

MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	<p>150789 - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 15 OPEN MARKET HOUSES AND 5 AFFORDABLE HOUSES TOGETHER WITH ESTATE ROAD, ALLOTMENTS WITH CAR PARKING AND CHILDREN'S PLAY AREA AT LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE</p> <p>For: Mr Tong per Mr Gary Burton, Lydiatt Place, Wyson Lane, Brimfield, Ludlow, Herefordshire SY8 4NP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150789&search=150789
Reason Application submitted to Committee – Contrary to policy	

Date Received: 18 March 2015

**Ward: Leominster
North and Rural**

Grid Ref: 352853,267971

Expiry Date: 17 June 2015

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application site is an irregular rectangular shape with the north boundary following the curved line of the C1051 (Tenbury Road). The site amounts to approximately 1.6 hectares and is flat with a small number of orchard trees. It would appear to have been used latterly as pasture and is bounded on the north, east and south sides by traditional hedgerows. The west boundary is marked by a post and wire fence.
- 1.2 The site lies on the eastern edge of the village of Brimfield. Surrounding land uses are predominantly agricultural but the main built environs of the village are located approximately 70 metres to the west. Some wayside development does extend out of the village centre on the north side of Tenbury Road opposite the application site.
- 1.3 The north boundary is defined by Tenbury Road, which joins the village to the A456 at Brimfield Cross. The east boundary is defined by an agricultural track which gives access to five pasture fields. Close to the south boundary, passing through a field owned by the applicant, is a public footpath which runs between the village centre and Aynall Lane to the east.
- 1.4 Brimfield is one of the larger villages in north Herefordshire and benefits from a range of services and facilities including St. Michael's parish church, the Methodist chapel and meeting room, the village hall with post office, a village shop, a sports and social club, two public houses and a small commercial estate. It is also on a bus route, is immediately adjacent to the A49 and is four miles from Ludlow, which acts as its service centre.

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

- 1.5 The application is made in full and is for the erection of twenty dwellings, five of which are affordable. The plans also include the provision of an area for allotments and areas of open space. The plans have been amended since their original submission to respond to comments made by the case officer and also to address matters raised through the original consultation period. Following the receipt of amended plans and information a further period of consultation was undertaken and the summary in section 5 of this report reflects all of the comments received.
- 1.6 The open market housing comprises five 4 bed dwellings, five 3 bed and five 2 bed, all of which are detached. The affordable units are two 3 bed dwellings and three 2 bed arranged as a pair of semi detached and terrace respectively.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable transport
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
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages – Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Parking
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes

SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS7	-	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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Brimfield & Little Hereford Group Parish Council are preparing a Neighbourhood Plan. At the time of preparing this report they had reached the Regulation 15 stage. The Local Planning Authority were to publicise the consultation from 12 August 2015 until 23 September 2015. This is the Regulation 16 stage. At the end of that 6 week period the Plan can be considered as a material consideration in the determination of a planning application.”

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 None relevant to this application

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water – No objection subject to condition

4.2 Welsh Water – No objection

Internal Council Consultations

4.3 Transportation Manager – No objection subject to the imposition of conditions

4.4 Conservation Manager

Landscapes

The proposal lies at the periphery of the village where the wayside pattern of ribbon development is indicative of the Principal Settled Farmlands landscape character type in which the site lies. However in the main, development is restricted to the northern side of the highway and the indicative masterplan submitted does not demonstrate a continuation of this wayside pattern. Notwithstanding the above the site, due to its essentially flat landform, is not visually

prominent within the settlement itself and is therefore unlikely to be of significant harm to the landscape character.

It does however function as part of the eastern gateway to the settlement therefore consideration should be given to how the proposal fronts onto Tenbury Road and sits within the open countryside.

It is noted that an extensive length of hedgerow is to be removed in order to meet the visibility splay requirements altering the character of the approach to this rural settlement. Consideration should also be given to access to the development being gained by the adjacent track way along the eastern site boundary which would enable the hedgerow to remain intact and thus contain the proposal more effectively.

