

AGENDA

Planning Committee

Date: **Wednesday 29 October 2014**

Time: **10.00 am**

Place: **The Shire Hall, Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

(Please note that consideration of agenda items 10-12 will commence no earlier than 1.00pm.)

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman
Vice-Chairman

Councillor PGH Cutter
Councillor PA Andrews

Councillor AJM Blackshaw
Councillor AN Bridges
Councillor EMK Chave
Councillor BA Durkin
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor J Hardwick
Councillor JW Hope MBE
Councillor MAF Hubbard
Councillor JG Lester
Councillor RI Matthews
Councillor RL Mayo
Councillor PJ McCaull
Councillor FM Norman
Councillor J Norris
Councillor TL Widdows
Councillor DB Wilcox

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 8 October 2014.	5 - 14
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. APPEALS To be noted.	15 - 18
7. P141134/O LAND ADJACENT TO VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE Proposed erection of up to 45 dwellings, construction of a new vehicular access and associated works.	19 - 48
8. P141022/F LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN Proposed demolition of existing building and erection of 29 dwellings with associated private drive, landscaping and external works.	49 - 62
9. P140757/O LAND EAST OF CHURCH HOUSE AND WEST OF A438, BARTESTREE, HEREFORDSHIRE Residential development of up to 51 new dwellings of which up to 18 will be affordable.	63 - 92
(The agenda items listed below will not be considered before 1pm.)	
10 P133439/F LAND OFF ACREAGE, WHITBOURNE, HEREFORDSHIRE, WR6 5SA Erection of 20 no. new houses, bungalows and apartments and associated parking and amenity space.	93 - 112
11 P141956/F LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD New four bedroom detached dormer style house.	113 - 122

12 P142088/FH THE LAKE HOUSE, UNDERDOWN, LEDBURY, HEREFORDSHIRE, HR8 2JE 123 - 126

Proposed installation of 16 photovoltaic panels on the roof of a 3-bay open fronted store.

13 DATE OF NEXT MEETING

Date of next site inspection – 18 November 2014

Date of next meeting – 19 November 2014

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, Hereford HR1 2HX on Wednesday 8 October 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, JF Knipe, JG Lester, RI Matthews, PJ McCaull, FM Norman, J Norris, TL Widdows and DB Wilcox

In attendance: Councillors WLS Bowen, H Bramer, AW Johnson and P Sinclair-Knipe

77. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Edwards and RL Mayo.

78. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor PJ Edwards.

79. DECLARATIONS OF INTEREST

Agenda item 7: Land Adjacent To The Petrol Station And Mill Lane, Lea, Ross-On-Wye.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

80. MINUTES

Minutes of 17 September 2014

The accuracy of Minute no 66 was questioned.

The Planning Lawyer and the Development Manager commented and provided clarification in support of the accuracy of the printed Minute.

Minutes of 24 September 2014

In relation to Minute no 73 a Member remarked that as a result of his professional knowledge he had been able to provide the Committee with an explanation of how the new railway crossing at Mill Street would operate and suggested that it would be useful if this were reflected in the Minutes.

RESOLVED:

- That
- (a) the Minutes of the meeting held on 17 September 2014, be approved as a correct record and signed by the Chairman; and
 - (b) the Minutes of the meeting held on 24 September 2014, be approved as a correct record and signed by the Chairman, subject to including

reference to the effect that: “a Councillor as a result of his professional knowledge provided the Committee with an explanation of how the new railway crossing at Mill Street would operate”, and recording the apologies of Councillor DW Greenow.

81. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that it was expected that the Committee's meeting scheduled for 29 October would be an all-day meeting.

82. APPEALS

The Planning Committee noted the report.

83. P141278/O LAND ADJACENT TO THE PETROL FILLING STATION AND MILL LANE, LEA, ROSS-ON-WYE

(Site for a proposed residential development for 39 dwellings.)

The Development Manager gave a presentation on the application. This included reference to the fact that all vehicular access to serve the development would be from the A40 only. In addition, the spire of the listed church could be seen from the site but the development was not detrimental to the Church's setting.

In accordance with the criteria for public speaking Mrs V Eversfield and Mr M Haines, local residents, spoke in objection to the Scheme. Ms J Joseph, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor H Bramer, the local ward member, spoke on the application.

He commented on a number of issues including:

- The majority of Lea Parish Council and Lea Action Group supported the application.
- He complimented officers on the work that had been undertaken with the applicant to seek to mitigate the effects the development would have on local residents, a matter of paramount importance.
- He acknowledged the situation created by the Council's lack of a 5 year housing land supply. However, he remarked that the village currently contained 218 dwellings. There were four current planning applications in the locality which, if all were approved would amount to an additional 150 dwellings. The site that was the subject of the application before the Committee was the Parish Council's preferred site.
- The development was in the centre of the village and would support the local amenities. The school was within walking distance and the developer would provide a new pedestrian crossing.
- The biggest challenge facing Lea was flooding. The S106 agreement provided a substantial sum for flood alleviation matters. This would attract additional Government funding, enabling flooding in Lea to be eradicated to the significant benefit of the residents.

The debate opened and the following principal points were made:

- The flood alleviation works were clearly of benefit.

- The settlement was outside but adjacent to the settlement boundary.
- Account should be taken of the comments of the Conservation Officer (Landscape).
- It was requested that the provision of high level sustainable buildings was encouraged at the reserved matters stage.
- Whilst acknowledging the absence of a five year housing land supply, there was some concern about the potential impact on the village if all the current applications for development were to be approved. Clarification was sought on how pending applications would be considered if the application before the Committee was approved. The Development Manager commented that each application had to be considered on its merits.
- The development was too large. Smaller developments around the village would be a better approach.
- The site was close to amenities.
- The site had been identified in the Strategic Housing Land Assessment Appraisal.

The application was in outline and it would be important to ensure that there was appropriate consultation on the reserved matters. It was requested that particular consideration should be given to the concerns raised by the public speakers about the impact of the scheme.

The local ward member was given the opportunity to close the debate. He considered that it would be possible at the reserved matters stage to mitigate the effects on nearby housing. Restricting vehicular access to the A40 was an important measure. The Parish Council had informed him that plans were in place to implement flood alleviation measures once full planning permission for the development was obtained and the S106 monies released.

The Development Manager commented that the concerns expressed by local residents would be mitigated by conditions. The report to the Committee concluded at paragraph 6.35 by recommending that the developer conducted further consultation with the Parish Council and the local community on the detail of a reserved matters submission to ensure support for the final scheme.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant Outline Planning Permission, subject to the conditions below and any other further conditions considered necessary:

1. **A02 Time Limit for Submission of Reserved Matters (Outline Permission)**
2. **A03 Time Limit for Commencement (Outline Permission)**
3. **A04 Approval of Reserved Matters**
4. **C01 Samples of External Materials**
5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **The development shall include a mix of dwellings of no more than 39 dwellings and no dwellings shall be a mixture of one and two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.

7. **H03 Visibility Splays**
8. **H06 Vehicular Access Construction**
9. **H09 Driveway Gradient**
10. **H11 Parking - Estate Development (more than one house)**
11. **H17 Junction Improvement/Off Site Works**
12. **H18 On Site Roads - Submission of Details**
13. **H19 On Site Roads - Phasing**
14. **H20 Road Completion in 2 years**
15. **H21 Wheel Washing**
16. **H27 Parking for Site Operatives**
17. **H29 Secure Covered Cycle Parking Provision**
18. **H30 Travel Plans**
19. **L01 Foul/Surface Water Drainage**
20. **L02 No Surface Water to Connect to Public System**
21. **L04 Comprehensive & Integrated Draining of Site**
22. **G04 Protection of Trees/Hedgerows that are to be Retained**
23. **G10 Landscaping Scheme**
24. **G11 Landscaping Scheme - Implementation**
25. **K4 Nature Conservation - Implementation**
26. **All vehicular access to the development shall be from the A40 only**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any**

representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. HN10 No Drainage to Discharge to Highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private Apparatus Within Highway**
- 6. HN28 Highways Design Guide and Specification**
- 7. HN27 Annual Travel Plan Reviews**
- 8. HN25 Travel Plans**
- 9. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 10. N11C General**

84. P141538/F LAND AT THE WILLOWS, POWGREEN, NR BOSBURY

(Proposed change of use of land from agriculture to a one family travellers site, with stationing of one static mobile home, two touring caravans, new access, ablution block and septic tank.)

The Senior Planning Officer gave a presentation on the application. He reported that one further letter of support for the Scheme had been received.

In accordance with the criteria for public speaking, Mr J Hughes, a representative of some local residents spoke in objection to the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AW Johnson, one of the two local ward members, spoke on the application.

He commented that the Parish Council had no objection in principle. However, it had had some concerns regarding the scale of the drawings submitted with the application which had made it hard for the Parish Council to form a judgment on the application. He supported the Parish Council's request that more detailed drawings should be submitted prior to a decision being made. He noted also that a Government Consultation: "Planning and Travellers - proposed changes to planning policy and guidance", was shortly to be concluded. He therefore suggested that it would be appropriate for the Committee to defer consideration of the matter.

The debate opened and the following principal points were made:

- Some concern was expressed about the ability to ensure that conditions on the application were adhered to and enforced.
- There was criticism that planning policy countenanced applications of this nature in open countryside locations.

- The argument advanced in the report that the application represented sustainable development was questioned.
- The Transportation Manager's assessment that there was no objection on highway grounds was supported. Reference was made to observation of the behaviour of traffic on the site visit.
- It was noted that the applicants had longstanding connections to the local area, owned the land and contributed to the local economy.
- There remained a shortfall in provision of pitches for Gypsies and Travellers.
- It was noted, with reference to the representations made by the Parish Council, that the report stated that the plans that had been submitted were of an appropriate, acceptable accuracy and detail.
- The applicants had submitted the application prior to seeking to undertake any development and appeared willing to comply with conditions.
- The development was of a sensible scale and utilised a modest proportion of the entire site.
- It was proposed that the application should be supported and conditions finalised after consultation with the Chairman and local ward member.

The Senior Planning Officer responded to questions. He clarified the landscaping conditions. He also confirmed that the Government's consultation on "Planning and Travellers - proposed changes to planning policy and guidance" was to conclude on 23 November. However, it was understood that significant objections on the basis that proposals breached the Human Rights Act were already being prepared. There were a number of other single sites already around the village and the existence of an existing local authority site had no bearing on the application.

The Development Manager commented that the application had been submitted in accordance with the correct procedure. The authority was moving towards meeting the number of pitches required and applications of this nature contributed to that process. The provision of sufficient pitches would increase the authority's ability to take enforcement action if required on unauthorised sites.

The local ward member was given the opportunity to close the debate. He welcomed the proposal to consult the Chairman and him on the conditions. The applicants were from a respected extended family that played an active part in the community. It would, however, be important to ensure that the conditions restricting additional development were enforced.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary, after consultation with the Chairman and the local ward member.

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans and materials**
3. **G02 - Retention of trees and hedgerows**
4. **G09 - Details of Boundary treatments**
5. **G10 - Landscaping scheme**

6. **G11 - Landscaping scheme – implementation**
7. **H03 - Visibility splays**
8. **H13 - Access, turning area and parking**
9. **Restrictive occupancy condition**
10. **Limitation on number of caravans**
11. **Restriction on size of caravans**
12. **Defining area caravans can be located in**
13. **Colour and finish of caravans and ancillary structures**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN04 - Private apparatus within highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)**
3. **HN28 - Highways Design Guide and Specification**
4. **HN05 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

85. P141808/F LAND TO THE REAR OF 35 YORK ROAD, BROMYARD, HEREFORDSHIRE, HR7 4 BG

(Proposed 1 no. two bedroom bungalow with 2 off road parking spaces.)

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Lester, one of the two local ward members, spoke on the application.

He reported that no local residents had notified him of any concerns and he therefore supported the application.

The Development Manager commented that two letters had been received about the application. The concerns these raised were addressed by the recommended conditions.

It was noted that the Town Council supported the application.

RESOLVED: That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission

Reason: To comply with the provisions of section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4th March , 2009 to suspend (effective from 1st April, 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. H13 Access, turning area and parking
5. I 16 Restriction of hours during construction
6. I 43 No burning of materials/ substances
7. L01 Foul/surface water drainage
8. L02 No surface water to connect (either directly or indirectly) to the public sewerage system
9. L03 No drainage run-off to public system
10. H27 Parking for site operatives
11. Secure cycle storage shall be provided in accordance with submitted plans before first occupation of the dwelling and shall be retained to the satisfaction of the local planning authority

Reason: To ensure that there is adequate cycle storage accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Welsh Water Advice:

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

3. **HN4 Private Apparatus within Highway**
4. **HN5 Works within the Highway**
5. **HN28 Highways Design and Specification**

86. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.43 am

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 140012/F

- The appeal was received on 2 October 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr N Jones
- The site is located at Revells Farm, Linton, Ross-On-Wye, Herefordshire, HR9 7SD
- The development proposed is Removal of Condition 3 and 4 of Planning Permission SE05/3536/F
- The appeal is to be heard by Hearing

Case Officer: Mr R Close on 01432 261803

Application 140855/F

- The appeal was received on 6 October 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr John Bothamley
- The site is located at Yew Tree House, Llangrove, Ross on Wye, Herefordshire, HR9 6HA
- The development proposed is Demolition of existing building and construction of two semi-detached houses
- The appeal is to be heard by Written Representations

Case Officer: Mr R Close on 01432 261803

APPEALS DETERMINED

Application 132851/O

- The appeal was received on 4 April 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Gladman Developments Ltd
- The site is located at Land south of Hampton Dene Road, Hereford, Herefordshire
- The development proposed was Residential development (up to 120 dwellings), access, parking, public open space with play facilities and landscaping.

Decision:

- The application was Refused at Planning Committee (against Officer Recommendation) on 2 April 2014.
- The appeal was Withdrawn on 1 October 2014

Case Officer: Mr E Thomas on 01432 260479

Application 131003/F

- The appeal was received on 23 July 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Miss Karen Harris
- The site is located at Losito Stud Harris Lodge, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6EG
- The development proposed was Retain existing log cabin as a permanent dwelling on a brown field
- The main issue was the scheme proposed by the appellant to discharge the disputed condition would provide safe and satisfactory access from the cabin for which permission has been granted to the A4137.

Decision:

- The application was Refused under Delegated Powers on 9 August 2013
- The appeal was Dismissed on 13 October 2014

Case Officer: Mr R Close on 01432 261803

Application 140751/O

- The appeal was received on 20 June 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Miss Karen Harris
- The site is located at Land at, Losito Stud, Harris Lodge, Whitchurch, Ross on Wye
- The development proposed was Outline application with all matters reserved for a single dwelling.
- The main issues were:
 - a. Whether the proposed development would represent an acceptable form of development in an area of open countryside designated as an Area of Outstanding Natural Beauty (AONB); and
 - b. Whether the proposals would represent a sustainable form of development, especially in relation to the propensity of future occupants to travel by private car; and
 - c. Whether the proposed development could be provided with a vehicular access to the public highway that would not add to the risks to the safety of other highway users.

Decision:

- The application was Refused under Delegated Powers on 27 May 2014
- The appeal was Dismissed on 13 October 2014

Case Officer: Mr R Close on 01432 261803

Application 141669/O

- The appeal was received on 21 August 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Miss Karen Harris
- The site is located at Losito Stud, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6EG
- The development proposed was Outline planning all matters reserved for a main residential house
- The main issues were:
 - a. Whether the proposed development would represent an acceptable form of development in an area of open countryside designated as an Area of Outstanding Natural Beauty (AONB); and
 - b. Whether the proposals would represent a sustainable form of development, especially in relation to the propensity of future occupants to travel by private car; and
 - c. Whether the proposed development appropriately assesses possible issues of land contamination and stability; and
 - d. Whether the future occupants of the proposed development would enjoy satisfactory living conditions in terms of the private amenity space available to them.

Decision:

- The application was Refused under Delegated Powers on 12 August 2014
- The appeal was Dismissed on 13 October 2014

Case Officer: Mr R Close on 01432 261803

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	P141134/O - PROPOSED ERECTION OF UP TO 45 DWELLINGS, CONSTRUCTION OF A NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT LAND ADJACENT TO VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE, For: Mr Smith per Mr Paul Smith, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141134&search=141134

Date Received: 15 April 2014

Ward: Hagley

Grid Ref: 356244,243249

Expiry Date: 28 July 2014

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 45 dwellings on a 2.2 hectare site to the west of the 1970's residential development Vine Tree Close and north of the comparatively recently built Farndon Rise, Withington. The site lies outside but adjacent the Unitary Development Plan (UDP) settlement boundary for Withington, which is a main village within both the UDP and the draft Herefordshire Local Plan – Core Strategy. The application is predicated on the Council's inability to demonstrate the requisite 5-year housing land supply with buffer.
- 1.2 The site is a large, rectangular agricultural field situated on the north-western edge of Withington. The landscape character type is Principal Settled Farmlands. The site itself is typical of this, being in arable use with hedgerows to field boundaries. The site has good amenity value, with several public rights of way in close proximity, including the Three Choirs Way long distance trail and what appears to be a well-used public right of way which runs along an old track-way, Veldo Lane, on the site's northern boundary. Withington Conservation Area stands off to the east at approximately 120m at its nearest point. Inter-visibility with the Conservation Area is limited by Vine Tree Close, which sits in between.
- 1.3 The site contributes to the rural character of the setting of the village. Topography is also a key feature of the site, as it is a relative high point in the immediate surroundings and it slopes down from a high point in the middle of the site to both the north and south. It is visible from several viewpoints to the north and from nearby residential properties. To the west is a copse, through which run two permissive routes linking Veldo Lane to the village.
- 1.4 The site was identified as land with significant constraints by the Strategic Housing Land Availability Assessment. This was due to the absence of a means of access. The application addresses this by taking access through the site of No.5 Vine Tree Close, which would be

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

demolished. Vehicular access to the site is thus contingent on a route that enters Vine Tree Close and passes between Nos.4 and 6.

- 1.5 The scheme has been amended following submission such that layout is now a reserved matter. The indicative maximum number of dwellings proposed has been reduced from 50 to 45, and additional green infrastructure has been included. This takes the form of a buffer zone against the copse, orchard planting where the site adjoins Veldo Lane and a further buffer/footway along the northern part of the site's eastern boundary. To the immediate south of the proposed orchard an area is demarked within which dwellings will be single-storey, reflecting the presence of bungalows in the part of Vine Tree Close to the immediate east. The Framework Plan also identifies the opportunities for footpath links to surrounding rights of way and permissive routes.
- 1.6 The application is made in outline with all matters bar access reserved, but is accompanied by the following supporting documents:
- Flood Risk Assessment and Drainage Feasibility Study;
 - Planning, Design and Access Statement;
 - Ecological Assessment and addendum to address bats, birds and nesting birds;
 - Development Framework Plan;
 - Topographic Survey &
 - Cross-sections
- 1.7 The application is also accompanied by a draft Heads of Terms outlining an agreement in principle to make contributions towards sustainable transport, education and other projects subject to CIL compliance. The agreed Heads of Terms is appended to the report.
- 1.8 The Council has adopted a Screening Opinion in relation to the development proposal which concludes that it is not development requiring the submission of an Environmental Statement.

2. Policies

- 2.1 National Planning Policy Framework. The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

- 2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of Greenfield Land
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Withington Group Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

2.5 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objection subject to conditions

Internal Council Advice

4.2 Transportation Manager: No objection subject to conditions

It is noted that layout is no longer for consideration and now forms a Reserved Matter. Therefore some of my original comments regarding internal layout are now for information of the developer should he wish to take the original master-plan forward and do not require resolution at this stage.

The submitted drawing 763-03 titled 'Entrance existing and proposed' indicates 4.8m wide access road with 2.0m footways and 6m junction radii, which accords with our Highways Design Guide for New Developments for a minor access road serving up to 50 dwellings, and the survey drawing indicates that this is achievable within the ownership of No 5.

Vine Tree Close itself from Withies Road to the point of access is 5.5m in width with 10m radii to Withies Road and therefore is of an adequate standard for a minor access road to serve up to 100 dwellings, and this figure is not exceeded by the existing and proposed development. Therefore the proposed access arrangement is considered acceptable.

Pedestrian drop crossings will be required within the access road radii for the well used pedestrian route to the school.

My previous comments (3rd June 2014 response) continue to apply for the desirability of provision of a route from the site to the village hall and to Veldo Lane. On that basis, I am satisfied that satisfactory access and connectivity can be achieved and would recommend approval subject to conditions and informatives.

4.3 Conservation Manager (Landscape): No objection subject to conditions

The site is a rectangular agricultural field situated on the north western edge of Withington. It lies outside the settlement boundary, although the eastern and south eastern site boundaries are adjacent to it. The field boundaries on the north are mature native hedgerow and the western boundary is a native mature woodland block.

The site lies outside the settlement boundary of Withington, but does not lie within any landscape designated area. Withington Conservation Area lies 120m east of the site.

Landscape Constraints to the Site and its Surroundings

(a) Landscape Character

The Principal Settled Farmlands landscape character for this area is that of rolling lowland. These are settled agricultural landscapes of dispersed, scattered farms, relic commons and small villages and hamlets. The mixed farming land use reflects the good soils on which they are typically found. Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. The composition

of the hedgerow tree covers differs from that of Timbered Farmlands in its lower density and lack of oak dominance. This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern and nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.

(b) Landscape Function and Value

The land represents the Principal Settled Farmlands landscape character of this area. This is for both public visual amenity, recreation, agriculture and biodiversity value.

(c) Landscape Sensitivity and Capacity to Absorb Development

The village conservation area lies 120m to the east of the proposal site. This conservation area with its church and small scale historical character is sensitive to modern development. New development may also produce more rain water run off into the surrounding water courses.

(d) Natural Landscape and Biodiversity

The northern hedgerow boundary and woodland block on the western boundary of the site are likely to provide good habitat for flora and fauna, although the ecological interest of the agricultural field is limited.

(e) Visual and Public Amenity

The site has good amenity value with public rights of way in close proximity. These include the Three Choirs Way long distance footpath. The Three Choirs Way footpath is over 100m to the north of the proposed site and is a well used footpath.

Potential Effects on Landscape Designations and Landscape Constraints

The Landscape Designations

The site has no landscape designations, however Withington Conservation Area with its church as its central feature lies 120m east of the proposed site. This view of the church when seen from northern view points represents the cultural historical identity of the village. New housing to the south of the village is not seen, due to the topography of the land.

The Landscape Constraints

(a) Landscape Character

The landscape character of this area is that of rolling hills, grazed pastures and arable fields, surrounded by hedgerows. This proposed development will reduce these traditional landscape characteristics of this area.

(b) Landscape Function and Value

The landscape function and value of this area which is outside the village settlement area, is that of public visual amenity, recreation, agricultural and biodiversity value. This proposal will deplete the visual amenity and recreational public value and the potential biodiversity value of this site.

(c) Natural Landscape and Biodiversity

The hedgerow boundaries and associated woodland block are likely to provide good habitat for flora and fauna. These will have potentially more environmental stress, due to pests such as cats associated with the new homes.

(d) Visual and Public Amenity

The site proposal plan Job N 22832, Page SK003, Rev P1, dated 15/4/14 shows development proposals for housing on the north eastern section of the site. This is the nearest section of the site to the village Conservation Area. The existing native hedgerow on this northern boundary of the site, will not dilute views of the proposed top floors of the properties and their roof profile when seen from public rights of way to the north of the site.

The proposed western boundary of the site adjoins a native woodland block. This provides public amenity and biodiversity value. The new housing proposal will be seen from the existing woodland path.

Conclusion

From a landscape related perspective the site has the potential to accommodate this proposed development. The submitted layout plan should however be reviewed to incorporate the following recommendations:

1. Drainage to ground water via infiltration systems and attenuation systems for excess surface water are to be provided on site.
2. There should be a 15m biodiversity habitat buffer zone running parallel to the adjacent northern existing hedgerow. This biodiversity habitat zone should also include orchard trees, such as apple, pear and cherry. These orchard trees will provide rural character, public amenity and further screening for the proposed housing development. Proposed housing immediately to the south of this buffer zone should be single storey.
3. The existing western woodland should have a 5m native hedgerow buffer zone between the existing trees and the new proposed gardens and housing.
4. Hard and soft landscape details should include full planting plans, schedules and specifications for planting and protection of existing and proposed vegetation. Habitat enhancement proposals and vegetation to be removed should clearly be shown on planting plans.
5. A landscape and ecological management plan should be provided to show how landscape and ecological maintenance is to be monitored and maintained.

