

Pirton Parish Council



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Development Control  
North Hertfordshire District Council  
Gernon Road  
Letchworth  
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25th August 2017

## **Objection to Application no: 17/01543/1**

**Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access. Application reference: 17/01543/1**

These comments represent, in the strongest terms, the **OBJECTION** to the proposed development by Pirton Parish Council. They provide the justification for North Hertfordshire District Council (NHDC) to refuse the application on the grounds of prematurity alone. The Parish Council has also sought to tie together all the issues that have been raised by others, which cast indisputable doubt on the sustainability of the proposed development. The application is not sustainable and so outline permission cannot be granted.

The application should be refused, based on the reasons detailed below.

### Reasons for Refusal - Prematurity

The Government provides Planning Practice Guidance notes on how decisions on applications for planning permission should be made. A section in that guidance '*In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?*' describes the circumstances where refusing a planning application on the grounds of prematurity can be justified. In the case of this proposal the Parish Council believe that prematurity is a justified reason for refusal.

The presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) can be overridden where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

This is normally limited to situations where both:

- The cumulative effect of the development would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- The emerging plan is at an advanced stage (e.g. it has been submitted for examination) but is not yet formally part of the development plan for the area.

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Parish Councillors:
Mrs A Smither (Chair),
Mrs D Burleigh, Mr T Gammell, Mr O Lister, Mrs J Rogers, Mr N Rowe, Mrs A Webb

The Pirton Neighbourhood Development Plan (the Neighbourhood Plan) is at an advanced stage as it has been submitted for examination, and the submission version of the North Herts Local Plan (the Local Plan) is also being examined.

The examination version of the Local Plan does not allocate any housing sites in Pirton. It justifies this decision by saying that around 94 homes have been built or granted planning permission in the village, since 2011.' (Paragraph 13.267) It goes on to say in Footnote 147 on Page 195 that:

'Outline planning permission has been granted for up to 82 new homes at Holwell Turn. The precise number of homes to be built will be determined by a detailed, 'reserved matters' application. An estimate of 70 homes has been used for the purposes of calculating overall housing numbers in this Plan. This figure is without prejudice to the determination of any future planning applications on this site.'

The application site subject of this objection is situated immediately adjacent to the site of the outline permission mentioned above. The reserved matters application for the layout of 78 new homes was approved in May 2017, providing 8 more homes than NHDC had estimated in its housing calculations.

The 94 new homes built or approved in the last six years, which include the 78 approved in May 2017, represent an 18% increase in the size of the village. The Local Plan and the Neighbourhood Plan both allow for additional new homes within the proposed new village boundary during the life of both plans, but do not support development beyond the proposed new village boundary.

If permission were to be granted for the 99 homes sought in this application, the increase in the size of the village would equal a mammoth 37%, which is more than that planned for the towns in the District (the exception being Baldock), let alone a village. The cumulative impact of the combined developments would undermine the current plan-making process. The development is in conflict with both the emerging Local Plan and the Neighbourhood Plan and approving the development would be predetermining decisions about where new development should be located in the District.

The Government's Planning Practice Guidance, which helps Local Planning Authorities to implement the NPPF, also says that where planning permission is refused on the grounds of prematurity, the Local Planning Authority (NHDC) must indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process currently in progress.

The Neighbourhood Plan's objectives seek: sensitive development, which prevents sprawl and urbanisation; and development which is in accordance with the character of the village, its archaeological heritage and its connection to the countryside. Granting Outline permission for the development of 99 new homes, which would be contrary to both the emerging Local Plan and Neighbourhood Plan, would prejudice the outcome of the examination of both plans. It would also challenge NHDC commitment to the Localism agenda and devalue the concept of neighbourhood planning.

In relation to the outstanding matters on the adjacent development site at Elm Tree Farm, at the time of writing, Condition 10 of application 15/01618/1 has still not been discharged. In addition, the Construction Management Plan for the application for 78 homes on the adjacent part of Elm Tree Farm has still not been approved. At the time of writing, there is no agreed construction route to this area of the village. The current estimate of the number of construction vehicles that would need to access Elm Tree Farm for the 78 home scheme is between 25 and 30 vehicles a day during delivery hours in the main part of the build. If the Construction Management Plan

issues cannot be resolved on a smaller scheme, how can permission be granted for an additional larger scheme?

Reasons for Refusal – Negative Cumulative Impact

We echo the sentiments of the Hertfordshire branch of the Campaign to Protect Rural England (CPRE), that the cumulative impact of the recently approved 78 homes together with this application for 99 homes would certainly cross the bar of 'harm outweighing benefits' to 'harm significantly and demonstrably outweighing the benefits'.

