

MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	163707 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 OPEN MARKET FAMILY HOMES AND 5 AFFORDABLE HOMES AT LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE. For: S C Hardwick & Sons per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163707&search=163707
Reason Application submitted to Committee – Member application	

Date Received: 21st November 2016 Ward: Backbury

Grid Ref: 357488,234973

Expiry Date: 20 February 2017

Local Member: Councillor J Hardwick (Councillor WLS Bowen has fulfilled the local ward member's role for this application.)

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 10 open market and 5 affordable single and two-storey dwellings on land opposite Mill House Farm, Fownhope. The application site is the south-eastern portion of a 4.6ha field currently in agricultural use. The site itself extends to just less than 1 hectare and lies to the north of the B4224 on the western approach into Fownhope. Fownhope is a Core Strategy 'main village' situated in central south-eastern Herefordshire, lying on the eastern side of the River Wye and the south-western edge of the Woolhope Dome. It sits alongside the B4224, with Hereford 8km to the north-west and Ross-on-Wye 11km to the south east.

- 1.2 The site lies at the north-western gateway to the village and is allocated for residential development in the made Fownhope Neighbourhood Development Plan via Policy FW9. It comprises a sloping, rectangular field which is currently arable. The site descends from 65mAOD on the north-eastern boundary to 52mAOD on the B4224. Vehicular access to the development would be off the B4224 which runs along the south-western boundary of the site. The Grade II listed Mill House Farm complex lies to the south-west, approximately 80 metres from the site boundary. To the north and east of the site, the heavily-wooded slopes of this part of the Woolhope Dome create a strong physical boundary, limiting the influence of the site in these directions.

- 1.3 The north-eastern boundary is an over-mature, gappy hedge and fence between a public right of way and the mature woodland edge on the steep slopes of Cherry Hill Woods, a Site of Special Scientific Interest, Special Wildlife Site and habitat of principal importance. Most of the south-eastern boundary comprises ornamental shrubs/hedges along the rear garden boundaries of properties in the late C20th housing development Scotch Firs. The south-western boundary is the B4224, with a well-managed native hedge on a steep, 1.5 - 2m high grassed embankment along part of its length; this changing to a poor, gappy/missing section of hedge and lower embankment further away from the village beyond the application site boundary.
- 1.4 The site and wider settlement lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), located at the northern end of the designated area. The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 -Woolhope Dome and LMZ03 - Seller's Hope Ridges and Valleys as defined by the AONB's current Management Plan 2015 - 2020. The Fownhope Conservation Area adjoins the site on its southern tip and incorporates Westholme and its garden, but excludes the residential development at Scotch Firs. The Conservation Area extends for almost a kilometre along the B4224, covering most of the historic development lining the main road and terminating just past the Grade I listed Church of St Mary at the south-eastern end of the village.
- 1.5 The scheme has been amended post-submission. This has resulted in the substitution of house types and significant alterations to the layout and associated landscaping proposals. The layout as now proposed shows an arrangement of dwellings either side of a central spine road ending at a turning head, from which a pedestrian link connects to the public footpath entering Scotch Firs. Three single-storey buildings are shown on the higher parts of the site, with two-storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard and wildflower meadows in the area between the site boundary and the woodland to the northeast with further orchard planting to the north-west. A tree planting plan and a schedule of species have also been provided.
- 1.6 On the lower-part of the site the dwellings, including the affordable, are accessed via a private drive looping around a green space. The dwellings comprise a mixture of detached, semi-detached and terraced buildings with six distinct house-types. The facing materials include stone, brickwork and render. Five of the dwellings are intended as affordable dwellings. These comprise a pair of semi-detached dwellings and a terrace of three, which are found in the site's southern corner fronting onto the B4224.
- 1.7 Public footpaths FWB8 and FWB9 enter the site at the southern tip, where there is a stile. The former runs up the site boundary parallel with Scotch Firs before turning south-eastwards to pass between Nos. 13 and 14 Scotch Firs where it terminates at the turning head. It is proposed that a pedestrian route between the application site and village is via a footway linking to this route; there being limited opportunity to provide an appropriate footway adjacent the B4224. FWB9 runs inside the hedgerow parallel with the main road. In this respect the layout has been amended to offer a link onto FWB8 that will enable inhabitants of the dwellings in the southern corner of the site to have the shortest possible route into Scotch Firs. This is with the intent of acting as an incentive to pedestrians to choose this slightly longer, but safer route than walking along the unlit and unpaved B4224. The layout is shown overleaf. This demonstrates c.40m strip of orchard planting between the built form and Cherry Hill Wood SSSI, with the orchard planting also extending along the north-western boundary such that it would be visible on approach along the B4224.
- 1.8 Along the roadside the existing hedgerow is removed in order to form the new access. A replacement is set back behind the requisite visibility splay with the intervening bank re-graded in order to ensure that visibility is maintained over the site frontage. Footpath FWB8 is

upgraded and FWB9 would pass between two parallel hedgerows; that defining the boundary with the road and that defining the boundary with plots 1 and 10-15.



1.9 The application as amended is accompanied by the following supporting documents:-

- Revised Transport Statement
- Design and Access Statement
- Landscape Report
- Landscape and Visual Impact Analysis
- Landscape Management Plan
- Ecology Report
- Flood Risk Assessment
- Draft S106 Heads of Terms

1.10 As above, Fownhope is identified as a main village within the Hereford Housing Market Area and the application site is allocated for residential development in the Neighbourhood Development Plan (NDP), which was 'made' on 22nd July 2016. The NDP recognises that proportionate growth means the delivery of a minimum of 70 dwellings over the plan period to 2031 and the application site is one of four sites allocated for housing, which between them would be responsible for delivering approximately 40 dwellings. The NDP identifies that this site, referred to as Mill Field, is allocated for "approximately 12 dwellings." The full text of NDP Policy FW9 is set out below.

1.11 The Council has adopted a Screening Opinion confirming the development is not EIA development.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 NPPF

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
Section 12	-	Conserving and Enhancing the Historic Environment