4.4 Conservation Manager (Conservation) comments in response to amended plans:-

Subsequent to these original comments (above at 4.3), further advice was received in relation to the amended Development Framework Plan, which sought to address the points set out in the conclusion above.

Reference the Development Framework Plan, Drg No 763-04, Dated July 2014 these are my landscape comments:

1. The public open space and proposed footpath on the eastern boundary will provide a green buffer corridor between the existing and proposed housing. Proposed planting in this western boundary of the POS should include native hedgerow planting.
2. Proposed footpaths should be permeable.
3. The proposed orchard planting on the northern boundary with Veldo Lane will reduce the visual impact when seen from nearby footpaths and also provide rural character and public amenity for this proposed housing.
4. The proposed public open space on the western boundary will require native shrub planting along with native ground cover, to buffer the existing woodland from the proposed housing.
5. The building exclusion zone on the southern boundary should identify sustainable urban drainage proposals.

The conclusion is one of no objection subject to satisfaction of detailed points at the Reserved Matters stage.

4.5 Conservation Manager (Ecology): No objection subject to conditions

I have received and read the updated survey information with regard to the bat, badger and bird survey information. As mentioned before I am happy to accept the great crested newt assessment and I am also content to accede to the mitigation proposals for badgers and bats with accommodation of a 10 metre buffer alongside The Coppice woodland area. If approval is given, the mitigation contained in the original and supplementary reports from Wilder Ecology with regard to badgers and bats should now be adhered to in a production of a method statement secured by condition.

4.6 Land Drainage Officer: No objection subject to conditions

Overview of the Proposal

The Applicant proposes the construction of 45 new dwellings (with associated access and car parking) on greenfield land. The total development area is given by the Applicant as being approximately 2.2 hectares (ha) of which 1.0ha is proposed to be impermeable surfacing.

Fluvial Flood Risk

Figure 1 indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application. The Applicant has provided a FRA. The Applicant's FRA also considers the EA's online fluvial flood map that illustrates the area to be In Flood Zone 1 and concludes that the site is at low risk of fluvial flooding.

Other Considerations and Sources of Flood Risk

The Applicant's FRA considers the risk of flooding from groundwater. The British Geological Survey online mapping has been reviewed for local permeability and the Applicant states that "the risk of groundwater flooding is likely to be very low due to the impermeability of this soil." The Applicant also references the Strategic Flood Risk Assessment for Herefordshire which suggests that groundwater flooding is a low risk across the county. The Applicant states that the proposed development does not include any basements or lower ground floors and so the risk of flooding from groundwater is considered to be low. In addition to this information submitted, we have reviewed Cranfield University's online Soilscape viewer which suggests that soils in the area are loamy and clayey with impeded drainage. This supports the Applicant's conclusion that the risk of groundwater flooding in the area is low. The Applicant has considered the risk of flooding from overland flows and sewers using the EA's online surface water flood risk mapping. The Applicant concludes that the risk of flooding from overland flow is very low and topography indicates that no significant pooling of surface water will occur on site.

Surface Water Drainage

The Applicant has submitted a Drainage Feasibility Study which assesses the various options for surface water drainage for the site and proposes solutions in order of priority. The Applicant proposes to apply the principles of the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan by incorporating the use of Sustainable Drainage (SUDS) where possible. The Applicant states that the preferred method is the use of ponds. We encourage this approach, prior to the discharge of water into the ground or to a watercourse.

The Applicant intends to use infiltration features in the first instance to discharge surface water to ground. However, the Applicant's drainage report concludes that infiltration may not be feasible at the site due to the local geology. The management of surface water via infiltration is our preferred approach and we would require infiltration test results undertaken to BRE 365 methodology to be submitted for review prior to construction to demonstrate the feasibility of this approach.

If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the Applicant intends to provide a controlled discharge to a local watercourse with flow limited to greenfield runoff rates. This would be acceptable if infiltration is not proved to be a feasible approach and we would also encourage the use of combined infiltration and attenuation features.

It should be noted that local residents have objected to the proposals citing existing surface water runoff posing a risk to surrounding people and property. Local residents are concerned that the development will increase flood risk to adjacent properties by increasing the rate of surface water runoff from the site.

The Applicant's report calculates the greenfield runoff rate to be 5l/s and states that discharge from the site will be limited to this rate. Whilst the calculation method used is not accurate, the proposed discharge rate is considered acceptable assuming that this is the maximum discharge from the site and that discharge will be less during smaller rainfall events to mimic natural conditions. Using this greenfield rate, the Applicant has calculated the maximum required storage volume to attenuate flows on site in the event that infiltration is not feasible. These calculations have been reviewed and are acceptable, demonstrating that the site will not be at risk of flooding from surface water flooding and that the development will not increase the rate of surface water runoff from the development and therefore increase flood risk elsewhere in all events up to the 1 in 100 year rainfall event, including an allowance for climate change.

Under Schedule 3 of the Flood Water Management Act 2010 (due to be enacted in 2015) all new drainage systems for new and redeveloped sites must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council).

The Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

Foul Water Drainage

The Applicant proposes to make a new connection to the existing public foul sewer or, in the event that this is not feasible, to a local watercourse following appropriate treatment and consent from the EA. We recommend that the Applicant contacts Dwr Cymru Welsh Water in regards to foul water discharge from the site to check whether it is feasible to connect to the public sewers.

Overall Comment

We hold no objections to the proposed development subject to submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development prior to construction. The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Provision of detailed calculations that demonstrate that the proposed surface water drainage system will not flood during the 1 in 30 year event, that the peak discharge rate from the site will be limited to equivalent greenfield rates up to and including the 1 in 100 year event, that the peak discharge rate will be less for smaller events to mimic natural runoff conditions, and that sufficient attenuation will be provided within the site boundary to prevent increased flood risk up to and including the 1 in 100 year plus climate change event.
- Evidence that the Applicant has sought and agreed permissions and agreed allowable discharge rates to discharge foul water and surface water runoff from the site with the relevant authorities;
- Infiltration test results undertaken to BRE Digest 365 methodology and groundwater depth records where infiltration is proposed.
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Demonstration that the Applicant has designed for exceedance of surface water systems.

4.7 Parks & Countryside Manager: No objection

The applicant is offering a combination of both on and off site to meet the policy and SPD requirements. This is acceptable. I would suggest the Parish Council is consulted as to their preferred option of either equipping the POS on site as suggested in the Design and Access Statement of using the off site contribution towards developing the existing play areas in the village to ensure a fit locally with any developing Neighbourhood Plans.

Any future provision on site would not be adopted by Herefordshire Council therefore the applicant needs to consider other suitable management and maintenance arrangements in line with the Council's policies. This could include the parish council with a 15 year commuted sum plus appropriate replacement costs; by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.8 Public Rights of Way: No objection, although the vehicular access into the site will cross public footpath WT14 in Vine Tree Close. Care must be taken to protect footpath users at all times.

4.9 Waste & Recycling Manager: Detailed layout plans should ensure that each household places their refuse/recycling in a location which does not exceed 30m from the adoptable highway.

4.10 Housing Development Officer: No objection. The scheme provides for 35% affordable housing. Tenures will need to be finalised and the exact location of the affordable housing units within the scheme should be agreed as a precursor to submission of Reserved Matters.

- 4.11 Schools Capital and Investment Manager: No objection subject to the draft Heads of Terms (attached).

5. Representations

- 5.1 Withington Group Parish Council: Objection

Principle of Development

1. The WGPC is undertaking the production of a Neighbourhood Plan and has already held two public sessions where the main focus of attention by the public in Withington was the estimated need for approximately 65 dwellings as proposed in the draft Core Strategy. It was also noted that a significant amount of this requirement had already been met by the construction of 4 dwellings and planning permission for 33 dwellings (adjoining the Baptist Church on the A4103), and a recent permission for a further dwelling.
2. The WGPC believes that, whilst there is not a five year supply of land for housing in Herefordshire, it is unreasonable to expect this shortfall to be met by excessive developments in villages when the demand is primarily for housing in Hereford City and the Market Towns. It should also be noted that the majority of employment opportunities are in Hereford, retail services are in Hereford, all medical services are in Hereford and secondary education is in Hereford. As this shortfall is based on extending the requirement of the UDP and projecting the demand forward into the next plan period, it should be noted that Withington has already experienced significant growth and the development of up to 45 dwellings, in addition to the 35 with planning permission, would be unsustainable.
3. The WGPC is aware that several potential residential development sites have been proposed by land owners and others in the early stages of the Herefordshire Local Plan Core Strategy preparation. All these sites (14 in total) have recently (March 2014) been presented to the public in Withington as part of the Neighbourhood Plan preparation. The sites vary in size from small (4 dwellings) to large (100 plus dwellings). Whilst it is acknowledged that more research is required into each of the sites a clear pattern of support has emerged for a site to the south of the village known as Site 1 (Opposite Orchard House). Over 69 % of those recording a preference at the public presentation supported the development of Site 1. Of the remaining sites none received more than 8% support, (there were 79 respondents in total), with the application site only being preferred by 3%.
4. The WGPC is intending to have the draft of the Neighbourhood Plan ready in September /October 2014 and in the light of the above considers that the application is both premature and not supported by the residents of the village. It should also be noted that following the earlier presentation of the proposals for the site the WGPC received 24 letters of objection, all from immediate neighbours. The Herefordshire web site has a significantly larger number of local objectors.

Detailed comments - these are presented without prejudice to the overriding view of the WGPC that the application should be refused.

5. 44 additional dwellings are not required in Withington and it is considered that the infrastructure cannot support this increase. The submitted drainage details give no satisfactory solution to either foul or surface water drainage, simply saying if one solution doesn't work then another will be found, with no analysis of the potential impacts on the village. It is considered that the single access to the site is inadequate and that Vine Tree Close is unsuitable due to its width and alignment. It is also a main pedestrian route to the school and the creation of an additional access will create a further hazard for schoolchildren and parents.

6. The site has a pronounced rise from the rear of Farndon Rise of up to some 22 feet to a point behind No 8 Vine Tree Close, before gently falling a few feet to Veldo Lane. This pronounced rise will have a significant impact in respect of overlooking on the properties at the rear of Farndon Rise. Whilst the supporting documents indicate some bungalows in this location, as it is only outline, there is no guarantee that a subsequent submission could not amend this. It is also noted that the revised illustrative layout now shows terraced bungalows behind the Rise and Farndon Rise giving a solid wall of development at a much higher level. The 'so called' exclusion zone is no different from the original submission unless the applicant is stating that all permitted development rights should be removed.
7. The single access point illustrated as a road and two footpaths will run the full length of the rear gardens of Nos. 4 and 6 Vine Tree Close seriously impinging on the privacy of the occupants, through vehicular and pedestrian movement. A public footpath is also proposed to the rear of no.6, thus having public overlooking of the private amenity space on three sides.
8. Various areas of undeveloped land have been indicated behind Vine Tree Close, adjacent to the western boundary, and to the north of the site, alongside Veldo Lane. There are no proposals as to the management of these areas. To the rear of Vine Tree Close, running north from the access point, a public footpath is indicated. This may reflect the unauthorised accesses to the field from some of the rear gardens, but again there are no proposals in respect of its future ownership or maintenance or whether this is acceptable on grounds of security.
9. The submission also includes reference to access into the adjoining coppice. This is owned by the Parish Council and any future links would have to be agreed, with appropriate design details. It should be noted that there are significant changes in levels between the edge of the coppice and the main footpath through the site. Reference to the 'permissive' footpath should only refer to the northern end where it exits the coppice and runs through to Veldo Lane.
10. In respect of the revised illustrative layout, the WGPC considers that it is totally unacceptable. Properties to the rear of Farndon Rise are too close and too dense, due to the rising land. The submitted cross sections should include additional ones through The Rise and 8 to 14 Farndon Rise as the impact is potentially greater than on No. 17.
11. Plots 18 to 20 and 28 to 32 present their rear gardens to the front of the properties adjacent, namely 11 to 13 and 28 to 32. This indicates that the density is too high and a significant change to the layout would be required which seriously questions as to whether 44 dwellings could be successfully accommodated on the site.
12. The private drives serving plots no. 9 to 13 and 18 to 20, have no turning provision for service and other vehicles.
13. At the highest point the impact of the development on the sky line is a significant intrusion into the landscape compounded by the fact that the largest 4 bedroom dwellings are located here (plots 32 to 42). These will be at the highest point in Withington, which is predominantly on lower lying areas in the overall landscape in this area of Herefordshire
14. The exclusion of the area indicated as 'FIELD' on the Site Plan is not satisfactorily explained but is clearly intended for future development. As this is excluded from the application boundary and is not in the applicants' ownership, a clear indication is required from the applicant and owner as to its suggested future use. It is however noted that on the location plan it is indicated as being in the applicant's ownership/control.

15. The amended submission now includes an exclusion zone along Veldo Lane with no proposals for its use or long term maintenance.
16. It is stressed that the above observations are without prejudice to the overriding objection of the WGPC.

Section 106 Agreement

17. The WSGPC questions the word 'locality' in Clause 4 of the S106. As locality is not defined it should be changed to 'Withington'.
18. In respect of Clause 15 as there is no specific start date for any development the clause should read '...5 years from the completion of development'.
19. The WGPC has not been given a revised draft heads of term for the Section 106 agreement, but would request that all the affordable housing should be for intermediate rent or sale only.

Other Observations

20. The WGPC notes that the application is for outline planning permission with access and layout not reserved. The description then reads '...for up to 45 dwellings'. Elsewhere reference is made to 'about 45 dwellings'. This requires clarification. It is noted that the applicant is Paul Smith and not the land owner. However the plans indicated adjoining land in the applicant's ownership outlined in blue. It is unclear how this could affect the imposition of conditions without the separate agreement of the landowner.

Again without prejudice to this overriding objection:-

21. The WGPC has held discussions with the applicant regarding its potential role in managing the site and in the provision of recreation facilities in Withington. The WGPC has no wish to be involved in the maintenance of the footpath behind Vine Tree Close nor the land adjacent to Veldo Lane. In respect of the increased area adjacent to the coppice the WGPC considers this is too wide for it to manage, but a reduced area based on the spread of the trees would be acceptable. The WGPC would agree to the provision of recreation facilities on the Withington Fields site, but would wish to be consulted on the range of development that could be funded.
22. Finally the WGPC is still of the opinion that the Framework Plan does not provide for the most appropriate development layout, which should reflect several of the previous developments in Withington with a central amenity open space.

Conclusion

23. In the light of the above, on grounds of principle and detailed layout and design, the WGPC strongly objects to the planning application. It is considered that the unacceptable location of the site, the lack of respect to the physical nature of the site within the village, and the impact on surrounding property, significantly and demonstrably outweigh any perceived benefits in trying to meet any shortfall in the housing provision in the rest of Herefordshire.

5.2 64 letters of objection have been received. The content is summarised as follows:-

- The application site is outside the UDP settlement boundary;
- The site is greenfield land, whereas there should be a presumption in favour of utilising brownfield sites first;
- Development would not be sustainable due to adverse impacts on existing residents, ecological interests and highway safety concerns. The contribution that the development would make in terms of addressing a short-term need for housing does not off-set the significant of these adverse impacts;
- Withington has witnessed large-scale development in the relatively recent past and doesn't need more. The scale of development sought in terms of number will dominate and transform the notion of village life, turning the village into a suburb or small town. Demand for housing would be best met in Hereford and the market towns;
- The pressure brought to bear by the response to the Council's apparent housing land supply issue is wholly prejudicial to the Parish's Neighbourhood Plan. A steering group has been enacted and a draft plan is due for publication. It would be fundamentally wrong and contrary to NPPF paragraph 17 to take decisions on large-scale proposals when an enormous amount of work in preparation of the neighbourhood plan has already been undertaken;
- The Draft Local Plan – Core Strategy 2013-2031 envisages proportionate growth of 65 dwellings over the plan period. Over half of this need has already been met via small-scale developments and the 33 dwelling UDP allocation adjacent the Chapel. In combination this development will exceed the 'target' within the first 3 years of the plan period;
- Parishioners are supportive of a staged and progressive approach, utilising the redevelopment of brownfield sites rather than a headlong rush to meet a shortfall that only exists because of the planning policy position;
- In response to the Neighbourhood Plan questionnaire, only 3% of respondents favoured this site, whereas 69% favoured the site opposite Orchard House Care Home;
- Alternative sites would be unlikely to have such impact on adjoining property. The site is higher than adjacent development meaning overlooking and subsequent loss of privacy is likely. Likewise all traffic from this development would have to get to the A4103 via Withies Road or Southbank; both of which are narrow and suffer from congestion;
- Vine Tree Close is a cul-de-sac of 35 dwellings. Accessing a further 45 dwellings via an existing cul-de-sac is dangerous. Access to such a development should be from a main road;
- Vine Tree Close is well-used as a safe route to school, with large numbers of mothers and young children using the public footpath through Vine Tree Close as the safest route to school. Adding a junction here will cause chaos and result in an accident.
- Traffic entering and leaving the site will make living conditions on the houses either side of the junction intolerable with noise and increased vehicle emissions. Headlights are also likely to affect houses opposite;
- The access from Vine Tree is at a point where the road bends and not far from the staggered junctions where Southbank and Duke Street meet Withies Road. The additional traffic using the network in close proximity to busy junctions on either side of Withies road is liable to cause congestion and accidents;
- The demand for housing does not derive from the existing local community;
- The development would destroy the ambience of Vine Tree Close, which is a cul-de-sac located around quiet green space with views of the open countryside;
- The development will result in the loss of privacy for residents living opposite and nearby. The submitted layout indicates a footpath that passes in close proximity to adjoining properties in Vine Tree Close. This will present privacy and security issues;
- The infrastructure locally does not support large-scale housing. There are no local employment opportunities, doctors or pharmacy;

- Drainage is a significant constraint and the application is in large part silent on the issue. Given run-off concerns relative to lower-lying houses, it should be determined now as to whether infiltration to ground or on-site storage is appropriate;
- The development would result in the loss of agricultural land at a time when we should be producing more food for ourselves;
- The bus service and pedestrian provision is poor and it is likely that residents will use the private car for even short, local trips. Commuters into Hereford are not well served by buses. The earliest arrival in Hereford on weekdays is 8:08am and the latest departure leaves Hereford not long after 17:00pm – not conducive to shift work;
- The impacts of the development upon bat flight paths and nesting birds, including the endangered Sky Lark, are underestimated;
- The development will adversely affect the landscape character and setting of the village. At a high point locally, roofs will dominate the skyline and compete with the Church spire;
- The construction phase will create noise, dust and traffic chaos for existing residents.

5.3 Herefordshire CPRE objects to the proposal. The comments received are summarised as follows:

The Herefordshire UDP 2007 clearly shows the Withington settlement boundary and the proposed development is outside it, in open countryside. The land is currently in use for arable farming. Saved Policy E15 states: "Development of Greenfield land, including the best and most versatile agricultural land will not be permitted" and Saved Policy H7 states: "proposals for housing development outside....the main villages and smaller settlements will not be permitted". This proposal satisfies none of the exception criteria for these policies.

The proposed development would significantly alter the character of and the views from public footpaths WT8, WT12, WT14 and from Veldo Lane. There is conflict with saved UDP policy T6 which states "Development proposals should ...respect therecreational value, attractiveness and historical significance of any designated public right of way".

The access to the proposed site is unsuitable and represents a hazard to walkers, motorists and other road users.

There would also be a significant increase in traffic on the narrow Withies Lane. There would be significant hazards associated with this for all road users. Footpath WT14 passes along Vine Tree Close and is used as a safe walking route for children from the main body of the village to school. There is conflict with Saved Policies S2, DR2 & DR3.

Notwithstanding the fact that the appeal was dismissed, the applicant makes reference to the housing land supply issue which came to the fore at the Home Farm, Belmont appeal.

Irrespective of the shortfall of housing land the Inspector's decision to dismiss the application was wholly based on the balance of harm to benefit:

"As a consequence, the proposal would be at odds with the environmental role/dimension to sustainable development. Moreover, notwithstanding the shortfall in HLS, these adverse environmental impacts and the harm to the setting of heritage assets that I have also identified would significantly and demonstrably outweigh the economic and social dimensions/benefits of the scheme.." (paragraph 65 of the appeal decision).

There is nothing Innovative or outstanding about this outline proposal as required by NPPF paragraph 63; and paragraph 64 states: "Permission should be refused for development of poor design that fails to take opportunities available for Improving the character and quality of an area and the way it functions". A mundane housing estate, at best contributes nothing to the character and quality of Withington (and the surrounding countryside) and the way it functions and I believe will detract considerably from it. It is concluded that the development is not representative of sustainable development and that the presumption in favour should not, therefore, apply on the basis that *adverse impacts... would significantly and demonstrably outweigh the benefits*.

- 5.4 The applicant has responded to third party representations via the submission of additional information, including additional ecology surveys and a Development Framework Plan. The description of development is amended to limit the maximum number of dwellings to 45 and a response is made to various issues that have arisen during the consultation process. This response is summarised under topic headings below:-

Landscape Effects

The development framework plan removes dwellings from the northernmost part, reducing the impact of the development upon the landscape and setting of the village.

Ecology

In response to ecology survey work, a larger buffer has been left against the adjoining copse. It is proposed that this 'cordon sanitaire' be used as public open space. The larger margin against Veldo Lane will also ameliorate any conflict with badger activity.

Drainage

The Flood Risk Assessment conducted by qualified consultants concludes that subject to detailed design the development will not harm its surroundings. Planning conditions can be imposed.

Vehicular Access

The access accords with the Council's adopted Highways Design Guide.

Neighbourhood Plan Process

UDP housing supply policies are out of date and the application is submitted against this context. Until such time that the provisions of the adopted Core Strategy are known, the contents of the final Neighbourhood Plan cannot be known.

Core Strategy

The provisions of an emerging development plan do not relieve the Council of the responsibility of ensuring sufficient supply of housing land. Housing 'targets' as identified within the emerging Core Strategy are not an upper limit but a figure which could be met or potentially exceeded over the plan period.

Alternative Sites

No planning application has been submitted for alternative sites. Consequently the sustainability credentials or appropriateness of development on these sites cannot be known and a reasonable comparison against this site cannot be made. The NPPF requires the

decision-taker to weigh harm against benefits and does not take into account the merits of a site relative to other sites, particularly if an alternative site is not the subject of a planning application.

Effect Upon Neighbouring Properties

It is acknowledged the development would affect the aspect from adjoining houses. To ameliorate the effect the development framework plan deliberately avoids siting houses close to site boundaries. Any relationship would respect the minimum distances required to ensure mutual privacy and to avoid overbearing development.

Demolition of No.5 Vine Tree Close

The demolition of this dwelling is necessary for access. It does not, however, constitute a reason to oppose the overall scheme, which would constitute sustainable development abutting two boundaries of a sustainable rural settlement.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 Withington is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with an 18% indicative growth target over the plan period. This equates to 65 dwellings, of which 37 have either been constructed or are committed i.e. an extant planning permission exists. The application is made in the context of the housing land supply deficit.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'Saved' UDP Policies the NPPF and Other Material Guidance

- 6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.
- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the

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housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- 6.6 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.
- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.8 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of up to 45 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme’s Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Withington is a main village within the UDP and also identified as a main village in the Hereford Local Plan – Core Strategy. In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located whereas the delivery of

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up to 45 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. Although categorised as a SHLAA significant constraints site this was on the basis that access was not demonstrated at the time of assessment, something that this proposal addresses. The Conservation Manager (Landscape) concludes the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity (for example views from the AONB). The officer considers that the site can accommodate development, although this is contingent on the Reserved Matters submission reflecting the need to retain, insofar as possible, the hedgerow features for which the Principal Settled Farmlands landscape typology is known and bolstering these features as appropriate. The Development Framework plan now reflects this requirement and enhances green infrastructure by drawing development away from the northern boundary onto Veldo Lane and from the copse on the western flank has acknowledged nature conservation interests to a greater extent than originally.
- 6.16 Given the application is in outline, there is also the potential at the Reserved Matters stage to consider the comments of the Parish Council in relation to the provision of a central amenity area and the omission of the footpath proposed to the rear of properties in Veldo Lane. There is certainly the potential to re-route this such that a pedestrian link to Veldo Lane can be made.
- 6.17 On the basis that conditions will be imposed requiring the protection of hedgerows, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on Heritage Assets

- 6.18 The application site is 120m west of the Withington Conservation Area. Style House, at the entrance to Veldo Lane is one of several listed buildings that with St Peters Church, further to the east, form the nucleus of the Conservation Area. However, due to the intervening presence of Vine Tree Close and other features, the site exerts a relatively small visual influence upon the setting of these designated heritage assets.
- 6.19 In this case it is considered that any impact can be mitigated through appropriate and sensitive detailed design and landscaping and that as a consequence the harm to the significance of the designated heritage assets will be less than significant. Accordingly, as per NPPF paragraph 134, the harm should be weighed against the public benefits of the proposal, which in this case can be taken as the scheme's contribution towards boosting housing supply, the associated economic and social benefits and absence of any other significant adverse impacts. As such, and having regard to the nature of the proposal and the overarching context set by the lack of

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housing land supply, the harm to the setting of listed buildings is considered less than substantial.