The PRoW BF2 runs close to the southern boundary of the site linking the village with the church of St Michael and the open countryside beyond including Brimfield Hill. It is considered that with a proposal of this nature a landscape appraisal should be submitted in order to fully assess the implications of development on the site as well as identifying opportunities and constraints which in turn feed into the design process itself.

It is further noted that there are a number of fruit trees on site, unfortunately historic maps do not extend this far north and it is not possible to ascertain if these form part of a remnant orchard. However these in conjunction with the hedgerow as well as the mature oak along the eastern boundary should be assessed by an arboriculturalist.

Indicative landscape proposals should be submitted and detailed proposals and management plan may then be submitted as part of a condition.

Ecology

Notwithstanding the accuracy of the ecological report for this application I have to object. The site is flagged up as a Traditional Orchard site which means that there is a presumption against development. I'm afraid, this is another case of removal of habitat prior to a planning application resulting reduction of existing biodiversity. The ecologist who carried out the survey (after site clearance) clearly states the importance of site, but this situation clearly demonstrates again a pre-application site clearance with the assumption that the process of approval might be eased.

The ecologist's report states:

"However, approximately a third of the proposed development site has previously been a traditional (Perry Pear) orchard.

At the time of survey there was evidence that 11 (apparently healthy) orchard trees and two declining/dead orchard trees had recently been felled. The felled trees remained in situ and/or had been processed into cord-wood. Three mature (healthy) orchard trees remain within the proposed development site.

(Former) trees within the proposed development site may be used by Nobel Chafer Beetle {Gnorimus nobilis}."

I would also add that felling of old orchard trees (dead or not) runs the risk of breaching wildlife legislation if bat roosts are removed or protected species harmed as a result.

There is a national and local imperative to conserve Traditional Orchards and their associated species which may comprise locally and nationally scarce species of insects, birds, plants and fungi. The importance of these sites is reflected in the National Planning Policy Framework (NPPF). This supports the protection of UK and Local Biodiversity Action Plan Habitats and Species (now Habitats/Species of Principle Importance) as listed under Section 14 of the NERC

Act 2006 which includes the ecological aspects of the habitat and species of the site that are also protected under NC6. The Local Planning Authority has a presumption against development within such areas as outlined in policy NC6.

I'm afraid the Herefordshire countryside cannot sustain site clearance of this nature and still preserve the landscape and biodiversity interest in its landscape. There was clearly potential to retain and improve the existing traditional orchard trees whilst still allowing some development of the site but the proposal to leave three trees and plant a few others is not a proportionate mitigation for the loss which has occurred.

Traditional Orchards are also an important feature in the wider landscape and should be protected under UDP Policy LA2.

I'm afraid all I would recommend at the moment is a refusal. The loss of trees on the site (to allow what would appear to be an extra six dwellings) is not acceptable and I would recommend that if approval is to be given, then an area of new planting commensurate with the mature tree area lost should be allocated to a revised scheme.

A condition for this enhancement should be placed upon any future approvals for development of this site to ensure compliance.

4.5 Parks & Countryside Officer -

UDP Policy H19 and RST3; In accordance with UDP Policy H19 a development of 15 dwellings at an average occupancy of 2.3 (total 34.5) is required to provide public open space (POS) and a small children's play area for both infants and juniors as follows:

- POS (0.4 ha per 1000 population) 0.013ha (130sq m)
- Play both formal and informal (0.8 ha per 1000 population) 0.026ha (260sq m) of which less than 0.008ha (86sq m) should be formal (in accordance with the Fields In Trust Standards of provision - 0.25ha per 1000 pop)
Total 0.0391ha (390sq m)

On-Site Provision: On-site provision is generally supported given the applicant has provided well in excess of the policy requirements above all of which appear to be usable spaces. In doing so the applicant has provided:

- A central POS - This includes the retention of 5 of the old orchard trees (apple, pear and oak) and to be planted with perry pear trees to augment the surviving orchard trees in the form of a traditional orchard to be future maintained via a resident controlled management company. This is supported but a survey is recommended prior to any future management.
- 812 sq m of children's play space and an improved footpath link - Although on-site provision for small developments is generally not supported, in this case this is considered to be a very generous offer over 3 x the policy requirement and it has potential to provide a good usable space for a development of this size.
- The applicant will improve access by providing a new footpath link to the existing network to enable easier and safer access to the village centre which would include the existing play area next to the village hall which although small catering for younger children only is considered to be in good condition. To note, the new footpath link will need to be legally linked to the definitive route of the existing footpath.