The Parish Council also supports the objection that has been submitted by the Chair of the Governors of Pirton School. The school has an intake of 21 pupils per year with a maximum capacity of 147 children. At the end of this school year there were 143 pupils and so is effectively full. The cumulative impact of a further 198 households in the village over the next 5 years would mean that pupils from Pirton, as well as the adjacent village of Holwell would have to travel to a school 4 miles away.

The capacity of the school is not simply about classrooms, other facilities such as toilets, amenity space, cloakroom and changing facilities would also not be able to cope with a significantly increased intake of pupils and staffing levels would have to be increased for all aspects of school performance, such as teaching, administration, catering etc.

The application on this site cannot simply be considered on its merits alone and must be assessed in the context of the recently approved permission for 78 homes on land immediately adjacent. The cumulative impact on social, health, education and community facilities in the village has not been assessed.

Reasons for Refusal – Conflict with Local Planning Policy

This site is outside the current and proposed development boundary of Pirton Village as shown in the emerging Neighbourhood Plan and the submitted Local Plan and is contrary to the policies in both plans. Policy SP2 of the Local Plan allows development within the defined settlement boundaries of the Category A villages of which Pirton is one of those listed, but not outside the boundary. Policy PNP1 of the Neighbourhood Plan supports development within the boundary of the village.

The Local Plan promotes a design-led approach to development and so does not set out district-wide density standards for housing development. However, it does say that development on the periphery of settlements should generally be at a lower density than that within the settlement, to mark the transition to the rural area beyond (Paragraph 8.21). The density of the proposal exceeds that of the nearest existing development to the east of Royal Oak Lane and so increases the urbanisation of the eastern edge of Pirton Village. If considered together, this development combined with the 78-home scheme, which lies between the development site and Royal Oak Lane, would effectively create a new housing estate adjacent to a rural village. This is contrary to NHDC's 'design-led' approach to development.

Policy SP9 of the Local Plan – Design and Sustainability, supports new development where it is well-designed and located and responds positively to its local context. The Framework Plan submitted with the application shows quite clearly that no attempt has been made to design this development, or the adjacent development (subject to an Outline permission by the same applicant) to relate positively to the village.

In terms of location, the proposal is contrary to both Policy 6 – Rural Areas beyond the Green Belt (North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)) and Policy CGB1 of the Submission Local Plan 2011 – 2031. The Parish Council believes that both these policies are relevant. The recent Supreme Court case decision (Suffolk Coastal DC v Hopkins Homes Ltd. [2017 UKSC 37]) supports the contention that the policy is not out of date because it is a policy to protect the rural area and not to restrict the supply of housing. In addition the submission policy for the Rural Area Beyond the Green Belt is relevant in the context that the plan is in the process of examination and NHDC can demonstrate at least a 5-year housing supply. Whichever of these policies the proposal is compared against, it fails.

Reasons for Refusal – Poor Connectivity (for cars and pedestrians)

Connectivity from the development site is extremely poor. Vehicular connections rely on a scheme where an archaeological condition on the Outline permission has not yet been satisfied and the Construction Management Plan is pending the resolution of numerous issues. One connection leads into the adjacent site over a raised roadway. This is effectively the emergency access for 99 homes, onto Hambridge Way, through the adjacent site and exiting in the extreme south west corner. The main vehicular access is via a Y-junction for both the 78 homes and the 99 homes, onto a rural lane, at a right-angled bend in the road.

Two of the pedestrian connections access the rural, unlit and unmade Icknield Way. Although Icknield Way is well used during the day for leisure purposes, it is not used at night. The third pedestrian access leads onto one of the main entrances to the village where there is no pedestrian footway and minimal street lighting, as in most rural villages.

This lack of connectivity will effectively create a new community tagged onto the eastern edge of the village. New occupiers will be isolated and will feel as though they live in a peripheral 'estate', apart from the rest of the village, relying heavily on the use of the private car.

In 5.7.2 of the Transport Assessment, Gladman state that 'A key theme of national and local policy is that development should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.' They also say that the proposed development accords with the NPPF as it is located and designed to give priority to pedestrian, cyclist and public transport usage.

Section 5.3 of the Transport Assessment promotes the use of a bicycle, including as a means of travel to work e.g. Hitchin Town Centre (and railway station) and Henlow Camp, both estimated to be a little over 20 minutes' cycle ride. In theory these distances could be covered in the time estimated in the Transport Assessment, but not at the time that the majority of others will be travelling to work. Local rural lanes are well used at busy times with traffic speeds that would not make for safe cycling and the B655 into Hitchin queues back from its junction with the A505 making it impossible for cyclists to pass the queue. The Transport Assessment is theoretical and lacks practical application.