Impact on Ecological Interests

- 6.20 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Transport

- 6.21 The Transportation Manager has provided revised comments in the light of additional information provided during the course of the application. He is now satisfied with the proposals to the extent that a conditional approval is recommended.
- 6.22 The submitted drawing 763-03 indicates 4.8m wide access road with 2.0m footways and 6m junction radii, which accords with our Highways Design Guide for New Developments for a minor access road serving up to 50 dwellings, and the survey drawing indicates that this is achievable within the ownership of No 5.
- 6.23 Vine Tree Close itself from Withies Road to the point of access is 5.5m in width with 10m radii to Withies Road and therefore is of an adequate standard for a minor access road to serve up to 100 dwellings, and this figure is not exceeded by the existing and proposed development. Therefore the proposed access arrangement is considered acceptable. Pedestrian drop crossings will be required within the access road radii for the well used pedestrian route to the school and will form part of the S278 agreement.
- 6.24 The Traffic Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF.

Land Drainage and Flood Risk

- 6.25 The Land Drainage Engineer has no objections to the proposed development subject to submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development prior to construction. The detailed drainage proposals should include:
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
 - Provision of detailed calculations that demonstrate that the proposed surface water drainage system will not flood during the 1 in 30 year event, that the peak discharge rate from the site will be limited to equivalent greenfield rates up to and including the 1 in 100 year event, that the peak discharge rate will be less for smaller events to mimic natural runoff conditions, and that sufficient attenuation will be provided within the site boundary to prevent increased flood risk up to and including the 1 in 100 year plus climate change event.

- Evidence that the Applicant has sought and agreed permissions and agreed allowable discharge rates to discharge foul water and surface water runoff from the site with the relevant authorities;
- Infiltration test results undertaken to BRE Digest 365 methodology and groundwater depth records where infiltration is proposed;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Demonstration that the Applicant has designed for exceedance of surface water systems.

A condition is recommended to ensure the submission of a fully integrated foul and surface water drainage system.

Public Open Space

- 6.26 The applicant has held discussions with the Parish Council in relation to the provision and future maintenance of on-site and off-site public open space. Without prejudice to their objection to the application, the Parish Council has indicated a willingness to take on the land immediately adjacent the copse on the site's western boundary. The Parish Council has also recommended that some provision be made for amenity space within the development, alongside a financial contribution to the village playing fields, including the potential for the construction of changing facilities for the local sports clubs. The S106 agreement is worded to give this degree of flexibility and further consultation with the Parish Council in the event of planning permission being granted.

S106 Heads of Terms

- 6.27 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

'Education Contribution'	-	£40,520
'Sustainable Transport Contribution'	-	£75,680
'On/Off site play'	-	£48,263
'Waste & Recycling'	-	£3,360
'Library'	-	£5,716

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

Impact on Adjoining Residential Amenity

- 6.28 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the south and Vine Tree Close to the east. Clearly this will be contingent on detailed consideration at the Reserved Matters stage and in this respect the Development Framework plan identifies development exclusion zones within which no dwelling would be sited. Adoption of this approach, which can be subject to a planning condition, would ensure adequate separation distances, although care would need to be taken to ensure that dwellings on the site's periphery are constructed at a

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level that does not result in an undue overbearing impact. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

- 6.29 Concern has also been expressed in relation to the impact of the proposals upon Nos.4 and 6 Vine Tree Close, between which the access route would pass. Officers do not consider this issue, in the weighing of benefits and adverse impacts, would equate to a reason for refusal.

Foul Drainage and Water Supply

- 6.30 The Water Authority has no objection to the development and confirms that the treatment of domestic discharges from this site can be accommodated by the existing Waste Water Treatment Works. No problem is anticipated with the supply of potable water.

Sustainable Design

- 6.31 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain and for solar thermal and PV panels.

Loss of Grade 2 Agricultural Land

- 6.32 Defra mapping suggests the site is Grade 2 agricultural land. Saved policy E15 requires that development resulting in the loss of such land should only be permitted where there is a lack of suitable development opportunities within the boundaries of the existing urban areas or on previously developed sites or where there is an established need for the development of agricultural land; in which case poorer quality land should be utilised first. This is enshrined in NPPF paragraphs 112 and 143. In this instance the case for releasing such sites is entwined with the housing land supply issue and the loss of the best and most versatile agricultural land should be weighed against the need for the development and other attendant benefits. In this case, the site is well-related to the village and the loss of 2.2ha of Grade 2 land is not considered to represent a sound basis for refusal in the circumstances.

The Neighbourhood Plan

- 6.33 Withington Group Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.34 The Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

Summary and Conclusions

- 6.35 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and

identifies three dimensions to sustainable development; the economic, social and environmental roles.

- 6.36 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having significant constraints on the basis of lack of access as opposed to being unsuitable or inappropriate in other respects. Withington is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.37 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.38 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and a margin against the copse and Veldo Lane and the Development Framework Plan responds positively to these requirements. The site is some 120m from the Conservation Area, but development would exert relatively little influence on the setting of the Conservation Area and the listed buildings within it. Certainly any impact such as there may be is likely to result in less than substantial harm to the significance of the heritage assets. This is in the context of the safeguard provided by detailed assessment of the layout, landscaping, scale and appearance at the Reserved Matters stage.
- 6.39 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 45 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

4. **C01 Samples of external materials**
5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the Development Framework Plan 763-04 dated July 2014.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1 & DR1 and the National Planning Policy Framework.
6. **The development shall include no more than 45 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.
7. **H06 Vehicular access construction**
8. **H18 On site roads - submission of details**
9. **H19 On site roads – phasing**
10. **H20 Road completion in 2 years**
11. **H21 Wheel washing**
12. **H27 Parking for site operatives**
13. **H29 Secure covered cycle parking provision**
14. **The recommendations set out in the ecologist’s reports from Wilder Ecology dated April 2014 and July 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan
15. **L01 Foul/surface water drainage**
16. **L02 No surface water to connect to public system**
17. **L04 Comprehensive & Integrated draining of site**
18. **G04 Protection of trees/hedgerows that are to be retained**
19. **G10 Landscaping scheme**
20. **G11 Landscaping scheme - implementation**

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

21. G14 Landscape management plan

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN08 Section 38 Agreement & Drainage details**
3. **HN15 Affected street lighting or illuminated signs**
4. **HN28 Highways Design Guide and Specification**
5. **HN05 Works within the highway**
6. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**
7. **N02 Section 106 Obligation**

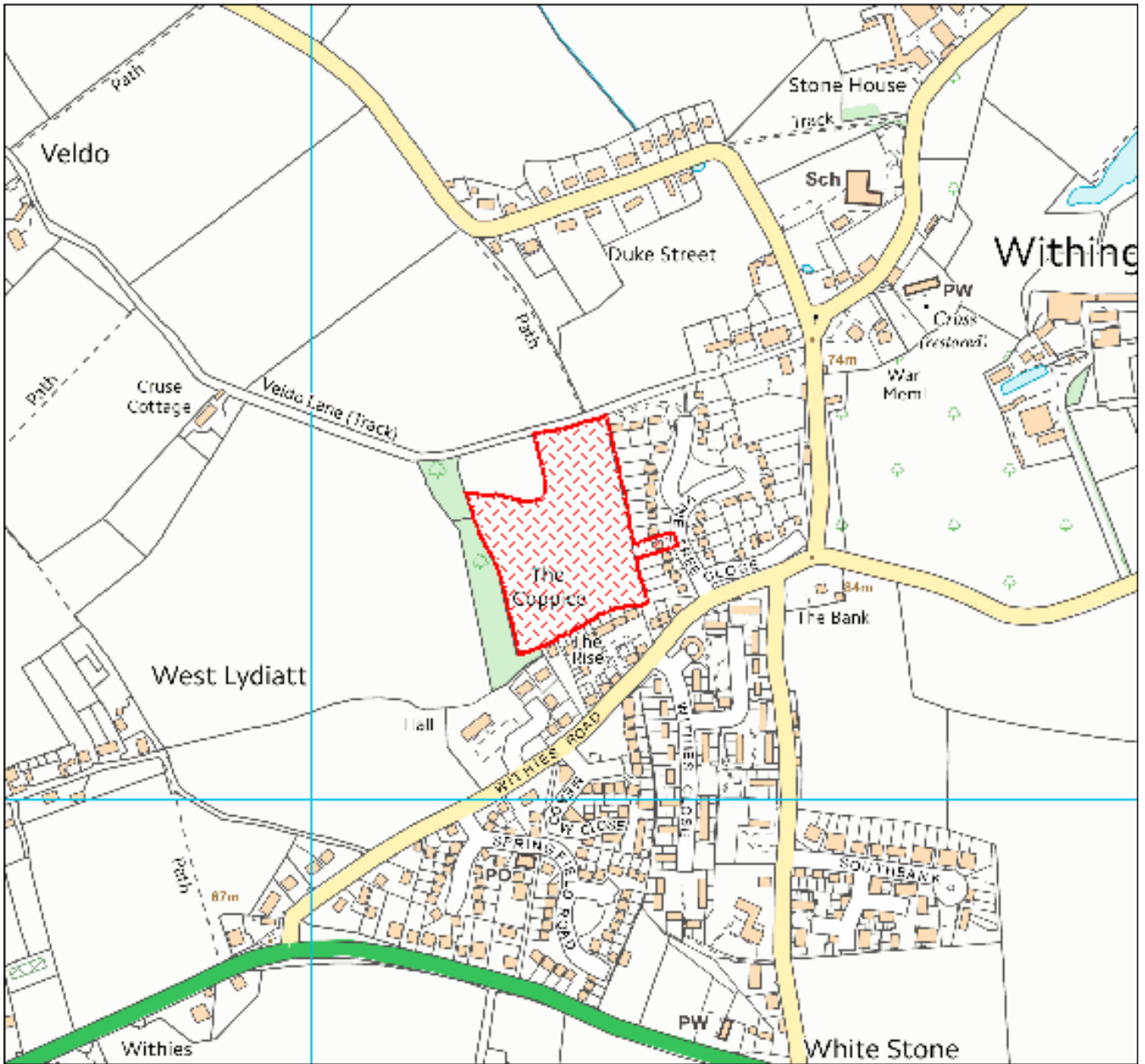
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 141134/O

SITE ADDRESS : LAND ADJACENT TO VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only. ***The contributions are calculated on an indicative scheme of 28 open market units as the proposal involves the demolition of an existing 4 bedroom dwelling.***

Planning application: P141134/O

Proposed erection of up to 45 dwellings (29 open market and 16 affordable), construction of a new vehicular access and associated works on land adjacent to Vine Tree Close, Withington, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£861.00 (index linked) for a 2 bedroom open market dwelling

£1,302.00 (index linked) for a 3 bedroom open market dwelling

£2,318.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at North Hereford City Early Years, St Francis Xavier Roman Catholic Primary School (5% of overall contribution), St Mary's Roman Catholic Secondary School (8% of overall contribution), post 16, Hereford City youth services and the Special Education Needs Schools (1% of overall contribution). The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate. ***Based on the indicative submitted scheme the total contribution would be £40,520.00.***

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

£1,720.00 (index linked) for a 2 bedroom open market dwelling

£2,580.00 (index linked) for a 3 bedroom open market dwelling

£3,440.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate. ***Based on the indicative submitted scheme the total contribution would be £75,680.00.***

The sustainable transport schemes would comprise;

- A new footpath along Veldo Lane from the development site to the existing footpath;
- Improvements to the footways on Vine Tree Close with re-surfacing and the provision of dropped kerbs.
- Improvements to the footway link through the adjacent coppice to the village hall and sport/play facilities.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

£965.00 (index linked) for a 2 bedroom open market dwelling

£1,640.00 (index linked) for a 3 bedroom open market dwelling

£2,219.00 (index linked) for a 4 bedroom open market dwelling

The contributions will either provide for on/off-site play facilities at the existing village play facilities, which may include changing facilities for local sports clubs. The split between on/off site play provision will be informed in consultation with the Parish Council. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate. ***Based on the indicative submitted scheme the contribution would be £48,263.00.***

4. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of

£120.00 (index linked) for a 1 bedroom open market dwelling

£146.00 (index linked) for a 2 bedroom open market dwelling

£198.00 (index linked) for a 3 bedroom open market dwelling

£241.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate. **Based on the indicative scheme submitted the contribution would be £5,716.00.**

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate. **Based on the indicative scheme submitted the contribution would be £3,360.00.**
7. The developer covenants with Herefordshire Council that 35% (up to 16) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
8. Of that 35% Affordable Housing units, at least 50% shall be made available for social rent with the remaining 50% being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2 satisfy the requirements of paragraph 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
 - 11.1 a local connection with the parish of Withington;
 - 11.2 in the event there being no person with a local connection to the parish of Withington the adjoining parishes;

- 11.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 above
12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 12.1 is or in the past was normally resident there; or
 - 12.2 is employed there; or
 - 12.3 has a family association there; or
 - 12.4 a proven need to give support to or receive support from family members; or
 - 12.5 because of special circumstances
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

16. The sums referred to in paragraphs 1, 2, 3, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	<p>P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN</p> <p>For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141022&search=141022

Date Received: 2 April 2014

**Ward: Leominster
South**

Grid Ref: 350091,259085

Expiry Date: 4 July 2014

Local Members: Councillors JM Bartlett and PJ McCaull

1. Site Description and Proposal

- 1.1 The site is a long narrow plot amounting to 0.45 hectares of Brownfield land that is located between the rear gardens of dwellings fronting onto Pinsley Road and the railway line. It includes the site of the former Pinsley Mill; the building was demolished in February 2014 after being fire damaged, and a long, narrow single storey building that has been used by Leominster Rifle and Pistol Club. The substantive part of the site was previously used for commercial purposes and was occupied by a prefabricated industrial building. This has since been demolished and the site is now vacant.
- 1.2 The site is located within Leominster's residential area and also the Leominster River Meadows Conservation Area. Public footpath ZC137 runs along the site boundary, parallel with the railway line at a lower level to both the ground level of the remainder of the site and the railway line itself. Immediately to the north is an area of open space with The Priory Church beyond. Vehicular access to the site can either be gained via the car park serving the White Lion public house to the south; a Grade II listed building, or by a track which emerges onto Pinsley Road between existing dwellings. The site is further constrained by a combined sewer easement which cuts across the site at a midway point and then runs along the boundary with the railway line in a northerly direction. A storm overflow easement also runs the entire length of the eastern boundary and both of these are areas that are not to be built over. The majority of the site also falls within flood zone 2 and 3 as identified by the Environment Agency's maps.
- 1.3 The application seeks to erect 17 houses and 12 flats on the land with a single point of vehicular access via Pinsley Road located in the same position as the existing access. In further detail the accommodation is detailed as follows:

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 9 x 2 bed flats
- 3 x 1 bed flats
- 2 x 1 bed houses (semi detached)
- 6 x 2 bed houses (terraced)
- 1 x 2 bed house (detached)
- 8 x 3 bed houses (terraced)

1.4 The layout plan shows the provision of vehicular access into the site that runs along the eastern boundary. The site dictates that the proposal takes a linear form. Three terraces are positioned towards the northern end and centrally within the site with a parking and turning area provided where the sewer easement crosses. The flats are incorporated within a new building that takes the approximate position of the former mill with a shared parking area to the south. The detached dwelling is positioned on the southern boundary while the semi detached properties are located in front of the flats, close to the point of access onto Pinsley Road.

1.5 The terraced houses are a mix of two and three storeys. Plots 1 to 8 at the northern end are three storey and have a height to the ridge of 9.7 metres. Plots 9 to 14 are two storey with a ridge height of 7.8 metres. The detached and semi detached houses are 7.4 and 7.2 metres in height respectively and the building comprising the flats is 11.3 metres high. The buildings are all shown to be faced in brick with tiled roofs with brick detailing to window cills and headers.

1.6 The application is supported by the following documents:

- Design & Access Statement
- Planning Statement
- Heritage Statement
- Extended Phase 1 Habitats Survey
- Flood Risk Assessment
- Drainage Strategy
- Ground Investigation Report
- Noise Assessment
- Affordable Housing Viability Report

1.7 The last of these documents has been treated as confidential as it contains commercially sensitive information. Its purpose is to provide detailed information about the economic viability of the scheme and it concludes that if the developer is required to provide affordable housing in accordance with policy requirements, and is also required to make financial contributions in accordance with the Council's Planning Obligations Supplementary Planning Guidance, the scheme would not be viable. On this basis the applicant has not submitted a Draft Heads of Terms Agreement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR10	-	Contaminated land
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T8	-	Road hierarchy
NC1	-	Biodiversity and development
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas

2.3 Herefordshire Local Plan-Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
LO1	-	Development in Leominster
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Leominster Town Council has successfully applied to designate as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 31st July 2012. The Town Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 NC2008/0002/F Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block, to create nine apartments and all associated works at Pinsley Mill - Committee resolved to approve the application subject to a Section 106 Agreement, but it was ultimately refused as the Agreement was never signed.
- 3.2 NC2008/1824/O – Site for development to form 21 apartments – Approved 24th September 2008. This permission has not been implemented and has now lapsed.
- 3.3 P132668/C – Demolition of former mill building following arson – Approved 5th December 2013.

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail: Do not object to the application but make the following points:
- Require that a condition is imposed if planning permission is forthcoming to require that a trespass proof fence is erected adjacent to Network Rail's shared boundary.
 - All surface water drainage should be directed away from Network Rail's land.
 - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.
 - If trees are to be planted they should not be closer than 1.5 times their mature height to the boundary with Network Rail's land.
 - Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
- 4.2 Welsh Water: Raise no objection subject to the imposition of conditions. Their comments draw attention to the fact that the site is crossed by a public sewer and that no building will be permitted within 3 metres either side of its the centre line. They also advise that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Internal Council Consultations

- 4.3 Transportation Manager: Has visited the site and raises no objection to the proposal as shown subject to the imposition of conditions.
- 4.4 Conservation Manager (Ecology): No objection subject to the imposition of a condition to ensure that ecological enhancements are completed in accordance with the recommendations of the ecology report that accompanies the application.
- 4.5 Public Rights of Way Manager: Notes that public footpath ZC137 has been clearly marked on plans and will be resurfaced. The Public Rights of Way Manager requests that they are

consulted on this work and, on the basis that the stated width of 2m is maintained, does not object to the proposal.

4.6 Land Drainage Engineer: Requires that the following information is provided:

- Outstanding requirements of the Sequential Test and Exception Test as described above.
- Evidence that the sequential approach has been applied to guide development within the site boundary into lower flood risk areas.
- Evidence that safe access and egress exists to all properties in the 1 in 100 year flood event, including an allowance for climate change.
- Evidence that flood compensation has been provided or is unnecessary

4.7 Environmental Health Officer: No objection subject to the imposition of conditions.

5. Representations

5.1 Leominster Town Council objects to the application and comments as follows:

The Town Council objected to the application as it considered it to be an overdevelopment of the site, against the terms of the emerging neighbourhood Plan especially in that the hoses had no plan to deal sustainably with the grey and run off water which would be generated by the extensive hard surfaces created; the town council considered that such a development should be built to the best standard of sustainability in respect of energy conservation, energy generation through solar options, should deal sustainably with all water issues and waste management: further the town council was deeply concerned at 29 dwellings adding to the traffic issues onto a busy road on a bend, from local knowledge the site was considered to create a genuine traffic hazard by adding to the numbers of vehicles which would have to turn across the bend of the main street. The effect of the 3 stories would be to over mass the site and the use of flats in the development was out of character with the surrounding area. Overall the town council was concerned that the development would in effect create the unsustainable slums of the next generation and no development should be allowed to produce such crowding and lack of sustainable features.

5.2 The proposal has attracted individual objections from 10 local residents and a petition containing 33 signatories. In summary the issues raised are as follows:

- Detrimental impact upon residential amenity due to the high density of the development and potential overlooking
- Concerns about parking along Pinsley Road and highway safety implications about intensification of use
- Concerns about surface water drainage and increased flood risk
- Lack of landscaping
- Vibration from rail traffic
- Lack of consideration of energy efficiency through design
- Detrimental to the conservation area

5.3 West Mercia Constabulary: Do not object to the proposal and note that there are opportunities to design out crime and/or the fear of crime and to promote community safety. They note the reference in the application to Secured by Design and endorse its use.

5.4 River Lugg Internal Drainage Board: Raise no objection to the proposal but advise that no additional surface water run off to the adjacent watercourse or any outfall structure will be permitted without written Land Drainage Consent, which would have to be obtained from the Board.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of Development

- 6.1 The site lies within an area that is primarily residential in its character and is within Leominster's built environs where residential development is accepted by Policy H1 of the HUDP. It is in a location that is considered to be sustainable and this is reflected by the fact that the principle of development has previously been accepted by the two planning permissions described above. The NPPF presumes in favour of sustainable development that is compliant with the development plan and advises that such proposals should be approved without delay, unless material planning considerations indicate otherwise. The following paragraphs will consider whether there are any other material considerations of such weight that they cause such harm to warrant the refusal of this proposal. If they do not, in accordance with the NPPF, there should be a presumption in favour of development.

Economic Viability

- 6.2 Policy DR5 of the UDP advises that planning obligations will be sought to achieve community, transport and environmental benefits where these benefits are reasonable, necessary and relevant to the development proposed. Further advice is provided by the Council's Planning Obligations Supplementary Planning Document (the SPD), which includes a paragraph about viability. It reads as follows:

The Council recognises that the impacts of a development that may need to be accompanied by a planning obligation must be weighed together with all other material considerations including any positive benefits of the development, in determining whether planning permission should be granted. Therefore, in exceptional circumstances, the Council may consider that the benefits from a development outweigh the need for mitigation and may waive or reduce contributions. However, it will be for the developer to provide robust evidence, possibly in the form of a financial appraisal, to support their case.

- 6.3 Paragraph 173 of the NPPF provides more up to date advice to local planning authorities on the subject in advising that:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 6.4 The applicant has submitted a viability report which concludes that the scheme will not be viable if they are required to make financial contributions and to provide affordable housing through a Section 106 Agreement. The report has been independently audited by the District Valuation Office and they have concurred with the applicant's viability report. They have also undertaken sensitivity testing on behalf of the local planning authority to consider whether reductions in financial contributions and affordable housing provision would improve the viability of the scheme, but even in this scenario the scheme would be unviable.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 6.5 In this case it is concluded that the applicant has provided the robust evidence required by the Council's SPD to demonstrate that the economic viability of the scheme would be jeopardised if financial contributions are sought. Therefore it is concluded that it is reasonable to set aside the usual contribution requirements in order to ensure that a development that is sustainable, that enhances the character and appearance of the area and that the landowner is clearly willing and able to bring forward, if planning permission is granted.

Design and Density

- 6.6 The two planning permissions described in the planning history section of this report have accepted the principle of development on this site at an almost identical density to that proposed. Although this is quite high, it is significantly influenced by the fact that 12 of the units proposed are to be provided as flats. Notwithstanding this, if the density of the scheme were to be reduced the economic viability of the scheme would be further brought into question.
- 6.7 Each property is afforded appropriate parking provision in accordance with the Council's highway design guidance and Manual for Streets. It also ensures that appropriate provision is made for refuse vehicles. Each of the individual dwellings are afforded their own curtilages, while the flats have shared parking, refuse collection area and cycle parking and it is considered that the proposed layout demonstrates that all of the facilities required to service the development can be provided in accordance with Policy H13 of the UDP.
- 6.8 The applicants and their agent continued to discuss their scheme throughout the pre-application process with officers. Their original intention was to retain and convert the mill building and plans were prepared for submission on this basis. However, the arson attack in September 2013 caused significant structural damage which ultimately led to its demolition. This led to a re-assessment of the scheme by the applicants and the scheme as submitted is the result. The detailed design reflects the former mill building. The scale and proportions of this part of the development are similar to those of the original mill. The new building also occupies a similar footprint and its physical relationship to the surrounding area is not dissimilar to that of the former building, or of the scheme that was accepted by Planning Committee for its conversion and extension.
- 6.9 The layout of the houses has been dictated by the linear form of the site, the need to accommodate the particular constraints within it; most notably the drainage easements, and the relationship with existing properties on Pinsley Road. The plans show properties that are well designed with architectural features such as brick headers over window and door openings and the use of parapet gable ends adding visual interest to the scheme as a whole. These themes are consistent throughout the development as a whole and serve to give it a particular visual identity. Officers consider that the density, layout and design of the scheme respond positively to the constraints of the site and its surroundings and accord with Policy H13 of the UDP and the NPPF which seeks to secure good design.