2.3 Fownhope Neighbourhood Development Plan

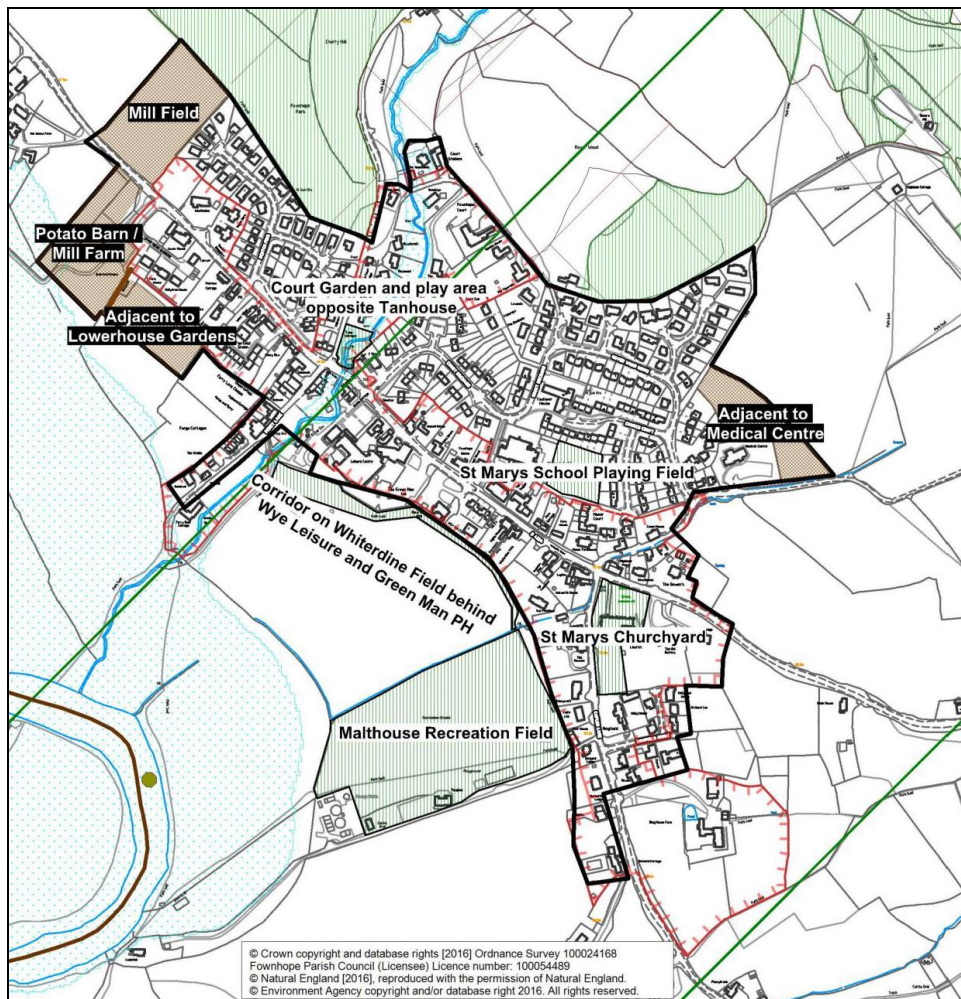
The Fownhope Neighbourhood Development Plan was made on 22 July 2016. It now forms part of the Development Plan for Herefordshire.

Policy FW1 outlines the plan's key objectives in pursuit of sustainable development. To the fore is a requirement that a substantial proportion of new homes will meet the needs of local people unable to compete on the open market. Preservation and enhancement, where possible, of the AONB landscape and conservation area is also central (Policies FW2 & FW7), with the scale of new development required to be appropriate to the needs of the community.

Policy FW9 allocates four sites for housing and these are identified on the map extract below. The application site is allocated and identified as 'Mill Field'. In respect of Mill Field the Policy states:-

1. Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements:

- a) addressing the significant environmental effects on the AONB and the Conservation Area
- b) minimising potential impacts on the landscape character of the north west part of the village
- c) achieving a safe highway access closer to the village
- d) achieving a safe pedestrian access to village facilities, other than by the main road
- e) Contributing to meeting local housing needs



2.4 NDP Policy FW13 deals with affordable housing. It requires that on large sites of 10 or more dwellings (of over 1,000sq.m gross floor space), up to 35% of properties are made available to meet local housing needs to rent, for shared ownership and for discounted sales. All 'affordable' homes will be subject to Section 106 agreements ensuring that priority for allocation, on the first and all subsequent lettings, is first given to those demonstrating a local housing need, subject to a cascade arrangement in circumstances where nobody from the parish is forthcoming.

2.5 FW15 requires the phasing of development at a rate of 15-20 over each five year period, unless evidence indicates that local needs are not otherwise being met.

2.6 FW16 sets out design criteria for new development, requiring an integrated approach to achieve a high standard of design to achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a co-ordinated package of design measures which, in addition to regulatory requirements, include:

a) Incorporating locally distinctive features - although new innovative design or features will not necessarily be resisted where they fit sensitively within the particular village frontage and street scene.

b) Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure and renewable energy infrastructure such as photovoltaic panels

c) Retaining important features such as tree cover, ponds, orchards and hedgerows, adding to the natural assets of the parish where opportunities are available.

d) Hard and soft landscape proposals not resulting in a suburbanised appearance, for example through the planting of boundaries with non-native species, the use of timber board or panel fencing, extensive use of pavers or tarmac, or use of uncharacteristic gravel;

e) Seeking on-site measures that support energy conservation, such as through tree planting and other forms of green infrastructure to provide shade and shelter, the inclusion of sustainable drainage systems, the maximum use of permeable surfaces and minimising the use of external lighting to that which is necessary.

f) Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties

g) Minimising construction traffic and reducing waste.

h) Including, within schemes of ten or more homes, at least two homes that meet standards for lifetime homes designed for disabled access.

2.7 The access criteria of FW9 are enlarged upon in Policy FW27 which *inter alia* reinforces the need for new development to demonstrate safe pedestrian access:-

“Proposals for development will need to show that:

a) Safe access is provided onto adjacent roads

b) They make full and adequate provision for off-street parking within residential development, including parking for visitors

c) They should not lead to a significant increase in traffic volumes and speeds

d) where new roads are created on new developments, they will be served by ‘shared surfaces’

e) The site is linked to the village by an existing footway or through the creation of a new footway that provides safe passage to the range of village facilities including bus stops

f) No provision is made for any additional street lighting within or beyond new developments, unless this is essential for public safety

g) Contributions will be made through the Community Infrastructure Levy towards improved public transport services and facilities.”

- 2.8 The Core Strategy and Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following links:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

https://myaccount.herefordshire.gov.uk/media/4918899/fownhope_nda_april2016.pdf

3. Planning History

- 3.1 141828/F: Proposed residential development of 22 open market family homes and 11 affordable homes. Refused 11th February 2015 and dismissed on appeal 30th July 2015.

This application was on the same field parcel, but over twice as large in extent and housing number. On appeal the Inspector concluded the scheme represented major development within the Wye Valley AONB that would cause harm to the character and appearance of the designated landscape. In the absence of any material considerations of national significance, the appeal was dismissed.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions

Dŵr Cymru Welsh Water have outlined strong concerns regarding overland flooding downstream of this proposal, which in turn is having significant detrimental effect of the public sewerage network. The responsibility of land drainage rests with the local authority and/or the Environment Agency. Therefore Dŵr Cymru Welsh Water recommends that the Local Authority and other agencies investigate this matter further so that appropriate solutions can be identified to address the issues surrounding flooding from overland flows.

Notwithstanding the above, we request that if planning permission is granted the following conditions are attached to any planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

There are no objections and no conditions required in respect of foul treatment or water supply.

Internal Council Consultations

- 4.2 Traffic Manager: Recommends conditions

The overall development proposals are now considered acceptable, except for radii and dimensions required of the turning head at the extreme of the access road. Footway is to be

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

provided to at least one side of the access road (as discussed) from the first plot onwards to the Scotch Firs link.

The landscape report indicates a palette of non-standard materials on the parts of the infrastructure that are presumably to be adopted, including the turning head at the limit of the access road. We would normally seek materials in accordance with our specification, and where non standard materials are to be used, a commuted sum for future maintenance would be payable by the developer and this may be hefty.

Street lighting provision for the development and possibly B4224 will need to be discussed with the Parish Council.

Traffic calming measures/gateway feature and extension of the 30mph speed limit are proposed and will be secured by way of the S106 agreement.

The footway link to Scotch Firs will need to have a bituminous surface rather than self binding gravel. Secure covered cycle storage will be required for each dwelling.

Subject to the above, I would recommend approval subject to conditions and informatives.