- In this instance, for such a small development I wouldn't ask for the play space to be equipped unless the applicant wants to, given the offer of informal play opportunities and the new footpath link.
- Five allotments - This is not a policy requirement but presumably has been provided in support of local need and can be managed accordingly?
- Future Maintenance/Adoption - Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. It is noted that the applicant makes reference to a resident controlled management company. This is supported as Herefordshire Council would not wish to adopt these areas. The management company will need to be demonstrably adequately self-funded or will be funded through an acceptable ongoing arrangement as there is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.
- Draft Heads of Terms: The applicant has made reference to the potential for an off-site contribution in meeting policy requirements but has asked that in respect of this the on site provision of open space, children's play, the footpath link and allotments are taken in to account. This is supported and off-site contributions will not be required.

4.6 Housing Officer – The application is supported subject to the completion of a Section 106 Agreement. The mix and tenure meets the needs of the local area.

4.7 Education – No objection to the proposal subject to a Section 106 Agreement in accordance with the Council's Planning Obligations Supplementary Planning Document

4.8 Public Rights of Way Officer – No objection to the development, but any proposed changes to the public rights of way will need to be agreed with the Network Regulation Manager

5. Representations

5.1 Brimfield & Little Hereford Group Parish Council - The Parish Council support this development with the following modifications:

- The proposed 4-bedroom dwellings to be replaced with bungalows. The emerging Neighbourhood Plan does not recommend dwellings with more than 3-bedrooms. This is to enable both young people to get onto the housing ladder and the elderly to downsize their properties.
- Improved access/road safety concerns to be taken into consideration especially with speeding traffic along this stretch. We suggest that the 30mph limit be extended further along the road towards Brimfield Cross with new signage/traffic calming measures to be implemented to alleviate the potential hazards of a new junction with extra traffic. It is suggested that the developer should make a contribution to this via S106 Planning Obligations.

5.2 One objection submitted on behalf of eleven local residents, and three individual letters of objection have been received. In summary the points raised are as follows:

- The proposal is outside of the settlement boundary and is contrary to policy.
- Too many dwellings in one go for the village to absorb. The proposal is contrary to the emerging Neighbourhood Plan which specifies that limited numbers of dwellings should be built at one time.

- The proposal is not representative of the views of the village, contrary to the suggestion of the application.
- The preference is for no development in the village at all.
- Brimfield should no longer be designated as a main village as it has few services. The proposal is therefore unsustainable.
- There are already empty properties in the village and six affordable dwellings that have been approved are yet to be built.
- The development amounts to a housing estate in the village that is out of context with its surroundings.
- The proposal is not low density.
- The Neighbourhood Plan requires that only 15 dwellings should be built on the site.
- The site is separated from the main part of the village.
- Concerns about highway safety. The entrance to the site is on a dangerous zig-zag on the Tenbury Road.
- The road is used as a cut through by commuter traffic from the A49 to the A465.
- The proposed design of the dwellings does not reflect the local vernacular of the area.
- The impacts of the development on local residents vastly outweigh the benefits.
- 10 orchard trees have been removed over the last 12 months without consent.
- The proposed children's play area is superfluous and a contribution should instead be made towards improving the existing playground at the village hall.
- The detailed design of the dwellings have few "green" credentials.

5.3 Three letters of support have also been received. In summary the points raised are as follows:

- The proposal is the most favoured of the options considered by residents for the Neighbourhood Plan.
- The proposal is supported by the majority of village residents.
- It enables access into and out of Brimfield without adding to congestion problems in Wyson and has a more direct and safer access to the A49 and A456 without adding to risks at the Salwey junction.
- Close proximity to the village via an improved footpath.
- Low flood risk.
- The proposal provides a variety of housing stock, allotments, green space and play area as requested as part of Neighbourhood Plan feedback.