Highway Safety and Accessibility

- 6.10 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.11 The principal concern raised by objectors to the scheme is that the proposed development will intensify traffic movements along Pinsley Road where a significant amount of on-street parking

currently takes place. The site has been visited by the Council's Transportation Manager and he has raised no objection to the proposal subject to the imposition of conditions. It is considered that there is sufficient capacity within the road network and that traffic speeds within the locality are low. The introduction of the proposed development will not result in a severe cumulative impact to highway safety and therefore, based on the advice from the NPPF as outlined above, would not warrant refusal on highway safety grounds.

- 6.12 The site is well located to make full use of the pedestrian links that it has with the town centre. It is acknowledged that the public footpath is well used and it provides an ideal opportunity to encourage future residents to walk rather than use private motor vehicles. As a result the proposal is considered to fully accord with policies DR3 and T6 of the HUDP.

Residential Amenity

- 6.13 As referred the above, the proposal takes a linear form which is dictated by the site constraints. Inevitably this means that the proposed dwellings are arranged with their rear elevations backing onto properties on Pinsley Road. The closest relationship occurs between the terraced block comprising plots 1 to 4, which is a distance of 10 metres from the gable end of the Scout Hut. As this is a non-habitable building this relationship is considered to be appropriate.
- 6.14 In terms of their relationship with other residential dwellings, the second terrace of four is a distance of 24 metres from the closest dwelling on Pinsley Road, increasing to 34 metres from a second property. The third terrace, comprising plots 9 to 14, is an average of 30 metres away from the three dwellings that oppose it. Existing vegetation within the curtilages the dwellings on Pinsley Road, combined with their distance from the shared site boundary has led officers to conclude that the proposal is acceptable in terms of residential amenity and therefore accords with policies DR1 and H13 of the UDP.

Impact on the Conservation Area and Listed Buildings

- 6.15 The site is clearly visible to rail passengers and can be seen from the A49. At present it is a vacant Brownfield site that forms part of the Leominster River Meadows Conservation Area. It is considered that the site currently detracts significantly from the town's setting as an historic asset.
- 6.16 When seen in context the development will be viewed against the backdrop of the residential areas of Leominster. Pinsley Road is characterised by a mix of development whose ages range from the early 20th century to the present day. The conservation area has no defining architectural character in terms of the development contained within it; its purpose is to protect the setting of the town and that of The Priory Church which lies further to the north-west. Policy HBA6 of the HUDP requires that new development should preserve and enhance the character and appearance of a conservation area and provides a detailed list of design criteria to be adhered to in order to achieve this. These refer to matters that include scale, massing, form, density and architectural design. These matters have all been assessed in earlier parts of this report and the proposal is considered to be policy compliant in these respects.
- 6.17 The NPPF provides further advice in terms of heritage assets and paragraph 13 reads as follows:

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

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
- *and the desirability of new development making a positive contribution to local character and distinctiveness.*

6.18 It is considered that the appropriate re-development of the site as proposed will significantly enhance the setting of the conservation area. It will make a positive contribution to the local character and distinctiveness of the area and the detailed design of the scheme reflects the former mill building and the site's position adjacent to the railway line. It is concluded that the proposal is in accordance with Policy HBA6 of the UDP and the NPPF in terms of its positive effect on the setting of the conservation area.

Land Drainage and Flooding

6.19 The Council's Land Drainage Engineer has raised a number of matters that it is considered necessary to address before the determination of the application. The applicant's drainage consultant has provided a written response to the points highlighted in the consultation summary and these are summarised below:

6.20 *Sequential testing*

The applicant does not have any other land to offer in preference to this site. Notwithstanding this the site history demonstrates that the site has previously been considered to be appropriate for development. Although the mill building has been demolished, there are otherwise no material differences that would inhibit its development now and, although the NPPF has been introduced since, the policy criteria in terms of flood risk are substantially the same as they were when permission was originally granted. It is therefore considered that the site is suitable for development.

6.21 *Provision of safe access in a 1 in 100 year flood event*

Environment Agency data for flood levels for a 1 in 100 years storm event (including an allowance for the effects of climate change) suggests a flood levels range from 69.76 to 69.91m. A minimum finished level for private drives 300mm above the highest flood level and a minimum finish floor levels for all properties 600mm above the highest flood level is recommended and it is considered that this will provide a safe access and egress exits to all properties.

6.22 *Evidence that flood compensation has been provided or is unnecessary*

Existing ground levels on the eastern boundary are either equal or higher than the flood levels provided by the Environment Agency for a 1 in 100 years storm event. However, irrespective of on-site levels the railway line; which lies between the application site and the River Lugg, runs on a raised embankment. It is considered that this provides an informal flood defence since its level is higher than the flood level. Accordingly the site will not flood and therefore flood compensation is unnecessary.

6.23 The applicant's drainage consultant has suggested that the site is capable of accommodating a scheme for surface water attenuation comprising an underground storage tank. Officers consider that the details of this could be secured through the imposition of an appropriately worded condition

6.24 It is concluded that the matters raised by the Council's land drainage engineer have either been addressed by the additional information that has been submitted, or can be addressed through the imposition of appropriately worded conditions. It is therefore considered that the proposal accords with Policy DR7 of the UDP and the guiding principles of the NPPF.

Conclusion

- 6.25 The site history has previously established that the site is appropriate for re-development. It is a Brownfield site that currently detracts from the setting and character of the Leominster River Meadows Conservation Area. The scheme is considered acceptable in terms of its design and density and it has been concluded that it represents an enhancement of the heritage asset in accordance with the NPPF and Policy HBA6 of the HUDP.
- 6.26 The NPPF asks local authorities to be flexible about financial contributions where the viability of a scheme is in doubt. In this particular instance the applicant has demonstrated to the satisfaction of officers that the scheme will only be economically viable if the Section 106 contributions that would usually be required are set aside. The viability assessment submitted by the applicant has been independently scrutinised by the District Valuation Office and they have concluded that its findings are sound.
- 6.27 Of the other material planning considerations that have been identified through the consultation process and responses from consultees and members of the public, none carry such significance to outweigh the presumption in favour of sustainable development. The additional information submitted to supplement the Flood Risk Assessment and drainage strategy is considered to have resolved the original concerns raised by the Land Drainage Engineer and, whilst development will inevitably increase traffic movements along Pinsley Road and at its junction with Etnam Street, these impacts are not considered to be severe.
- 6.28 It is your officer's opinion that there are no matters of such weight to justify the refusal of this application and impacts associated with granting planning permission can be addressed through the imposition of appropriately worded conditions. The proposal accords with those saved policies of the Herefordshire Unitary Development Plan that are compliant with the National Planning Policy Framework, and consequently with the Framework itself. It is therefore recommended that planning permission be granted subject to the schedule of conditions outlined below:

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 – Time limit for commencement (full permission)**
- 2. B01 – Development in accordance with approved plans**
- 3. C01 – Sample of external materials**
- 4. F14 – Removal of permitted development rights**
- 5. G10 – Landscaping scheme**
- 6. G11 – Landscaping scheme – implementation**
- 7. H13 – Access, turning area and parking**
- 8. H17 – Junction improvement**

9. H21 – Wheel washing
10. H27 – Parking for site operatives
11. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

Framework.

14. **Prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatment of the site shall be submitted to the local planning authority for their written approval, in consultation with Network Rail. The development shall be completed in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The treatment should take the form of a trespass proof fence and should be of a minimum height of 1.8 metres. It should be located wholly within the application site and provision should be made for its maintenance and renewal.**

Reason: In order to protect public safety and the integrity of the rail network and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

15. **The recommendations set out in Section 4.13 of the ecologist's report dated July-October 2012 should be followed in relation to the identified protected species and Section 4.10 and 4.11 in relation to swifts on new buildings. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

16. **L04 – Comprehensive and integrated draining of site**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A – Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C – General**
4. **HN04 – Private apparatus within the highway**
5. **HN05 – Works within the highway**
6. **HN28 – Highways Design Guide and Specification**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

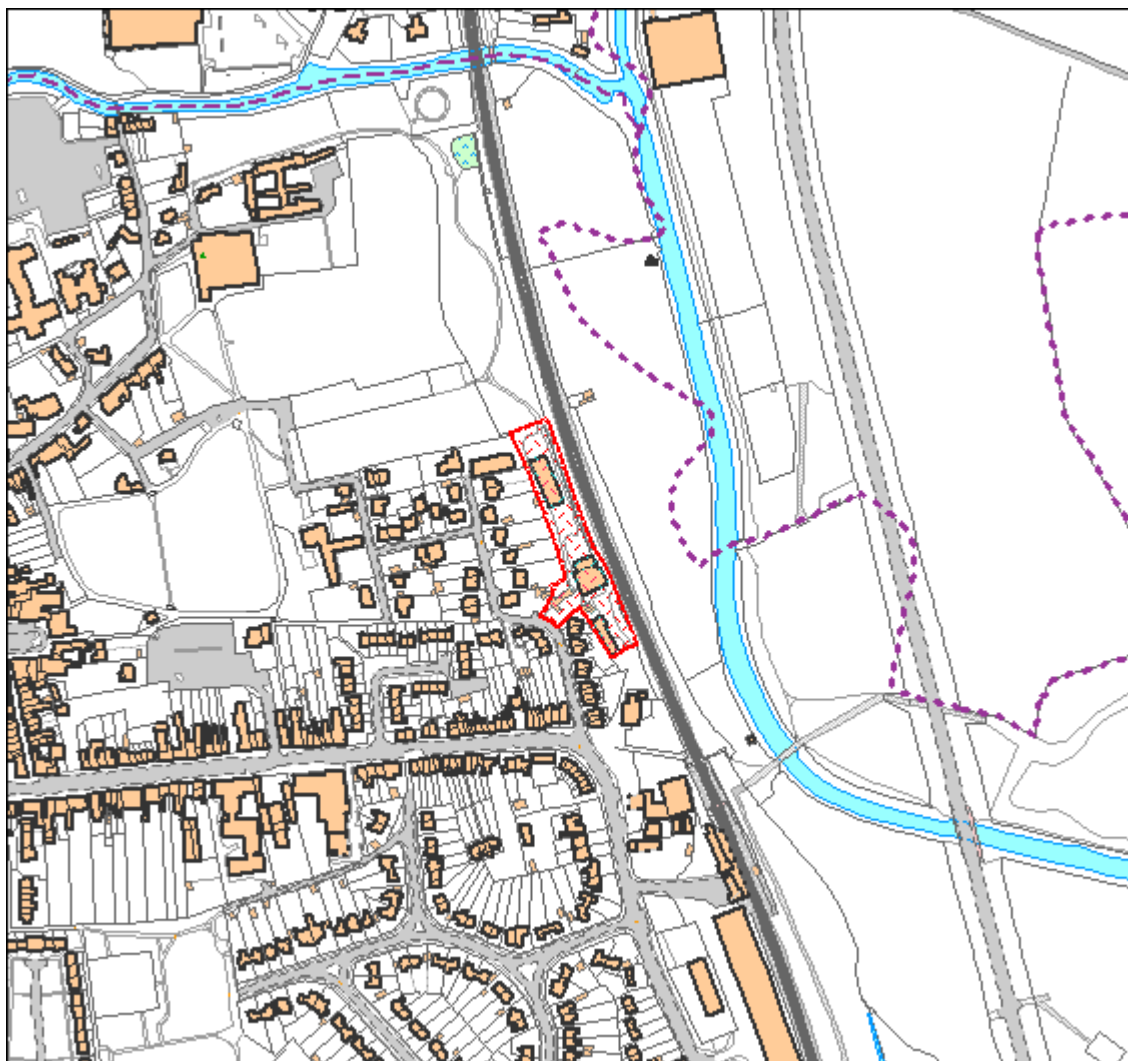
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141022/F

SITE ADDRESS : LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN

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Further information on the subject of this report is available from Mr A Banks on 01432 383085



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	<p>P140757/O - RESIDENTIAL DEVELOPMENT OF UP TO 51 NEW DWELLINGS OF WHICH UP TO 18 WILL BE AFFORDABLE ON LAND EAST OF CHURCH HOUSE AND WEST OF A438, BARTESTREE, HEREFORDSHIRE.</p> <p>For: Braemar Property Developments Ltd per RCA Regeneration Ltd., Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire WR9 0QE.</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140757&search=140757

Date Received: 14 March 2014

Ward: Hagley

Grid Ref: 356749,241006

Expiry Date: 17 June 2014

Local Members: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 51 dwellings on a 2.07ha site to the east of Church House and west of the A438 Bartestree.
- 1.2 The site is in open countryside situated between the two elements of the settlement as defined by the Unitary Development Plan. It is on the west side of the A438 at the eastern approach to the main village. Much of this part of Bartestree is a recently developed community south of the site, centred around the convent which has been converted to residential apartments together with additional adjacent housing delivered in two distinct phases. The Bartestree settlements are separated by approximately 0.5km, this being land with a predominantly rural character comprising agricultural fields, pasture and traditional orchards. The main part of the village begins west of the junction of the A438 and Longworth Lane to the north-west of the site.
- 1.3 The southern part of the site slopes quite steeply to the south east. Its eastern boundary is a tall, mature hedgerow along the A438. Its current use is for horse-keeping: there is a recently-built stable block in the middle of the site. The southern and south-western boundaries follow the hedgerows along an old, narrow lane which joins Longworth Lane to the west.
- 1.4 The site is in 'open countryside' outside the Bartestree settlement boundaries, the northern boundary of the easternmost one lying along the lane at the southern end of the site. The site's landscape character type is Principal Settled Farmlands; these are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets. The key primary characteristic of this type is 'hedgerows used for field boundaries'. In terms of settlement pattern, 'low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

settlement'. The overall strategy for Principal Settled Farmlands is to 'conserve and enhance the unity of small to medium scale hedged fields'.

- 1.5 The proposed vehicular access to the site is via a junction onto the A438 main road. A ghost right turn lane is proposed for vehicles approaching the Hereford direction. A pedestrian route to the village is provided by a new footway from the north-east corner of the site running parallel with the main road up to the bus stop at the cross-roads. Existing access points are located on the western and south-eastern boundaries, with a Public Right of Way cutting across the middle of the site on an east-west alignment. There are hedgerows and trees along the boundary edges - some of which are mature.
- 1.6 Within the site levels descend from the north-west corner to a low-point in the south-eastern corner. The effect is that there are far reaching views from within the site over open countryside to the south. The low-lying land is shown as the location for a surface water attenuation basin. Compensation for the historic removal of the honey-fungus infected orchard trees that used to occupy the southern half of the site is provided on land to the north-west of the site, on land owned by the applicants.
- 1.7 The scheme would provide 35% affordable housing (18 units in total) with 33 open market dwellings. The precise mix has not been defined. The scheme is accompanied by an illustrative master-plan which shows 50, not 51 units, with a central spine road and several private drives and longer cul-de-sacs spurring off from this.
- 1.8 The Design and Access Statement (DAS) confirms the intention that the proposed dwellings would be predominantly two-storey, although reference is made to the inclusion of 3 no. bungalows in the north-western corner.
- 1.9 As well as the DAS, the application is accompanied by the following supporting documents:-
 - Planning Statement;
 - Landscape and Visual Impact Assessment
 - Transport Statement
 - Stage 1 Road Safety Audit
 - Phase 1 Ecology Survey
 - Archaeological Desk-Based Assessment
- 1.10 The Local Planning Authority has adopted a Screening Opinion that confirms the proposal is not development requiring the submission of an Environmental Statement.
- 1.11 Draft Heads of Terms have been agreed and are appended to the report.

2. Policies

- 2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving sustainable development
Chapter 4	-	Promoting sustainable communities
Chapter 6	-	Delivering a wide choice of high quality homes
Chapter 7	-	Requiring good design
Chapter 8	-	Promoting healthy communities
Chapter 11	-	Conserving and enhancing the natural environment
Chapter 12	-	Conserving and enhancing the historic environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H1	-	Hereford and the market towns: Settlement boundaries and established residential areas
H7	-	Housing in the open countryside outside settlements
H9	-	Affordable housing
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA4	-	Setting of listed buildings
HBA9	-	Protection of open areas and green spaces
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA4	-	Protection of historic parks and gardens
LA5	-	Protection of trees, woodlands and hedgerow
NC1	-	Biodiversity and development
NC6	-	biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
ARCH3	-	Scheduled ancient monuments
ARCH6	-	Recording of archaeological remains
CF2	-	Foul drainage

2.4 Herefordshire Local Plan – Draft Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Addressing climate change
RA1	–	Rural housing strategy
RA2	–	Herefordshire’s villages
H1	–	Affordable housing – thresholds and targets
H3	–	Ensuring an appropriate range and mix of housing
OS1	–	Requirement for open space, sports and recreation facilities
OS2	–	Meeting open space, sports and recreation needs
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Local distinctiveness
LD2	–	Landscape and townscape
LD3	–	Biodiversity and geodiversity
SD1	–	Sustainable design and energy efficiency

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- SD3 – Sustainable water management and water resources
- ID1 – Infrastructure delivery

2.5 Neighbourhood Planning

Bartestree and Lugwardine Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. The work undertaken to date has no weight for the purposes of decision taking.

2.6 Other Relevant National Guidance:

- Planning for Growth - 2011
- Laying the Foundations - 2011
- Housing and Growth - 2012

2.7 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

On site

3.1 DCCE2007/2992/F – Proposed stables and re-siting of existing access: Approved 15th November 2007

Relevant Planning History in Bartestree and Lugwardine

3.2 140531/O – Erection of 30 dwellings, including 10 affordable on land at Quarry Field, Lugwardine. Refused 23rd April 2014. Appeal via written representation received, decision pending.

3.3 132536/F – Erection of 50 dwellings on land adjoining Williams Mead, Bartestree: Refused 12th March 2014. Appeal via written representation received, decision pending.

3.4 140926/O – Outline proposal for the erection of 60 dwellings (including 21 affordable houses) and a change of use of land to form community open space on land to the south of A438, Bartestree. Refused 27th August 2014.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection subject to conditions, including the submission of a fully integrated and comprehensive drainage scheme to cover foul, surface water and land drainage.

Internal Consultees

4.2 Transportation Manager:

An access of the format shown is likely to be achievable to current standards at the location shown, with 3.5mx118m visibility splays, within land that is in the applicants control and without third party land. The visibility Y distance is based upon 85thile measured vehicle speeds using

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Manual for Streets methodology for calculation of Stopping Sight Distances. Our Design Guide requires a minimum setback of 2.4m for junction visibility and this reflects guidance of Manual for Streets 2 which in Paragraph 10.5.6 indicates that “An X distance of 2.4m should be used in most built up situations, as this represents a reasonable distance between the front of a car and the drivers eye”. However this access is not in a built up situation. I consider that the 3.5m visibility setback is considered necessary in view of the proposed hedge immediately to the rear, which, in our experience, will most likely be placed into private ownerships and therefore be likely to be the subject to sporadic if any maintenance. Therefore the greater setback stated is necessary to ensure that vehicles will not need to project into A438 for drivers to gain visibility. The increased visibility only involves an additional 5-8m of hedge translocation/replacement in either direction, and that additional length to the south is already in part required to accommodate the proposed pedestrian path. Furthermore benefits to the visibility to the left from the unclassified road junction by hedgerow removal have been mentioned and would be beneficial as possible incorporation of the unclassified road with the site access has not been taken forward and it is intended to remain.

As previously noted, the full junction design approval can be resolved at Section 278/38 technical approval stage, which will occur at the time reserved matters/full application, but at this time I am unable to approve such layout. I trust that this can be covered by a suitably worded condition.

I would comment that there still appears to be anomalies between the documents and drawings. On the JMP junction drawing, the translocated/replacement hedge is not shown, a pedestrian crossing refuge in the junction is introduced, which does not show on the indicative masterplan, layouts differ in respect of the position of plot 1 and turning head and their proximity to the visibility splay. Also it needs to be ascertained that the translocated hedge can be accommodated within that proposed layout or that the layout will need to be changed accordingly.

The Landscape Visual Impact Assessment in Paragraphs 7.9 and 11.1G refers to minimal visual impact from A438 and the translocation of the hedge to the rear of the visibility splay to minimise impact, this does not appear to be the case on the layout drawings, with a gap introduced to accommodate the turning head of the private drive by plot 11. In my view the hedge should be continuous for the full frontage less that necessary for the junction to avoid confusion from car lights within the estate and on the nearside for drivers on A438 where they would not expect to see them.

Whilst I am aware that the development layout plan is indicative, and can be changed at the time of Reserved Matters/Full Application, such concerns need recording at this stage to make the agent aware and to give precedence to the junction visibility and boundary treatment with A438.

Secure covered cycle parking will need to be provided for each dwelling, and where this is in garages they should be appropriately sized.

Considering Paragraph 32 of the NPPF and on the basis that the above points can be satisfactorily overcome, and with conditioning of the greater (3.5m) visibility setback and with flexibility for any necessary changes to the junction layout to achieve Technical Approval, including assessment of street lighting provision, I would not consider there to be grounds for refusal and I would therefore recommend approval subject to conditions and informatives.

4.3 Conservation Manager (Landscape): Objection

PROPOSED DEVELOPMENT AND LIKELY LANDSCAPE EFFECTS

a. This new, large area of residential development would be inappropriate in this sensitive location in open countryside and would not be in keeping with the landscape character type, especially as it would result in coalescence.

b. In terms of local landscape character, residential development on the site would be in conflict with the rural and historic landscape setting and the traditional dwellings along the lane to the south of the site. Lighting would also adversely affect local landscape character.

c. The site lies outside the settlement boundary on land which functions as a locally important green gap separating the Bartestree settlements.

d. It is not clear how safe access could be achieved without the removal of a significant part of the roadside hedge for sightlines, although the DAS states that it will remain. It is not clear how the levels between the site and the road would work either. Both are likely to have a detrimental effect on local landscape character.

e. The removal of the roadside hedge would also have an adverse effect on views from the A438. Development on the higher part of the site is likely to be visible from the road even if the majority of the hedge was retained.

f. The northern half of the site is in an elevated location and is also potentially visible from Shucknall Hill and longer-distance viewpoints from hills and ridges which are visible from the site, including from the Wye Valley AONB: development could give rise to adverse visual effects from these places.

g. The site will be visible from several public and private viewpoints along the site boundaries as well as from the footpath crossing the site. This is likely to give rise to locally significant adverse visual effects.

h. Whilst the southern half of the site is designated as traditional orchard UK BAP Priority habitat almost all the orchard trees have, probably recently, been removed (see photos used to illustrate DAS with trees still in situ) and the grass sward poached by horses. The site itself is now of relatively low landscape quality and condition. The orchard could, however, be restored.

i. The line of the public right of way is shown to be retained on the indicative plan but public amenity would be adversely affected by the change in character from field to housing estate.

j. The historic character of the local landscape is complex and its quality and interest is reflected in the high number of Unregistered Historic Parks and Gardens in the area including three within close proximity to the site. This indicates the sensitivity of the site and surrounding area to new development, which may give rise to adverse effects on the setting of these parks / gardens as well as historic landscape character generally, and the landscape setting and context of heritage assets.

k. There is also the possibility of adverse cumulative effects with new residential development proposed in Bartestree and Lugwardine.

l. As well as the roadside hedge, the important boundary hedges and vegetation could well be eroded or lost altogether as a result of the development, through pressure from domestic activities etc.

m. As I do not accept the principle of development, I have few comments on the scheme itself, although the layout does not respect the local landscape / villagescape / historic landscape character of the area. Also, the proposed POS is in the same location as the balancing pond,

which could give rise to conflicts of interest, safety concerns, maintenance problems etc. The landscaping shown on the illustrative masterplan is inappropriate and inadequate.

n. A tree survey was requested but this has not been submitted.

o. Hard and soft landscape details, full planting plans, schedules and specifications for planting and protection of both existing and proposed vegetation, and a long term landscape management plan were also requested to accompany the application, not follow on as a condition. These have not been submitted either.

