

MEETING:	PLANNING COMMITTEE
DATE:	12 MARCH 2014
TITLE OF REPORT:	132536/F - DEVELOPMENT OF 50 NEW DWELLINGS OF WHICH 18 WILL BE AFFORDABLE ON LAND AT LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE, For: David Wilson Homes (Mercia) Ltd per Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132536

Date Received: 16 September 2013 Ward: Hagley

Grid Ref: 355656,241139

Expiry Date: 1 January 2014

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 50 dwellings, including 18 affordable on land north of Ledbury Road and west of Williams Mead, Bartestree. The site is an open field bounded to the east by detached properties in the residential cul-de-sac Williams Mead, at the entrance to the village when approached from the west via Lugwardine.
- 1.2 The site is L-shaped in plan, the northern part extending eastwards to wrap around Williams Mead. Bartestree extends further to the east, the northern edge of the village defined predominantly by mid/late twentieth century residential development. The Grade II listed Prospect Cottage lies to the west.
- 1.3 The site is bounded to the north by open countryside and a network of public rights of way, including the Three Choirs Walk, which passes along a ridge to the north of the site. The site extends to 1.74ha. This equates to 29 dwellings per hectare.

The proposal

- 1.4 The development comprises a mixture of 1, 2, 3, 4 and 5 bedroom two and two-and-a-half storey dwellings. The 1, 2 and 3 bed units are terraced or semi-detached. The larger units are detached.
- 1.5 Vehicular and pedestrian access is proposed through the construction of a single point of access direct from the A438. The estate road heads into the site with properties arranged on either side before making a long right-hand turn into the north-eastern portion of the site. Fourteen of the affordable units are located in the north-west corner of the site, the majority of

these sharing a parking area opposite the proposed electricity substation and foul pumping station.

- 1.6 Surface water drainage is taken from the site and conveyed to a SUDs pond on lower-lying land in the agricultural land to the north. Foul would be connected to the mains.
- 1.7 The site is laid out with larger detached units at the entrance; the 5/6 bed '536 house-type' forming the gateway into the site on plots 1 & 50. Plots 2 & 49 are the 597 house-type – a 2 ½ storey unit with 5 bedrooms. Moving north on the west side of the estate road there are four pairs of semi-detached units, the first three pairs comprising the P382-5, the final a pair of SH39-5. The SH39-5 units are affordable dwellings. These are 3-bed units.
- 1.8 The north-west corner of the site sees a concentration of affordable units. As well as the aforementioned pair of SH39 there is a terrace of four dwellings (1 x SH39 and 3 x SH27) two pairs of SH27 and four single-bed N107, in a single block. Moving eastward around the northern edge of Williams Mead the dwellings are 4/5-bedroomed detached dwellings, including the 452, 469, 500 and 597 house-types. The house-type schedule is as follows:

House type	Quantity	Bedrooms	Storeys	Detached/semi/terrace
536 – 5	3	5	2 ½	Detached
597-5	5	5	2 ½	Detached
500-5	6	5	2 ½	Detached
469-5	6	4	2	Detached
452	3	4	2	Detached
382-5	10	3	2	Semi
N107	4	1	2	Back-to-back
SH39-5	7	3	2	Semi/terrace
SH27	7	2	2	Semi/terrace

- 1.9 The site is outside but immediately adjacent the settlement boundary for Bartestree as defined by 'saved' policy H4 of the Unitary Development Plan.
- 1.10 The application site was subject to assessment under the Strategic Housing Land Availability Assessment and categorised as having low/minor constraints. The implications of the Council's lack of housing land supply (HLS) are discussed below.
- 1.11 The application is accompanied by a Planning Statement, Ecological Appraisal, TA and Travel Plan, Summary Statement of Community Involvement, Drainage and Flood Risk Assessment and Arboricultural Report. The Council has maintained a dialogue with the developer and their planning consultants throughout; starting with pre-application engagement prior to submission. This has led to revisions to the layout and minor modifications to the house-type mix and detailed design. Amended plans detailing these changes have been subject to additional consultation with interested parties. This has included a newspaper advertisement and posting of 'amended plans' site notices at a number of locations within the village.
- 1.12 The application was also accompanied by a viability report (RCA Regeneration Ltd) which confirmed that the scheme would not be viable if subject to S106 contributions over and above the commitment to provide 18 affordable dwellings. The District Valuation office was instructed to provide an independent assessment. The outcome of this exercise is described more fully below, but it was held that the scheme would be viable if land values were reappraised. Section 106 contributions are now prepared as per the attached Heads of Terms.