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

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

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

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

6. Officer's Appraisal

6.1 Brimfield is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Leominster Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed and its cumulative effects with other proposals in the locality, highway safety landscape and ecology, and the availability of services and employment opportunities locally that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of ‘saved’ UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

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

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been ‘saved’ pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

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

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

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 20 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or roles.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Brimfield is identified as a main village in the Herefordshire Local Plan – Core Strategy and it therefore follows that the Council's position is that it is a sustainable settlement. The site is immediately adjacent to the main built elements of the village and it is your officers view that it is sustainably located. The delivery of 20 dwellings, including 35% affordable and the provision of allotments, together with contributions towards sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character and the Setting of the Village

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that 'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.' Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 (setting of settlements) are broadly consistent with chapter 11 of the NPPF.
- 6.15 The Landscape Officer's comments acknowledge that the site does form part of the eastern approach to the village but that, due to the relatively flat landform, the proposed development will have a limited impact on the landscape character of the locality. The removal of the roadside hedge to facilitate an appropriate means of access and visibility splays will inevitably result in an immediate change, but can be mitigated through a landscaping scheme. On balance, it is not considered that the landscape impacts of the proposal outweigh the need to provide additional housing.
- 6.16 It is acknowledged that the proposal represents a significant addition to the housing stock in the village but the site represents an obvious opportunity to provide housing land. The proposal is quite low density but this reflects the overall character of the settlement and it is therefore concluded that the proposal will not adversely affect the landscape character of the area, nor will it detrimentally affect the setting of Brimfield. The proposal is consequently considered to accord with policies LA2 and LA3 of the UDP.

Ecological Impacts

- 6.17 The site is not subject to any environmental designations but the Council's Ecologist notes that it is defined as a traditional orchard of which there is a presumption in favour of protection in accordance with policy NC6 of the UDP. He therefore objects to the application.

- 6.18 The policy requires that habitats that are listed in the UK and Herefordshire Biodiversity Actions Plans (BAPs) should be protected and that developments that might result in a threat to them will not be permitted unless the reasons for the development clearly outweigh the need to safeguard the habitat. Traditional orchards are one of the habitats listed in the Herefordshire BAP and therefore the policy is material to the determination of the application.
- 6.19 Whilst the Council's Ecologist has objected to the application, it is evident from visiting the site that very little is left to resemble a traditional orchard and, although there are signs that a small number of trees have been removed quite recently, this has been the case for some time. The proposal makes provision for the remaining trees to be retained and it has been suggested by the applicant's agent that a landscaping scheme could include new planting of orchard trees within the open space at the centre of the site. Given the current condition of the site, this would go some way to re-instating and enhancing the biodiversity associated with traditional orchards in accordance with policy NC8 of the UDP.

Highway Matters

- 6.20 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.21 There are two aspects to the objections received on highway safety grounds. First is that the position of the access to the site is unsafe and that appropriate visibility cannot be achieved. Second is that the Tenbury Road is used as a cut through between the A49 and A456 and that the introduction of additional traffic movements will increase the risk of accidents.
- 6.22 Following discussions with the applicant's agent and further assessment of the site, the case officer requested that the applicant commissioned further work in respect of highway matters including a seven day speed survey. This has confirmed that average traffic speeds along the Tenbury Road are 33.6 mph in an easterly direction and 37.7 mph to the west at the 85 percentile. This translates to a requirement for visibility splays of 42 metres to the east and 51 metres to the west. Officers have independently assessed the capability for these splays to be achieved and can confirm that they can, although their provision will require the removal and re-planting of the roadside hedge.
- 6.23 The traffic survey also provides information about average traffic movements and these are detailed in the table below:

	Eastbound	Westbound	Two-Way
AM Peak Hour	52	98	150
PM Peak Hour	70	83	153
12 Hours	553	711	1264
24 Hours	687	839	1525

- 6.24 The table shows that at the highest hourly peak, 98 traffic movements were recorded, or one every 48 seconds. The information submitted as part of the amended scheme suggests that the development will generate an additional twelve movements at the AM peak and 10 at the PM peak.