CONCLUSIONS

As set out above, the scheme is inappropriate and is likely to give rise to potentially significant adverse effects, although these have not been assessed by the applicant. It is contrary to the Council's Saved UDP policies LA2: Landscape character; LA3: Setting of settlements; LA4: Protection of historic parks and gardens; and LA5: Protection of trees, woodland and hedgerows.

Further comments were received subsequent to the receipt of a Landscape and Visual Impact Appraisal. These are set out below:-

An LVIA has now been carried out and these comments are an update to my previous ones, based on this new information.

I agree with the use of GLVIA3 as the methodology for the LVIA; however, as no tables setting out the definitions of the criteria employed have been provided, I have used my own professional judgement to interpret what they mean.

In my opinion, the LVIA has not adequately evaluated the effects of development on landscape character and visual amenity. The LVIA concludes, and I agree, that the sensitivity of the wider landscape is Medium to High. It also concludes that the overall sensitivity of the site and local landscape is Medium, although it finds that almost all of the local landscape elements and features are of High value and sensitivity (and does not include the sensitive historic parkland landscapes nearby, which are also High). In my opinion, the sensitivity of the local landscape is therefore Medium to High.

The LVIA goes on to consider the magnitude of effects of the development on specific landscape receptors and concludes that the magnitude will be no more than Low Adverse, apart from on the site itself, which will be Medium Adverse. I strongly disagree with this conclusion and the resultant prediction of the overall significance of effects. For example, the magnitudes of effect of development in relation to the lane, the public right of way crossing the site and the roadside hedgerow are stated to be Insignificant, despite the fact that the character of the first two will be permanently changed from rural to urban and a significant proportion of the third will be removed. I evaluate the magnitude of these effects to be Large, or Very Large Adverse which cannot be effectively mitigated.

Combining a Large Adverse magnitude of impact with a receptor of Medium to High sensitivity gives rise to a Major to Moderate Negative overall significance of effects. Whilst the magnitude of effect will not necessarily be large adverse for all the landscape receptors identified, it still indicates that effects are likely to be far higher than predicted in the LVIA.

In addition, the LVIA does not consider the effects of development in the context of the overall landscape and villagescape character, for example the direct effects of the loss of what was once an old orchard, the change from pastoral land to urban built form, whether it is in keeping with the character type, how it affects the villagescape and its overall context by coalescing and infilling a rural gap (para. 9.1 of the LVIA mentions this in passing, saying: "The proposed

residential development for the site will infill a gap between the two settlement boundaries of Bartestree"), all of which I consider to be locally, significant adverse.

The visual effects assessment has not, in my opinion, followed the correct procedure for evaluating the sensitivity of the receptor. For example it identifies receptors in the AONB as being of Medium sensitivity as a result of their distance from the site; but the sensitivity of the receptor is defined by the nature of the location and status of the viewer and does not change with distance. Distance is factored in to the magnitude of effect. Thus, many receptors in the AONB (tourists, people in residential properties etc.) are in fact High sensitivity receptors. VP2 is on a PRoW; these are Medium or High sensitivity receptors, not Low.

Receptors at VP5 are only considered to be of Medium to Low sensitivity, despite the fact that this is at the point where the PRoW enters the field. Those at VP6 are classified as Low, although users of the lane may be local residents and walkers; these are Medium to High sensitivity receptors.

The magnitude of effect is then given. The same issues as above apply: whilst I agree that the magnitude of effects experienced by visual receptors in the AONB and using the PRoW on Shucknall Hill is unlikely to be significant, I do not agree that it will only be Medium at VP5 and Low at 4 to 6, for the reasons set out above.

The overall significance of visual effects at the viewpoints identified is predicted (in the LVIA) to be Medium Adverse at VP5 and Low at VPs 4, 5 and 6. Instead, I consider it is likely to be Major to Moderate Negative at all these viewpoints.

Effects on views of users of the A438, taking into account the significant amount of hedgerow removal required and the opening up of views into the site through the new access, have not been assessed. Proposed mitigation includes the recommendation that "All existing significant protected trees, native trees and vegetation along the site boundaries should be retained and enhanced", which is not possible at least for the hedge and trees along the A438. In para. 11.1G this is contradicted by the statement that "Some hedgerow removal along the A438 will be necessary to create the new access. The existing hedge should be carefully lifted and replanted along the edge of the new visibility splay to minimise impacts." An arboricultural assessment was requested previously but as far as I am aware, none has been carried out. This would confirm whether such an exercise is feasible and assess its chances of success. Personally, I consider it to be extremely unlikely that this could be achieved. If a new hedge was planted along the boundary to replace the one lost, it may help to reduce the level of effects in the long-term.

Effects on views and landscape character during construction have not been considered. In my opinion, visual effects experienced by many of the receptors identified, in particular local residents and users of the PRoW crossing the site, will be significant adverse, although landscaping could reduce the level of effects, but again, only in the longer term, and, in my view, not enough to reduce the effects to an acceptable level.

The study area for the cumulative assessment appears to have been drawn very close to the site, as it does not identify several large-scale developments proposed in the village and consider the combined effects of these in the overall context of the settlement pattern, villagescape and its associated landscape.

In the light of the above, I fail to see how the conclusion that "A scheme of residential development could offer long term protection and enhancement for the important landscape elements and receptors that currently exist within this village fringe landscape" has been reached.

Conclusions

I still object to this application for the reasons set out in my original comments, which still apply.

4.4 Conservation Manager (Historic Buildings):

The proposal site is located to the eastern end of the village of Bartestree and is currently used for the grazing of horses.

The area is not covered by a conservation area and neither are there any listed buildings or buildings of local interest on the site. However there are three grade II listed buildings within approximately 100m of the site boundary to the west; Bartestree Court, Black and White Cottage and St James' House. To the south of the site lies the grade II Convent of Our Lady Charity with its grade II Presbytery and the grade II* church. The proposals therefore need to be assessed on the basis of their impact on the setting of the listed buildings, Policy HBA4.

The local topography of the site and its immediate surroundings means that the heritage assets, identified above, would be on the same contours as the upper half of the proposal site and would be approximately 10m above the lowest point of the site.

Clearly the proposed change from open field to housing estate would have an impact on the wider settings of the heritage assets. The distance between the site boundaries and the assets plus the natural landscaping would potentially reduce the impact and may even completely obscure the development from the listed building curtilages.

As this is an Outline Application it is difficult to sensibly assess the impact of the proposal on the surrounding built heritage since the height of buildings is not known nor is their eventual position. However it does appear, from the indicative site layout that the cul-de-sac format prevents the development from fully engaging with the countryside/village into which it is to be placed. The site does not take account of the existing country lane to the west, which forms part of the site boundary, and instead there are shared surface drives that almost collide with the existing hedgerow.

In terms of the built heritage assets in the vicinity it is possible to support the principle of housing on the proposal site on the basis of the current level of intervisibility between them. However it is not possible to reach a conclusion on the significance of that impact on the setting of the listed buildings given the level of information.

4.5 Land Drainage Officer: No objection subject to conditions

Overview of the Proposal

The proposed development comprises approximately 50 residential dwellings and associated highways, landscaping and public open space on a site detailed as being 2.10ha on the application form.

The site lies in Flood Zone 1 and a Flood Risk Assessment (FRA) has been submitted in accordance with National Planning Policy Framework (NPPF). There is deemed to be no significant risk of flooding from fluvial, surface water, groundwater or artificial sources.

Outline details of the proposed surface water management strategy have been provided by the applicant.

Fluvial Flood Risk

The site lies in the low risk Flood Zone 1 but is greater than 1 ha. Therefore a FRA is required in accordance with the requirements of NPPF. One has been submitted. The applicant's FRA states that the site is located in Flood Zone 1. The River Frome is approximately 1km to the

south east. The 1 in 200 year flood level at that River Frome nearest the site is stated by the applicant to be approximately 70m below the site ground levels.

Fluvial flood risk to the site is deemed to be low.

Surface Water Flood Risk

The applicant states that the EA's surface water flood maps indicate that the site lies in an area of very low risk of flooding from surface water.

Other Considerations and Sources of Flood Risk

The applicant states that the site is not believed to lie in an area at risk of flooding from artificial sources. The applicant cites the Strategic Flood Risk Assessment which states that groundwater flooding has not been identified as an issue in the area. The site does not lie in an area designated as a groundwater Source Protection Zone. The land within the site boundary is classified as a minor aquifer overlain by soils with intermediate leaching potential.

Surface Water Drainage

In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. In line with these requirements, the applicant's outline strategy proposes to include permeable paving and a retention pond for the attenuation and treatment of surface water.

The surface water drainage strategy must be designed to mimic the existing drainage of the site. Infiltration measures are to be used unless it is demonstrated that infiltration is infeasible due to the underlying soil conditions. This should be demonstrated through review of site ground conditions and confirmed by on-site infiltration testing prior to construction. If soakaways are to be used, this should be designed in accordance with BRE Digest 365 and located a minimum of 5m from building foundations. The applicant's FRA states that permeability testing will be undertaken to confirm infiltration rates on site.

The applicant's drainage strategy proposes to attenuate discharge from the site in a retention pond at the QBAR Greenfield rate up to the 1 in 100 year event, including a 30% allowance for climate change. This proposal is deemed acceptable provided infiltration is shown not to be sufficient to discharge surface water into the ground as described above.

The applicant's proposals to attenuate to greenfield rates before discharging to a watercourse are acceptable in accordance with the draft National Standards for SUDS which state that if drainage of the site cannot be achieved solely through infiltration, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity) where the rate and volume of discharge should be restricted to the pre-development Greenfield values in either case.

The applicant proposes to make a connection to a watercourse 200m away via a piped connection through private land and via a new culvert beneath the A438. The applicant states that rights of crossing and discharge have been agreed with the private land owner but no details have been provided of an agreement with the highways authority that it will be acceptable to make a new culvert beneath the A438.

Maintenance and adoption

The surface water drainage strategy must demonstrate that there is no risk of surface water flooding to the site and no increase to surface water flood risk downstream of the site as a result of development up to and including the 1 in 100 year event and allowing for the potential

effects of climate change. The applicant should submit calculations demonstrating the size of infiltration/attenuation features prior to commencement of construction.

Foul drainage

It is noted that numerous objections to the development have been raised by local residents, partly due to concerns regarding existing wastewater infrastructure. As stated in the FRA, the developer is to fund a detailed study of the existing capacity of the Welsh Water foul drainage infrastructure in the vicinity of the site. The development should not be approved unless it can be demonstrated that adequate provision for the discharge of foul drainage is provided and that the development does not increase the risk of sewer flooding to people and property elsewhere.

Overall Comment

There are no objections in principle on flooding or drainage grounds, subject to the provision of a detailed and robust surface water drainage strategy including the use of SUDS and demonstration that appropriate measures for the disposal of foul drainage are in place.

It is recommended that a pre-commencement planning condition be applied such that a detailed drainage strategy supported by infiltration test results is provided by the applicant, including calculations of infiltration/attenuation storage where necessary, and that these should be approved prior to commencement of construction.

4.6 Conservation Manager (Archaeology): No objection

The applicants have submitted an appropriate geophysical survey of the site. No further information is needed prior to determination. Amongst other things, the geophysical survey indicates comparatively low potential over the majority of the area to be affected. Owing to various practical and operational constraints however, it was not possible for this survey to cover the sensitive central west to east band alluded to below.

Principally for that reason, although I have no objection to what is proposed, the development will still require some archaeological mitigation if permitted. Condition E01 / C47 would be needed under Para 141 of the NPPF.

The appointed consultants are understood to be in active discussions with the developer as regards the possibilities of enhancing the public footpath corridor and accentuating the north south split referred to previously.

4.7 Parks and Countryside Manager: No objection

It is noted that the amended plans make no provision for usable POS or play on site. This is supported as provision on site would be small, offer little in play value and be costly to maintain. We would therefore normally ask for an off-site contribution in lieu of this.

Off-site contribution:

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. In this instance the requirement should therefore be determined in accordance with the Play Facilities Study (2012).

Although Bartestree is reasonably well provided for a village of its size (1000+), having a medium sized neighbourhood play area and recreation ground at the village hall and a small local play area at Frome Park, in accordance with the Play Facilities Strategy and Investment Plans there is a need to invest in both of them. Both facilities are owned and maintained by the Parish Council:-

- a. Frome Park is a small neighbourhood facility of poor play value for infants and juniors only. It has room to expand and is an elderly facility mostly in need of refurbishment.
- b. Bartestree Village Hall is a medium sized play area within a recreation area of average play value and for infants and juniors only. There is room to expand the area and provide much needed equipment for older children.

Both facilities are within a reasonable distance for older children in accordance with Fields in Trust access standard: The village hall play area can be accessed via the public rights of way network which links to the development and would be suitable for older children. Frome Park which is the nearer of the two could potentially cater for younger children, however it is difficult to see from the amended layout play whether there is a direct access through the existing residential road which appears to end in a cul-de-sac with a footway leading off it to the lane beyond; if not we would ask that this is considered as part of the application.

The off-site contribution would be used at either or both of these play facilities but on priorities at the time of receiving the contribution and in consultation with the Parish Council. It is calculated in accordance with the SPD on Planning Obligations and from the market housing only as follows:

2 bed: £965 3 bed: £1,640 4+ bed: £2,219

Open Space Areas on site: The amended illustrative masterplan shows two small areas of “communal” open space adjacent to housing and car parking. These are only considered to have amenity value with no recreational purpose. The applicant will need to consider future management and maintenance of these areas as they would not be adopted by Herefordshire Council.

SUDS: The on-site SUDs area is shown as mostly a pond area with sloping sides. It is not shown as being suitable as POS and this is supported as it stands. However, the area is not shown to be “fenced off” and with the adjacent property having no boundary between it and the SUDs area, we are concerned that this will be an issue and it should be addressed. The applicant will either need to consider the area as unsuitable for public access or consideration should be given to providing an informal recreation area which would require at a more detailed stage, design that takes account of health and safety and standing water issues. In addition, it will need to be designed in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan. The Council doesn't as yet have a SuDS strategy and advises developers to use CIRA guidance but with reference to DEFRA's draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDs and wildlife guidance from the Wildfowl & Wetland/RSPB available from the susdrain website.

Future Adoptions: Suitable management and maintenance arrangements will be required to support any provision of open space. This could be by adoption by Herefordshire Council or a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented.

4.8 Housing Development Officer: No objection

In principle I would be supportive of the site as it meets the 35% affordable housing requirement, subject to detail of exact mix and location of units agreed prior to submission of reserve matters.

The tenure split would be 54% Social rented and 46% intermediate (shared ownership, intermediate rent or low cost market). The units would need to be built to Homes and

Community's Design and Quality Standards, Lifetime Homes and Level 3 of the Code for Sustainable Homes. A local connection, firstly to Bartestree and then to the cascading parishes would be required.

- 4.9 Schools Capital and Investment Officer: A contribution consistent with the Supplementary Planning Document will be required to address capacity issues at Lugwardine Academy and The Bishop of Hereford's Bluecoat School.

5. Representations

5.1 Bartestree and Lugwardine Parish Council: Objection

Prior to the Parish Council considering the planning application, the 33 members of the public in attendance were invited to make constructive comments. Thereafter a detailed discussion took place among the members of the Parish Council.

Resolved: The Parish Council did not support the application with 7 of the 9 Councillors present voting against and 2 abstentions.

They wished to submit the following comments:

A considerable number of the residents of Bartestree and Lugwardine are of the opinion that the villages would lose their current rural feel if further large developments were to take place beyond the considerable number that have taken place in the previous two plan periods. The group parish currently holds the position of third largest village in Herefordshire.

They are also incensed that Herefordshire Council has failed to protect them from the present/imminent development by not being able to demonstrate the five-year housing supply required by the National Planning Policy Framework and thus rendering the saved Unitary Development Plan policies H1 and H4 ineffective.

Location

The site is not in a sustainable location and is outside the main settlement boundary identified in the UDP. The SHLAA 2009 concluded that the lower part of the site had no potential during the Plan period and was rejected on the basis that it was "Remnant orchard in open countryside, too far removed from the settlement". This part of the site is designated as a 'Traditional Orchard' in spite of the fact that the fruit trees have been removed during the last few years.

Highway Safety/Access

The proposed site is on a difficult stretch of the A438. There is bend, which restricts visibility and the speed limit of 40 mph is often exceeded. Indeed one parishioner advised that he had lost both his grandfather and grandmother on that road 8 years ago.

It is already acknowledged that residents of Frome Park find it difficult to walk along the A438 towards the village of Bartestree. Should this development go ahead, pedestrian and cyclist access is going to be very poor and very dangerous. There is no footway into the village and the possibility of arranging for one is remote. Therefore, the only safe way into and out of the proposed development would be by car and therefore does not conform to preferred sustainability requirements.

The public right of way (PROW) BJ2 from west to east terminates at the A438 on a grass verge, which is extremely narrow and dangerous should pedestrians try to use it. Despite the application stating the contrary, the line of PROW BJ2 has been diverted to the south by about 20m, which means that it no longer ends opposite the start of PROW BJ3. This means crossing the A438 diagonally or walking along a very narrow grass verge to reach BJ3.

There are also concerns regarding the proposed pedestrian access at the west of the site. This is a long, unclassified narrow road with banks and hedges and no lighting. It is considered by residents that this would be entirely unsuitable for pedestrian access to the site.

Traffic

Residents are already concerned about the volume of traffic using the A438 in both directions between 7:30am and 9:30am on weekdays. This varies from 900 to 1200 vehicles daily in that period and any increase in that number as a result of a building development would be of further concern. Residents who live in properties along the A438 already experience delays when attempting to exit their driveways on to the main road. With a potential extra 100 vehicles this would add to the problems.

Sewage and Water

There are concerns that the current infrastructure would not support the development in terms of water supply, sewerage and surface water disposal. Correspondence with Welsh Water in relation to other proposed housing developments in the Group Parish indicates that those responsible for giving the go-ahead for these schemes are not fully cognisant of the many difficulties faced by residents in terms of low water pressure, sewage blockages and overflows. Both Lugwardine and Bartestree suffer from raw sewage leakage in bad weather. There are residents in Bartestree who have had to pay to have their drains cleared on a regular basis due to the incapacity of the existing system.

Surface Water

The surface water from the proposed development will not be drained by the main sewer. It is proposed that surface water will be taken to a retention pond (SUDS) and then piped under the A438 to a watercourse. Surface water from a modern housing estate of over 50 dwellings is not going to be clean, unpolluted water. Chemicals used for path cleaning, weed killing, car washing etc will be washed down with it, as well as effluent from vehicles and dog soiling and urine. This is bound to have an impact on the environment and will contaminate the Frome Brook into which the surface water will ultimately be directed.

Impact on Village

The Group Parish is at risk of becoming one long ribbon development, which is not in keeping and also out of character with the area. This is one of 4 applications for major development in the area.

Bartestree will lose its village character and if the application were granted would open the floodgates for other developments, thereby damaging beyond repair the character of the village setting. There was an ancient orchard on the plot until about 2 years ago. Trees have been taken down and hedges grubbed out – not to assist with farming activities but presumably to make it useless for farming and in readiness for development. The public and the Parish Council feel that the orchard and hedges should be replanted. The Council was aware of the grubbing out activity at the time it took place.

Capacity

Given the number of proposed dwellings, there will be a large number of children of varying educational ages who will need to travel to school. There is little or no provision for the range of education that will be required, which will result in there being a greater volume of traffic ferrying them to and from alternative schools. There is no recreation area for children within the site – save a pond, which could be dangerous.

Consultation

The developers have given no consideration to the views of the local people. No pre-application consultation was arranged with either the Parish Council or local residents and no information was distributed door-to-door.

Cumulative Effect

The Parish Council suggests that the cumulative impact of this application should be considered in light of the fact that a refused application for 50 houses is to be taken to appeal, with a likely further appeal relating to 30 houses. There are also 3 live applications and in a very short period of time Bartestree and Lugwardine could face the prospect of a potential increase of 192 dwellings, which would be increasing the number of properties by something approaching 25%. This would effectively destroy the villages of the Group Parish, as we know them.

5.2 73 letters of objection have been received. The content is summarised as follows:-

- The provision of an access would necessitate removal of a significant stretch of hedgerow, a strong feature of the landscape;
- The proposed footway along the A438 is not 2.0m wide for the full length. Manual for Streets guidance suggests that such footways should generally be at least 2.0m wide, with the potential for greater widths adjacent heavily trafficked roads. The A438 is such a road;
- Whilst Welsh Water have not objected, their stance does not tally with the experiences of local residents in Frome Park. Sewerage has emanated from the public sewer in Frome Park and individuals have paid to have the infrastructure pumped;
- The infrastructure in the village simply cannot cope with the additional demand that this and other proposals will bring to bear. The school cannot grow sufficiently, existing pavements are below standard too;
- Respondents to the neighbourhood plan questionnaire have indicated a strong preference for smaller developments as opposed to large estates;
- In combination with other proposals nearly 200 houses have been applied for in Bartestree and Lugwardine. This number is contrary to the proportionate indicative growth targets in the emerging core strategy and prejudicial to the formulation of the Neighbourhood Plan;
- There was no pre-application engagement with the local community. This is contrary to paragraph 188 of the NPPF;
- The bus service locally is not bad, but certainly not good enough to persuade people to use the service instead of the private car. There is no access to local employment. People living on this site would be likely to commute to work and thus increase reliance of the car;
- The buses that exist are over-crowded and don't go anywhere other than Hereford and Ledbury with no co-ordination for onward travel by train;
- The Transport Statement submitted with the application suggests it is safe to cycle to Hereford and also promotes pedestrian use of the unclassified lane as a means of access to the village. Neither option is safe;
- The field is part of a beautiful green area that affords open views both into and out of the site. Development of this site would result in the unwelcome coalescence of the two distinct parts of the Bartestree settlement;
- The development would threaten local water supplies, which already suffer from intermittent issues with pressure;
- The site was an orchard – a Bio-diversity Action Plan priority habitat. Trees were removed several years ago. Compensation for the loss of orchard trees should take place on the site of the original orchard, not where proposed;
- The maintenance of the SUDs system is a cause for concern. Failure to maintain the system could have adverse consequences for water quality in the River Wye/Lugg SAC/SSSI;
- The site is too far removed from the village to be sustainable;
- Common sense should dictate suspension of a decision until the outcome of other applications/appeals is known;
- The 51 dwellings will do nothing to enhance the arrival of visitors to Bartestree from Ledbury. They will replace a traditional orchard with views of a C19th church, farmhouses and other associated buildings;
- The SUDs pond may result in health and safety issues for young children;

- The scheme diverts the PROW so that it no longer exits opposite the PROW on the other side of the A438;
- The proposal would adversely affect the setting of listed buildings;
- Frome Park was only allowed as enabling development for the restoration of the convent. It shouldn't be used to justify further development;
- The scheme will not benefit the local economy;
- The site was designated as a site with significant constraints in the SHLAA;
- The development conflicts with UDP policy S1 as it doesn't respect local distinctiveness or safeguard landscape quality and visual amenity;
- Some years ago there was a fatal road accident locally. This led to the highway improvements that have taken place subsequently. Adding another junction at this point would appear to represent a retrograde step;
- The scheme would result in noise and light pollution and does not reflect the needs or desires of the parish;
- Building such large estates in a rural setting is misguided and underestimates the potential threat to the social stability of the existing community;
- Applications for small-scale housing proposals have been refused recently. Surely this should be equally if not more applicable to large-scale applications?

5.3 Herefordshire Ramblers:

It is encouraging to note that footpath Bartestree BJ2 has been identified and to some degree protected, in this proposed residential development. However, I would prefer to see it not routed along estate roads leaving it in a more open countryside environment. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3rd July. The Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision taking.

6.3 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies with the

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*.

6.4 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:

- *“Approving development proposals that accord with the development plan without delay; &*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
- *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.”*

6.5 In the context of the UDP and the Council’s acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide whether the development before them is representative of sustainable development having regard to the NPPF as a whole if the positive presumption is to be engaged.

6.6 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.

6.7 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land, which is further reinforced in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

6.8 The social dimension *also* refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.

6.9 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located within one of the largest villages in proximity to the main population centre (Hereford) whereas the delivery of up to 51 dwellings, including 35% affordable, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. In this case, it is the assessment of the development’s approach to fulfilment of the environmental role, with specific reference to landscape character and the impact on the setting of listed buildings and unregistered historic parkland that is critical.

Impact on landscape character, visual amenity and heritage assets

6.10 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will

be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.