2. Policies

2.1 National Planning Policy Framework (NPPF):

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

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan (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
H10	–	Rural exception housing
H13	–	Sustainable residential design
H15	–	Density
H19	–	Open space requirements
HBA4	–	Setting of Listed Buildings
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

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Addressing climate change
RA1	–	Rural housing strategy
RA2	–	Herefordshire's villages
H1	–	Affordable housing – thresholds and targets
H3	–	Ensuring an appropriate range and mix of housing
OS1	–	Requirement for open space, sports and recreation facilities
OS2	–	Meeting open space, sports and recreation needs
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Local distinctiveness
LD2	–	Landscape and townscape
LD3	–	Biodiversity and geodiversity
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
ID1	–	Infrastructure delivery

2.4 Neighbourhood Planning

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

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

2.5 Other Relevant National Guidance:

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

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

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions. Originally raised an objection due to low water pressure in this area of Bartestree, but have since received the fee from Utility Connections to provide a quotation to carry out a Hydraulic Modelling Assessment on the water supply system. Now recommending conditions requiring the submission of a comprehensive scheme for the integrated drainage of foul, surface and land drainage run-off, with further stipulation that land drainage and surface water run-off are not permitted to connect either directly or indirectly to the public sewerage system.

4.2 Environment Agency: No objection

Internal Council Advice

4.3 Traffic Manager: No objection. The revised trip generation figures are acceptable and provide more consistency with those used elsewhere around Hereford. The impact on the network is considered acceptable.

The proposed access onto the A438 is acceptable in terms of visibility offered and the provision of parking on individual plots exceeds maximum standards such that on-street parking is unlikely to occur to any significant extent.

4.4 Conservation Manager (Landscapes): The proposed development is not likely to give rise to adverse effects on the wider landscape character or visual amenity, but as the site is locally significant there would be moderate to major adverse effects on local landscape character especially through coalescence of the settlements and moderate adverse effects on views from the A438. It is likely to have a major negative effect on the amenity of and views from public footpath LU6 where it crosses the site, and could result in moderate to major adverse visual effects on people living on the boundaries.

It has not been demonstrated that the proposed development is sustainable as defined in paras. 1 and 2 of UDP Policy S1 Sustainable Development nor that it fulfils the requirements in Policy S2 Development requirements and Policy H13 Sustainable residential design.

The development does not comply with Policy DR1 in particular Para. 3: no landscape assessment has been carried out, but the effects on 'townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines' are likely to be moderate to major adverse on a local level.

For the reasons set out above the development is contrary to Landscape Policies LA2 Landscape character and LA3 Setting of settlements. It has not been demonstrated that Policy LA5 Protection of trees, woodland and hedgerows has been complied with as the potential for long-term damage to / erosion of boundary hedges has not been considered nor mitigation proposed.

The proposed landscape scheme does not comply with Policy LA6 Landscaping schemes as the proposals have not taken into account local landscape character especially in the choice of plants.

The proposed development is likely to give rise to adverse impacts on the setting of the adjacent listed building which is contrary to Policy HBA4 Setting of listed buildings.

If the principle of development on this site is accepted, the applicant should submit a revised layout based on these and other comments and should supply the information required, as set out above in detail but summarised below:

- The proposed hedges should be planted with mixed native species and not just hawthorn as shown on Tetlow King's Boundary Treatment Plan Drawing No. BM01 Rev D.
- The layout should be re-thought to a) ensure a more area-appropriate built presence along the road frontage gap with Plot 50 set back further from the road, b) better integrate the affordable housing and c) create a more organic form to avoid the block-like shapes.
- The scheme should be revised to take into account footpath LU6 especially to mitigate adverse effects on footpath users and to ensure the security of the pumping station.
- Proposed trees around the site's periphery should be planted in hedgerows and should be native species.
- Existing hedges should be gapped up and protected in order to safeguard them, maintain local landscape character and conserve / enhance local biodiversity. The rear garden fences could be set back to allow a maintenance strip along one side of the hedge.
- Trees must be protected following the measures set out in the tree survey and in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- The proposed lists of species need to be revised as many of the plants proposed are inappropriate in this location and do not benefit wildlife.
- Full planting plans, schedules and specifications for planting and protection should be submitted with the application, not follow on as a condition.
- A long term landscape management plan (to include sustainable measures for conserving and enhancing biodiversity) should be submitted with the application, not follow on as a condition. Measures that will demonstrate how the long-term protection of the existing and proposed hedges and trees around the periphery is to be ensured must be set out.

