

MEETING:	PLANNING COMMITTEE
DATE:	27 AUGUST 2014
TITLE OF REPORT:	<p>P140926/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. AT LAND TO THE SOUTH OF A438, PARCEL NO. 0008 AND PART PARCEL NO.2308, BARTESTREE, HEREFORDSHIRE.</p> <p>For: INCA 2013 Ltd, per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140926&search=140926

Date Received: 27 March 2014

Ward: Hagley

Grid Ref: 356089,241126

Expiry Date: 2 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 sixty dwellings, including 35% affordable, the formation of two points of vehicular access onto the A438 and the formation of 0.83ha (2.05 acres) of community open space on land south of the A438 Hereford to Ledbury Road, Bartestree. The application thus seeks approval for the principle of development, with detailed matters of appearance, scale, landscaping and layout deferred until the Reserved Matters stage. The application site is outside but adjacent the settlement boundary for Bartestree as defined by the Unitary Development Plan (UDP), on a SHLAA 'minor constraints' site.
- 1.2 The site comprises three distinct parcels and extends to 4.37ha. The proposed residential development would occur in the two grazed fields located either side of the drive to the Grade II listed Hagley Court. The western parcel is broadly rectangular in shape except where two detached residential properties occupy a smaller rectangle in the northwest corner. It is proposed to transfer the ownership of 2.05 acres in the south-west corner of this parcel to the Parish Council as an extension to the existing village recreation area, which lies immediately to the west adjacent the village hall.
- 1.3 The boundary of this parcel with the A438 is formed by a hedgerow with narrow grass verge. This hedge is maintained at a height which allows views of the field from the houses on the north side of the road. The eastern boundary is formed by trees and dense shrubbery lining the driveway to Hagley Court, including some rare Lucombe Oaks. To the south is a poorly maintained and gappy hedge for approximately 60% of the boundary - with mature trees in the field to the south, including a distinctive row of Lombardy Poplars. West of this Stalls Farm

forms the boundary of the field where several barns have been converted into dwellings alongside the original farmhouse.

- 1.4 To the east of the drive to Hagley Court is the second open grassland field where residential development is proposed. It is accessed via a gate in the northeast corner where there are also three properties facing on to the plot; Nos 1 & 2 Haven Cottages and Figgynut Cottage. All three are set back 18m from the site boundary. There is a bus stop with shelter immediately east of the entrance to Hagley Court. However there is no footpath on the south side of the road and the nearest crossing point is west of the site, adjacent to the access to the village hall and sports ground. The northern boundary to this parcel is also formed by a maintained hedgerow, affording views across from existing residential properties on the north side of the A438.
- 1.5 To the immediate south of the eastern parcel is an area designated as a nature conservation area where no development will occur. This site supports several mature trees including Oak, Beech, Lime, Cedar and Oriental Plane. There is also a small overgrown pond in the northwest corner of this parkland area. All boundaries are hedged except the diagonal one adjacent to the drive to Hagley Court Cottage which is formed by a post and wire fence.
- 1.6 There are Public Footpaths along the eastern edge of the eastern parcel (Footpath LU29) and east to west across the southern end of the field (Footpath LU14). This also follows part of the southern boundary of Plot 002, immediately north of Stalls Farm.
- 1.7 Hagley Park/Court (Grade II Listed) lies to the immediate south of the plots and is an unregistered park and garden of local historic interest; the boundary of which passes through the retained conservation area. The house has been split into two dwellings and there are now several properties in the grounds, although the parkland landscape still provides a structure into which the additional properties are absorbed so that their effect on this landscape is limited. Opposite the site on the north side of the A438 both Hagley House and The New Inn, which stands opposite the entrance to the Hagley Court drive, are Grade II listed.
- 1.8 As above, the application site is outside but adjacent the UDP defined settlement boundary and the application is predicated on the lack of housing land supply. Although layout is now a Reserved Matter, the *illustrative* layout provided demonstrates an average density across the two net developable areas of 18 dwellings per hectare. On the western parcel, and in recognition of the well-spaced development to the north, the indicative layout shows 11 detached dwellings at 12 dwellings per hectare. The approach on the larger, eastern parcel is a higher density 33 dwellings per hectare.
- 1.9 The application is supported by the following:
 - Planning Statement
 - Flood Risk Assessment
 - Landscape Capacity Appraisal
 - Phase I Ecology Survey and further bat and newt surveys
 - Transport Assessment
 - Development Constraints Plan
- 1.10 Negotiation during the application phase has resulted in the further submission of tree constraints information, which plots notional root protection areas for the mature trees lining the drive to Hagley Court. The development constraints plan also demonstrates a development exclusion zone against boundary hedgerows; with the exception of that lining the road. The public rights of way are also maintained with appreciable buffers. A landscape detail demonstrating the proposed treatment of the A438 frontage has also been submitted and along with the aforementioned plans and information has been subject to further consultation. The road side landscape detail indicates 1.5m grass verges either side of a 2.0m

footway, with tree planting within the 'inner' verge and a hedgerow to the rear. The Conservation Manager's (Landscape) response to this is set out below. This approach requires removal of the existing roadside hedgerow.

- 1.11 The application has been screened in accordance with the Environmental Impact Regulations 2011. It is concluded that the development does not require the submission of an environmental statement.
- 1.12 The application has also been screened in accordance with the Habitats Directive. It is concluded that subject to mains disposal of foul water, the development is unlikely to result in significant effects on the River Wye SAC.

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

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

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
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.

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 DCCE2003/1716/F – Change of use of agricultural land to form village playing field: Approved 29th October 2003. This application relates to the western field.

Other relevant applications

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

- 3.2 140531/O – Erection of 30 dwellings, including 10 affordable on land at Quarry Field, Lugwardine. Refused 23rd April 2014. Appeal via written representations pending.
- 3.3 132536/F – Erection of 50 dwellings on land adjoining Williams Mead, Bartestree: Refused 12th March 2014.
- 3.4 140757/O – Erection of up to 51 dwellings on land east of Church House and west of the A438, Bartestree – As yet undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions

Internal Council Advice

- 4.2 Transportation Manager:

Further information and revisions has been received since my original comments, in respect of access and footway provision and it is further noted that layout has now been removed from this application and is now a reserved matter.

Clarification of the achievable visibility for the western junction (Drawing 13-079-05) indicates that visibility to the west is limited by the boundary of Hagley Croft and that 70m can be achieved to edge of road with in excess of 100m achievable to centreline. As the visibility splay passes through the area of the signalised crossing, where vehicles are restricted from overtaking by virtue of the zig- zag markings, a concession for measurement of the splay to centreline is acceptable in line with Manual for Streets and the achievable visibility is considered acceptable.

The revised access location shown on Drawing 13-079-04 for the access to the eastern parcel is considered acceptable.

The bus stop remains on carriageway which accords with the view of the Public Transport Manager in this respect.

In terms of proposed footway provision along the south side of A438, Drawing 13-079-04 indicates that the footway will now be in front of hedge with a grassed margin between road and footway and with a new hedge to the rear. The inclusion of a grassed margin is undesirable from an additional maintenance point of view and it is considered that the footway should abut the road, as elsewhere in the village. It is also considered that the removal of hedge and introduction of the footway will be likely to change the overall street scene and thus driver perception of the area, with a consequent vehicle speed reduction.

It is noted that the proposed footway will provide a link from the western parcel to the village hall and signalised crossing to the west.

Between the two development parcels a continuous footway at 2.0m wide cannot be achieved for a length of around 15 metres due to the third party ownership across the land forming the drive to Hagley Court. I understand that an approach to acquire the necessary land has been unsuccessful and that the ownership restriction would result in a maximum footway width of only 0.7-0.8m, being achievable across this length, which is very substandard and would barely accommodate a single pedestrian. Therefore crossing of the road would potentially be

necessary to access between the two sites, and this would include access from the western parcel to the bus stop. Whilst continuity of the footway would be the preferred option, there is good visibility in both directions along this stretch of road for pedestrians needing to cross A438 to negotiate the restriction, and with the guidelines of Paragraph 32 of the National Planning Policy Framework (NPPF) in mind, the lack of continuous footway does not result in severe residual highways impact, and therefore does not give grounds for refusal.