4.3 Conservation Manager (Landscape): No objection

The proposal is for a residential development of 15 dwellings located off the B4224, at the western edge of the settlement of Fownhope. The site falls within the national landscape designation the Wye Valley AONB and as such is afforded a high degree of protection. At a local level it lies within the landscape character area; Principal Settled Farmlands and is prominent within the local landscape forming part of the rising land which extends from the floodplains of the River Wye to the historic hill fort at Cherry Hill Wood. Several PROW's run parallel with the site boundary on three sides linking to a wider network of footpaths taking in wider views of the site set within the open countryside. Both the quality of this landscape and the prominence of this site render it sensitive to change.

Notwithstanding the above the site does lie immediately adjacent to the settlement edge and forms a gateway to the village of Fownhope. Currently the built form extends onto the higher contours and there is a rather abrupt edge between the open countryside and existing built form. The potential to soften this settlement edge and provide enhancement to the gateway of Fownhope does therefore exist and given that the site is allocated within the local neighbourhood development plan there is potential for a high quality scheme upon the site. After ongoing discussions the layout of the proposal has been amended, the current has two main spaces each with a clearly defined character relating more sympathetically to the rising nature of the landform.

The proposals also incorporate extensive areas of landscaping including orchard planting to the north and west of the development assimilating the built form into its surroundings.

And whilst I am aware that an extensive amount of roadside hedgerow is shown to be removed in order to provide the required visibility splay, I note the hedgerow has been assessed as not important in ecological terms. The proposed realignment will bring with the benefit of a more accessible walkway along the public footpath FWB9.

I do have two points I would like to draw to the planning officer's attention. The first is that the elevations on the western edge are important particularly as the site rises away from the road. In my view dwelling type G showing a rendered edge will be prominent within the landscape and this should be avoided. Stone or an appropriate brick to be approved by the local authority will ensure the built form recedes into the background.

I would also like to seek clarification as to the management and ownership of the orchard space to the north of the development?

4.4 Conservation Manager (Historic Buildings): Qualified comments

The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.

The Landscape Character and Visual Analysis provides a good deal of information on the site's context and particularly of the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment. The pattern of development should also be an important influence in any design coming forward.

The proposed development will inevitably fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area the setting of the listed buildings at Mill Farm. Mill Farm in particular has enjoyed an opening setting in all directions historically and the development will have an impact on this setting, introducing a suburban character to this setting.

Density of Development: The density of development is appropriate and integrates well with the existing settlement.

Layout: The pattern of layout is very rectilinear, this may be appropriate for the Northern corner of the site in echoing a farmstead organisation, however a more fluid arrangement may be more appropriate elsewhere.

Design: The design of the proposed buildings is acceptable. The opportunity for a more contemporary approach, or one which supports the distinctive character of the location would be welcomed.

Conditions: We would recommend conditions are imposed regarding external materials and landscaping

4.5 Conservation Manager (Ecology): Recommends conditions

The applicant is reminded when finalising their landscape planting that in line with the Council's Highway Design Guide for New Developments (2006) *"Thorned species shall not be accepted immediately adjacent to footways and cycle tracks. If existing hedges contain thorned species, cycle tracks shall be positioned at least 3 metres from the extremities of the hedge to prevent problems with hedge-cutting debris. Existing hedges adjacent to the existing highway shall be transferred to frontagers for maintenance."*

The site is close to the River Wye (SAC) and as previously commented a Construction Environmental Management should be required as pre commencement condition to ensure any 'likely significant effects' of the construction process are fully mitigated and controlled. This should include any ecological risk avoidance measures/working methods as well as managing accidental pollution and spills, dust, water run-off, noise, light, vehicle movements, retained tree and hedge protection etc.

A fully detailed plan showing location of all proposed Biodiversity enhancements should be required through Condition – enhancements should include bird, bat and pollinator/insect

homes built in to or attached to the new dwellings and amphibian/reptile refugia and hedgehog homes within the wider landscaping.

Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat 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 and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

Nature Conservation Protection

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Subject to a CEMP being in place during construction and all other development as per plans and information supplied I can see no unmitigated 'Likely significant effects' on the River Wye SAC/SSSI

4.6 Parks and Countryside Manager: No objection

On-site Provision. In this instance open space is provided as a large wildflower meadow as part of the landscaping requirements for this site. Some of it may have recreational benefits and community use although this is not clear and information regarding what will be publically accessible, future maintenance and ownership has not been provided.

Off-Site Provision: It is noted that the indicative layout makes no provision for on-site children's play. This is supported as on-site provision would only offer a very small play area with little play value which would be costly to maintain and there is an existing neighbourhood play and recreation facility in the village which would benefit from investment in accordance with the Play Facilities Study and Investment Plan. Although it is some distance from the proposed development this is a significant local play facility of high quality enjoying frequent use. An off-site contribution towards improving this facility in consultation with the Parish Council who own and maintain it is therefore asked for.

In accordance with SPD on Planning Obligations based on market housing only we would ask for the following (*note this discounts the first bedroom as this is for children*):

2 bed: £965

3 bed: £1,640

4+ bed: £2,219

For 3 x 4 and 7 x 3 bed this equates to **£18,137**.

A further contribution of £8,511 is sought towards improvements of the cricket facilities at the Fownhope playing fields.

4.7 Land Drainage Officer: Qualified comment

Surface Water Drainage

The Applicant has submitted a surface water management plan (Appendix A in the Flood Risk Assessment). Infiltration testing has been undertaken at this site, but the depth of the pits were only approximately 100mm. There is a risk that the results from these tests could be unreliable and so further testing in accordance with BRE365 is needed to confirm that the site has sufficient soakage to utilise infiltration techniques.

The previous application (Ref: 141828) included the option of utilising a balancing pond to store rainwater. As the revised surface water drainage strategy only identifies one surface water drainage option, we consider that measures are needed to ensure that the correct parameters to be used to inform the design. Accordingly, soakaway testing is needed (as explained above). In addition, groundwater levels should be determined to be a minimum of 1m below the base of the proposed soakaways (based on the site topography, it seems likely that groundwater levels are low).

Individual soakaways are proposed to serve each property and garage (responsibility of the individual property owners). We note that the soakaways located close to the B4224. The Design Manual for Roads & Bridges calls for soakaways to be installed 3m – 6m from roads. In this case (owing to the topography in relation to the road) we would consider it appropriate that soakaways are a minimum of 4m from the road. Our policy regarding the soakaways adjacent to the estate road is that they should be located a minimum of 2m from the kerb line.

As the proposals are for more than 6 houses, the highway will need to be designed to adoptable standards. The proposal to use soakaway trenches is not considered acceptable. An alternative design utilising pre-cast concrete soakaway units or perforated pipe would be needed.

Foul Water Drainage

The Applicant proposes foul water to be disposed of via mains sewer. We recommend that the Applicant contacts the relevant public sewerage authority in regards to foul water discharge from the site to check whether it is feasible to connect to the public sewers.

Overall Comment

We recommend that the Applicant undertakes infiltration testing in accordance with BRE365 (as explained above). Subject to the receipt of favourable results, we recommend approval of the planning application subject to the following information included as part of planning conditions:

- A revised surface water drainage strategy ensuring that the soakaways are located sufficient distances from the roads (as mentioned in section 'Surface Water Drainage'). Highway Drainage soakaways need to be suitable for adopted roads;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with Welsh Water;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.
- If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

4.8 Housing Development Officer: Supports the application

In addition to my comments supplied on the planning application above I advise that the 5 Low Cost Market affordable properties are in line with the Fownhope Neighbourhood Plan, they are referred to as Discounted Market in the plan.