- 6.11 The application site has no formal landscape designation. It lies in open countryside outside the settlement boundary. The boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB) is approximately 2.5km to the south east, where there is a public viewpoint above Prior's Frome, and some 5km to the south at Holme Lacy. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity (for example views from the AONB). It is also accepted that the site has a limited visual envelope, being reasonably well screened from most vantage points; the obvious exceptions being close up views from private properties, public rights of way and the main road. The Conservation Manager (Landscape) objects to the proposal.
- 6.12 Although your officers recognise the direct impacts arising from loss of open land and replacement with housing and the direct impact upon the amenity of neighbours, walkers using the public rights of way network locally and those travelling through Bartestree, these must be weighed against the benefits of the scheme, including those relevant to the economic and social roles outlined above. Officers acknowledge that this proposal would irrevocably change the character of the village, diminishing the rural setting and result in coalescence between the two distinct elements of Bartestree. Against this, however, the site is not subject to landscape or nature designation itself and is unconstrained in other respects.
- 6.13 In terms of mitigation the scheme now demonstrates replacement orchard planting, albeit in a location to the north-west of the application site, rather than on the site of the orchard trees that have been removed. The masterplan has also been revised to build in a more significant undeveloped margin to the unclassified lane. Conditions will be imposed requiring the formulation of detailed planting and management proposals to ensure that an appropriate form of development is brought to fruition at the Reserved Matters stage. As discussed below, in the transportation section, it is likely that the masterplan will require quite significant revision if the proposed translocation/replanting of roadside hedge is to be achieved.
- 6.14 In the overall weighing of the adverse impacts and benefits of the development proposed, officers are conscious of the context set by the lack of housing land supply and the fact that although situated in an historic landscape and forming an integral element of the rural setting to the village on approach from Ledbury, the site is not subject to any specific landscape or conservation designation. Although officers concede that retention of the surviving open areas would be desirable, the impact of the development is capable of some mitigation at the Reserved Matters stage. The Conservation Manager (Historic Buildings) also acknowledges that although the site is within reasonable proximity to a number of listed buildings, the principle of development can be supported. Although at the outline stage the extent of harm to the setting of designated heritage assets is difficult to assess to the fullest extent, but with appropriate mitigation at the Reserved Matters stage it is considered likely to be less than substantial. As per paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal.
- 6.15 Therefore, whilst acknowledging a degree of conflict with the objectives of 'saved' UDP policies LA2 and LA3 and NPPF paragraphs 109 in exercising the planning balance, officers conclude that the nature of harm identified, would not amount to significant and demonstrable adverse impacts that should lead to refusal. The harm to landscape character is localised harm in an edge of village location that officers do not consider prejudicial to the overarching character of

the Principal Settled Farmlands typology. In this respect although the Conservation Manager (Landscape) considers that the adverse visual and landscape effects associated with the development are likely to be significant, these effects are local in their impact and not prejudicial to regional landscape character, whereas the harm to the setting of the designated heritage assets (listed buildings) is not considered substantial and must be weighed against the public benefits of the scheme.

Transport

- 6.16 The means of access to the site is not a Reserved Matter and is thus for determination at this stage. Negotiations over the course of the application have resulted in revisions to the access design, which now incorporates a ghost right turn lane. Although not a pre-requisite to serve the number of dwellings proposed, officers consider that this facility can be delivered within the confines of the highway extent and is safer than the alternate, whereby vehicles waiting to turn right into the site would have to wait within the carriageway for Hereford bound traffic to pass the site entrance.
- 6.17 The Transportation Manager expresses several areas of concern with the proposals as presently submitted, but is satisfied, ultimately, that an access of the format shown is likely to be achievable to current standards at the location shown, with 3.5m x 118m visibility splays, within land that is in the applicants control and without third party land.
- 6.18 The Transportation Manager justifies the request for a larger x-distance than the Highways Design Guide and Manual for Streets 2 suggest on the basis that this access is not in a built up situation and the 3.5m visibility setback is considered necessary in view of the proposed hedge to be planted immediately to the rear of the visibility splay. This greater set back gives some latitude to allow for hedgerow growth without impinging on visibility; the greater setback is necessary to ensure that vehicles will not need to project into the A438 carriageway for drivers to gain visibility. The increased visibility arising from the greater x-distance involves a relatively small additional section of hedge translocation/replacement in either direction by comparison with the 2.4m standard, and that additional length to the south is already in part required to accommodate the proposed pedestrian path. Furthermore benefits to the visibility to the left from the unclassified road junction by hedgerow removal have been mentioned and would be beneficial as possible incorporation of the unclassified road with the site access has not been taken forward and it is intended to remain.
- 6.19 Anomalies still exist between the submitted documents and drawings, although it is recognised that the layout is indicative only and not for determination at this stage. It is clear, however, that the anomalies suggest that the translocation/replacement of the hedgerow in the manner set out in the submitted Landscape and visual Impact Appraisal could not necessarily be achieved in full were the indicative layout taken forward. As per the Transportation Manager's comments, whilst officers are aware that the current layout plan is indicative and can be changed at the time of Reserved Matters/Full Application, such concerns must be recorded at this stage to make the developer aware and to give precedence to the junction visibility and boundary treatment with the A438.
- 6.20 Extensive discussion has also taken place with respect to pedestrian connectivity to the village facilities at Bartestree. The initial proposal to rely on the unclassified lane and then Longworth Lane as a viable route to the village has been revisited on officer advice. This route is narrow, winding, without pavement and unlit. The current proposals are to install a new footway along the A438 carriageway extending from the application site's north-eastern corner linking back to the A438/Longworth Lane cross-roads. At the southern end of the site a footway would be installed linking into the pedestrian access into Frome Park between Nos.21 and 22. The intervening section would be provided via the estate road passing through the development.

- 6.21 Although the footway width adjacent the A438 is not at the desired 2.0m for its entire length, there being a narrowing to 1.5m for a short stretch to the south of the entrance into Lakeside, officers consider that this reduction below standard is not so severe as to prejudice pedestrian safety to the extent that refusal of the application could be sustained.
- 6.22 Moreover, as there are presently no footpaths linking the Frome Park development with Bartestree, this provision is considered to represent a public benefit in that it offers a safer and thus more sustainable option than presently exists.
- 6.23 In conclusion, with reference to Paragraph 32 of the NPPF and on the basis that the above points can be satisfactorily overcome, and with conditioning of the greater (3.5m) visibility setback and with flexibility for any necessary changes to the junction layout to achieve Technical Approval, including assessment of street lighting provision, the Transportation Manager concludes there are insufficient grounds for refusal and has no objection subject to the imposition of conditions and informatives.

S106 contributions

- 6.24 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated towards education, sustainable transport infrastructure, off-site play, library facilities and waste and recycling. The scale of contribution is not known as the mix of open market housing is not specified.

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

Capacity at the local Primary School

- 6.25 Lugwardine Primary School is found on Barnaby Avenue, Bartestree to the north of the A438. The school is at capacity and without obvious means of expansion. The Schools Capital and Investment Officer has confirmed that admission to non-catchment based pupils is characteristically high and that the Council may have to revert to a policy of giving priority to pupils resident within the catchment area. It is the case that a considerable proportion of pupils presently at Lugwardine Primary live outside catchment.
- 6.26 The NPPF identifies the importance of ensuring a sufficient choice of school places for existing and new communities and recognises that local planning authorities will need to work proactively in order to meet this requirement (paragraph 72). In this context the tension is obvious, but on balance, it is considered that the single issue of school capacity is not sufficient to warrant refusal of the proposal.

Impact on adjoining residential amenity

- 6.27 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without resulting in unacceptable overlooking or overbearing impacts. The illustrative masterplan has incorporated a greater margin to the unclassified lane than was previously suggested, with attendant increase in distances to properties to the south and west. The consequent relationships in terms of window-to-window distance are not considered to warrant refusal based on loss of amenity if respected at the Reserved Matters stage. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Ecology

- 6.28 The Conservation Manager (Ecology) has objected to the proposal on the basis that the orchard trees occupying the southern half of the site were removed several years ago, thus degrading a bio-diversity action plan priority habitat. The agent has confirmed, however, that the trees were removed due to infestation with honey fungus. The Royal Horticultural Society advises that the only effective remedy to honey fungus is to excavate and destroy, by burning or landfill, infected trees. As such the applicant rejects the presumption that the removal of the trees from the application site was done as 'preparatory work' in advance of a planning application.
- 6.29 As a form of compensation for this loss the application now proposes an area of orchard planting on land within the applicant's control to the north-west of the application site and negotiations have been commenced with the Bartestree Cider Company, who have expressed an interest in establishing, managing and using the new orchard.
- 6.30 Officers consider the loss of the historic orchard trees to be regrettable, but accept that replanting woody species in an area that has been infected previously is inadvisable. As such, reinstatement of orchard planting in the location of that removed is not viable. Officers consider, however, that the area of orchard planting now proposed is too small and that consideration should be given at the reserved matters stage to increasing this provision.

Foul drainage and water supply

- 6.31 The Water Authority has no objection subject to the imposition of conditions. No problem is anticipated with the supply of potable water.

Land drainage

- 6.32 The Land Drainage Officer is content that a drainage strategy can be delivered that would not result in increased flood risk to adjacent property. It is noted that numerous objections to the development have been raised by local residents, partly due to concerns regarding existing wastewater infrastructure. As stated in the FRA, the developer is to fund a detailed study of the existing capacity of the Welsh Water foul drainage infrastructure in the vicinity of the site. The Land Drainage consultation response states that development should not be approved unless it can be demonstrated that adequate provision for the discharge of foul drainage is provided and that the development does not increase the risk of sewer flooding to people and property elsewhere. Officers are content that the conditions imposed address this issue and note that the site itself is situated within Flood Zone 1; land least liable to flooding.

The proposal is prejudicial to the development of the Neighbourhood Plan

- 6.33 Bartestree and Lugwardine Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan and many representations refer to the prejudicial nature of large-scale proposals relative to the localism agenda as enshrined at paragraph 17 of the NPPF, which states that planning should be '*genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area*'.
- 6.34 The tension between the NPPF requirement to significantly boost the supply of housing where supply issues persist and the devolution of planning powers to parish councils is obvious and widely felt. As an objective assessment, however, officers conclude that in this instance the Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking. Whilst acknowledging that large-scale schemes such as this appear contrary to the intended aims of localism, the Council cannot reject schemes because they are potentially prejudicial to the neighbourhood plan; particularly where the plan is in the early stages of preparation. It is your officers' advice that emerging neighbourhood plans i.e.

those that have not yet reached regulation 14 status cannot be attributed weight for the purposes of decision taking.

Summary and Conclusions

- 6.35 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out of date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles.
- 6.36 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA significant constraints site in what is, having regard to the NPPF, a sustainable location with good access to a wide variety of services, facilities and employment opportunities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.37 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Beyond this, the application also makes provision for off-site contributions to public open space to enhance the play areas currently owned and maintained by the Parish Council.
- 6.38 The tension, in this case, relates to the environmental role. In ecological terms, officers conclude that despite the historic removal of orchard trees there is no overriding evidence of significant or demonstrable harm to nature conservation interests on what is otherwise regarded as a site of low ecological significance. It is also the case that the examples cited at footnote 9 to paragraph 14 are not applicable to this site i.e. the site itself is not subject to any national or local designations that indicate that development ought to be restricted. As such, although the loss of these open fields of permanent pasture is considered to result in adverse local impacts in relation to landscape impact and visual amenity, the decision taker must weight the significance of this harm against the benefits of the scheme in the context of the housing land supply deficit.
- 6.39 Officers conclude there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. A02 Time limit for submission of reserved matters (outline permission)**

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 51 dwellings and no dwelling shall be more than two and a half storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H03 Visibility splays (3.5mx118m)**
7. **H06 Vehicular access construction**
8. **H11 Parking – estate development (more than one house)**
9. **H17 Off site works (footway provision)**
10. **H18 On site roads (submission of details)**
11. **H19 On site roads (phasing)**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **G04 Protection of trees/hedgerows that are to be retained**
17. **G10 Landscaping scheme**
18. **G11 Landscaping scheme - implementation**
19. **L01 Foul/surface water drainage**
20. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive and integrated drainage of site**
23. **The recommendations set out in the ecologist’s report from HEC Ltd should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and

Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

- 23. E01 Site investigation - Archaeology
- 24. I51 Details of slab levels

INFORMATIVES:

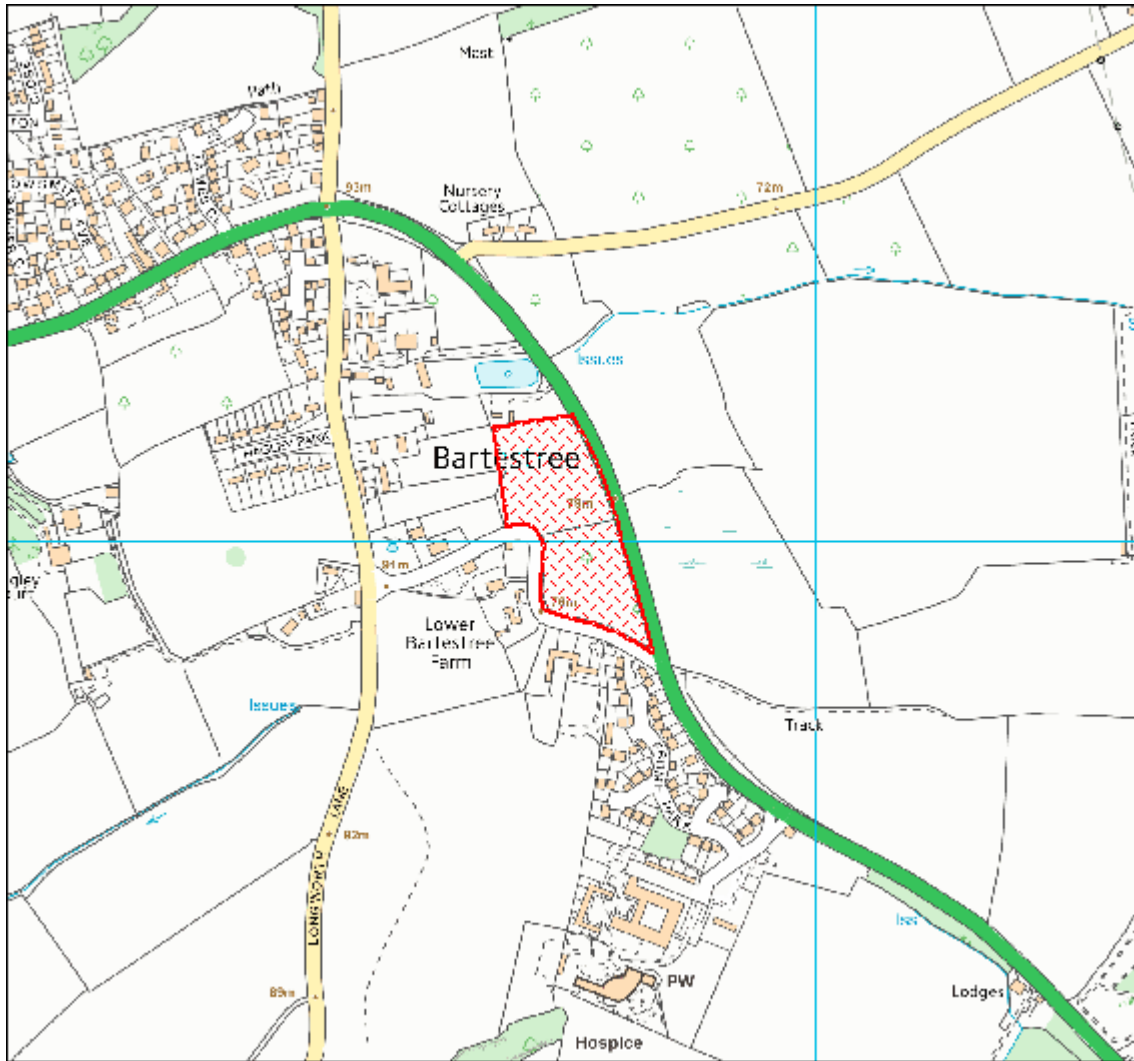
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN08 Section 38 Agreement & Drainage details
- 3. HN07 Section 278 Agreement
- 4. HN28 Highways Design Guide & Specification
- 5. HN13 Protection of Visibility Splays on Private Land
- 6. HN17 Design of Street Lighting for Section 278
- 7. N02 Section 106 Obligation
- 8. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 140757/O

SITE ADDRESS : LAND EAST OF CHURCH HOUSE AND WEST OF A438, BARTESTREE,
HEREFORDSHIRE

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against on general market units only.

Application Number: 140757/O

Planning application: Residential development of up to 51 dwellings of which up to 18 will be affordable on land to the east of Church House and West of A438, Bartestree, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£2,845.00 (index linked) for a 2+ bedroom open market unit

£4,900.00 (index linked) for a 2/3 bedroom open market unit

£8,955.00 (index linked) for a 4+ bedroom open market unit

The contribution will provide enhanced educational infrastructure at Hereford City Early Years, Lugwardine Academy Primary School, St Francis RC Primary, The Bishop of Hereford's Bluecoat School, a proportionate contribution towards St. Mary's High School (8%), Post 16 education, Hereford City Youth and 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1720.00 (index linked) for a 2 bedroom open market unit

£2580.00 (index linked) for a 3 bedroom open market unit

£3440.00 (index linked) for a 4+ bedroom open market unit

The contribution will provide sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 2.1. The provision of enhanced bus waiting facilities
- 2.2. Pedestrian improvements
- 2.3. Traffic calming and speed management measures

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£965.00	(index linked) for a 2 bedroom open market unit
£1,640.00	(index linked) for a 3 bedroom open market unit
£2,219.00	(index linked) for a 4+ bedroom open market unit

The contribution will provide enhanced off-site play infrastructure within the locality of the application site. The contribution would be used in accordance with the Play Facilities Strategy and Investment Plans and in consultation with the local Parish Council and community. There is an existing neighbourhood play area in the village which is in need of extension and refurbishment in places. A village of the size of Bartestree requires a neighbourhood play area therefore investment at the existing facility will help ensure that a quality facility is provided.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of the Section 38 process.

7. The developer covenants with Herefordshire Council that 35% (18 in total based on a scheme of fifty one dwellings) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

8. Of those 18 Affordable Housing units, at least 10 shall be made available for social rent with the remaining 8 being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 11.1. a local connection with the parish of Bartestree and Lugwardine;
 - 11.2. in the event there being no person with a local connection to the parish of Bartestree and Lugwardine a local connection to the parishes of Hampton Bishop, Dormington and Mordiford, Weston Beggard, Withington, Hereford;
 - 11.3. in the event of there being no person with a local connection to Bartestree and Lugwardine any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 12.1. is or in the past was normally resident there; or
 - 12.2. is employed there; or
 - 12.3. has a family association there; or
 - 12.4. a proven need to give support to or receive support from family members; or
 - 12.5. because of special circumstances;
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and

quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

June 2014



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	P133439/F – ERECTION OF 20 NO. NEW HOUSES, BUNGALOWS AND APARTMENTS AND ASSOCIATED PARKING AND AMENITY SPACE AT LAND OFF ACREAGE, WHITBOURNE, HEREFORDSHIRE, WR6 5SA For: West Mercia Developments Ltd per DJD Architects, 2 St Oswalds Road, Worcester, WR1 1HZ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=133439&search=133439

Date Received: 13 December 2013 Ward: Bringsty Grid Ref: 371703,256746

Expiry Date: 22 April 2014

Local Member: Councillor GR Swinford

1. Site Description and Proposal

- 1.1 The application is located outside of but adjacent to the defined settlement boundary of Whitbourne, a designated main village identified under local plan policy H4 and as such the village is considered a sustainable rural location. The application site comprises the north area of a large agricultural field that adjoins existing residential development on Acreage to the north and Meadow Green/Old Forge to the east. These existing developments form the existing Whitbourne settlement edge. The remainder of the applicants' agricultural field outside the application red line area adjoins to the south and in turn, the C1066 from where vehicular access is proposed which links Whitbourne to the A44. Open Countryside adjoins the application site to the west. This is an area that has no formal landscape designation or statutory protection, however, it is identified in the Council's Landscape Character Assessment as being principal timbered farmlands.
- 1.2 The proposed development follows detailed pre application advice, responding to objections to the original submitted application proposals and further discussions with officers. Through this process there have been significant amendments, in particular regarding a new vehicular access point, layout and house design.
- 1.3 The proposal is for twenty dwellings comprising two, three and four bedroom bungalows, flats and houses, ten of these are affordable housing units comprising eight affordable rent and two for shared ownership. The remaining ten units are for open market sale. The proposal includes new vehicular access, pedestrian linkage, landscaping, and open space provision.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

2. Policies

2.1 Planning Policies

National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development
Section 6 - Delivering a Wide Choice of High Quality Homes
Section 7 - Requiring Good Design
Section 8 - Promoting Healthy Communities
Section 11 - Conserving and Enhancing the Natural Environment

2.2 **Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP)**

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
T8	-	Road Hierarchy

2.3 **Herefordshire Local Plan – Draft Core Strategy**

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Whitbourne Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 No previous planning applications exist on the land that is the subject of this application.

4. Consultation Summary

Statutory Consultees

- 4.1 Severn Trent Water has no objection subject to the imposition of a condition requiring full details of surface and foul water drainage disposal. This is attached to the recommendation.

Internal Advice

- 4.2 Transportation Manager has no objection noting this access point is technically acceptable. Recommended conditions are attached.
- 4.3 Conservation Manager (Ecology) has no objection and in response to amended plans confirmed on 2nd July 2014 that the original comments made stand regarding implementing recommendations in Section 5 of the Ecology report.
- 4.4 Conservation Manager (Landscapes) has no objection on the (amended) proposal noting the site is not within a statutory protected landscape and there are a number of Tree Preservation Orders along the southern boundary of the site: one Field Maple (TPO 027189) to the western edge in addition to two further Field Maples (TPO – 027189) at the centre of the southern boundary. The Landscape Character Type is Principal Timbered Farmlands; a small scale wooded agricultural landscape with a noticeable rolling landform. This is reflective of the landscape of the proposal. The land falls away to Sapley Brook, a tributary of the River Teme, forming a valley with a corresponding higher plateau of Bringsty Common lying further south.

The following detailed comments on the development are made:

Visual and Public Amenity

- As a result of the built form to the north and east in addition to the extensive degree of mature vegetation which forms part of the character of the settlement, near distance views are considered to be relatively confined.
- Views will consist, in the main, of 2nd storey filtered views from neighbouring residential dwellings as well as transient views along highways.
- Middle distance views are envisaged in particular along the A44 and Bringsty Common where the road begins to fall, at the approach to the road junction for Whitbourne. This will bring about a change in character, somewhat accentuated by the southerly slope, as is inevitable with any increase in built form. However given that the development of Acreage, which breaks the skyline is already in existence and that the proposal does not extend

beyond it, it is considered that views of the development will be perceived as a continuum and the development is unlikely to cause significant harm to visual amenity.

Conclusions

- The site is relatively well contained by built form and vegetation limited near distance views. Due to the sloping topography of the site middle distance views are envisaged from Bringsty Common however in this context they are unlikely to be of significant impact.
- It is recommended that detailed landscape proposals be submitted as part of a condition indicating planting for retention including TPOs. In addition to proposals for hard and soft landscaping, to include areas of Public Open Space with an associated management plan.
- As referred to in the LVIA the 1843-1893 OS maps indicate orchard planting on this site. Given the high degree of vegetation which forms part of the character of the settlement of Whitbourne, enhancement in the form of fruit tree planting within areas of Public Open Space could be considered.

4.5 Leisure and Countryside Recreation Manager has no objection and provides the following detailed comments –

Play Provision: In accordance with UDP Policy H19 a development of 20 houses is required to provide a small children's play area, either as an on-site provision or an off-site contribution towards existing provision in the village. In this instance it is not clear whether the site will include an on-site play area or an off-site contribution is to be sought in lieu of this.

On site: Although our preferred approach is usually not to provide a play area on a site this size as they will be small and offer little in play value, it is however noted that the application includes a "schematic natural play area" which shows a good use of play features including natural play elements, rocks, timber and mounds. If this approach is taken it should provide an interesting area to play in and it looks to be well located within the development. On site provision will require consideration of future maintenance. Given its location it is anticipated that either a management company or the local Parish Council would take this responsibility.

Off site: It is also noted that in the draft heads of terms that there is an off-site contribution of £13,700 towards improvements to existing POS and play provision in the village which was identified in my previous comments as an option. However, if the site is to provide on-site provision, we shouldn't also be requesting an off-site contribution and vice-versa.