From the eastern parcel a footway is proposed to the east to the village stores and information has been submitted to confirm potential for the provision across the frontages of Figgynut Cottage and Haven Cottage to the frontage of the stores. Part of the frontage to the stores has previously been dedicated as highway to enable access from the stores to the signalised crossing and it should be ensured that continuity will be available to link to the route fronting Figgynut Cottage.

As previously stated in my original comments, the impact of the likely additional traffic from the development is considered acceptable on the network.

My recommendation is therefore for approval subject to conditions.

4.3 Conservation Manager (Landscape): Objection

1. GENERAL

These comments are based on baseline landscape / environmental information and visits to the site and surrounding areas. Various plans and documents have been submitted with the application, including an indicative masterplan, a Design and Access Statement (DAS) and a 'Landscape Capacity Assessment'. An LVIA was requested at the pre-application stage. The landscape capacity assessment is fairly comprehensive and I agree broadly with the methodology adopted including the study area boundaries for the landscape character assessment (1 – 1.5km) and some of the viewpoints identified in the visual impact assessment, but I do not agree with the conclusions about the significance of effects, especially on landscape character. My comments are set out below. The proposals may need to be screened for EIA.

2. SITE AND SURROUNDING AREA

The site comprises two fields situated on the south side of the A438 in the village of Bartestree, in Lugwardine parish, some 3km from the north-eastern edge of Hereford City and c. 2.5km from the Wye Valley AONB at its closest point (near Prior's Frome). The site lies outside the settlement boundary, which runs north of the A438 opposite the site and for most of the length of the village apart from at the eastern end, where it turns southwards at the site's north-eastern corner, crossing the road and enclosing development down to Hagley Park housing estate. A short (c. 30m) section of that part of the site is adjacent to the settlement boundary, along the line of a PRoW (footpath LU29).

Bartestree and its neighbouring settlement Lugwardine are divided into three distinct settlements. In this part of the village the majority of built development is on the north side of the road and there is a mixture of house types reflecting the settlement's growth, from timber-framed cottages to modern housing estates. The capacity assessment notes "*the pattern of development in Bartestree where there is a stark contrast between the higher densities to the north of the A438 and the more open landscape to the south.*"

According to old maps, in the early to mid-19th century the area in which the site is situated was part of the extensive orchards and pasture beyond the city limits, which then lay some 5km to the south west beyond the river valley. The landscape around the village consisted mostly of large country houses, estates, ornamental parklands and farms. The application site fields have,

possibly since the 18th century, characterised the transition zone between the heart of the village and orchard to the north of the road and the historic parkland and setting of Hagley Court (originally built early 18th and extended / remodelled early 19th) to the south, and formed what is nowadays called a 'strategic gap' in the village.

The capacity assessment sets out a good baseline assessment of the site and surrounding area (see Figure 3 Local Landscape Type Sub-Units) which is useful for understanding the local landscape context and recognises the many local historic landscape elements and features (including several historic parklands - see section 4e below). It recognises that "*The whole is a high quality landscape edge to Bartestree...*" The hedges and mature trees on the site's boundaries, especially the roadside frontage hedge and along the access road to Hagley Court, make an important contribution to the character of both the village and the landscape to the south of the road.

The fields are currently down to grass / pasture. According to the landscape assessment, the western field extends to c. 1.85ha, and the eastern one to 2.45ha. The fields have a gentle slope from north to south. They are separated by the access road to Hagley Court. There are good, mostly intact, predominantly native hedges on all the boundaries including the access road apart from short sections of track / fencing / walling associated with Stalls Farm to the south west of the site, and a domestic boundary to the west. There are no free-standing trees on the site, but there are good, mature trees along the access road and significant mature ornamental parkland trees along the eastern section of the southern boundary. There is a small pond off-site in the orchard / parkland on this boundary but no visible watercourses on or near to the site.

Access to the fields is from Stalls Farm (western field) and the eastern field via a gate in its north-eastern corner. The site currently has a relatively limited visual envelope due to vegetation, local topography, and built form but is visible from several locations. Views and visual effects are described in more detail below.

3. PROPOSED DEVELOPMENT

The proposal is to erect up to 60 dwellings in two parcels on each of the fields, with a large area of 'community open space' taking up about half of the westernmost field. The existing historic access to Hagley Court which runs between the fields would be retained. Each parcel would have its own access off the A438. Mitigation measures include the retention of all existing trees and hedgerows (apart from sections of the roadside frontage which will have to be removed for access), creation of a corridor for the footpath (LU29) on the eastern boundary of the eastern field and retention of all trees located within the area of retained land to the south of that field. There would also be 'biodiversity buffer zones'.

4. LANDSCAPE CHARACTER, DESIGNATIONS AND CONSTRAINTS

4a. Landscape Designations: The 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.

4b. Landscape Function and Value: The area within which the site is situated functions as a small but important element within the natural and historic landscape of the wider area. The site itself lies at the heart of the village and forms an integral part of the traditionally open setting between the village and Hagley Court and Park (see below), reflecting its mixed historic and rural character and contributing positively to the villagescape. It is thus a locally important 'strategic gap' along the south side of the A438.

In terms of its contribution to both local and wider green infrastructure, the Council's Green Infrastructure Strategy (2010) indicates that the sites lie within District Strategic Corridor 2,

which links Hereford and Bromyard: *The corridor contains a few woodland, grassland and orchard sites of some significance and a number of historic settlements and buildings of note. However, The green infrastructure assets within this corridor are fragmented and disconnected.*

4c. Landscape Sensitivity and Capacity: The quality of the landscape within which the site lies is high, as it has retained many of its traditional historic parkland and other positive landscape characteristics. As such it is very sensitive to change of almost any sort including landuse and landcover, and in landscape terms, very limited if any capacity for residential development.

4d. Landscape Character: 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, and the key primary characteristic is hedgerows used for field boundaries; groups of trees and orchards are often associated with settlements. The landscape of the area is fairly typical of this description, although there are also several historic parklands and gardens in the locality. In terms of settlement pattern, HC's Landscape Character Assessment states: *'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 settlement'*.

The overall strategy for Principal Settled Farmlands is to *'conserve and enhance the unity of small to medium scale hedged fields'*. This is particularly relevant to the site as the field pattern is an important element in the local landscape; development could potentially result in the existing hedges' degradation or loss (see below). The area of influence of the site in the wider Herefordshire landscape is relatively limited although it does extend as far as the AONB (see below). Local landscape character is described in section 2 above. The quality of the local landscape is **High**.

4e. Historic and Cultural Landscape: The site lies in a landscape which was traditionally pastoral grazing and orchards, although previously the villages of Lugwardine and Bartestree lay along the route of Roman roads, and were mentioned in the Domesday Book. A Scheduled Ancient Monument (medieval moated site 60m south west of Old Court Farm) lies c. 850m north west of the site.

The post-medieval character of the local landscape is complex, and its quality and interest is reflected in the high number of Unregistered Historic Park and Gardens in the area, including Hagley Court on the site's southern boundary, Longworth beyond to the south, Lugwardine Court to the west, and Bartestree Court to the east.

Interestingly, the 1843 – 1893 maps show the application site fields as open and tree-less, although they are enclosed by orchards to the north (beyond the road), west and east. However they lie on either side of the mature tree- and hedge-lined historic access to Hagley Court, which lies some 100m south east of the site. Hagley Court is an early 18th / extended early 19th century, Grade II listed building lying in Hagley Park, an Unregistered Historic Park and Garden. The shape, size and symmetry of the application site fields suggest that they may have been cleared of orchards at that time to create a more open setting to the north for the house. Although the fields are not within the UHPG boundary, the access to Hagley Court is. The historic parkland boundary is contiguous with the site's southern boundary, and is visible from the road on the skyline.

As well as Hagley Court there are several other listed buildings scattered around the village; those closest to the site are opposite it (Hagley House and the distinctive New Inn, both Grade II).

Lugwardine Conservation Area's eastern boundary is approximately 650m west of the site.

4f. Natural Landscape and Biodiversity: The hedgerow boundaries and trees both on site and in adjacent areas are likely to provide good habitats for flora and fauna, although the ecological interest of the fields themselves is probably limited as they are improved or semi-improved grassland in agricultural use. There is a traditional orchard adjacent to the site's eastern boundary. Orchards are a vital part of the County's heritage, biodiversity and landscape character; they are Biodiversity Action Plan Biodiversity Habitats, and potentially an important resource.