Due to the small number of affordable dwellings proposed on the site a preferred housing association would not take on the properties, therefore to retain the properties as affordable without the involvement of a housing association Low Cost Market is the preferred option.

4.9 Planning Obligations Manager: CIL compliant draft Heads of Terms are agreed and appended to the report. These include provision for an education contribution to the village primary school and a contribution towards sustainable transport infrastructure to include a Traffic Regulation Order to extend the 30 mph speed limit on the B4224 beyond the site access, an associated village gateway feature and improvements to passenger waiting facilities.

4.10 Schools Capital and Investment Manager: A financial contribution is sought to support educational infrastructure at the village primary school; which has several year groups over capacity.

4.11 Conservation Manager (Tree Officer): Since previous consultations on this scheme a full ecology report and landscape master plan has been submitted.

The ecology report does identify species present within the roadside hedgerow along the south-western boundary to the site. A large section of this hedgerow will have to be removed to allow access and adequate sightlines to users of the site.

The ecological report will inform the species choice for mitigation planting, but will have to comply with the council's highway design guidelines as highlighted by James Bisset. Established hedgerows can be resilient to re-location and consideration should be given to the viability of moving part of the better section of the roadside hedgerow and incorporating it in to the landscaping scheme for the site.

As the landscape plan is within the early stages there are real opportunities to incorporate some good well thought out tree species which are appropriate to the site and would offer little conflict

to new dwellings and their occupants in the future. I note that there is a village green area which could incorporate good specimen trees. This should not be overlooked in the favour of ornamental tree species.

4.12 Public Rights of Way Manager: No objection

Public footpaths FW8B and FW9 are shown and do not appear to be obstructed by the development. Any hedges next to the footpaths must be well maintained to ensure that they do not encroach upon the rights of way.

5. Representations

5.1 Fownhope Parish Council: In response to the amended proposals, the Parish Council responded as follows:-

The above planning application was discussed at the Parish Council meeting on Wednesday 5 April 2017 when the majority of members voted in support of the application.

An addendum was then submitted. This acknowledged the resolution to support the scheme, but further recommended that as many of the houses as possible be positioned at an angle to better benefit from solar gain and make best use of natural resources e.g. water catchment. Identification of life time homes was also a comment noted.

5.2 There have been a total of 33 letters of objection to the proposal. 15 of these were in response to the original proposal. 18 have been received in response to the consultation exercise conducted in relation to the amended scheme. The content is summarised as follows:-

- The site remains in the AONB and notwithstanding a reduction in scale relative to the refused scheme, the proposal would remain harmful to the landscape character of this important approach to the village;
- The site would also impact the listed complex at Mill Farm, an impact identified by the appeal inspector;
- The access onto the main road would result in 4 junctions in unreasonably close proximity;
- The access is also dependent on the removal of a lengthy stretch of the existing roadside hedgerow;
- Pedestrians seeking the quickest route to village amenities will walk on the B4224 in preference to utilising the uphill route to the public footpath between properties in Scotch Firs. The footpath itself is narrow at this point and not conducive to use by the disabled or pushchairs;
- The revised layout sets house-type G back with the result that room is left for potential further expansion into the remainder of the field;
- The scheme is for 15 dwellings, whereas the NDP identifies the site as being suitable for approximately 12. The scheme is contrary to the NDP therefore;
- Policy FW16 (Design Criteria) is not reflected in the layout, which doesn't take the opportunity to orientate dwellings to the extent that they can exploit passive solar gain and renewable energy generation to the fullest extent;
- The margin against Scotch Firs is significantly reduced relative to the refused scheme, with impacts on amenity.
- There should be a bigger buffer against the SSSI Cherry Hill Wood;
- The development will result in the loss of open countryside which is integral to the setting of the village; as was noted by the appeal inspector on the earlier scheme;
- Surface water run-off has been an issue historically, with water running off the field and causing issues with standing water on the B4224 and flooding of properties at Mill Farm;
- Traffic volumes and speeds are high. There is concern that the access, being almost opposite that serving Mill Farm, is not safe;

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

- What arrangements are in place for the maintenance of the orchard and wildflower meadow? Will public access be granted?
- This development is a further suburban encroachment into the AONB;
- Street-lighting should be avoided. There is none in Scotch Firs.

5.3 There have been a total of 21 letters of support. 6 were received in response to the original proposal, 15 further letters have been submitted in response to the re-consultation exercise conducted in relation to the amended scheme. The content is summarised as follows:-

- The only realistic opportunity for realising any affordable housing in the village is via larger, allocated sites such as this. Concerns expressed at the scheme exceeding 12 dwellings are reduced in this context;
- Fownhope has not seen any meaningful growth in recent times with the effect that house prices have gone up. This development at least contributes to the supply of affordable housing;
- The scheme will result in bolstering of local services through increasing the number of residents;
- Placing development at the western end of the village is the most sensible option as it reduces the need for vehicles to pass through the village;
- The scheme has good access onto the B4224 and is by far the best available site;
- The scheme is well-planned, and although not as beneficial as the larger, refused scheme, will still deliver affordable housing and contributions towards sustainable transport, education and public open space;
- Good standards of insulation remove some of the concerns expressed in relation to the orientation of dwellings;
- The scheme provides more opportunity for youngsters to stay in the village- it is understood the affordable housing will be set aside for those with a local connection;
- The scheme results in improvements for bio-diversity through hedgerow and tree planting.

5.4 Wye Valley AONB Office: In response to the amended proposal:-

“We note the amended landscape assessment that has been submitted to support this application. It considers various viewpoints (both short and long-distance). It is inevitable that this development will be visible in the landscape. However, we recognise that the site has been allocated for housing, albeit less than proposed in this application. It remains for the Council to determine whether this constitutes major development under Section 116 of the NPPF. The principle issue is the scale and density of development and the sensitivity of the design in the context of the local landscape character.

We acknowledge the modifications to the site design, layout and landscaping and the use of house designs and colours which reflect the vernacular architecture. The Design & Access Statement states “Sustainable Development is specifically addressed by the submitted and updated Landscape Character and Visual Analysis, Landscape Report and Landscape Management Plan”. However there appears to be no references to the sustainability criteria of the Neighbourhood Plan Policy FW16: b) “Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage... and renewable energy infrastructure such as photovoltaic panels”. We believe the housing layout and designs should be modified further to make the buildings more sustainable in energy use without losing their vernacular reference. We would also welcome further assurances that the detail of the type and colour of materials would not be diluted subsequent to any approval of the development. Of particular concern are the types and colours of stonework, brickwork and rendered walls of the prominent two storey houses. This will be crucial to ensure this development blends into its wider setting (for example, as in View 17 and 38).

The proposal includes traditional orchard planting. This will help to soften the edge of the development and will be an enhancement to the local area and this prominent 'gateway' to the village. However, there does not appear to be any information about how this will be managed neither as grassland nor as orchard. A viable and sustainably resourced management plan is required. We also consider that there should be a condition on protection of this orchard to ensure that the settlement boundary is not extended further in a north-westerly direction, as there will be no coherent link to any further development. We would also suggest that front gardens are protected by conditions and trees on the site are protected through Tree Preservation Orders.

Finally, we are concerned that there is no assessment of how lighting will affect the views at dawn/dusk and night time. This should be considered as part of this application and any lighting should be minimised and controlled by appropriate conditions.

If the Council are minded to approve this application in the AONB then we would expect the above observations to be taken into account, to ensure that the development is as sustainable as possible with the minimum detrimental impact on the Wye Valley AONB."