Draft Heads of Terms: It is noted that the draft heads of terms also include a contribution towards improvements to sports facilities in the area of £6,016. This is in accordance with my previous comments and should be used in consultation with the local community and in accordance with appropriate evidence bases including the Indoor Facility Investment Plan currently being produced which includes leisure centres and swimming pools acknowledging that Sport England advocate a 20 minute drive time in rural areas or in the more rural areas such as Whitbourne if the Parish Council has or is in the process of identifying investment required to improve sports facilities including village hall/sports halls/facilities to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning process, this should also be considered as a local priority.

4.6 Strategic Housing Manager supports the application and notes the applicant is proposing 50% of the units to be affordable housing, which is above the Council's minimum requirement. There is an identified need for affordable housing in the parish of Whitbourne as well as the surrounding parishes. The Draft Heads of Terms confirms that the allocation of the units will be to local people in housing need, constructed to the HCA's Design and Quality standards, Lifetime Homes standards and Code Level 3 of the Code for Sustainable Homes.

- 4.7 Drainage Manager provides detailed comments which are set out in the report, below. No objection is made and requested conditions are attached to the recommendation.
- 4.8 Forward Planning Manager advises the Whitbourne Neighbourhood Plan has no weight at the moment in the decision making process. Full comments on this matter are reported below in paragraph 6.51-6.57 in response to objections received.

5. Representations

5.1 Whitbourne Parish Council objects to the application on the following grounds –

- Unimaginative layout and design not suitable for rural environment
- Does not reflect local vernacular architecture
- Social Housing poorly integrated with Market Housing which does not conform with best practice, it should do as the applicant is a Social Housing Provider
- The proposed new access road joins the C1066 where there is no footpath to access the main village, shop & pub contrary to highway safety
- The visibility splays shown on the site plan appear inadequate
- This will create a separate village with road from the south
- Once developed this site would become gross development and sprawl, impossible to control
- This is good agricultural land - grade 2
- Visual impact damage from A44 and Bringsty Common
- This is outside the settlement boundary for market housing
- The Neighbourhood Plan can find HCC housing for parish in region of 30 by 2031, not as a housing estate but infill and redundant agricultural buildings and can prove it
- The Localism Act 2012 is supposed to take on the majority of public views and the view here is against this type of development
- Liable to flooding
- Highways report not on website and therefore not in public domain

5.2 Seven letters of support have been received. Comments are summarised as –

- The access issue has been resolved in response to local concerns
- The Parish Council have not objected to the principle of development of the site
- The proposal provides new housing in the heart of the community
- Proposal will inject life into the village
- The proposal provides much needed affordable housing
- The amended access is a significant improvement over the original proposal minimising vehicular movements and potential conflicts with existing traffic and pedestrians around the village
- The proposal is a sensitive design with positive features
- Families living here will help support local services
- New development that is well thought out and of an appropriate scale has to be delivered outside the settlement boundary
- The proposal provides a good mix of housing
- The play area will be a community asset
- Barn conversions are not a realistic or affordable means of housing supply delivery
- The future of the village school will be helped by the development
- Whitbourne is already a fragmented village, this development will help create more cohesion through its open space provision and linkages
- The pedestrian link enables access from Acreage along with the proposal to the shop/ lower part of the village

- The shape of the plot does not lend itself to today's larger machinery, causing excessive turning of this machinery, and the subsequent trampled and lost crop. Even a recent group of village people looking for a suitable site for allotments turned it down.
- Whilst all land can produce food, though the government is at present more concerned with people rather than production of food. Hence the Higher Level Stewardship scheme which encourages and supports the fallowing of quite large areas of land.

5.3 Fifty-three letters of objection have been received. Comments are summarised as:

- Concern this is a precursor to development of adjoining fields
- Concern over highway safety and visibility at the vehicular access
- The proposal creates a separate unintegrated community
- Design of houses out of character with area
- Design and layout unimaginative
- Concern over surface water flooding and run off
- Concern over impact on wildlife and ecological assets
- Loss of Grade 2 agricultural land
- Proposal is contrary to the UDP
- Whitbourne is unsustainable and can not support further housing
- Proposal is motivated by financial gain and contributes nothing to the community
- The proposal conflicts with Human Rights legislation in regards the right to a healthy environment and a right to private family life
- Impact on adjoining residential amenity
- Impact of additional traffic on the local road network
- Local housing need can be accommodated on brownfield sites or through conversion schemes
- The development will reduce visual amenity, urbanising the view from the A44 towards Whitbourne.
- Proposal will impact upon agricultural and tourism industries
- Proposal is further cumulative loss of the countryside to development creep
- There is no proven need for the housing
- Increased pollution from vehicular movements to/from the site
- Concern over intensification of the access onto the A44
- Impact on trees and hedgerows from construction and the new access
- Excessive number of houses proposed
- Garden areas are small
- View from Acreage will be lost
- Concern over sewerage
- The proposal conflicts with the Whitbourne Neighbourhood Plan
- Proposal contravenes Human Rights legislation

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The application is a full application with details provided regarding access, landscaping, layout, housing types designs and styles.

Planning Policy

- 6.2 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing, the Core Strategy Policies, which have not been examined in public, but have attracted no objection carry only very limited weight for the purposes of decision making. Those which have attracted objection carry no weight.

- 6.4 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged if development can be shown to be sustainable.

- 6.5 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means "Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-

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

- 6.6 In the context of the UDP and housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide therefore, whether the development before them is representative of sustainable development having regard to the NPPF as a whole, if the positive presumption is to be engaged. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, inter alia, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.

- 6.7 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the

environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.

- 6.8 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located, whereas the delivery of 20 dwellings, including 50% affordable, would contribute towards fulfilment of the economic and social roles.
- 6.9 The application site is not located in, or subject to any of the exceptions detailed in footnote 9 of the NPPF – that is sites protected under or through being
- the Birds and Habitats Directives (see paragraph 119) and/or
 - designated as Sites of Special Scientific Interest;
 - land designated as Green Belt, Local Green Space,
 - an Area of Outstanding Natural Beauty,
 - Heritage Coast or
 - within a National Park (or the Broads Authority);
 - designated heritage assets;
 - locations at risk of flooding or coastal erosion.
- 6.10 As such in this case, it is the assessment of the development's approach to fulfilment of the environmental role that is the key determinant.

Housing Land Supply

- 6.11 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 49 states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."
- 6.12 The Council's published position is that it cannot demonstrate a five year supply of housing land. This was the published position in April 2012 and again in July 2012 and has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.13 On this basis officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF should apply (if it should be concluded that the development is sustainable). As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary. Furthermore, if the Core Strategy housing growth target for Herefordshire is to be realised, greenfield sites on the edge of existing sustainable settlements will have to be released. It is unarguable the site is sustainably located having regard to its location adjoining the defined settlement boundary of a designated main village, adjoined on two sides by existing residential estates and the range of services and facilities that settlement provides.

Ecology

- 6.14 The National Planning Policy Framework 2012 states that "*The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*". It goes on to state that

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“when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

- 6.15 There are no designated sites affected by the proposal and no risk of adverse impacts to any European protected species). The arable land impacted by the construction of houses and gardens is of low ecological value, and there is no indication, evidence or likelihood that it is used by any notable fauna.
- 6.16 Officers have considered the ecological report by James Johnstone dated October 2013 and would concur with its findings regarding the site. The initial study concludes that most of the site area supports nationally very common low value habitats (arable land and species-poor coarse grassland on field margins) that is easily re-creatable, has little fauna value, supports no legally protected species and is considered of low local value for ecology and nature conservation. However, the few trees and the boundary hedges are more notable within the site context for supporting foraging and nesting birds and commuting / foraging bats, also with some slight potential for use as habitat corridors for reptiles and dormice.
- 6.17 The precautionary mitigation and recommendations include, prior to any site clearance or construction work starting, the retained trees and boundary hedges will be protected from soil compaction beneath the canopy spread, by erecting appropriate temporary high-visibility fencing around the outer canopy spread, to prevent machinery tracking beneath the canopy. This fencing will be maintained until all construction works and landscaping have been completed.
- 6.18 Furthermore, ecological enhancement measures and biodiversity again as advocated in the National Planning Policy Framework and local plan policies are included in the development. This includes:
- integration of a 'bat tube' bat crevice roost box into the upper section of an external brick wall for four of the new dwellings, a total of some 4 bat tube boxes for the whole site).
 - 2 sparrow triple nest boxes to be erected onto a new wall
 - New northern and eastern boundary planting to include a range of native shrubs (hawthorn, blackthorn, hazel, field maple, crab apple), to give hedge strengthening.
- 6.19 These measures in combination with the conversion of some of the existing arable land to new gardens, will lead to net biodiversity gain at the site.
- 6.20 Appropriate conditions are recommended to ensure the recommendations of that ecological report are carried out in the proper manner. As such there are no ecological reasons to resist this application, which complies with local plan policies NC1, NC6, NC7, NC8 and NC9 and the relevant aims and objectives of the National Planning Policy Framework.

Drainage, Surface Water and Flooding

- 6.21 The site area measures approximately 1.11 ha and a Flood Risk Assessment (FRA) is required to support the planning application. This has been provided by the Applicant. Furthermore, in response to information submitted to the Applicant in February 2014 further information has been provided and assessed within this report regarding drainage, water and flooding, including:
- Flood Risk Assessment, May 2014;
 - Updated Block Plan, Drawing 2012/K532/50(E);
 - Updated Proposed Site Plan, Drawing 2012/K532/52(D).
- 6.22 The Drainage Manager's previous response made comments that required further attention by the Applicant. Subsequently, the Flood Risk Assessment (FRA) addresses a number of these

previous concerns regarding surface water management. This assessment of the application in respect of drainage, surface water and flooding is based on the information provided by the applicant, including the documents and plans listed above, along with having regard to the local plan policies, the NPPF and information obtained from the following sources:

- Environment Agency (EA) indicative flood maps;
- EA groundwater maps;
- Ordnance Survey mapping;
- Strategic Flood Risk Assessment for Herefordshire

6.23 In respect of fluvial flood risk, the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000).

6.24 The Applicant is promoting the use of SUDS with no discharge to the public sewer (subject to on-site review of drainage conditions). However, if ground conditions are unfavourable and a pumped discharge to the public sewer is required, it would be recommended that discharge is still limited to the calculated maximum runoff rate of 4.44 l/s (as per the Applicant's FRA) and that the Applicant discharges into a break chamber prior to discharging to the public sewer.

6.25 The Applicant proposes the use of a range of SUDS measures to manage surface water runoff, comprising soakaways, permeable paving, swales and water butts. These measures are acceptable subject to confirmation of ground permeability and ground water levels. A condition requiring infiltration testing to be undertaken in accordance with BRE 365 and the results submitted to the planning authority for review prior to construction is recommended.

6.26 Any infiltration features should be designed in accordance with BRE 365 and Buildings Regulations Part H, with infiltration features located a minimum of 5m from building foundations and roads and the base of any soakaway located a minimum of 1 metre above the highest recorded groundwater level.

6.27 The FRA indicates that soakaways may be located within the rear gardens of private properties. The Drainage Manager advises this approach should only be adopted unless there are no other suitable locations for soakaways within the development layout. Review of the proposed development layout indicates large areas of open space and it is recommended that further consideration is given to the dual use of these spaces for surface water attenuation. If the proposal to provide soakaways within the rear gardens of private properties is carried forward to detailed design, prior to construction, control through condition will be required regarding:

- The location of the soakaways and associated drainage infrastructure;
- Proposed ownership of soakaways and associated drainage infrastructure;
- Proposed maintenance regime of soakaways and associated drainage infrastructure and how this will be undertaken/enforced;
- Measures to control sediment and reduce risk of siltation of the soakaways; and
- Adoption of a hierarchical approach to the management of surface water that promotes the use of infiltration as first priority.

6.28 Within the submitted FRA, the Applicant states that the proposed development will be protected from flooding during events that surcharge the below ground drainage system (or as a result of blockage), stating that the development is located at a higher elevation than the proposed access point. However, through condition the LPA will require formal confirmation that should the below ground drainage system only be sized to accommodate flows up to the 1 in 30 year event (in accordance with Building Regulations Part H), that flows up to the 1 in 100 year plus climate change event are managed safely within the site boundary without posing flood risk to the development or to people and property elsewhere. This could be achieved through numerous means, including designing the below ground drainage system to cater for larger events, directing overland flow to less vulnerable areas within the site boundary and/or raising

building finished floor levels above adjacent ground levels. Allowing runoff to flow overland to the public highway (thus posing risk to others) is not an appropriate solution.

- 6.29 In conclusion the Council's Drainage Manager is confident that the above considerations can be addressed during the detailed design of the development and there is no objection to the proposed development on flood risk and drainage grounds. As such local plan policies DR2, DR7 are satisfied along with the relevant aims and objectives of the NPPF. A required detailed drainage strategy is recommended to be conditioned for submission and approval prior to construction, ensuring that the comments above have been addressed.

Highways

- 6.30 The Transportation Manager outlines the professional preference for a vehicular access route from the development onto the local road network along/ through Acreage to integrate the development properly within the village and to encourage sustainable transport trips. This access route was proposed in the initial application, however, it attracted significant objection and concern from the local community. Indeed, it was this point that was referenced in the majority of objections received which went on to suggest the access now proposed as being more suitable and would alleviate concerns. As such the amended plans considered in this report now detail vehicular access from the south of the site from the classified road, adjoining a Severn Trent installation and close to and opposite the village shop.
- 6.31 The Transportation Manager confirms, subject to conditions, no objection to this new access point. A pedestrian link from the development site through Acreage is included in the proposal so that route is available for pedestrians or cyclists making shorter, local trips and integrates with existing footpaths.
- 6.32 As such, the proposal has taken into account local concerns regarding access and amending the proposals accordingly and to the technical and safety requirements of the Highways Manager. There are no highways or road safety grounds to refuse the application which complies with local plan policies DR1, DR2, DR3, T8 and the relevant aims and objectives of the National Planning Policy Framework.

Landscape and Design

- 6.33 Policy DR1 - Design sets out the five key design requirements and criteria for all development. It requires proposals must:
- promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials;
 - retain and where possible incorporate existing site features contributing to the quality of the local environment, including landscape, historic and natural elements such as wildlife habitats and species;
 - respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines;
 - include measures that address health and safety, the conservation of energy and water, and avoids nuisance and pollution; and
 - submit a design statement with the application for planning permission which sets out how proposals relate to issues of design quality, environmental conservation and sustainability.
- 6.34 Development which does not adequately address design principles or is of poor design, including schemes which are out of scale or character with their surroundings, will not be permitted.

- 6.35 Policy LA3 – Setting of settlements sets out that proposals outside the built up areas of rural settlements will only be permitted where they would not have an adverse effect upon the landscape setting of the settlement concerned. The supporting text to the policy recognises that opportunities to create new open areas, urban parks, green wedges or tree lines particularly along main radial routes in conjunction with new development should be sought where such provision will enhance and complement landscape character and townscape, create access for recreation or benefit local amenity.
- 6.36 These local plan policies are considered in conformity with the design aims and objectives of the National Planning Policy Framework. Chapter 7 - Requiring good design, sets out these aims and objectives in detail. Paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.37 The NPPF states it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 58 requires that decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- 6.38 In paragraph 63 the NPPF requires that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area and in paragraph 64, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is made clear in paragraph 65 planning permission should not be refused for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
- 6.39 In respect of the natural landscape, paragraph 109 states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.40 Whitbourne is located in an attractive landscape setting, however it is one which has no statutory designation or protection. The Landscape Character Assessment, updated 2009, defines this area as 'principal settled farmlands'. This landscape character is described as settled agricultural landscapes of dispersed, scattered farms, relic commons and small villages and hamlets. The mixed farming land use reflects the good soils on which they are typically found. Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees

around dwellings and trees along stream sides and other watercourses. The composition of the hedgerow tree cover differs from that of Timbered Farmlands in its lower density and lack of oak dominance. This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.

- 6.41 The Landscape Character Assessment overall strategy for Principal Settled Farmlands would be to conserve and enhance the unity of small to medium scale hedged fields. Opportunities for new tree planting should be concentrated along watercourses where the linear tree cover pattern could be strengthened. Additional tree planting in the vicinity of settlement would also be appropriate and would assist in emphasising the domestic quality of the landscape. New woodland should not be introduced as it is out of place and would compromise the landscape character. The mixed farming land use is becoming increasingly arable and the small permanent pastures are gradually declining. These are often species rich and initiatives to safeguard them should be strongly promoted. New development should remain at a low density with most housing associated with existing hamlets and villages.
- 6.42 The development is located in an elevated position adjacent to existing residential development comprising post War housing, some of which is former council housing. The development site represents a natural extension off of the western part of this designated main village.
- 6.43 The adjoining Acreage estate and Meadow Green/ Old Forge are considered to be of very limited architectural or historic value. Indeed, due to the materials used, the dwellings forming the South of Acreage are highly visible within and detrimental to the wider landscape as one approaches from the A44 towards the village.
- 6.44 The proposal, through its layout, more appropriate materials and enhanced landscaping and boundary treatments will not only screen the Acreage development but also provide a robust and defined natural edge to Whitbourne, with significantly improved integration of the west part of the village into the wider landscape.
- 6.45 The design and layout of the development has been amended in response to both the original consultation responses and concerns of Officers. The individual house designs and layout are considered acceptable and appropriate to their context. The house sizes and plots are generally commensurate with the adjoining existing residential development.
- 6.46 Whilst the house designs are not ground breaking they are of sufficient design consideration to satisfy the requirements of the NPPF and local plan policies DR1 and H13. The dwellings utilise a sensible range of materials appropriate to their location and incorporate adequate design detailing. A degree of thought and effort has gone into the design. This includes different coloured brick courses and plinths, articulation around external openings and variations in ridge heights over terracing blocks. The development is considered in design and landscaping terms, an improvement and enhancement over the existing situation and character and appearance of this edge of the village and wider landscape setting.
- 6.47 Having regard to the above, it is considered there are no sustainable grounds to refuse the application on design or landscape impact, conditions recommended by the Conservation Manager – (Landscapes) are attached to the recommendation and furthermore local plan policies DR1, H13, LA2, LA3, LA5, LA6 are satisfied along with the relevant aims and objectives of the National Planning Policy Framework.

Section 106 Agreement and Contributions

- 6.48 The application is accompanied by a Draft Section 106 Heads of Terms, attached as an appendix to this report.

- 6.49 The development provides a contribution of 50% of the housing as local needs affordable housing equating to ten units. This is significantly above the required amount of 35% and provides a significant contribution towards the evidenced local need of 30 units. This housing will be secured in perpetuity as affordable local needs housing through this Section 106 agreement which will also set out eligibility criteria and prioritise local need and connection on a cascade approach. The dwellings will also be constructed to Lifetime Homes Standards and at a minimum Code level 3 of the Code for Sustainable Homes.
- 6.50 Furthermore financial contributions have also been agreed and are summarised as –
- £13,700 for open space provision
 - £6,016 for improvements to sports facilities in consultation with the local community
 - £10,520 to provide education improvements to Early Years provision, Herefordshire Youth Service and Special Educational Needs.
 - £31,974 to provide sustainable transport measures in Whitbourne for any or all of the following purposes:
 - Pedestrian access improvements near the development and within Whitbourne.
 - Improvements to bus provision/passenger waiting facilities.
 - £1,772 for the provision of library services.
 - £1,120 towards the provision of new or the enhancement of existing waste and recycling facilities in Whitbourne if appropriate provision/facilities are not provided on site.

Other Matters

- 6.51 Some letters of objection have suggested that the application is premature and that it should be refused as it will prejudice or be in conflict with the emerging Neighbourhood Plan for Whitbourne.
- 6.52 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:
- a) The proposal is so substantial or that its cumulative effect is so significant that to grant planning permission would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new developments that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.53 The advice in the NPPG specifically goes on to state that *refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local authority publicity period.*
- 6.54 With regard to the two points outlined above, it considered that, whilst the Core Strategy has now been submitted, neither triggers a justification for refusal on the grounds of prematurity. The substantial and cumulative effect of any proposal needs to be considered in terms of the Core Strategy as a whole. It is accepted that a development of 20 dwellings will have some effect on Whitbourne locally, but in terms of the county as a whole its effect on strategic policy objectives is limited. Whitbourne is identified in the emerging Core Strategy for proportionate growth.
- 6.55 Whitbourne Neighbourhood Plan must be in general conformity with the Core Strategy and NPPF. The Whitbourne Neighbourhood Plan was subject to a 6 week consultation (1 March – 15 April), but it is understood that the plan was not sufficiently advanced for this to comply with

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the relevant regulations, so is no further forward. Government guidance is clear that 'decision takers' can only attach weight to Neighbourhood Plans once they have been submitted to the local planning authority for examination. As such no weight can be given to the Whitbourne Neighbourhood Plan at this stage.

- 6.56 The Forward Planning Manager advises there have been instances nationally where planning committees refused planning applications on prematurity grounds due to the content of emerging Neighbourhood Plans. These decisions are now being challenged in the courts. Furthermore, limited weight is afforded to the Core Strategy as set out earlier in this report.
- 6.57 It is therefore concluded that there is insufficient justification for the proposal to be refused on the grounds of prematurity or conflict with the Whitbourne Neighbourhood Plan.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **A01 Time limit for commencement**
2. **B02 Development in accordance with approved plans and details**
3. **C01 Samples of external materials**
4. **The recommendations set out in Section 5 of the ecologist's report dated October 2013 should be followed in relation to precautionary mitigation and ecological enhancement. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

5. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

6. **H13 Access, turning area and parking**
7. **I16 Restriction of hours during construction**
8. **F07 Domestic use only of garage**
9. **F08 No conversion of garage to habitable accommodation**

- 10. **F14 Removal of permitted development rights**
- 11. **F16 No new windows**
- 12. **G04 Protection of trees/hedgerows that are to be retained**
- 13. **G09 Details of Boundary treatments**
- 14. **G10 Landscaping scheme**
- 15. **G11 Landscaping scheme – implementation**
- 16. **G14 Landscape management plan**
- 17. **G19 Details of play equipment**
- 18. **H06 Vehicular access construction**
- 19. **H17 Junction improvement/off site works**
- 20. **I17 Scheme of foul drainage disposal**
- 21. **I22 No surface water to public sewer**
- 22. **I20 Scheme of surface water drainage , based on infiltration tests**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **HN04 Private apparatus in the highway**
- 3. **HN28 Highways Design Guide**
- 4. **HN05 Works within the highway**

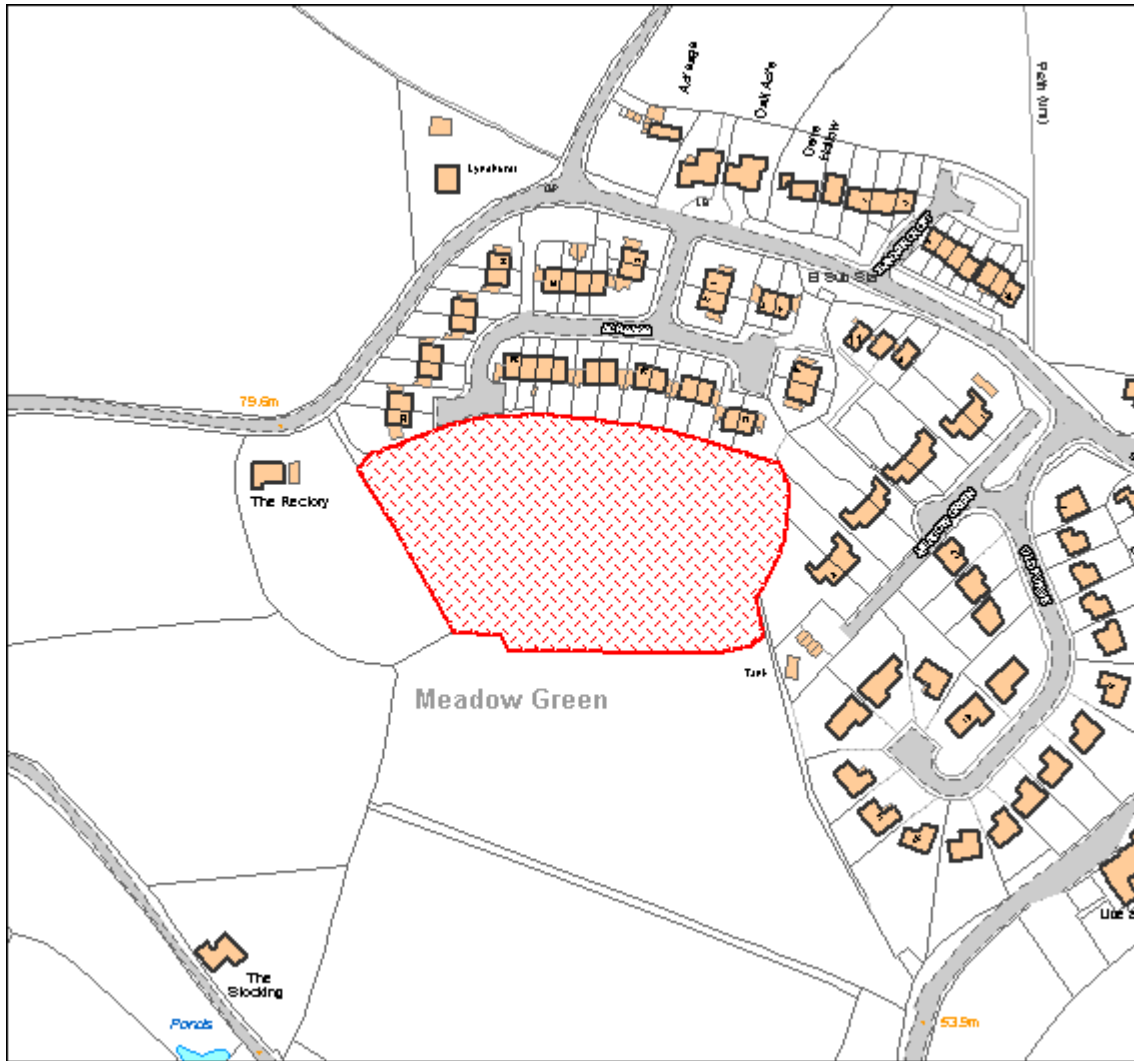
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133439/F