According to the Applicant's ecological survey, the hedge on the west side of Hagley Court access road, and possibly the one on the east side, are 'Important' as defined by the Hedgerow Regulations.

The River Wye SAC (incorporating the River Lugg), Lugg and Lugg Meadows SSSIs lie over 1km from the site to the south west.

4g. Visual and Public Amenity: As a result of vegetation, local topography and built form, the site has a relatively limited visual envelope to the north, although it extends to the hills above Shucknall c. 3km to the north east. Within the northern envelope are the east – west approaches to the site along the A438 and residential properties along the road. The visual envelope is also quite limited to the west and east, although nearby properties are likely to have views of the site. To the south, the mature ornamental parkland trees and other vegetation on and around Hagley Park filter longer-distance views, but from the road along the site frontage, the wooded hills of the AONB are partially visible on the skyline in an arc from Backbury Hill in the south east to Holme Lacy in the south. Dinedor Camp is outside the AONB but is also visible to the south west. This means there is the potential for views of Bartestree from these places. There are views towards the site from Longworth Lane (c. 600m to the south east), but these views are currently screened by the parkland and other vegetation.

There are several PRoW north of the site and the A438, crossing the village and linking to the Three Choirs Way, a long-distance footpath which runs along the floor of the valley some 400m from the site's northern boundary. There is another footpath on the ridge above the valley (LU27) with further links to the Three Choirs Way.

As well as PRoW LU29 crossing the eastern side of the site, PRoW LU13 runs close to the eastern half of the site's southern boundary and joins LU14 which is within part of the site's south-western boundary. These footpaths connect to the wider footpath to the south west (and the River Wye) and the north east and are thus a valuable public amenity, contributing to the green infrastructure of the village.

5. POTENTIAL EFFECTS

5a. Landscape Designations: The site is intervisible with parts of the AONB, which can be seen on the skyline from the road (part of the western field is visible from the viewing point at Prior's Frome). Views from these areas are likely to be partially screened by the mature vegetation at Hagley Park, but see section 5d below. However the distance of the site from the AONB and the fact that it would be seen in the context of the existing settlement behind means that it is unlikely to adversely affect the AONB's landscape character, visual or public amenity.

5b. Landscape Function and Value: The function and value of the site as an historic and strategic gap in the village would be lost. Adverse effects on landscape character are likely to reduce its value.

5c. Landscape Sensitivity and Capacity to Absorb Development: This is a good quality historic and rural landscape which is highly sensitive to change and in landscape terms, therefore, capacity for residential development limited.

5d. Landscape Character: In terms of effects on wider landscape character, because the site's area of influence in the Hereford landscape is relatively limited, the **adverse effects of development on wider landscape character are not likely to be significant.** However I do have concerns about the reliance placed on existing vegetation, especially south of the site which faces the AONB. This is considered in more detail in section 5d below.

In terms of local landscape character, development on the south side of the road in Bartestree is currently limited to the western and eastern ends of the village, and the application site fields were almost certainly cleared of orchards in the 18th or early 19th century to create a more open setting to the north for Hagley Court. The fields still characterise what was then the transition zone between the heart of the village and orchards to the north of the road and the historic parkland and setting of the house with views of the Wye Valley beyond. This land has always been what is nowadays called a 'strategic gap' in the village.

In terms of landscape / villagescape character and settlement pattern, the assessment notes *"the pattern of development in Bartestree where there is a stark contrast between the higher densities to the north of the A438 and the more open landscape to the south,"* although it goes on to conclude that *"...development of the plots could be an opportunity to create a more dispersed area of settlement on the southern edge of the village, thereby mitigating the visual effect of the straight edge north of the A438,"* This is predicted to result in a 'positive effect' on settlement form.

The capacity assessment recognises that *"The whole is a high quality landscape edge to Bartestree..."* but concludes that it is *"...one which has the capacity to absorb appropriately designed residential development without irretrievably damaging the existing landscape character."* It notes the change from 'Country House Parkland to Main Village', but predicts that the effect of this on the local and historic landscape will be 'neutral' because of the *"sympathetic layout for the proposed housing and intervening open spaces."*

It is also concluded that *"... the landscape elements on and around the Bartestree site could be enhanced to a degree which counteracts the majority of any negative landscape and visual effects."*

I do agree with the findings of the capacity assessment where they conclude that, apart from the roadside hedge, the historic elements and features themselves will not be directly affected by the proposals, and that mitigation / enhancement could potentially benefit local landscape character and biodiversity (in places), but I disagree with the assessment's conclusions about the effects. In my opinion:

- i. It is because this is a locally valuable, high quality and historic landscape that it is sensitive to change, and thus it has very limited capacity to accept development;
- ii. The proposals are likely to be damaging to local landscape character, and the proposed mitigation / enhancement – which could potentially result in localised benefits to landscape character elements such as hedges - cannot compensate for the overall adverse effects of the loss of the fields and their replacement with housing.
- iii. The proposals do not preserve the character of the original settlement; instead they would result in the coalescence of the existing built development which lies either side of the strategic / historic gap, and would form a prominent, linear wayside pattern (the frontage is over 300m long);
- iv. The development is not modest in size, and would significantly extend the village south of the road into open countryside, where built development is not characteristic;
- v. The proposals are not low density individual dwellings;

vi. I do not consider the visual effect of the 'straight edge north of the A438' to be an adverse one and see no reason why it would need to be mitigated;

vii. Built development would close off the view over the parkland which makes an important contribution to the historic and landscape character of the village; it would also result in the loss of distant views towards the AONB to the south east and south, and other long-distance views to the south west;

viii. As well as the adverse effect of the change in character from historic / rural to urban, there are likely to be indirect adverse effects on landscape elements and features; these can arise from the loss and erosion of habitats and features such as hedges as a result of disturbance from increased human activity, noise, lighting, cats and dogs etc., and future residents replacing garden boundary hedges with ornamental plants or fences, or seeking to remove mature trees on their boundaries. Such loss and erosion leads to adverse effects on landscape character and visual amenity, often cumulatively over a wider area. There is evidence of this happening in Bartestree;

ix. In addition, cumulative effects with other similar proposed / approved developments in the area need to be considered (as far as I can see they have not been assessed). There are proposals for new residential development in and on the outskirts of the village, and these have already raised concerns as they would result in coalescence along the A438, close strategic gaps and generally give rise to adverse effects on landscape / historic landscape / villagescape character, heritage assets, visual and public amenity.

The loss of these two fields, the permanent change in character of the site from historic / rural to urban, combined with the other factors set out here are unacceptable in landscape terms. The proposals would almost certainly result in a **significant adverse effect on local landscape character** which **could not be mitigated or compensated for**, and these adverse effects could be exacerbated when taken in-combination with other developments proposed in the area. My opinion would be the same with a different layout, and even if only one of the fields was proposed for development.

5e. Historic and Cultural Landscape: The historic landscape here contributes significantly to local landscape character. Localised adverse effects on historic landscape character are likely to result from the development of the fields, and possibly also on the setting of Hagley Park, although in terms of effects on elements and features, they will probably be indirect rather than direct. The development is unlikely to adversely affect the setting of the Conservation Area or the SAM as they are a good distance apart and unlikely to be intervisible, but the settings of the existing listed buildings opposite the site are likely to be compromised. The significance of these effects needs to be assessed.

5f. Natural Landscape and Biodiversity: Potential adverse effects (damage and / or loss of habitat) on hedges and mature boundary vegetation, especially in the long term but also during construction (see 5e(viii) above). **Potential benefits** in terms of restoration, conservation and enhancement of habitats and creation of new ones, especially with links to the wider GI network. Both can directly and indirectly affect landscape character and visual / public amenity.

The DAS states that "*Further layout considerations include a desire to provide potential future access into the land located to the east (so as not to sterilise this land from future development/settlement expansion).*" The land to the east includes a traditional orchard (BAP Priority Habitat) and it is not appropriate for development either.

It is very unlikely that there would be any adverse effects on the amenity of the River Lugg SSSI complex.