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163707&search=163707

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 proposal is for the erection of 10 open market and 5 affordable (low-cost market) dwellings on land allocated within the made NDP at the north-western gateway into the village. The site is part of an arable field extending to 4.6ha adjoining the Fownhope Conservation Area and within the Wye Valley AONB. The Cherry Hill Wood SSSI lies to the north-east, with residential development in Scotch Firs to the south-east. The Grade II listed Mill Farm complex lies on the opposite side of the B4224.
- 6.2 Taking the Development Plan, AONB designation and impact on adjoining heritage assets 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 AONB landscape and nature conservation interests in the form of the SSSI nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.3 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 comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) and the newly made Fownhope Neighbourhood Development Plan (NDP). In the context of a lack of 5-year supply, housing proposals should be considered in the context of the positive presumption in favour of sustainable development and the pre-weighted planning balance at Paragraph 14 of the NPPF - unless restrictive policies require development should be restricted. The CS underpins the importance of maintaining a supply of housing land with Policy SS1 echoing the positive presumption, SS2 setting out the spatial

strategy insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.

- 6.5 The CS approach to housing delivery in rural areas rests with the proportionate distribution of dwellings across the settlements identified at figures 4.14 and 4.15 of the CS. Fownhope is a main settlement within the Hereford Housing Market Area, where the indicative minimum target for growth is 18%. CS Policy RA1 states that the indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of NDPs, with local evidence and environmental factors determining the appropriate scale of development. Policy RA2 sets out the criteria against which housing proposals will be considered where a NDP does not exist and explains that NDPs will, in time, allocate land for new housing or otherwise demonstrate delivery to provide level of housing to meet target. Taken, together, it is clear that RA1 and RA2 operate to cede precedence to NDPs that are made; as is the case here. This supports the NPPF core planning principle at paragraph 17 and paragraph 198; which confirms that planning applications that conflict with a neighbourhood plan that has been brought into force should not normally be granted.
- 6.6 The NDP recognises the sensitivity of the AONB landscape by allocating relatively small sites for development. Mill Field is thus allocated for approximately 12 dwellings and there are criteria that development on the allocated site is required to fulfil. These are set out at Policy FW9 1 a) – e) which states as follows:-

“Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements:

- a) Addressing the significant environmental effects on the AONB and the Conservation Area;*
- b) Minimising potential impacts on the landscape character of the north west part of the village;*
- c) Achieving a safe highway access closer to the village*
- d) Achieving a safe pedestrian access to village facilities, other than by the main road;*
- e) Contributing to meeting housing needs.”*

- 6.7 At the outset of this appraisal it is necessary to consider the weight that should be attached to policies relevant for the supply of housing in both the CS and NDP. The agreed position is 4.39 years (this figure deriving from a Public Inquiry last year). Since then, clarity in respect of NDP's has been provided via the Ministerial Statement (12th December 2016). This confirms that policies for the supply of housing in made NDP's will not be out-of-date where the local authority can demonstrate at least 3 years' worth of housing land supply, the NDP is less than 2 years old and the NDP allocates land for housing. All three criteria are satisfied at this point and the policies of the NDP thus attract full weight.

Is the scheme representative of major development?

- 6.8 Although the site is allocated for development via the NDP, it is necessary to address the issue that the earlier scheme hinged on i.e. whether it represents major development within the AONB. Irrespective of scale, the NPPF affords the protection of AONB landscapes the highest degree of protection. Paragraph 115 confirms that great weight should be given to the conservation of landscape and scenic beauty in AONBs. Paragraph 116 is a restrictive policy requiring that planning permission for major development in such areas be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. An assessment of the scale of the development and whether it represents 'major' development within the local context is thus critical.
- 6.9 There are numerous appeal decisions and recent case law that consider this point; not least the appeal decision on the earlier 33 house scheme (141828/F). The appeal inspector cited the

visual prominence of the scheme at the gateway to the village and diminution of the (larger) application site's contribution to the character of the area as a transition between the river meadows and the steeply wooded slopes of the Woolhope Dome.

- 6.10 The National Planning Policy Guidance provides some clarification on the assessment of scale and whether schemes should be regarded as major in the AONB context as follows:-

“Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision-taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

- 6.11 It follows from this passage that an assessment of scale is a matter for the decision taker in each instance, taking into account the nature of the proposal and the context in which the application sits. It is clear that a thirty house scheme relative to a small village may be taken to represent 'major development', whereas the same proposal on the edge of a town may not. It is absolutely clear, however, that each case must be judged on its own merits and while appeal decisions and High Court judgements are instructive, they cannot substitute for an assessment of the case in hand.
- 6.12 In concluding on this matter now and in the current circumstances, officers refer to the manifest differences between the earlier appeal scheme and the current application. The site is now less than 1ha in extent and is for fewer than half the number of dwellings. Mitigation remains in the form of orchard and wildflower meadow planting to north-east and north-west.
- 6.13 It should also be recognised that planning policy at the local level has since moved on considerably since the earlier application for 33 dwellings was dismissed. The CS has reaffirmed Fownhope as a main village where proportionate growth may be sought and even more importantly, the Parish has adopted a NDP, which amongst other things, identifies the application site as a housing allocation. Attainment of the indicative housing delivery target for the parish is thus contingent on realising development on this and other allocated sites. Overall, on this matter, officers are of the opinion that the proposal is not major development. Accordingly NPPF 116 is not applicable. This is not to diminish the importance of NPPF 115 and Development Plan policies which confirm the great weight that goes to conservation of landscape and scenic beauty in such areas.

Impact on the AONB landscape

- 6.14 In concert with the NPPF, the CS and NDP both place conservation of the AONB landscape as central to the pursuit of sustainable development. This is acknowledged particularly, but not exclusively, by CS Policies SS6 and LD1 and in NDP Policy FW1 and FW2: Safeguarding the Wye Valley Area of Outstanding Natural Beauty. The NDP approach, in recognising the local environmental constraints, is quite deliberate in identifying smaller housing sites and even then, the first two criteria of NDP policy FW9, refer to the AONB and impacts on landscape character.
- 6.15 NDP Policy FW2 records how new development shall have regard to conserving and enhancing the natural beauty and amenity of the Wye Valley Area of Outstanding Natural Beauty, and, where appropriate, to respecting the setting, character, appearance and cultural heritage of the Fownhope Conservation Area. Development should contribute positively to the area's rural character, should, inter alia, give highest priority to conservation and enhancement of the amenity, visual quality, natural beauty, wildlife and cultural heritage of the Wye Valley Area of Outstanding Natural Beauty and not adversely affect landscape character but where appropriate include measures to conserve, restore or enhance this.