- 6.25 Even in the context the surrounding area, the road is quite lightly trafficked and the introduction of vehicle movements associated with 20 new dwellings can be accommodated within the existing network. The plans demonstrate that appropriate visibility splays can be provided and the scheme will not give rise to severe cumulative impacts and it is therefore concluded that, in its amended form, the proposal will not be detrimental to highway safety and is compliant with Policies DR3 and T8 of the UDP and paragraphs 30 – 32 of the NPPF.

Compliance with the emerging Core Strategy and Neighbourhood Plan

- 6.26 At the time of writing this report the Core Strategy has been the subject of a further four week period of public consultation following further modifications to reflect the Government's recent Ministerial Statement on wind turbines. The consultation period expired on 10th August and it is anticipated that the Inspector's Report will be received in the near future. However, until the report is received by the Council the policies in the emerging Core Strategy are considered to have limited weight.
- 6.27 As reported at paragraph 2.4 of this report, the emerging Neighbourhood Plan is currently at Regulation 16 stage and is the subject of a public consultation period. It is noted that the draft plan identifies the application site as that which is preferred for residential development. It advises that the site is 1.6 hectares in size and that development will be acceptable for up to a maximum of 15 dwellings on an appropriate part of the site, provided at a maximum density of 15 per hectare.
- 6.28 The proposal meets other objectives of the emerging Neighbourhood Plan as it provides affordable housing and an area for allotments. However, it does not strictly accord with the emerging policy of the Neighbourhood Plan as it exceeds the 15 proposed.
- 6.29 It is not evident that there is a particular rationale behind the housing number limit for the site and, as the NPPF advises:

"Planning policies and decisions should ensure that developments:... optimise the potential of the site to accommodate development..."

- 6.30 The adoption of the Neighbourhood Plan will depend upon its compliance with the NPPF and the Core Strategy. Policy SS2 refers to housing density and it says that:

"Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare, although this may be less in sensitive areas."

- 6.31 In your officers view the proposal for up to 20 dwellings at an approximate density of 14 is a very low density. However, the site is at the periphery of the village where dwellings tend to be set within larger curtilages. The low density approach is more reflective of this and therefore is accepted. A density lower than this would seem to be at odds with a desire to make best use of land and would be increasingly difficult to justify.

Summary and Conclusions

- 6.32 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.

- 6.33 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 in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.34 The site lies outside but adjacent to the settlement boundary for Brimfield and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The scheme provides opportunities to create a pedestrian link through to the village which can be secured through the imposition of an appropriately worded condition. The provision of allotments is an objective of the Brimfield Neighbourhood Plan and the scheme proposes to provide the requisite affordable housing, demonstrating a fulfilment of the social dimension of sustainable development. 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.
- 6.35 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village, subject to the imposition of appropriately worded conditions. Although an objection has been raised by the Council's Ecologist about the status of the land as a traditional orchard, it is clear that few trees remain and the site has little biodiversity value in this regard. The scheme offers the opportunity to reinstate orchard planting and enhance biodiversity value in accordance with policy NC7 of the UDP.
- 6.36 Officers conclude that there are no landscape, highways, drainage or ecological 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.
- 6.37 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with Heads of Terms and appropriate 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 planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **H03 Visibility splays**
5. **H06 Vehicular access construction**
6. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**

10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **G04 Protection of trees/hedgerows that are to be retained**
13. **G10 Landscaping scheme**
14. **G11 Landscaping scheme - implementation**
15. **The recommendations set out in Section 8 of the ecologist's report from Star Ecology dated 13th February 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

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

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

16. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

17. **Prior to the first occupation of the development hereby approved details of the proposed pedestrian link with public footpath BF2 to the south of the site shall be submitted to and approved in writing by the local planning authority. The link shall be constructed in accordance with the approved details, shall be available for use upon the first occupation of the site and shall be retained in perpetuity.**