5g. Visual and Public Amenity: As set out above, the site currently has a relatively limited visual envelope in many directions, and the clearest views are from near-distance viewpoints. The capacity assessment predicts **significant adverse visual effects** on certain receptors,

mainly people living in residential properties opposite the site, although in my opinion users of the road and PRsoW especially on or close to the site will also experience significant adverse effects. The assessment concludes that *“Mitigation measures will assist in reducing adverse effects for these properties. The overall visual effect, taking into account both long and near views, is considered to be neutral.”* I do not think that mitigation / enhancement would adequately compensate for the loss of, and change to these views, and disagree that the residual effects would only be neutral.

Of particular concern is the reliance placed on the mature trees in Hagley Park to screen views from the south east, south and south west. Some of these trees are clearly reaching the end of their useful lives from a landscape perspective, with stag-heading in crowns visible. Increasing numbers of trees in Britain are being affected by pests and diseases (elm, ash, oak, horse chestnut, alder, pine, spruce, fruit etc.). I accept that none of this is possible for the applicant to control, but it does mean that one cannot rely 100% on vegetation to screen views in the future.

Lighting could adversely affect the visual amenity of people living in properties close to the site. During the construction period there will be localised adverse landscape, visual and public amenity effects generally, and these could be significant adverse for receptors in nearby properties and users of the footpaths on and adjacent to the site. Cumulative visual effects arising from other similar developments in the area are also possible, as set out in section 5e(ix) above.

6. CONCLUSIONS

From a landscape-related perspective, I object to the principle of development on this site. The key issues below are summarised from the comments above:

- i. 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); however this is a good quality historic and rural landscape which is highly sensitive to change and in landscape terms, therefore, capacity for residential development limited;
- ii. The proposals are likely to be highly damaging to local landscape character, visual and public amenity, and the proposed mitigation / enhancement cannot compensate for the overall adverse effects;
- iii. The proposals do not preserve the character of the original settlement; instead they would result in the coalescence of existing built development either side of the strategic / historic gap and form a prominent wayside pattern;
- iv. The development is not modest in size, and would significantly extend the village south of the road, where built development is not characteristic;
- v. The proposals are not low density individual dwellings;
- vi. Built development would close off the view over the parkland which makes an important contribution to the historic and landscape character of the village;
- vii. Great reliance is placed on screening by vegetation the long-term effectiveness of which cannot be guaranteed;
- viii. In addition, cumulative effects with other similar proposed / approved developments in the area (on landscape / historic landscape / villagescape character, heritage assets, visual and public amenity etc.) are possible and need to be considered;
- ix. It has not been demonstrated that the proposed development is sustainable as defined in paras. 1 and 2 of UDP Policy S1 Sustainable Development nor that it fulfils the requirements in Policy S2 Development requirements;

- x. The development does not comply with Policy DR1 Design as the effects on 'townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines' could be significant adverse on a local level;
- xi. For the reasons set out above the development is contrary to Landscape Policies LA2 Landscape character, LA3 Setting of settlements, and LA4 Protection of Historic Gardens. It has not been demonstrated that Policy LA5 Protection of trees, woodland and hedgerows can be complied with as the potential for long-term damage to / erosion of boundary hedges and other vegetation has not been considered nor effective mitigation proposed;
- xii. The proposed development is likely to give rise to adverse impacts on the setting of nearby listed buildings which is contrary to Policy HBA4 Setting of listed buildings;
- xiii. My opinion would be the same with a different layout, and even if only one of the fields was proposed for development.

Comments received in relation to the revised illustrative layout

These additional comments stem from a site meeting with the applicant's landscape consultant and the consequent submission of additional plans. Although the proposals do address some of the earlier stated concerns, the objection to the principle of development is maintained. Specifically, the treatment of the road frontage represents what was discussed on site, and although I would prefer the corridor to be a metre or so wider, the concept of the grass verges, footway, avenue of trees and hedge could work well, subject to careful attention to detail (especially choice of tree species). It would be beneficial, in the event of planning permission being granted, if this option was to be discussed with the local community through public consultation. This will give people further opportunity to have a say in what the future character of the village should be and how this could be reflected along the road, taking into account the fact that this is an historic and important gateway to Hereford.

4.4 Conservation Manager (Historic Buildings): Objection

The application site lies to the south of the A438 in Bartestree and is split into two parcels of land either side of the access drive to the early 18th century grade II listed Hagley Court and its unregistered parkland. To the north of the A438, immediately opposite the western field, are two further grade II listed buildings, Hagley House and The New Inn dating from early and mid-late 19th century respectively. Given the close proximity of these three listed buildings an assessment of their settings and the impact of the proposals upon them is required.

The documentation submitted with the application makes sparse mention of the three listed buildings identified above. The housing density surrounding Hagley House and The New Inn is noted as being approximately 7dph which gives them a spacious immediate setting. This spaciousness is combined with the open field to the front of both buildings, across the road, which reinforces their historically rural setting.

Hagley Court and its parkland is clearly visible from the A438, even though the actual buildings of the historic complex are obscured by trees and landscaping. The driveway to the Court splits the application site into two parts and the proposal shows that the drive would remain independent of any development to either side. Historic maps show that fields either side of the main road were given over to orchards but it is notable that the two fields of the application are retained as clear grazing or possibly arable farming. This striking difference in use very possibly indicates that these fields were kept open in order to add to the sense of arrival at Hagley Court and to enhance the setting of the buildings and the formal parkland.

Clearly the development of the application fields for residential purposes would remove that open setting for the Hagley Court complex. It is considered that this would be harmful to the

setting of the complex and its parkland, even if the immediate setting of the Court within its parkland is not directly affected. It is considered that the proposal would be contrary to Policy HBA4, setting of Listed Buildings.

The proposal would also adversely affect the setting of Hagley House and its neighbour The New Inn. The setting currently has relatively spacious, edge-of-village character and appearance which is reinforced by the rural outlook from the site but also is part of the setting when travelling along the A438 in either direction. To have the southern side of the A438 developed in a similar way to the north side would fundamentally change the character and appearance of this edge-of-village location to a much more suburban character. This is not considered to be acceptable and would be contrary to HBA4, Setting of Listed Buildings.

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

Having read the Phase 1 Habitat report and the subsequent reports for bats and great crested newt, I am content with the findings and recommendations. The pond on the site is not conducive to great crested newt breeding but renovating the pond will be part of site ecological enhancement. In addition, the hedgerows are important to bats and the proposals to retain and enhance what is already present, is welcome. Despite assurances about a protocol for reptiles, I would like to see dedicated reptile surveys carried out in the autumn period prior to any site development.

Conservation Manager (Archaeology): Although this is a large site in a prominent location in the village, there are no records of any archaeological heritage assets on the development area or immediately adjacent to it. Furthermore, the nature of the site location/ fields involved leads me to believe that there is little likelihood of any undiscovered below-ground remains being present on the site. Given the above, it would seem that the choice of site is a good one from the archaeological point of view. Accordingly, I have no objections.

4.5 Land Drainage Engineer: No objection

We do not object to the proposed development on flood risk and drainage grounds. However, all new drainage systems for new developments must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. 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;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

- 4.6 NHS Property Services: I write to confirm that we have reviewed the primary medical care infrastructure capacity and we have no concerns about the impact of the above planning application.
- 4.7 Housing Delivery Officer: In principle I support the application. There is a need for affordable housing in Bartestree. The mix of 1, 2 and 3 bed units will help in meeting this need. The units will need to be built to the Homes and Communities Design and Quality standard, Lifetime Homes and Code level 3 of the Code for Sustainable Home with local connection to Bartestree and Lugwardine.
- 4.8 Parks & Countryside: No objection

POS/recreation requirements: UDP Policies H19 and RST3: A development 60 houses at an average occupancy of 2.3 (total 138) in accordance with UDP policies H19 and RST3 is required to provide POS and play provision as follows:

POS (0.4 ha per 1000 population) 0.05ha

Play area provision including formal and informal e.g kick-about area (0.8 ha per 1000 population) 0.1ha

Total 0.15ha

Site Layout Plan/Planning Statement: In support of the policy requirements, it is noted that the site plan shows a very large area of land to be offered as community open space, originally on a lease agreement, for recreational and sports use. It is now understood that the land will be transferred to the Parish Council. It is in a good location and makes a natural extension to the existing recreation and sports provision at the village hall and access to ancillary facilities. It is assumed that the Parish Council has been consulted and they can demonstrate a need for this. The applicant acknowledges that reference was made in the 2008 Parish Plan for the need for additional playing space and sports pitches, but to date the Neighbourhood Plan hasn't been produced to substantiate this requirement. In the absence of a completed Investment Plan for outdoor sports, it is noted in the Playing Pitch Assessment for Hereford that the existing sports facilities at Bartestree Village Hall, which provide 1 x senior pitch and 1 x cricket, are of a good quality but both these pitches are already extensively used by the local cricket and football club, both of which encourage junior teams and field more than 1 team: Bartestree & Lugwardine Cricket Club: 4 x juniors, Bartestree Football Club, 2 seniors, 9 juniors/minis some of which use senior size pitches. With growth proposed in Bartestree, pressure on these pitches may increase, thus supporting the need for additional facilities, particularly for junior teams which is corroborated by the Playing Pitch Assessment for the Hereford Area.