The Assessment mentions there is a regular bus service. In fact, there is no public transport for the village on Sundays and Bank Holidays. On Saturdays you can only travel to Hitchin between 8.30am and 2.30pm (6 buses) and on weekdays between 7.00am and 2.30pm (8 buses). This service is effectively a school bus service. It would not be sufficient for workers who need to travel to work outside these hours or at weekends. In addition, the nearest bus stop is 380m away along a busy road with no pavement or street lighting. The Transport Assessment is not fit for purpose. It does not satisfy the requirements of the NPPF or the current Local Transport Plan and does nothing to promote Sustainable Transport.

Reasons for Refusal – Impact of Traffic

The impact of construction traffic during the build of this site as well as the adjacent site plus the cumulative impact of additional car journeys will impact on the quality of life of village residents, both current and future.

The Governors of Pirton School believe that the escalation in traffic caused by the cumulative development of 198 homes, combined with narrow roads with narrow footpaths or no footpaths at all, will represent a significant danger to pupils. The school encourages sustainable travel to school using bikes and scooters but has legitimate concerns that parents will change their behaviour and resort to bringing their children to school by car for safety reasons. This would count against the sustainable credentials of the development proposal.

Moreover, Pirton Parish Council voiced an objection to application 16/02256/1 (on the adjacent site) based on the issues for those living on and walking along Holwell Road, to the bus stop, the school and other facilities. Holwell Road is effectively a single carriageway as it passes the 12 Apostles terrace. These houses front directly onto the carriageway, with no footpath, and so have historically parked their vehicles in front of their homes. Without some protection from oncoming vehicles, their front doors would be unusable as they would be unsafe.

Cala Homes proposed the construction of a footpath from their site to beyond the frontage of the cottages and replacement parking spaces for residents of the terrace, within their development site. However, this would still result in a single carriageway along Holwell Road but for a longer stretch.

It is difficult to understand why the Highway Authority is not raising an objection to this Outline application. The Highway comments rely on the preparation of a satisfactory Road Safety Audit, which has not been submitted as part of the application. The Parish Council contend that Condition 8 requested in the Highway Authority's comments which requires that access arrangements for all users are safe and suitable for their intended use, cannot be achieved.

Reasons for Refusal – Impact on Hambridge Way and the Icknield Way

The submitted Transport Assessment (Paragraph 5.2.7) says that Gladman is willing to offer a contribution towards improvements to the Icknield Way and other PRowS in Pirton, which should encourage their use by pedestrians. The Hambridge Way is part of the Icknield Way, as it runs through the village of Pirton. Although the Parish Council understands the sentiment behind this offer, i.e. to increase the use of sustainable modes of transport (walking) to and from the development site, the Icknield Way is a unique and ancient long-distance track used for leisure purposes. It was the subject of the first episode of a Channel 4 series 'Britain's Ancient Tracks' first shown in October last year and is characterised by miles of beautiful green lanes offering striking panoramic views and passing through some charming villages.

It is not clear exactly what 'improvements' the applicant might propose to the Icknield Way, but any suggestion of hard surfacing or urbanisation of this track would not meet with the approval of the Parish Council. The route is well used by long-distance walkers and cyclists who bring trade to the village pubs and shop. Any development that impacts this peaceful rural path would be contrary to policy PNP13 of the Neighbourhood Plan.

The applicants' Landscape Assessment (LA) concludes at paragraph 8.7 that the proposed development would not give rise to any unacceptable landscape and visual harm. However, the LA includes pictures and a description of the views that pedestrians and cyclist have from the Icknield Way, over the site, as it passes along the southern boundary. It is described in paragraph 4.41 as 'largely open along its southern boundary with the PRoW permitting extensive views across the ground plane of the site, comprising arable land.' Clearly the development of the arable field with 99 houses will substantially alter the view from the Icknield Way and cause substantial harm to the amenities of all users of this ancient path.

Reasons for Refusal – Landscape Impact and Setting of the Village

The site is not situated adjacent to the built form of the village, contrary to the claims in the application documents. It is adjacent to a greenfield site with planning permission for 78 homes. The site is not seen in the context of Royal Oak Lane, as the LA states, because it is separated from the rear of properties on Royal Oak Lane by a distance of some 75m.

As you enter the village from Holwell you currently have a view over the site to the Chiltern Hills, a designated area of outstanding natural beauty (AONB). This is one of Pirton's iconic views, placing the village in its setting in the countryside. The view (View 8) is identified in the Neighbourhood Plan and is protected by policy PNP7 of that plan. The development will have a severe adverse impact on the setting of the village with reference to the Chilterns, as identified in both the Neighbourhood Plan and its attendant Character Assessment.

Paragraph 4.34 of the LA says that a very short section of the northern boundary of the site is open to Holwell Road at the north-west corner. This may be the case currently, however if a new access is built for the cumulative total of 177 new homes, the gap in the boundary vegetation will necessarily be much larger than the existing field gate to achieve a safe access with compliant sight lines.