SITE ADDRESS : LAND OFF ACREAGE, WHITBOURNE, HEREFORDSHIRE, WR6 5SA

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Ref N133439/F

Erection of 20 dwellings, including 10 affordable units and associated works to provide a new access on land to the south of West Forge, Whitbourne

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £13,700 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Whitbourne. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,016 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities in consultation with the local community. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,520 to provide education improvements to Early Years provision, Herefordshire Youth Service and Special Educational Needs. This sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £31,974 to provide sustainable transport measures in Whitbourne. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Whitbourne.
 - b) Improvements to bus provision/passenger waiting facilities.
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1,772 for the provision of library services. The sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,120 towards the provision of new or the enhancement of existing waste and recycling facilities in Whitbourne (if appropriate provision/facilities are not provided on site).
7. The developer covenants with Herefordshire Council that three of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - a) a local connection with the parish of Whitbourne; or
 - b) In the event of there being no person having a local connection to the parish of Whitbourne a person with a local connection to the adjacent parishes
 - c) In the event of there being no person with a local connection to any of the parishes referred to in 11(a) and 11(b) above any other person ordinarily resident within the administrative area of the Council who is eligible
12. For the purposes of sub-paragraph 11(a) of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - a) is or in the past was normally resident there; or
 - b) is employed there; or
 - c) has a family association there; or
 - d) a proven need to give support to or receive support from family members; or
 - e) because of special circumstances;
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes - Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. The developer covenants with Herefordshire Council to pay Herefordshire Council a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 15 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
17. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 15 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted

according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	P141956/F - NEW FOUR BEDROOM DETACHED DORMER STYLE HOUSE. AT LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD For: Perfection Homes per Mr Alex Whibley, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141956&search=141956

Date Received: 27 June 2014

Ward: Valletts

Grid Ref: 342023,235346

Expiry Date: 26 August 2014

Local Member: Councillor JF Knipe

1. Site Description and Proposal

- 1.1 The application site is located immediately adjacent to the settlement of Kingstone to the north-west of the C1221 road, 350 metres south-west of the junction with B4348 road. The site is currently used as an informal parking and storage area and appears visually distinct from the surrounding agricultural fields. The site is bound by the road to the south-east, the curtilage of Brantwood to the north-east, a tree belt to the south-west and a hedgerow to the north-west with open fields beyond.
- 1.2 The application proposes the erection of a single two-storey dwelling in the form of a dormer bungalow. The dwelling would be 8.2 metres deep, 14.1 metres wide and 7.085 metres high. There is a two-storey gabled projection from the rear with two dormers also provided. A modest lean-to would be provided centrally to the fore of the dwelling. The dwelling would be largely rendered with projecting features clad in cedar under a slate roof. The site would be levelled so that the slab level would be between 600mm and 900mm above the road height. A single storey two-bay garage would be provided to the north-west of the proposed dwelling. An access exists to the site and as such no hedgerow removal is required. Tree planting would be undertaken to strengthen the rear boundary of the site and provide biodiversity enhancement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting sustainable transport
Chapter 6	-	Delivering a Wide Choice of High Quality Homes

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- Chapter 7 - Requiring Good Design
- Chapter 8 - Promoting Healthy Communities
- Chapter 11 - Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan 2007 (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H6 - Housing in Smaller settlements
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Local Plan – Draft Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management, Highway Safety, Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-Diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.5 The emerging Core Strategy is at an early stage of preparation not yet having been submitted to the Secretary of State. A number of objections have been lodged against the Core Strategy's rural housing policies. For these two reasons the emerging Core Strategy is attributed minimal weight in the determination of this application in accordance with paragraph 216 of the NPPF.

3. Planning History

3.1 **SH961099PO** Construction of 2 new dwellings: Refused – Relates to adjacent dwelling, now known as Brantwood and this application site. Refused on the grounds that the southern plot (this application site) was outside of the settlement boundary and as such was contrary to local policy.

SH970007PO Construction of one new dwelling: Approved – Relates to adjacent dwelling, now known as Brantwood.

SS980419PF New dwelling and garage: Approved – Relates to adjacent dwelling, now known as Brantwood.

SS980889PF Change of use of land from agriculture to residential: Approved – Relates to this site

4. Consultation Summary

Internal Consultees

4.1 The Council's Transportation Manager comments as follows:

The access is very poor in terms of visibility, the road in this location is single track, but the hedgerow is a concern as this is overgrown and impedes visibility. Maintenance alone will not protect the splays.

Parking and turning is also an issue. For garages to count as parking, the internal measurements need to be 6m x 3m per space.

If you are minded to approve, the visibility splay and parking and turning need to be conditioned.

The splay should be 2 metres by 33m in each direction (HO3)

Parking and turning to be conditioned (H12)

5. Representations

5.1 Kingstone and Thruxton Group Parish Council:-

This application will be outside the proposed settlement boundary for Kingstone. In addition concerns from neighbours have been raised regarding encroachment on privacy to neighbouring properties and the access will mean increased vehicles using a narrow road regularly used by school children.

5.2 Two letters of Objection have been received the main points raised are:-

- There are concerns for the privacy of occupiers of the dwelling known as Hollyfield on the opposite side of the road;
- The provision of another dwelling near a blind bend where traffic rarely adheres to the speed limit would exacerbate highway dangers;
- The style of the dwelling is not in keeping with surrounding dwellings and would dominate the area; and
- It is good to see the dwelling on a 'brownfield site'.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy Context

6.1 Paragraph 14 of the NPPF, which sets out the process for decision takers and requires that:

- Proposals that accord with the development plan should be approved without delay; or
- Where the development plan is silent, absent or relevant policies are out of date, permission is granted unless adverse impacts would significantly and demonstrably outweigh the benefits in the context of the NPPF as a whole.

6.2 The application site is immediately adjacent to but outside of the village settlement boundary of the main village of Kingstone as defined under UDP Policy H4. As such this application falls to be considered against UDP Policy H7 which guards against residential development in open countryside locations. However, for reasons outlined below, the Council's housing policies, including UDP policies H4 and H7, are out-of-date. The second limb of the above is the therefore the applicable test of acceptability for residential development in this location and throughout the county.

6.3 The NPPF role in the determination process is two fold. Firstly, paragraph 215 outlines its role as a barometer of the weight which can be apportioned to policies of the local plan. Secondly, the policies within the NPPF set independent requirements of development.

6.4 In more detail, paragraph 215 of the NPPF requires weight to be given to policies in existing development plans according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given.

6.5 Paragraphs 47 & 49 are particularly relevant to the supply of housing. Paragraph 47 requires that Local Planning Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Herefordshire Council cannot currently demonstrate a five year housing supply neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal, triggering the requirement for a 20% buffer. The Council's housing policies are therefore inherently contrary to the provisions of paragraphs 47 & 49 of the NPPF. On this basis and in accordance with paragraphs 14 and 49 of the NPPF, UDP Policies H4 and H7 are attributed minimal weight in the determination process and the test of acceptability becomes the sustainability of the development.

Principle of development

6.6 Within the forward to the NPPF the purpose of planning is described as being to help achieve sustainable development. The Government's definition of Sustainable Development is considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles are that decision taking should:

- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.7 Locally, UDP Policy S1 requires, amongst other things, that development proposals should respect patterns of local distinctiveness and landscape character in both town and country. Policy DR1 similarly requires that development should promote or reinforce the distinctive character of the locality. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight.
- 6.8 Essentially, to determine the acceptability of the principle of development I consider there to be two main criteria which development must meet: the location of the site with regards to facilities and services; and the ability for residential development to sit harmoniously with the site's existing context.
- 6.9 The application site is located immediately adjacent to the village of Kingstone which provides the following facilities and services with distances to the application site in brackets (distances are measured as one would walk rather than as the crow flies):
- Kingstone and Thruxstone Primary School (1125 metres)
 - Kingstone Secondary School (1300 metres)
 - Local shop and post office (415 metres)
 - Gooses Foot industrial estate (1300 metres)
 - Playing fields (900 metres)
 - Doctors Surgery (1700 metres)
 - Church (530 metres)
 - Bull Ring Inn (385 metres)
 - A number of bus stops providing a regular service to Hereford (closest: 400 metres)
- 6.10 These amenities are considered to be within walking distance of the application site. The more extensive amenities found within the city of Hereford are accessible by a regular bus service running frequently between Kingstone and Hereford.
- 6.11 In terms of the route's nature, the first 350 metres from the application site to the above facilities is along a relatively narrow and unlit country lane. However, forward visibility is good allowing pedestrians ample time to seek refuge from oncoming vehicles and for said vehicles to slow for the pedestrians. Frequent and wide driveways and flat highway verges provide places of pedestrian refuge. The narrow nature of the lane keeps vehicle speeds low. After these 350 metres one must cross the B4348 road. Although no designated crossing is in situ, there is good visibility at the junction of the C1221 road with the B4348 road where there is a 30mph speed limit. The rest of the route benefits from a pavement or pedestrian priority though for the large part remains unlit. To access both schools and the doctor's surgery, one must also cross the B4349 road. The crossing point, at the end of Cooks Lane, is within a 20 mph speed limit with street furniture utilised to ensure that speeds are kept low.
- 6.12 The large part of one's journey between the application site to the aforementioned amenities benefits from a designated pedestrian routeway. The first 350 metres which does not benefit from a footpath is in my opinion not unduly unsafe or restrictive to pedestrian movement given its length, character and a myriad of places of safe refuge for pedestrians. Finally, the B4348 and B4349 roads do not represent significant barriers to pedestrian flow as both roads are not overly difficult or unsafe to cross.

- 6.13 On the above basis, I find the application site to be sustainably located offering reasonable access to a good level of facilities and services within the village of Kingstone and the more extensive facilities at Hereford by methods other than the private motor vehicle.
- 6.14 Turning to the suitability of the residential development of the site for this setting, it is pertinent to note that the site abuts the south-western boundary of Kingstone to the north-west of the C1221 road whilst the settlement continues for a further 140 metres on the opposite (south-east) side of the road in a south-westerly direction. The application site is therefore bound by residential development on two sides. The remaining two sides are strongly bound by natural features, an historic hedgerow to the north-west (which historic maps show was in situ in circa 1849) and a dense tree belt to the south-west.
- 6.15 The site's existing use as an informal, overgrown parking area and the strong intervening vegetation between the site and the open fields beyond renders it visually distinct to the open countryside. The area of development along this lane is considered to be of a semi-rural character for reasons discussed below. However, as one progresses along the lane away from the centre of Kingstone it is immediately after this site that the lane's character changes to a rural and undeveloped one on both sides of the lane, with high, continuous hedgerows screening any development beyond this point. The site's strong natural boundary also represents a logical, legible and natural cessation of development extending in a south-westerly direction on the north-western side of this road.
- 6.16 Subsequently it is considered that the proposed residential use of the application site would relate well to the existing settlement in terms of the pattern of development and the role of the surrounding area as required by paragraph 17 of the NPPF and UDP policies DR1 and S1.

Design and landscape impact

- 6.17 UDP Policy H13, supported by DR1, requires consideration of the design of residential development and its potential to impact on the locality in terms of neighbouring residential amenity, landscape character, the environment and highways safety. UDP policies H13, DR1 and S1 also require development to include energy conservation and renewable energy generation techniques. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 7) and so continue to attract considerable weight.
- 6.17 Chapter 7 of the NPPF in its entirety is applicable to the design of development. Chief among its requirements is the need for good design. Paragraph 56 states that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." This is expanded on later in the chapter with paragraph 63 requiring outstanding design to be given significant weight in the determination process and paragraph 64 requiring development of poor design which fails to make the most of opportunities presented to be refused.
- 6.18 Chapter 7's other provisions underpin those within the UDPs design policies. Paragraphs 58 – 60 require that development reinforces local distinctiveness and history adding to the quality of the area, creating a strong sense of place and that development is visually attractive. Particular attention should be given to the aforementioned in the context of site access, scale, massing, detailed design, layout, density, height and landscaping. Paragraph 61 highlights connections between people and places and the integration of new development into the natural, built and historic environment as inherent aspects of good design.
- 6.19 In considering the design of the proposed dwelling against the character and distinctiveness of the locality, I have had regard to built form at the south-western end of the spur of development along this lane. It is the setting of this specific geographical area of the built environment which would be visually affected by the proposed development.

- 6.20 All buildings within this defined area have a residential use. Buildings are of single storey, 1 ½ storeys and full height two-storey design. Elevations tend to be clad in either brick or render with no prevalent roofing material. The built context of the application site is therefore disparate in its detailed design. However, there are certain characteristics which do run throughout the locality. Buildings tend to be of a low ridge and eaves height and modest depth, with larger footprints generally provided through perpendicular rear protrusions rather than an increase in depth of the main element of the dwelling. Buildings tend to have ridgelines running parallel to the roads axis whilst frontages are of a simple, utilitarian design. The aforementioned features combine to give a distinctly semi-rural feel to this lane which is representative of its edge of settlement location.
- 6.21 The only exception to this semi-rural character is Hollyfield which is diametrically opposite the application site. Although surveys have not been provided of Hollyfield, its height is clearly much greater than other dwellings within this area by virtue of the building's height and the raised plinth on which it sits. The detailed design of Hollyfield, including an enlarged porch, also erodes its ability to assimilate with an otherwise semi-rural vernacular. In considering the character of the area and subsequently the acceptability of the design of the proposed dwelling, a significant amount of weight should be apportioned to the design of Hollyfield given its proximity to the application site.
- 6.22 The application site slopes up in a westerly direction at a similar gradient to the adjacent road. The site is approximately 1.4 metres higher than the road. Site levels would be altered so that the dwelling would be 'dug-in' slightly to sit between 600mm (at the south-westerly extent) and 900mm (at the easterly extent) above the road level. The proposed dwelling is of a non-traditional one and half storey design with protruding full height gable to the rear. The building is approximately 8.2 metres deep, excluding subservience protrusions. This is relatively deep considering the building's context, though as the building is of a 1 ½ storey design a larger depth is necessary to allow the roofspace to be usable. However, such a design should facilitate a lower ridge height. In this instance the ridge height remains relatively high at 7.085 metres, akin to a full-height two-storey building. This has arisen by virtue of providing habitable accommodation across the entire span of the first floor, pushing the eaves and ridge height upwards. The cumulative impact on the buildings height and depth is a large massing, contrary to the prevailing character of the locality. Through lowering the slab level of the dwelling, the height of the building as appreciated from the roadside will be reduced, though the ridge would still sit approximately 8 metres above the road level.
- 6.23 The principal elevation is of a simple appearance with deep roof and protruding lean to element covered by a roof continuing at the same pitch of the main roof. Through keeping a flat roof plane within only an unassuming lean-to protruding from the elevation, the design of the simple semi-rural appearance of the street-scene. The design of the dwellings rear is rather busy with a number of protrusions of differing forms and design. Only long range glimpses of the rear elevation will be obtainable from public vantage points though it does have the potential to impact on the character of the open countryside beyond. However, the dwelling would be seen within an existing residential milieu from the west and north-west given the existence of dwellings immediately to the north-east and south-east of the site. Furthermore, the proposed planting of trees within the historic hedgerow to the rear of the site will filter views of the building. The proposed cladding materials of render and cedar with a slate roof are appropriate to this semi-rural location. The quality of finish would be high with powder coated aluminium windows and galvanised steel rainwater goods to be provided.
- 6.24 The proposed dwelling is considered to be of a form and profile which is not strictly in keeping with its semi-rural context being of a greater massing and a more suburban detailed design than most other dwellings locally. However, the design is not inherently poor and the height of the dwelling has been reduced through the levelling and lowering of the slab level. Consideration must be also be had for the comparatively larger height and massing of Hollyfield immediately

opposite the application site. The design is not so poor as to significantly erode the character of the area and to warrant a refusal in the context of paragraph 64 of the NPPF.

Other matters

- 6.25 Brantwood sits immediately to the north-east of the application site. It sits approximately 27 metres away from with a ridge height approximately 3.8 metres lower than the proposed dwelling. The existing garage belonging to Brantwood is between the proposed dwelling and Brantwood itself. It is officer opinion that the privacy of Brantwood is therefore maintained. A window is located on the end elevation of Brantwood facing the proposed dwelling. However, the proposed dwelling would not exceed a 25 degree plane drawn in elevation form from the centre of that window and in applying BRE guidance daylight levels would remain acceptable at Brantwood.
- 6.26 The other dwelling which could potentially be affected is Hollyfield immediately opposite the application site. It sits approximately 18 metres from the closest point of the proposed dwelling. This scenario is repeated a number of times along this road and 18 metres is not considered to be a distance which would unduly compromise the privacy at Hollyfield. Furthermore, the only fenestration provided at first floor level on the principal elevation (facing towards Hollyfield) would be in the form of rooflights at a height which is restrictive to gaining a direct sightline into Hollyfield. In terms of the resultant level of daylight, the most affected windows of Hollyfield would be those at ground floor level on the road facing elevation. However, the proposed dwelling would again not exceed a 25 degree plane drawn in elevation form from the centre of said windows and in applying BRE guidance daylight levels would remain acceptable at Hollyfield.
- 6.27 Chapter 4 of the NPPF only supports a refusal on highways safety grounds where the impact of the development would be severe. The application site is located on the outside of a shallow bend within a 30mph speed limit offering visibility in both directions. Although no speed survey accompanies this application it is officers opinion that vehicle speeds and frequency are not so high as to represent a severe highway safety concern with regards ingress and egress from the application site onto the local road network. The conditions requested by the Traffic Manager are considered reasonable and necessary and are included in the recommendation set out below.

Conclusion

- 6.28 Within the framework of determination as laid out by paragraph 7 of the NPPF I conclude as follows.

Economic: The site would make a small contribution to the local economy through the short term employment of the construction trade. It would also likely modestly contribute to the vitality and viability of the amenities of Kingstone and to a lesser extent those found elsewhere in Herefordshire.

Environment: The application site's proximity to services and facilities would in all likelihood result in one undertaking a significant number of everyday activities without use of the private motor vehicle resulting in reduced carbon emissions. In landscape terms, the site relates well to the surrounding pattern of development whilst being distinct from the open countryside beyond thereby being an appropriate land use. The design of the dwelling is not entirely harmonious with its built context though it is not inherently inappropriate.

Social: The proposal would provide a dwelling in an area where a need for further housing exists helping to meet the Council's lack of housing land in a specific location where future occupants are afforded opportunity to contribute to the established community of Kingstone utilising the facilities therein.

6.29 I consider the only concern to be the design of the proposed dwelling. However, in applying the planning balance to the above, I do not find the design to be so inharmonious with its context as to outweigh the benefits of the scheme as laid out in paragraph 6.28 in the context of the Council's published under provision of housing land.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) - 1 year**
2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **G02 Retention of trees and hedgerows**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays (2 metres by 33 metres in each direction)**
7. **H05 Access gates**
8. **H09 Driveway gradient**
9. **H12 Parking and turning – single house**
10. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **N11C General Ecology**
2. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 141956/F

SITE ADDRESS : LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	<p>P142088/FH - PROPOSED INSTALLATION OF 16 PHOTO VOLTAIC PANELS ON THE ROOF OF A 3 BAY OPEN FRONTED STORE AT THE LAKE HOUSE, UNDERDOWN, LEDBURY, HEREFORDSHIRE, HR8 2JE</p> <p>For: Mr Jenkins per Mr Thomas Cutter, The Craft Workshop, Wilton, Bridstow, Ross-on-Wye, Herefordshire HR9 6AA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142088&search=142088

Date Received: 7 July 2014

Ward: Ledbury

Grid Ref: 371506,237017

Expiry Date: 5 November 2014

Local Members: Councillors PL Bettington, EPJ Harvey and TL Widdows

1. Site Description and Proposal

- 1.1 The site is located to the south of Ledbury within Malvern Hills Area of Outstanding Natural Beauty. Lake House comprises a mix of converted stables forming a mix of residential and holiday units and a three bay open carport. The site is accessed via a private drive directly off the A449, Southend Road bounded by ancient woodland to the north/east, timber fencing to the south and a stone wall to the east. The Lake House adjoins The Underdown a Grade II Listed Building.

The application proposes the installation of 16 photo voltaic panels on the roof of the three bay open fronted car port located towards the northern corner of the site. The proposed solar panels would be constructed with an anti-reflection surface set within anodized aluminium frames measuring approximately 1.6m (L) x 0.9m (W) x 0.03 (Depth).

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

Paragraph 116

- 2.2 Herefordshire Unitary Development Plan (UDP)

S7 - Natural and Historic Heritage
 DR1 - Design
 CF4 - Renewable Energy
 HBA4 - Setting of Listed Buildings

Further information on the subject of this report is available from Mr Andrew Stock on 01432 383093

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 NE100379/F – Change of use stables to holiday lets – APPROVED.
DCN082625/F – Change of use office to holiday let – APPROVED.
DCN062916/F – Hedging and lean-to shed – APPROVED.
DCN052267/F – Erection of a log cabin work room – APPROVED.
DCH951214/F – Erection of stables, track room and shed/store – APPROVED.
DCH941215/F – Conversion of stables and out building to house – APPROVED.

4. Consultation Summary

- 4.1 Ecology Officer – No objection - *“I cannot see that there will be any significant impacts upon ecology. This is not a structure which would be routinely used by bats but I would add that during the nesting season there may be potential disturbance of nesting birds if they are utilising the building. I would recommend the addition of the following informatives”* Please find the recommended informatives below.

5. Representations

- 5.1 Ledbury Town Council - support

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 An application for the installation of solar panels within the setting of a listed building will predominately be considered against the National Planning Policy Framework and Herefordshire Unitary Development Plan specifically policies S7, HBA4, HBA8 and CF4. The main considerations to take into account when determining the application are the potential adverse impacts to the setting of listed buildings and Malvern Hills Area of Outstanding Natural Beauty.
- 6.2 The site is bounded by dense ancient woodland – Coneygree Wood and Mayhill Wood to the north and east, with high stone brick wall to the south and west. The car port is appropriately located towards the northern corner of the site approximately 139m from the A449 Highway and 78 metres from the closest neighbouring property..
- 6.3 The site is set over varying gradient levels, creating a natural screen from neighbouring properties. The installation of 16 solar panels will not adversely affect the amenity or setting of the listed building. It is not considered the proposal will create a detrimental impact upon the integrity of Malvern Hills Area of Outstanding Natural Beauty in accordance with policies CF4 and HBA4.
- 6.4 The proposal accords with National Planning Policy Framework and Herefordshire Unitary Development Plan specifically policies CF4 and HAB4. Accordingly the application is recommended for approval.

Further information on the subject of this report is available from Mr Andrew Stock on 01432 383093

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 Development in accordance with the approved plans**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. **N11C General Ecology**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142088/FH

SITE ADDRESS : THE LAKE HOUSE, UNDERDOWN, LEDBURY, HEREFORDSHIRE, HR8 2JE

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