A development of this size should also provide either on or off site children's play provision. It is noted that the applicant makes reference to this land being used for play: provision of formal play equipment on land with a 30 year life span may not be appropriate in meeting policy requirements, although this is potentially the life of the equipment. Alternatively as the village has two existing play areas, it may be preferable to seek an off-site contribution towards the existing facility at the village hall owned and maintained by the Parish Council which is adjacent to this land. It has room to expand and further develop as the main "local neighbourhood" facility in the village and would benefit from additional equipment for older children in particular.

- 4.9 Public Rights of Way Manager:

Public footpaths LU29 and LU14 are correctly marked on plans. LU14 will pass through the Community Open Space, and LU29 has been given a width of 5m. We are happy with both these measures and therefore do not object to the proposal.

- 4.10 West Mercia Police: No objection, but consideration should be given to achieving Secure by Design accreditation at the detailed design stage.

4.11 Schools Capital and Investment Manager: Comments awaited

5. Representations

5.1 Bartestree & Lugwardine Parish Council: Objection

Resolved: The Parish Council agreed not to support this planning application with 8 of the 9 Councillors present voting against (the remaining Councillor was unable to vote as he had not been in attendance for the whole of the meeting) The Parish Council wish to submit the following comments:

A considerable number of the residents in 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 the 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/Impact on Village

The proposed development site consists of 2 fields, which are the rural heart of Bartestree and define it as a village. If 60 houses are built on the site, Bartestree will become a suburb and lose its rural character. The centre of the village will be adversely affected and the development would not enhance it at all. The long distance views over the fields are superb and will be lost to the village if the development goes ahead. Currently sheep and horses are seen grazing in the fields, which add to the character of the rural settlement.

The proposed development abuts historic parkland and gardens; there is a listed building next to it and 3 Public Rights of Way through the site. There is also a long drive of unique evergreen oak trees, which add to the character of the area. Historically almost all development is to the north of the A438 and it is strongly believed that the pattern should stay that way, leaving the south open and green. Any use of the fields should be for the community not for a large development. Most of the past development and the primary school are on the same (north) side of the A438.

Listed Building

In order to allow visibility for access to and from the site, 3 large areas of hedgerow will have to be removed. Hedges will be removed from the opposite boundary of a Grade 2 listed property, Hagley House. Across from that building will be a 5 bedroom new property, which will overlook the original building. The owners of the listed building will be unable to screen the new development due to the regulations that apply and therefore the development would be detrimental to the setting around the building.

Neighbourhood Development Plan (NDP)

If this development is approved it will have a huge impact on the NDP. The NDP Steering Group was set up by the Parish Council and a Questionnaire is to be circulated to the parishioners soon, which will result in a draft plan being prepared within a couple of months. Whilst the Plan may not be adopted yet, it will reflect the wishes of the residents. If the development goes ahead it will take no account of the work done by the Steering Group or the visions of the village. The Bartestree & Lugwardine Action Group used a photograph of one of the fields on their brochure. This resulted in 825 people signing a Petition in agreement with their policy that the villagers should have some say in where development should be.

Water and Sewerage

Although Welsh Water will have the final say, 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 would indicate 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. Indeed the Parish Council is in the process of arranging a meeting with Welsh Water to discuss the increasing concerns of the villagers in connection with these problems given the barrage of planning applications they are currently faced with.

Significant parts of this application lack detail, in particular how surface water and drainage is to be dealt with. One resident has a well only 25 metres from the proposed development and he is concerned that his water supply will be greatly affected. Another resident (Coach House) has had significant issues with water supply and has been without water for weeks at a time. The owner of Stalls Farm has problems with surface water where heavy rain already flows through his barn. His fields already suffer from 'pooling' and a further 60 dwellings will add to the problem.

Traffic/Highway Safety

The Traffic Manager's [original] report rejects the application and the Parish Council endorses all the points made in that report. The high volume of traffic using the A438 travels at speeds regularly in excess of the 30mph speed limit. In 2013 the excessive speeds were confirmed by the West Mercia Safer Roads Partnership from the data collected from the Speed Indicator Devices located throughout the village. This resulted in the A438 through Lugwardine and Bartestree being designated an area of concern and triggered the implementation of a speed camera in the area.

Residents are already concerned about the volume of traffic using the A438 in both directions between 7.30am – 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 nearby section of the A438, or joining it from side roads, already experience delays and risk when attempting to exit their driveways on to the main road. With a further 60 dwellings it is not unreasonable to estimate another 120 vehicles that will need to join the A438 at peak times. With another 2 proposed junctions, close together, onto an already fast and busy road this can only add to existing problems.

Pedestrian access is poor. Any children attending the local schools (if they can find a place) will have to cross the road some 50 yards in the opposite direction from where they are headed. This is most likely to result in them trying to cross a dangerous busy road without using the pedestrian crossing. Any children using the local secondary school are already forced to cross in 2 different places, as there is no continuous footpath.

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.

Nature of Development

There is little demand for this number of houses in Bartestree. The purchasers would not be employed locally but in Hereford or beyond. The needs of the people of the village have not been addressed. There are no houses with workshop space for studios or cottage industry, as would be appropriate in a rural setting to allow for local self-employment. The proposed houses

are in the main large executive type houses. The plans indicate that the 2 fields would accommodate diverse housing. The western field yielding large executive-type houses and the eastern field, smaller semis and 'affordable housing'. The fields are not even linked. There are no facilities for a play area for the additional children that would be brought to the new development. The existing facilities are well used by the community now but there are concerns that these would not be sufficient to serve the volume that 60 new houses would produce.

Community Space

The offer of the playing field is considered to be a symbolic gesture. The ground is not particularly flat or good. It is believed that access to the space would be across a private lane. The size of the ground would only accommodate a junior football pitch and nothing else. It would require a massive investment to make it playable. The surrounding area would be large executive houses and therefore there would be potential conflict with residents should balls land on their property. There are no facilities for parking should a pitch be created and this would lead to issues with more people (parents of children using this pitch) seeking to park at the Village Hall. This is highly likely to result in conflict over parking.

The 'woodland area' is a small and fairly unkempt copse. Adjoining the area is a number of houses and the area is likely to become a place where teenagers meet and hang out. A similar area fell foul of this some time ago near Wilcroft Park where antisocial behavior discouraged parents from allowing small children to go there and litter in the form of cigarette butts, condoms and crisp packets etc accumulated.

The suggestion that the "community land" be leased to the Parish Council for a period of 50 years is not attractive. Even at a low rent, the cost of managing the work to convert the area would be excessive, not taking into account the need for volunteers to see the project through. Given the huge profits that would be gained should this application be granted, it is considered that should the application go ahead, the developers should sell the land for a nominal sum rather than lease it and also increase the area they are offering.

Cumulative Effect

The residents of Bartestree and Lugwardine, as well as the Parish Council, feel that it would be wholly unreasonable not to take into consideration the cumulative impact of this application. It should be considered in light of the fact that there are currently 3 applications pending. If these are approved on Appeal or at the Planning Committee then there will be 190 new dwellings in the village.

If each application is only considered on its merits without looking at the cumulative impact then the problems that will arise regarding the traffic, school facilities, water and sewage will be immense and could not be reversed.