- 6.16 Schemes should also contribute towards the ecological network of the area with measures, in particular, to support the biodiversity value of designated and local sites and maintain and where appropriate extend tree cover, with important landscape and biodiversity features such as ponds, orchards and hedgerows retained.
- 6.17 As with the earlier application, the Conservation Manager (Landscape) recognises the inherent value of the AONB designation and that all landscape receptors are *de facto* highly sensitive in AONB landscapes. The officer's detailed assessment confirms that the site forms an integral part of the AONB's valued landscape, on the south west-facing slopes of the Wye River valley. It makes an important contribution to the natural beauty of the area and as recognised in the Inspector's decision the loss of the application site and its replacement with modern housing would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.
- 6.18 It is also recognised, however, that the area of influence of the site in the wider Herefordshire landscape is relatively limited and that a housing estate of 15 dwellings on the proposed site could potentially be accommodated without giving rise to significant adverse effects on regional landscape character. In this case it is accepted that the scheme layout proposes mitigation, compensation and enhancement, which could potentially reduce localised adverse effects in the longer-term.
- 6.19 The current proposal has in its amended form taken a considered approach to the conservation of the landscape and scenic beauty of the AONB. It has in particular taken account of comments received in relation to the original submission and represents, in your officer's opinion, a significant improvement. In recognition of the historic landscape character; analysis revealing the widespread presence of orchards locally, it is proposed to reinstate orchard planting to the site's periphery with the open countryside; the orchard to be planted with traditional varieties of fruit. This would help assimilate new houses into the landscape. The planting plans and schedules show a diverse range of habitats and species which are generally in keeping with the area's landcover and vegetation. The scheme also has the potential to increase local biodiversity and provide benefits to wildlife. The submitted draft management plan sets out proposals for maintenance of the landscape, which will rest with a management company.
- 6.20 The Conservation Manager (Landscape) also considers that in terms of the housing layout and house types, these appear to have the potential to fit relatively well into the existing and proposed landscape; although further detail is likely to be required to ensure that the proposed materials are appropriate to the context. This can be governed by planning condition.
- 6.21 Although the proposed development has the potential to give rise to adverse effects on local landscape character and visual amenity, the Conservation Manager (Landscape) considers that these effects can, at least in the longer term, be mitigated / compensated for to an acceptable extent through the establishment of the orchard, structural tree planting and the creation of wildlife habitats. This is on the proviso that these are properly maintained and managed in the long term. The officers' overall conclusion, following a detailed assessment of the nature of and magnitude of effects, is one of no objection to the proposals from a landscape-related perspective, although clarification is sought in relation to long-term management proposals.
- 6.22 It is also noted that as with the earlier proposal, the scheme takes the approach of locating single-storey dwellings on the higher contour and creates level platforms for the dwellings by excavating and retaining the resultant cut and fill. This is illustrated on cross-sections.
- 6.23 The Conservation Manager (Ecology) also has no objection to the proposal, and officers consider that the scheme has the potential, through habitat creation to enhance bio-diversity interest when considered against the current situation. The proximity to the Cherry Wood SSSI has been taken into account and is recognised by a considerable buffer strip which is incorporated into the design. The nearby River Wye SAC is also safeguarded by the

management plan for surface water through a SuDs system or infiltration and the use of mains sewer for foul drainage. The officer recommends a range of conditions that are set out in the recommendation to ensure that development accords with NDP Policy FW5 – Biodiversity.

- 6.24 There is, in overall terms, a significant net gain in hedgerow creation; there is a double hedgerow along the boundary with the main road with the majority of boundaries delineated by mixed-species hedgerow, with estate-style railing elsewhere. There is also, as well as the orchard, potential for the addition of native species tree planting across the scheme.
- 6.25 It is accepted by officers, therefore, that by comparison with the existing arable use, the scheme offers potential benefits to bio-diversity through habitat creation and also takes the opportunity to restore landscape character through the planting of a significant area of orchard; re-instating the historic landscape character. The scheme is thus in accordance with CS Policy LD2 and LD3 (Bio-diversity and geo-diversity and Green Infrastructure) and the relevant provisions of NDP Policies FW2 and FW9.
- 6.26 It follows from the above, that having regard to the provisions of the NDP, CS and NPPF, the scheme is not held to represent major development. It is, however, held to represent an approach to development that has regard to the sensitivity of the local landscape within the AONB context. The scheme is considered to respond positively overall to the requirement to conserve landscape and scenic beauty in accordance with NPPF 115.

Impact on designated and non-designated heritage assets

- 6.27 The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.
- 6.28 The Conservation Manager (Historic Buildings) is satisfied that the submitted Landscape Character and Visual Analysis provides a good range of information on the site's context and the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment.
- 6.29 The officer concludes that the proposed development would fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area and the setting of the listed buildings at Mill Farm, with the latter having enjoyed an open setting in all directions historically. The development would have an impact on this setting, introducing a suburban character to this setting and more detailed assessment of this impact would have been welcomed.
- 6.30 It is acknowledged, however, that the existing road and proposed hedgerow planting will provide some screening between the listed buildings and the new development within its setting and this is in the context that the site has been allocated for residential development and is now enshrined in the Development Plan as such.
- 6.31 It is also noteworthy that the earlier, far larger scheme did not attract an overriding objection in heritage terms and it follows that assessment of this reduced scheme should draw the same conclusion.
- 6.32 Overall, the impacts identified above in relation to the Mill Farm complex and the setting of the Conservation Area fall towards the lower end of the less than substantial spectrum identified at paragraph 134 of the NPPF – to which recourse must be had in the context that CS Policy LD4 does not address how harm should be factored into the planning balance. It is recognised

however, that NDP Policy FW7 states that development not responding adequately to its context should not be permitted, but there is no suggestion that the Parish Council considers the scheme to fail this particular test.

- 6.33 The planning balance required by paragraph 134 is returned to in Section 7 below.

Impacts on the safe operation of the highway network

- 6.34 The NPPF directs that planning permission should only be refused where the residual cumulative impacts of development are severe; the use of the term 'residual' meaning those impacts that exist post-mitigation. NDP Policy FW9 requires the development of Mill Field to achieve a safe highway access closer to the village. The use of 'closer' in this context is unclear i.e. there being nothing to compare the proposed access to in the text. The achievement of a safe means of pedestrian access that *does not* rely on the public highway is also a requirement of NDP FW9.
- 6.35 CS Policy MT1 Traffic management, highway safety and promoting active travel is a criteria based policy requiring development to incorporate various principles covering movement and transportation. These include demonstration that the local highway network is capable of accommodating the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Design and layout should achieve safe entrance and exit and make provision for all modes of transport. Public rights of way should also be recognised and protected, with regard paid to the provisions of the council's Highways Design Guide and Local Transport Plan. Finally, traffic management measures, if introduced, should be designed in a way which respects the character of the surrounding area, including its landscape character. This would appear to reference potential village gateway features.
- 6.36 The proposed access will require the removal of a significant section of existing roadside hedgerow and re-grading of the existing bank in order that the vertical alignment permits visibility across the frontage for the requisite 116 metres in each direction from a 3.5m set back to allow for some hedgerow growth. The geometry of the access, including the gradient, has been assessed by the Transportation Manager and it is considered that the proposal accords with MT1 and the requirements of FW9.
- 6.37 It is also the case that the scheme will make provision for financial contributions towards sustainable transport measures, which include funding for a Traffic Regulation Order to investigate the extension of the 30mph limit further to the north-west.
- 6.38 As amended, and in accordance with officer advice, the scheme continues to make provision for a pedestrian link to the public footpath passing between 13 and 14 Scotch Firs. In addition, an informal link onto footpath FW8, which runs up the boundary of the site with Scotch Firs, is formed for those dwellings at the southern tip of the site. This is designed to offer the shortest possible route to Scotch Firs so as to accord with MT1, FW6 and the specific requirement of FW9 1 d). Unfortunately, it is not possible to avoid completely the potential for individuals choosing to walk along the B4224. This is on the basis that the public footpaths that enter the site in the southern corner cannot be extinguished and obviously afford the opportunity to both enter and exit the site here. However, recognising the fact the site is allocated for housing it is considered that the scheme responds to the policy requirements as well as it can do in the circumstances.