The site itself is an arable field outside the village, but paragraph 8.2 of the LA describes the proposal for 99 new homes as a 'change of modest scale and nature'. For this to be written into a landscape appraisal must throw considerable doubt on the whole assessment.

Paragraph 8.3 of the LA says that the impact of the proposed development and the consequential effects would be localised and limited in their extent. This is contrary to the evidence provided within the assessment, which shows how open and rural this agricultural site at the foot of the Chiltern Hills actually is.

Finally, the LA concludes, in Paragraph 8.7, that the proposed development of up to 99 dwellings and associated green infrastructure would be appropriate within this landscape context. It is not possible to visit this site and draw such a conclusion.

Reasons for Refusal – Loss of Best and Most Versatile Agricultural Land

Unlike the adjoining site, the whole of this site is categorised as Grade 3a agricultural land. The NPPF, paragraph 112 states that '*Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*' This proposal would sterilise a large area of the best and most versatile agricultural land before the examination process of two levels of local plan are being examined and may well conclude that the loss of such agricultural land is unnecessary.

Reasons for Refusal – Loss of Biodiversity

Herts & Middlesex Wildlife Trust have commented on the application, which they feel contains insufficient information on which to judge whether there will be a gain or at least no net loss of biodiversity. The applicants' Ecological Appraisal fails to quantify either the impacts of the development or the measures that will be put in place to ensure no net loss to biodiversity. Without the surety that the development is ecologically sustainable, permission cannot be granted.

Reasons for Refusal – Potential Impact on Significant Heritage Assets

The Parish Council is very concerned about the lack of archaeological investigations taking place. Full field evaluation should be carried out over the whole field, before an outline consent is considered. The justification for this is that there have been important archaeological finds on the adjacent site, which may extend into this development site. An archaeological condition requiring a desk-based assessment is not sufficient in a village with as much important archaeology as Pirton (with three scheduled monuments already).

The County Council's Historic Advisor points out that the desk-based assessment identifies only low potential for prehistoric, Anglo-Saxon and medieval remains. However, recent field investigations on the adjacent site have revealed significant later prehistoric remains from the Late Bronze Age or Early Iron Age, close to the boundary of the proposed development site and these may continue into the site.

The Historic Advisor goes on to say that because of the known presence of archaeological features and the large scale of the proposal, the development is likely to have an impact on significant heritage assets, which may be of sufficient importance to trigger paragraph 139 of the NPPF. The significance of the remains on the adjacent site could call into question the deliverability of the 78-home development making any decision on the development subject of this application unviable, unsuitable and undeliverable.

The advice of the County Council's Historic Advisor is that a geophysical survey and archaeological trial trenching should be undertaken before this application is determined, to properly assess the impact on the historic environment. The North Hertfordshire Archaeological Society (NHAS) support the County Council's Historic Advisor in seeking trial trenching over an area of at least 5% of the development site. The potential importance of the site cannot be underestimated with significant remains already discovered on the adjacent land, close to or on the boundary of the two sites.

An application for scheduling of the site has been made to Historic England. Historic England need the District Council's co-operation to ensure that all archaeological assessments are prepared to an adequate standard and made available to them, in order that they can make an informed decision on the scheduling application.

NHAS has also offered the applicant assistance with field investigations using experienced metal detectorists under archaeological supervision and a detailed geophysical survey close to the area of the remains found on the adjacent site. A report of these investigations will not be available by the 14th September. Only once further investigations have taken place and an assessment of impact has been made can the application be determined.

Finally, the Parish Council formally requests that NHDC consult Historic England on this application so that as a Statutory Consultee, it is given the opportunity to consider the

impact of the development proposal on potential nationally-significant heritage assets.

This takes the argument round full circle to the fact that planning permission cannot be granted for Outline permission on this site, because it is premature to the continuing investigations of the archaeological significance of the site in addition to prematurity in the light of the examination of the Local Plan and the Neighbourhood Plan.

Conclusion

The Outline application for up to 99 new homes is contrary to existing and emerging planning policy and does not represent sustainable development as defined in the NPPF.

The development has no particular economic merits beyond the provision of new homes. There are no identifiable social or community benefits, indeed the negative impact on the school, the lack of social integration of new residents and the impact of increased traffic on sustainable travel around the village and its knock-on impact on social interaction and health, all add up to a considerable contradiction to social sustainability.

Environmental impacts including loss of open countryside and good-quality agricultural land, negative effects on a national long-distance route, the Chilterns AONB and the rural landscape setting of the village, and the potential harm to nationally-significant heritage assets add together to equal a damning indictment of the lack of environmental sustainability of this development.

The development proposal should be refused based on the multitude of reasons detailed in this objection, with particular emphasis on the prematurity of the application pending the examination of both the North Herts District Council Local Plan and the Pirton Neighbourhood Development Plan.

Pirton Parish Council
25th August 2017.