discuss;
- ii) The addition of new families within the village will add stress on the provision of child's play equipment and we ask that provision is either made within the site or that a capital payment is made to improving existing facilities;
- iii) As previously stated, this site is not sustainable and not well served by public transport. We would ask NHDC to ask for contributions towards the improvements of public transport, cycle routes and footpaths within the village;
- iv) We ask that the Council protects the proposed green open space by seeking to find a long term solution to the open space possibly with a lease in favour of the Parish Council and payment from the developers for maintenance for at least a 10 year period;
- v) We ask that the Council consider the impact of the scheme with regard to the access and the location of the school. This area suffers from significant congestion during school drop off and we ask that improvements to facilities for school parking is part of a S106 as the development would directly impact on this;
- vi) We ask that a condition requires the submission of a detailed construction impact report and considerate contractor charter.

d) Conclusions

In conclusion the Parish Council strongly objects to this application and contends that the scheme will have significant and demonstrable impacts the landscape setting and character of the village and on the intrinsic beauty of the countryside. We do not consider that there are any benefits that are able to outweigh the significant harm. Therefore we respectfully ask you to refuse this application.

Yours sincerely

Kind regards

Yours sincerely

K. Foyne - Johnson

Clerk to St Paul's Walden Parish Council