Affordable housing

- 6.39 The final requirement of FW9 is that the scheme should contribute to meeting local housing needs. The scheme is for 15 dwellings, which officers do not find objectionable in terms of the

FW9 wording seeking approximately 12 dwellings. Although it can reasonably be assumed that 12 was considered an appropriate number having regard to the overall housing requirement in the parish and scale of development within the AONB, it is the view of officers that provided the scheme complies with the criteria of FW9 and other relevant NDP policies, the CS and NPPF when read as a whole, an approximate number expressed in an NDP policy should not militate against a greater number or otherwise regard 12 as an absolute cap. The use of the word 'approximately' clearly does not anticipate that 12 should be seen as a limit. This would deny the flexibility to deliver more housing, and potentially more affordable housing; which is also expressed as a key objective of the NDP. Indeed some correspondents have taken issue with this and consider that 12 should be the absolute limit but that 10 dwellings would be more acceptable; in which case the scheme would not be obligated to provide a target of 35% affordable homes.

- 6.40 Accordingly, the scheme in delivering 15 dwellings has 5 of these identified as affordable. The applicant's preferred tenure is low-cost market. This has drawn criticism from some objectors on the basis that this is, in effect, a more expensive affordable tenure for those who cannot compete on the open market and not fully compliant with FW9 e). However, officers have ascertained from Registered Providers that there would be no interest in acquiring 5 dwellings in this location for social rent or other intermediate tenure. This, in effect, limits the tenure options to the extent that only low-cost market is deliverable. The agreed discount in this instance is 39% for a 2-bed dwelling and 36% for a 3-bed dwelling.
- 6.41 Concern has been expressed that whilst low-cost market offers a discount on the first sale, there is no long-term benefit. This is not correct. The S106 agreement, heads of terms for which are attached to this report, makes it plain that the agreed discount will apply upon each resale of the property concerned in perpetuity. This is in accordance with NDP Policy FW13.

Flooding and surface water drainage

- 6.42 The scheme promotes infiltration as a means of disposing of surface water. Whilst accepting that this is the preferred method in terms of the drainage hierarchy, the Land Drainage response confirms that if further investigation reveals that infiltration is not feasible – this to be determined by more extensive testing - a revised surface water drainage strategy would be required.
- 6.43 The overall conclusion, as with the refused larger scheme 141828, is that it is feasible to drain the site at the greenfield equivalent run-off rates and thus not increase the risk of overload flow and exacerbate flooding elsewhere; a concern that has been expressed in letters of objection received. An objection on this basis, particularly in light of the lack of objection to the earlier scheme would not be tenable. Accordingly a condition is recommended in line with the Land Drainage and Welsh Water comments.

Foul drainage

- 6.44 Welsh Water has confirmed that it has no objection to a connection being made to the public sewerage system and nor is there an objection in terms of treatment and water supply. As above a condition is recommended requiring the submission of a comprehensive drainage scheme and such a condition is appended to the recommendation. On this basis the scheme is considered to accord with CS Policies SD3 and SD4.

Impact on adjoining property

- 6.45 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site would not result in undue impact on adjoining property, particularly those dwellings within the historic Mill House Farm complex on lower-lying land opposite and beyond the B4224.

- 6.46 By comparison with the earlier refused scheme the margin against Scotch Firs is reduced. However, due to orientation, which prevents direct overlooking from habitable rooms, officers are satisfied that the scheme is not in conflict with CS Policy SD1 or NPPF guidance. Whilst it is acknowledged that properties at the north-western edge of Scotch Firs would lose hitherto unrestricted views northwards, this is not a material consideration.
- 6.47 Concerns have been expressed in relation to the obligation on a developer to fulfil the plans as submitted. For clarity, any planning permission issued would be restricted by a condition requiring that development proceed in accordance with the approved plans.
- 6.48 It has also been requested that conditions be imposed requiring the removal of permitted development rights for future alterations that would permit the introduction of dormer windows within roof slopes. It is the case, however, that planning permission would be required for the introduction of dormer windows in the principal roof slope of the dwellings and Planning Practice Guidance cautions that the removal of domestic permitted development rights will rarely meet the test of necessity:

“Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”

- 6.49 On this basis officers consider that the removal of permitted development rights would not meet the relevant threshold test of necessity and reasonableness.

Ecology

- 6.50 Policy FW5 of the NDP deals with bio-diversity. It states that proposals for development should ensure that they do not harm the substantial network of sites designated for wildlife and nature conservation, including SSSIs and priority habitat such as traditional orchards and woodland.
- 6.51 It is also an explicit requirement that no development will be permitted within 100 metres of the River Wye Special Area of Conservation, with development only permissible where any adverse effects on designated sites can be avoided or mitigated. Development will only be permitted when it does not compromise the ability of the Nutrients Management Plan to deliver the necessary nutrient reductions along those stretches of the River Wye Special Area of Conservation which exceed water quality targets or are at risk of doing so. Developments will be expected to maintain and enhance existing ecological corridors and landscape features including hedgerows, water courses and tree-lines.
- 6.52 In this case, the proposal fulfils the SAC buffer requirement and the Council’s Ecologist has confirmed that subject to the imposition of conditions significant effects on the SAC are capable of being avoided. Adverse impacts on the nearby SSSI are mitigated by the c.40 metre buffer. Overall, officers are content that in accordance with CS Policies LD2, LD3, NPPF paragraph 118 and the aforementioned NDP Policy FW5, the proposal would not, if subject to conditions, result in adverse impacts on the SAC, SSSI or protected species; it being the case that the site itself is of little ecological value.
- 6.53 A condition is recommended requiring the submission of further habitat enhancement measures, yet the approach to hedgerow, orchard and wildflower meadow planting is such that

officers are content that the scheme offers a net gain in terms of bio-diversity through habitat creation.

S106

- 6.54 The application is accompanied by a draft Heads of Terms, attached to this report. The draft makes provision for contributions towards education, transport projects, off-site open space and formal play and waste recycling facilities. The governance of the low-cost market dwellings is also addressed; it being the case that the discount against market value is applicable upon resale in perpetuity. In this way the Parish Council and others' concerns in respect of the scheme not offering any affordable housing in the long-term are addressed. On this basis I conclude the scheme accords with CS Policy ID1 and the relevant policies of the NDP.
- 6.55 It is also relevant to decision-makers to have regard to the economic benefits that ensue from a scheme for 15 dwellings and that would otherwise be absent were a scheme for 10 units pursued; as has been suggested by some correspondents.
- 6.56 In this case, a larger scheme, as per the requirement of FW13 is required to demonstrate provision of 35% affordable housing. That 'target' is met in this case and in the context of the Housing Land Supply deficit and attendant under-provision of affordable housing, this is something that should attract significant weight as a benefit in the overall planning balance.

Sustainable construction

- 6.57 In the context of the overall number of objections received, a significant proportion, including the addendum comments of the Parish Council, have suggested that the scheme would accord more fully with NDP Policy FW16 and CS Policy SD1 were the dwellings orientated on an east/west axis such that passive solar gain and the potential for renewable energy generation might be fully exploited.
- 6.58 Inevitably there is a minor degree of tension between the provisions of Policy FW16 and the necessity to have full regard for other provisions of the Development Plan. In this instance, a reorientation of the dwellings onto an axis that presents an elevation to within 10 degrees of due south would result in dwellings being constructed across the existing contours as opposed to working with the existing levels. As it is, the dwellings have their principal elevations facing SW, which does not necessarily prevent the utilisation of roof mounted solar arrays; if indeed that were thought desirable in the landscape context.
- 6.59 Although FW16 is expressed in terms that regard orientation as a means by which sustainable construction can be achieved, it is not the only measure and as per CS Policy SD3 a condition is recommended requiring adherence to water efficiency standards. The dwellings will be built in accordance with Building Regulations and when taken in the round and assessed against the benefits of the scheme, the failure to achieve an orientation within 10 degrees of due south should not, in your officers' opinion, attract significant weight in the overall planning balance; particularly when regard is had to how positively the scheme addresses the criteria of FW9.