If this application were approved then the existing Playing Fields would not be able to expand in future for community space, as there is no other flat land nearby. Historically, enquiries have been made on several occasions to acquire this land for community use with the aim of increasing the facilities and recreational area around the Village Hall and Playing Fields and it is hoped that one day these can come to fruition. If this application is approved then there will be little or no space available for future projects. The majority of the residents feel passionately that the green fields of the village should be kept green, possibly for future recreation. Once they have gone they can never be replaced and the village as they know it will disappear and the area will turn into suburbia.

5.2 68 letters of objection have been received. The content is summarised below

- The scale of development sought in terms of number will dominate and transform the notion of village life.

- Other large-scale developments have and are likely to come forward, transforming the feel of the village, resulting in coalescence with Lugwardine and turning the village into nothing more than a suburb of Hereford;
- 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. 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 118 dwellings over the plan period. This equates to 7/8 a year. 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;
- At various times existing dwellings suffer from reductions in water pressure. Adding 60 dwellings will exacerbate this issue, which is of significant concern in the context of other large-scale proposals in the locality. Assurances given by the developer and Welsh Water are not sufficient;
- The road is designated a 'road for concern' by the West Mercia Safe Roads Partnership and speed measurements reveal that a high proportion of vehicles break the 30mph speed limit. Adding two junctions on the south side of the A438 in close proximity to busy junctions on the north side of the road is liable to cause congestion and accidents;
- The demand for housing does not derive from the existing local community. These houses will become the preserve of executives who work elsewhere and commute long distances to work. This is not representative of sustainable development;
- There is no continuous pavement link between Bartestree and Lugwardine. This is particularly relevant given the developer's assertion that the site is well served by footpaths. School children walking to the high school in Lugwardine have to cross the A438 at two points. Pedestrians coming to the primary school in Bartestree from Lugwardine have to do the same;
- The development will result in the loss of privacy for residents living opposite and nearby, some of whom cannot erect or plant screens because their properties are listed;
- The schools are at capacity and without the ability to expand on their sites. This has been confirmed by the head-teacher of Lugwardine Primary School (located in Bartestree);
- The submitted layout indicates a density on the eastern parcel in particular which is out of keeping with the local pattern of development;
- The development of these two fields will rip the heart out of the village. It is a long held aspiration that the western parcel at least be safeguarded for community use and planning permission was obtained for a change of use in 2003. Only the bank's unrealistic demands prevented this permission from being implemented;
- The complete or even partial loss of the roadside hedge would be detrimental to green infrastructure and damaging to the character of the village;
- The infrastructure locally does not support large-scale housing. There are no local employment opportunities, medical facilities and only one comparatively modest convenience store;
- Drainage is a significant constraint. The existing mains sewer is considered over capacity, as is evidenced by frequent flooding locally;
- The development will irrevocably change the character of the village. Development on the south side of the main road is limited to sporadic, historic properties;
- The development will result in the loss of an outstanding view southwards towards the AONB;
- The historical and cultural narrative of the villages would be better served through smaller development;
- The development delivers nothing for the existing community. The proposed community open space is too small and not of use to anybody who doesn't play football;
- The proposed dwellings do not meet the needs of the elderly. There are no bungalows;

- The development would result in the loss of agricultural land at a time when we should be producing more food for ourselves;
- The cumulative impact of this and other proposed development should be considered in relation to the impact upon existing residents, infrastructure and traffic congestion;
- The surface water drainage strategy is not fully detailed and liable to cause pollution of private water supplies;
- There are no allotments or public open space and the site does not enjoy good links to existing facilities;
- The bus service and pedestrian provision is poor and it is likely that residents will use the private car for even short, local trips;
- The development is effectively portrayed as the least bad of the current proposals. This is not good enough;
- The impacts of the development upon bat flight paths and great crested newt habitats are underestimated. Great crested newts are known to inhabit ponds locally;
- The detailed landscape proposal requires removal of the roadside hedgerow, which in itself is contradictory to the original Landscape Character Appraisal and damaging to landscape character;
- The construction phase will create noise, dust and traffic chaos for existing residents.

5.3 Two letters of support have been received. These welcome the provision of additional housing and consider the proposal would deliver a reasonable housing mix to meet a need within the parish.

5.4 The agent has responded to the Parish Council objection and specifically the concerns expressed in relation to the leasing arrangements, scale, funding, maintenance and future management of the proposed 0.83ha (2.05 acre) community open space. It is confirmed that rather than lease the ground for a nominal rent, the freehold title of the land would be transferred to the Parish Council and that the land be cleared and ready for use as part of the development. This would include provision of all landscaping and planting surrounding the area (as may be agreed as part of the Reserved Matters application) including removal/relocation of power lines as necessary. Access points and associated gateways will also be provided subject to approval as part of the detailed submission. In this sense, the area will be ready for use as Community Open Space when it is handed over. It is also confirmed that the applicants *do not seek control or prescription over what the space is specifically used for at any given time - they are handing its use over with the only condition being that it is made available for unencumbered access to ALL the community and associated groups/sports clubs as may be required.*

With regard to ongoing upkeep/management, the current Community Land/Facilities surrounding the Village Hall, and arrangements for use, are controlled by the Parish Council, with arrangements for the sports pitches catered for via a sub-lease to the Playing Fields Association. Under these arrangements the sports clubs carry out maintenance (grass cutting, pitch marking etc) and pay a monthly rent to the Parish Council for the use of the land. The applicants see no reason why this pre-existing management regime cannot be extended to the land proposed as part of this application. Certainly, during pre-application community consultation, it was indicated to us that the same management/maintenance regime would be applied to the land on offer.

With respect to sports use, it is recognised by all that there is a requirement specifically for use by the football Club as the current sports pitches are over-intensively used at the expense of surface quality/suitability. However, the estimated usage of the proposed Community Land specifically for football is only 4-5 hours per week, 8 months of the year. Therefore, the land would remain available to all, for general use and other activities, for the vast majority of the year.

The area offered is of sufficient size to accommodate a full sized football pitch if this is what is required; as confirmed by the attached letter from the Herefordshire Football Association. The total area of a suitable full size football pitch would be approximately 4500m², with the total area identified for community use being over 8000m². A letter of support from the Hereford Football Association confirms in principle that the area identified would be favourably considered for grant funding to provide/develop a suitable pitch including provision of suitable ball stop netting should this be necessary. If such netting was provided, and to avoid conflicts associated with straying balls etc., the applicants envisage a form of retractable ball-stop netting in order to avoid visual conflict and to protect against visual intrusion - again subject to detailed planning approval as may be required. The applicants have confirmed they would also be willing to underwrite such costs (or provide the works and equipment) to cover the initial development of the football pitch (including provision ball stop netting) in the event that suitable grant funding is not forthcoming, or if the required work has not been carried out within 12 months of commencement of development. The applicants consider this a genuine and tangible community benefit.

5.5 Hereford & Worcester Gardens Trust: Objection, extracts of which are reproduced below:

Although there has been considerable development, behind the historic building line, on the north side of the A438, the south side of the road, either side of the drive to Hagley Park, remains conspicuously rural. The two fields of permanent pasture - the site of the proposed housing development - provide a foreground both for the listed buildings on the north of the road and the parkland around Hagley, which stands out prominently in the near distance. A notable landscape feature is the drive to Hagley Park, which bisects the development area and is lined with an avenue of Holm oaks (*Quercus ilex*) - some of the best full-grown examples of this species in Herefordshire. The drive is entered via a fine cast iron gate of lattice design, with classical columns as piers, dating from the Regency era e.g. c.1820-30.

The Hereford and Worcester Gardens Trust believes that the open aspect of the 'Piece at Hagley' should be preserved as an essential element in the setting of upper Lugwardine. It is an integral part of the polite landscape surrounding Hagley Park. The area is accessible by footpaths and thus, has recreational and amenity value. Moreover, on the opposite side of the main road there are a series of listed buildings including the outstanding New Inn, and several fine Georgian houses e.g. Hagley House, not to mention, several pretty vernacular cottages, which give so much character to this part of the village. Their listed status would be blighted by the new housing, placed so conspicuously with their backs along the edge of the field under consideration. Similarly, the new houses would have a detrimental impact upon the character of the Regency drive to Hagley Park, crowding the wonderful Holm oaks and obscuring the parkland landscape beyond. These two fields play an important part in the village-scape of upper Lugwardine and the Council should refuse permission for development.

