

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

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

Expiry Date: 22 April 2014

Local Member: Councillor GR Swinford

1. Site Description and Proposal

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

2. Policies

2.1 Planning Policies

National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

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

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

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

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

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

2.4 Neighbourhood Planning

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

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

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

3. Planning History

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

4. Consultation Summary

Statutory Consultees

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

Internal Advice

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

The following detailed comments on the development are made:

Visual and Public Amenity

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

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

Conclusions

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

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

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

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

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

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

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

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

5. Representations

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

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

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

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

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

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

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

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

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

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

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

6. Officer's Appraisal

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

Planning Policy

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

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

- 6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing, the Core Strategy Policies, which have not been examined in public, but have attracted no objection carry only very limited weight for the purposes of decision making. Those which have attracted objection carry no weight.
- 6.4 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged if development can be shown to be sustainable.
- 6.5 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means "Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.6 In the context of the UDP and housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide therefore, whether the development before them is representative of sustainable development having regard to the NPPF as a whole, if the positive presumption is to be engaged. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, inter alia, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.7 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the

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

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

Housing Land Supply

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

Ecology

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

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

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

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

Drainage, Surface Water and Flooding

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

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

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

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

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

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

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

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

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

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

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

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

Highways

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

Landscape and Design

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

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

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

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

Section 106 Agreement and Contributions

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

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

Other Matters

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

INFORMATIVES:

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

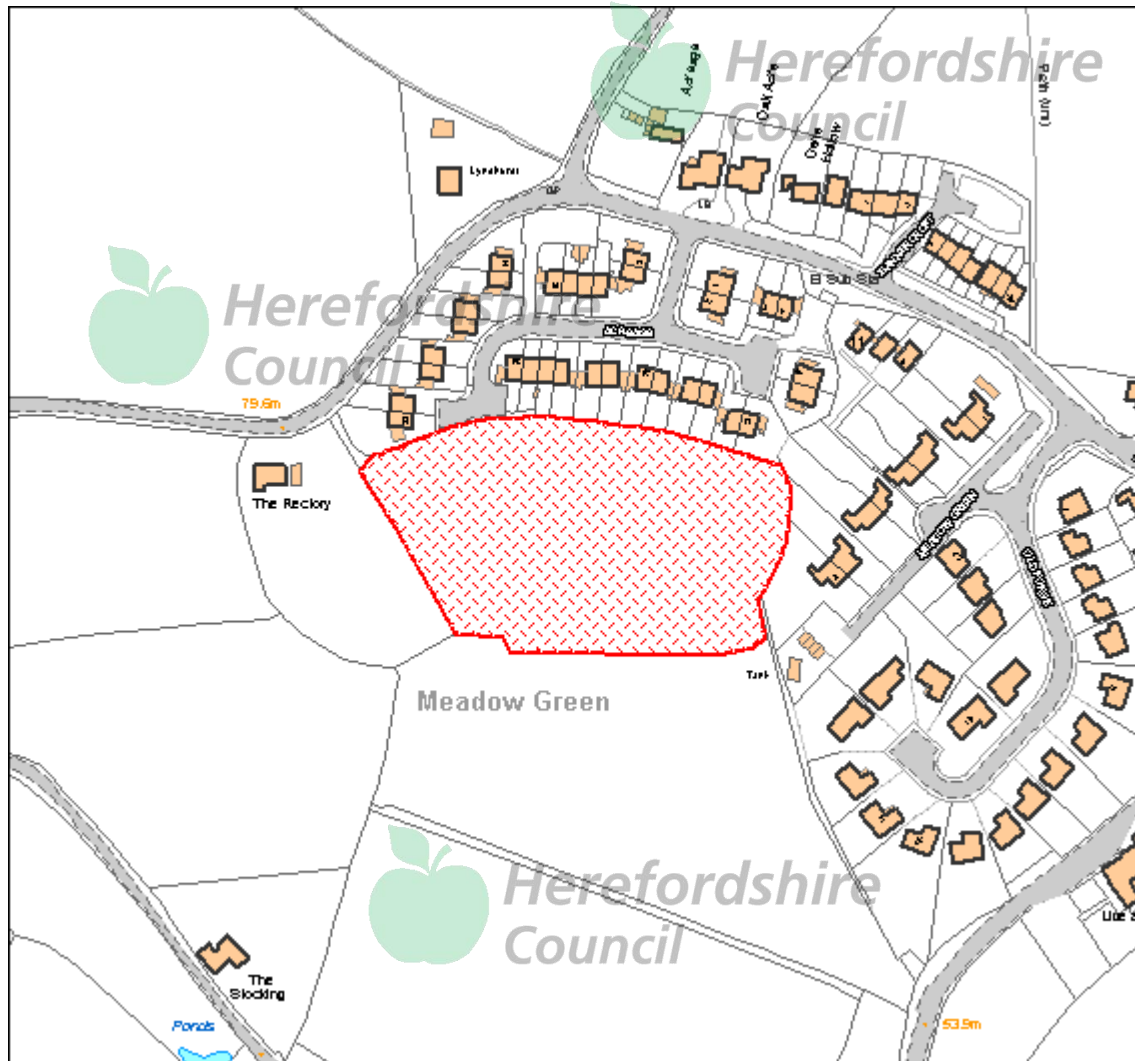
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133439/F

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

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DRAFT HEADS OF TERMS

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

Planning Ref N133439/F

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

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

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

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

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