7. Conclusions

- 7.1 The scheme is for housing on a site allocated by the made NDP. The scheme is for 15 dwellings, including 5 low-cost market with the NDP policy describing suitability for 'approximately' 12 dwellings. As discussed above, officers do not consider that this excess should be fatal when considered in the round.
- 7.2 The overriding concern here in the context of policies relevant to the AONB is the impact of the scheme on the landscape and scenic beauty of the designated landscape. In this regard officers are content the scheme should not be held to represent major development and that the

amended design approach is sensitive to the context; thus discharging the requirement to give great weight to the conservation of landscape and scenic beauty as expressed in all three tiers of relevant policy documents and the Wye Valley AONB Management Plan.

- 7.3 In the context of NPPF paragraph 198 and the ministerial statement in respect of Neighbourhood Development Plans, officers are content that the scheme is not in conflict with the provisions of the NDP when read in the round; likewise the Core Strategy. In that case, CS Policy SS1 demands that planning permission should be granted unless material considerations indicate otherwise. And as directed by the NPPF, housing schemes, absent a 5 year supply with buffer, must be considered in the context of the positive presumption.
- 7.4 In this case the relevant planning benefits are considered to outweigh the adverse impacts in the planning balance in the context of the unweighted NPPF 134 test and also when considered in relation to the 'limb 2' test. Specifically, the social benefits associated with the delivery of housing and affordable housing in particular weigh heavily in favour of approval, whereas the potential for ecological benefits and absence of other technical constraints should also be noted.
- 7.5 On this basis the scheme is recommended for approval subject to the conditions below and completion of the requisite S106 agreement.

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. **C01 Time limit for commencement (full permission)**
2. **C08 Amended plans**
3. **C13 Samples of external materials**
4. **CAB Visibility splays**
5. **CAE Vehicular access construction**
6. **CAH Driveway gradient**
7. **CAL Access, turning area and parking**
8. **CAP Junction improvements/off site works**
9. **CAQ On site roads – submission of details**
10. **CAR On site roads – phasing**
11. **CAT Wheel washing**
12. **CAZ Parking for site operatives**
13. **CB2 Covered and secure cycle parking provision**
14. **Prior to commencement of the development, a detailed habitat 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 and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and NERC 2006.

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

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies LD2 and SD1 of the Herefordshire Local Plan – Core Strategy.

To comply with policies NC8 and NC9 within Herefordshire’s Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

16. Prior to commencement of the development, a Tree Protection Plan to include hedgerow protection following “BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations” should be compiled based upon this survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

17. None of the existing trees and hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policy DR1 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

18. C96 Landscaping scheme
19. C97 Landscaping scheme - implementation
20. CA1 Landscape management plan

21. **No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approve in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme.**

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

22. **CBK Restriction of hours during construction**

23. **CCK Details of slab levels**

INFORMATIVES:

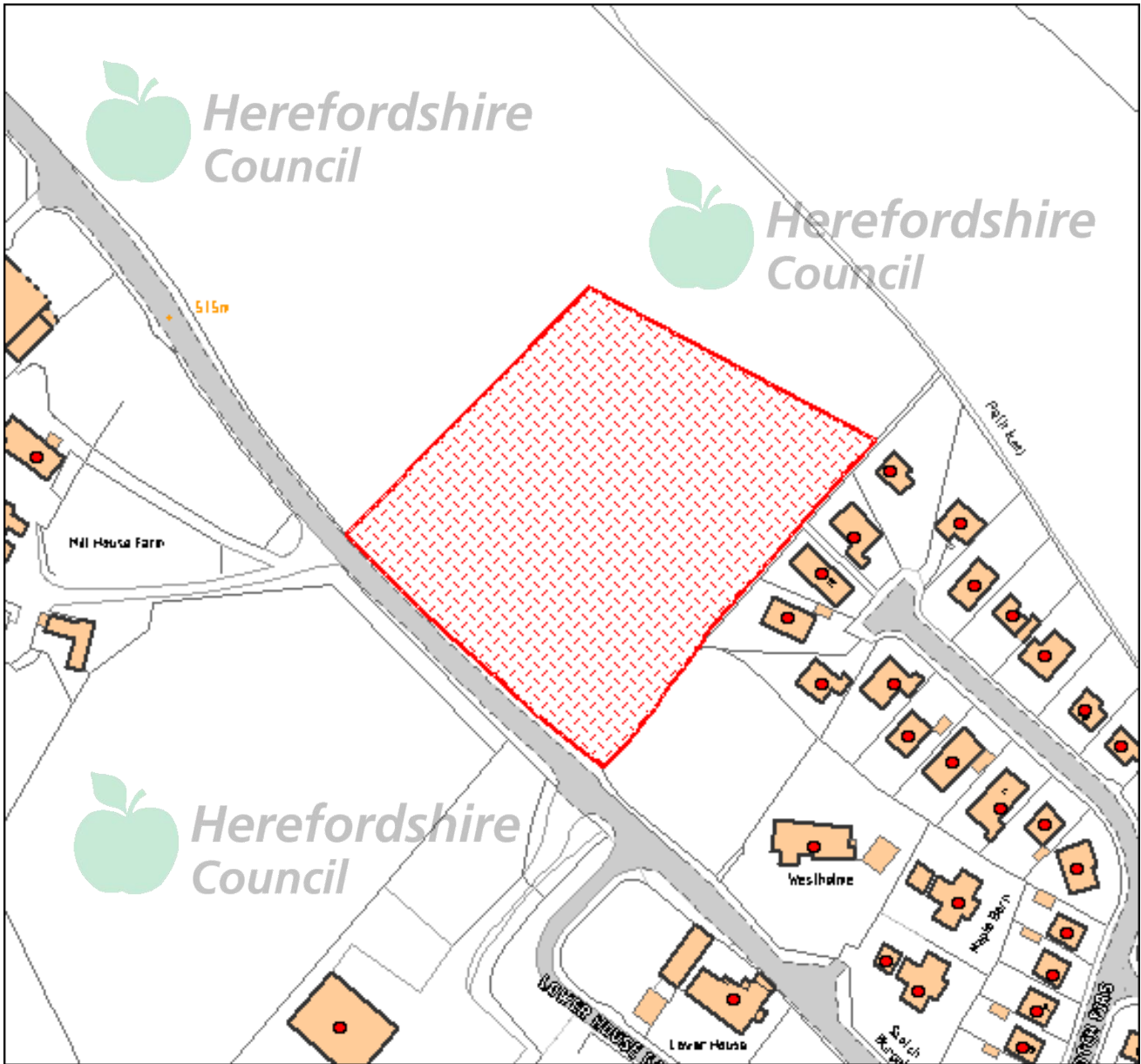
1. **Statement of Positive and Proactive Working**
2. **The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.**
3. **I05 No drainage to discharge to highway**
4. **I06 Public rights of way affected'**
5. **I07 Section 38 Agreement & Drainage details**
6. **I35 Highways Design Guide and Specification**
7. **I45 Works within the highway**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163707

SITE ADDRESS : LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE

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