5.6 Herefordshire Ramblers: No objection

5.7 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 Bartestree with Lugwardine are both identified as main villages within the UDP and are also identified as candidate villages for proportionate growth over the lifetime of the emerging Hereford Local Plan to 2031. The indicative growth target is 18% across the two villages, which

equates to 118 dwellings. This is one of four large-scale planning applications received within Bartestree and Lugwardine over the last 12 months.

- 6.2 The application is made in outline with all matters bar access reserved and involves the erection of up to 60 dwellings with 35 % affordable on land to the south of the A438 Hereford-Ledbury Road, Bartestree with associated vehicular access. The sites for residential development comprise two unconnected fields of permanent pasture opposite either side of the drive to Hagley Court and its associated unregistered historic park and garden. The site is outside but adjacent the settlement boundary as defined by the Unitary Development Plan. The application is predicated on the Council's lack of housing land supply.
- 6.3 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, heritage assets in the form of the listed buildings and unregistered parkland nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.4 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."

- 6.5 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. At the time of writing the Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision taking.
- 6.6 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 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*.
- 6.7 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."
- 6.8 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.

- 6.9 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.
- 6.10 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 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.”*
- 6.11 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.
- 6.12 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 60 dwellings, including 35% affordable, and community open space 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

- 6.13 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.
- 6.14 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.

- 6.15 The application site is located immediately opposite two Grade II listed buildings and sits on either side of the regency driveway to Hagley Court; also Grade II listed. The unregistered parkland associated with the latter extends into the southern part of the application site; albeit covering the area that is designated as a retained nature conservation area. The Conservation Manager (Landscape) objects to the proposal as set out above at 4.3. Hagley Court itself, however, is largely hidden from views from the main road in a mature, well treed setting.
- 6.16 Although accepting that the site has a limited visual influence and benefits from a degree of screening from a southerly aspect in particular, the Landscape Officer considers that the application understates the importance of the site as part of an historic landscape; rather the Landscape Capacity Appraisal (LCA) has been predicated on assessment of the visual impacts, without full assessment of the impact on the historic landscape. There is disagreement, therefore, in relation to the site's sensitivity and its function as a remnant of a structured historic landscape. The Conservation Manager (Building Conservation) also objects on the basis that the application site forms an important element to the setting of the adjoining listed buildings.
- 6.17 It follows that there is disagreement as regards the nature and magnitude of the landscape character and visual effects likely to arise as a result of the development proposed. The LCA acknowledges that the development would result in the loss of grazed pasture land, which provides a strategic gap on the southern side of the A438 affording views towards Hagley Court's parkland and wider-ranging views of the open countryside beyond, extending as far as the AONB. It is also acknowledged that built development, other than at the eastern end of the village, is limited to scattered, period properties and that this development would clearly alter the landscape character of the site and reduce the permeability and openness of views along a section of the A438.
- 6.18 Although your officers recognise the direct impacts arising from loss of pasture 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 major development would irrevocably change the character of the village, diminishing the rural setting and transform the village's pattern into a more nucleated settlement.
- 6.19 Against this, however, the site is not subject to landscape or nature designation itself, is unconstrained in other respects and in your officers' opinion, represents a logical location for development at the heart of the village on the same side of the road as the village hall, playing fields and recreation areas, shop and nursery.
- 6.20 In terms of mitigation the scheme, with the involvement of the Conservation Manager (Landscape), now demonstrates a significant undeveloped margin to the site's northern and eastern boundaries and subject to detailed design the treatment of the site's northern boundary with the A438 has the potential to form an attractive corridor, with tree planting perhaps reflecting some of the existing mature specimens on the north side of the A438. 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.
- 6.21 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 the foreground of the unregistered parkland, the site (excepting the southern half of the nature conservation area) is not subject to any specific landscape or conservation designation. Moreover any large development within an historic settlement is likely to exert some influence on the setting of listed buildings; as is the case here and with other proposed sites in Bartestere and Lugwardine. The setting of Hagley House and The New Inn have been subject to considerable change over the course of the latter part of the twentieth century; the latter is set back significantly from the carriageway. Although

officers concede that retention of the surviving open areas on the southern side of the road would be desirable from a listed building setting perspective, the impact of the development is capable of some mitigation at the Reserved Matters stage as illustrated by the revised layout plan, which depicts the grass verge and tree lined avenue concept referred to above. The Conservation Manager (Historic Buildings) also acknowledges that the development will not directly affect the immediate setting of the Court within its parkland. As such, and in the context of the housing land supply deficit, the harm to the setting of listed buildings is considered less than substantial and as per paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal.

- 6.22 Therefore, whilst acknowledging a degree of conflict with the objectives of 'saved' UDP policies LA2 and LA3, HBA4 and NPPF paragraphs 109, 131 and 132, 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 the adverse visual and landscape effects associated with the development as 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

- 6.23 As per the comments above at 4.2 the Traffic 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. Although a continuous 2.0m footway cannot physically be provided within the site or highway extent for the full site frontage, the footway does permit direct access from the western parcel to the village hall and playing fields and the signalised pedestrian crossing near to the village hall junction. Conversely the footway across the frontage of the eastern parcel would permit access to the bus stop on the southern side of the road, whilst provision is made for onward pedestrian travel eastwards alongside The Haven Cottages towards the shop.
- 6.24 The junctions are also considered to afford the requisite 2.4m x 90m visibility in each direction, albeit the visibility to the west from the western junction is 2.4m x 70m to nearside edge of the carriageway but in excess of 100m to the centreline; which given the restriction on overtaking associated with the pedestrian crossing is considered acceptable.
- 6.25 The Traffic Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF.

Public Open Space

- 6.26 The scheme makes provision for 0.83ha of public open space through the dedication of land to the Parish Council. This land is the south-western portion of the western parcel and is well located relative to the existing Village Hall and playing fields. It is large enough to provide a full-size football pitch if required. As a direct response to concerns in relation to the delivery and funding of the open space the applicants have opted to gift rather than lease the land with the open space will be cleared and ready for use as part of the development. This would include provision of all landscaping and planting surrounding the area (as may be agreed as part of the Reserved Matters application) including removal/relocation of power lines as necessary. Access points and associated gateways will also be provided subject to approval. The gift of land would be subject to an 'overage' provision equal to 80% of the enhanced value of the gifted land, in

the event that planning permission for residential development is obtained over that land in the period of 80 years from the date of the gift.

- 6.27 In addition, the land will be subject to a restriction prohibiting the erection of any buildings, or development of any other kind on the land unless such development has first been agreed in writing by the applicants and specifically there will be a covenant prohibiting installation of permanent sports floodlighting on the land. These clauses give the requisite certainty as regards long-term ownership, maintenance and rights of use of the land. Whilst recognising that the Parish Council has long-term aspirations to acquire the whole of the western parcel for community use, the proposal far exceeds the planning policy requirement in terms of the actual provision of open space and is large enough to provide for a full-size pitch as need dictates. Officers consider that in the circumstances this proposal represents a genuine, long-term benefit to the community in a convenient and accessible location relative to the existing facilities that accords with and exceeds the requirements of UDP policies H9 and RST3 and NPPF paragraphs 70 and 73.
- 6.28 S106 requirements will also include a contribution of £66,279 to be spent in accordance with Parish Council requirements on off-site play facilities. This would again help contribute towards fulfilment of an outstanding desire to extend the existing facility at the village hall, whereas the transport contribution has been identified as potentially contributing towards improvements to Village Hall junction with the A438 and widening of the access road.

S106 contributions

- 6.29 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’ – To be confirmed

‘Sustainable Transport Contribution’ - £104,920 based on current housing mix. This money would be directed towards sustainable transport projects, with potential expenditure on Traffic calming and speed management measures and the widening of the splay and entrance road to Village Hall and Playing Fields for safer egress and entry. This would help fulfil one of the Parish Council’s aspirations.

‘Off site play’ - £66,279 based on current housing mix. This contribution would be directed towards the improvement and extension of the existing play facilities at the village hall, which would help contribute towards fulfilment of one of the Parish Council’s aspirations.