Reason: To ensure the creation of a pedestrian link upon first occupation of the site and to ensure its connectivity with the rest of the village in accordance with T6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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. **HN01 Mud on highway**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**

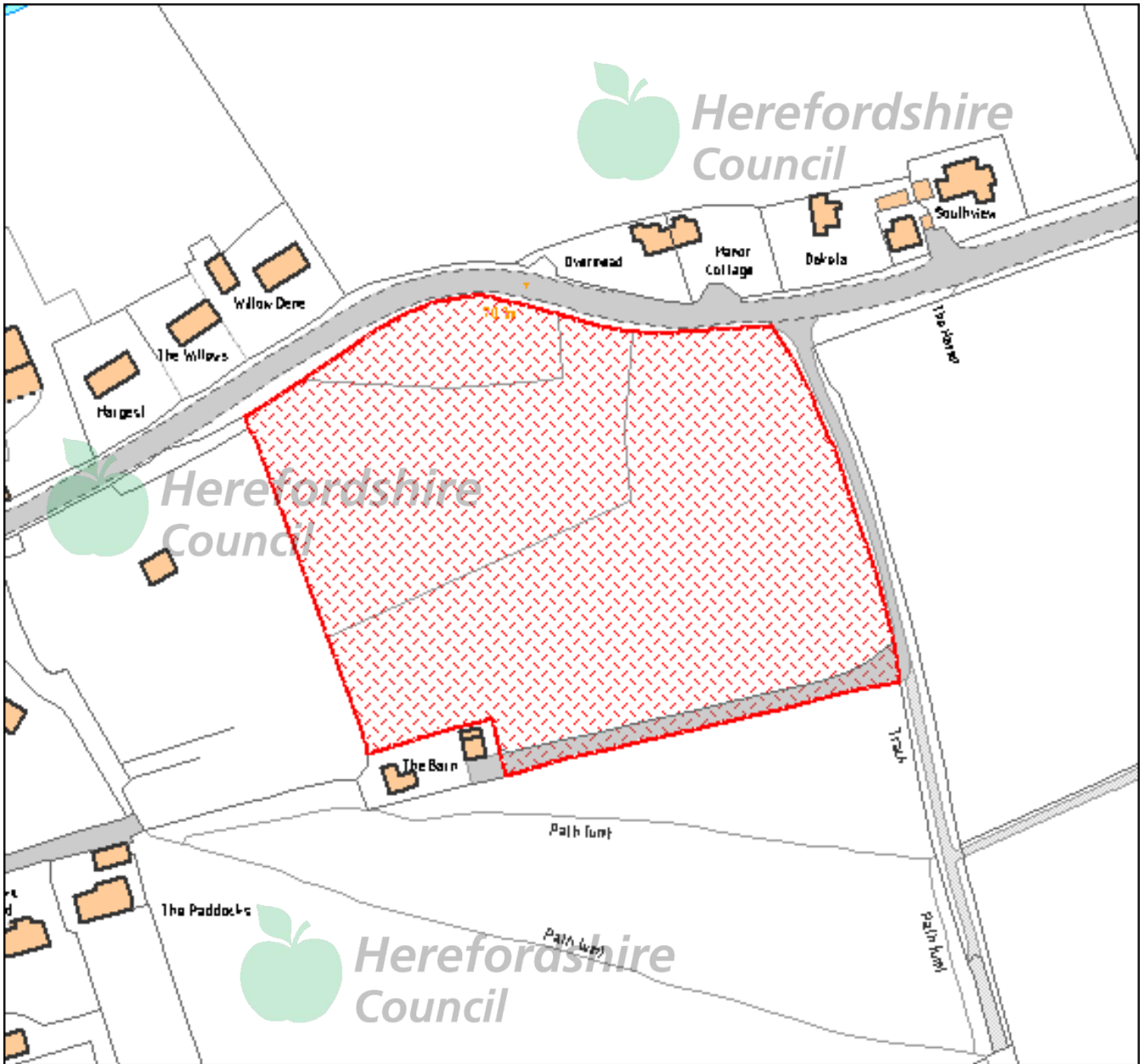
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150789

SITE ADDRESS : LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE

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