‘Waste & Recycling’ – £4,680 based on current housing mix.

‘Library’ - £7,883 towards enhanced library facilities

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 restriction is also imposed requiring the dedication of the 0.83ha (2.05acres) of Community Open Space, in accordance with the terms described above. A maintenance contribution towards the management of on-site public open space and the SUDs basins, which will be adopted by the Council, will also be required.

Capacity at the local Primary School

- 6.30 Lugwardine Primary School is found on Barnaby Avenue, Bartestree to the north of the A438, but within reasonable walking distance of the site. The school is at capacity and without obvious means of expansion. The Schools Capital and Investment Officer has confirmed that

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

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.

- 6.31 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

- 6.32 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site in the manner envisaged by the revised illustrative layout i.e. with housing set back from the A438 behind grass verges and footway and the relationships in terms of window-to-window distance are not considered to warrant refusal based on loss of amenity. 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

- 6.33 The Council's Ecologist concurs with the findings of the submitted appraisal and bat and newt surveys. It is considered that the proposal will have no worse than a neutral impact on ecological interests. Subject to the imposition of conditions as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance in this regard.
- 6.34 It is also concluded that adverse impacts on the fine, mature specimen trees on and off-site; most notably the Lucombe Oaks lining the Hagley Court drive, can be avoided.

Foul drainage and water supply

- 6.35 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.

Community Engagement

- 6.36 The development proposal was subject to pre-application consultation with the Parish Council, Neighbourhood Plan Steering Group, Parish Action Group and Playing Fields Association. There was also a public exhibition following a leaflet drop to all addresses in Bartestree and advertisement in the Hereford Times. This process influenced the proposals in that the nature conservation area was originally intended as additional public open space. This was withdrawn upon concerns at the potential for consequent anti-social behaviour, the space now being retained in private ownership.
- 6.37 The nature of the proposal has also been amended during the application process itself. As reported above, the Community Open Space in the south-western corner of the western parcel will now be gifted to the Parish Council, with the developer offering the further undertaking of preparing the ground for recreational use. This requirement will form part of the S106 agreement.

The proposal is prejudicial to the development of the Neighbourhood Plan

- 6.38 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'*.
- 6.39 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, drawing on parallels elsewhere, 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

- 6.40 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.
- 6.41 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 minor 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).
- 6.42 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 community open space, which will be dedicated to the Parish Council. Whilst accepting that the Parish Council desire would be for community use of the entire western parcel (as per the 2003 planning permission), this was not achievable at the time. Given the current circumstances, officers consider that the gifting of the land at no cost to the Parish Council, with developer agreement to undertake work to ready the ground for community use is a benefit of the scheme, as are the requisite S106 contributions.
- 6.43 The tension, in this case, relates to the environmental role. In ecological terms, officers conclude that there is no overriding evidence of significant or demonstrable harm of nature conservation interests. It is also the case that the examples cited at footnote 9 to paragraph 14 of the NPPF 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 in the foreground of listed buildings and unregistered parkland is acknowledged, the decision taker must weight the significance of this harm against the benefits of the scheme.

- 6.44 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 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)**
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 substantial accordance with the revised Proposed Layout Plan 13-079-04 dated 30th July 2014.**

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 no more than 60 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.

7. **H06 Vehicular access construction**
8. **H09 Driveway gradient**
9. **H11 Parking - estate development (more than one house)**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads - submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion in 2 years**
14. **H21 Wheel washing**

15. **H27 Parking for site operatives**
16. **H29 Secure covered cycle parking provision**
17. **H30 Travel plans**
18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L04 Comprehensive & Integrated draining of site**
21. **G04 Protection of trees/hedgerows that are to be retained**
22. **G10 Landscaping scheme**
23. **G11 Landscaping scheme - implementation**
24. **The recommendations set out in Sections 8.3 to 8.8 of the Phase 1 ecologist's report from Phil Quinn dated May 2014 and Section 7 of the Great Crested Newt report from Phil Quinn dated May 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.**

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

25. **Prior to commencement of the development, a reptile survey for should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

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

26. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.**

Reasons: To ensure that all species and sites 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 Herefordshire's Unitary Development Plan.

To comply with policies NC8 and NC9 within 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.

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. **HN13 Protection of visibility splays on private land**

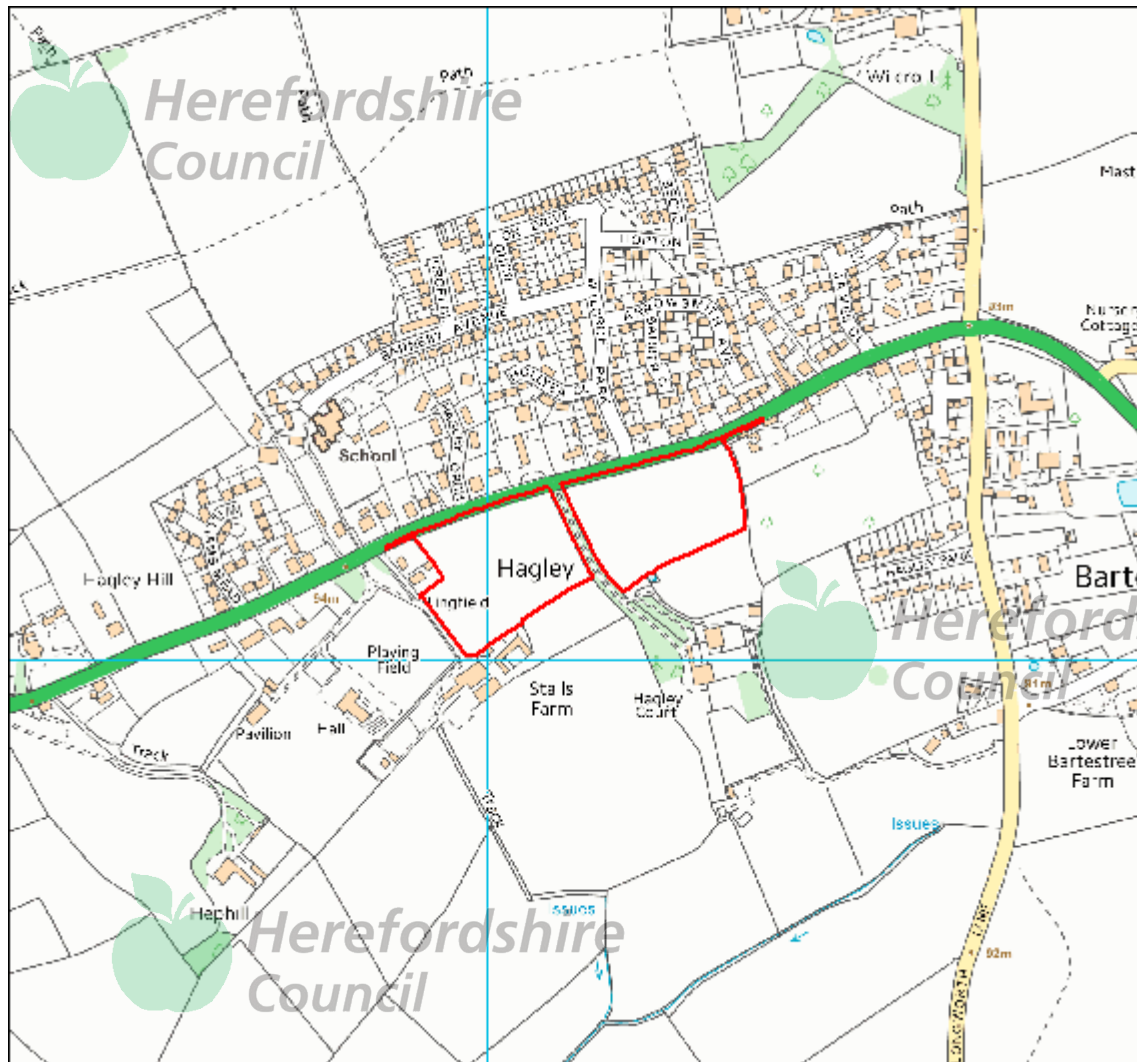
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 140926/O

SITE ADDRESS : LAND TO THE SOUTH OF A438, PARCEL NO. 0008 AND PART PARCEL NO.2308, BARTESTREE, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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