4.5 Conservation Manager (Ecology): No objection. The mitigation measures and enhancement opportunities highlighted in the submitted report should be secured by condition.

4.6 Conservation Manager (Historic Buildings & Conservation): This L-shaped site is a greenfield site outside the development boundary of the village of Bartestree. Over the recent decades the space between the historic houses and cottages has been gradually infilled by new housing but

the village had managed to still retain recognisable boundaries. The mix of dwellings, in size and style, is very variable within the village but the materials are largely brick or timber-frame.

To the west of the site is Prospect Cottage, a grade II listed building, which combines the original 17th century cottage with a 19th century, painted brick two-storey extension. This is set within a typical plot for the area which is generous in width and length and is a clear remnant of the historic pattern and depth of development along the main road through the village.

The scheme proposed would occupy the one remaining clear and undeveloped area between the village of Bartestree and that of Lugwardine. Both villages have tended to expand by ribbon development along the main road initially and then by infilling the relatively large spaces between village buildings. In this way the two villages have managed to remain separate despite growing significantly in size. In principle it is considered that the development of the greenfield site for housing would be detrimental to the legibility and character of Bartestree and Lugwardine.

The setting of the adjoining listed building, Prospect Cottage, would also be compromised by the addition of the new housing. Instead of being set within a rural context and separate from the more continuous development of the village, the listed building would become just another dwelling in a row of development. It is considered that this would be detrimental to the setting of the listed building and therefore would be contrary to Policy HBA4.

4.7 Drainage Engineer

There are no objections in principle on flooding or drainage grounds, subject to the use of appropriate SuDS, provision of detailed drainage information, and provision of soil infiltration rates. It is also requested that details of the outfall route from the pond to the watercourse, as well as confirmation of its capacity and culverts are provided prior to construction. Information on the ownership of the existing pond and required consents is provided to the Council prior any detailed design.

The FRA suggests that adoption and maintenance of SuDS and drainage features may be undertaken by Welsh Water, the Local Authority or a private management company. We recommend that confirmation of the body responsible for ongoing maintenance is provided prior to construction.

4.8 Public Open Space and Leisure

No provision is to be provided on site. This is supported as the village has two existing play areas. Therefore an off-site contribution is required to meet UDP Policy in lieu of one being provided on site and to improve the local offer particularly for older children, which is required to cater for the additional population. The development site lies within easy access, opposite the main facility in the village at Bartestree Village Hall which is owned and maintained by the Parish Council. This facility is the larger of the two offering a multi-functional recreation ground with room to expand and further develop as the main "local neighbourhood" facility in the village. The draft Investment Plan for the Play Facilities Study indicates that whilst the existing equipment is relatively in good condition, it caters for infants and juniors only and would benefit from additional equipment for older children in particular in consultation with the local community. The Parish Council should be consulted on this.

Draft Heads of Terms:

Off-site Play:

Based on market housing only and in accordance with SPD on Planning Obligations (discounting the first bedroom as this is for children) we would require the following:

10 x 3 bed (£1,640 per house) 22 x 4 bed (£2,219 per house)

Total £65,218 (this is calculated on development and maintenance costs for additional equipment).

Sport England Contribution:

A contribution is required in accordance with the SPD on Planning Obligations which requires a contribution from all residential development of over 10 dwellings in response to the pressure the increased population arising from the development will bring to an aging stock of sports facilities, particularly indoor. Based on market housing only and using Sport England's facilities calculator this equates to:

10 x 3 bedroom: (£672 per house)

22 x 4 bedroom: (£818 per house)

Total: £24,716

Both the Council's Indoor Sports Facilities Strategy and the Playing Pitch Assessment for Hereford identify areas for future investment but this will be dependent on priorities at the time of receiving the contribution which will be further detailed as the Investment Plans are developed. Projects include local facilities at Bartestree Village Hall recreation ground and in Hereford (on the understanding that Sport England advocate a 20 minute drive time), particularly at the Leisure Centre, Swimming Pool and Aylestone Park, to bring up to date old facilities and provide new facilities which meet identified needs and deficiencies.

4.9 Public Rights of Way: No objection

4.10 Schools Organisation and Capital Investment Officer:

The educational facilities provided for this development site are North Hereford City Early Years, Lugwardine Academy & St Francis Xavier Primary School, The Bishop of Hereford Bluecoat School and Hereford City Youth.

On the basis of summer 2013 census data all three schools had three years over capacity.

In accordance with the Planning Obligations SPD the contribution for this development totals £246,010.

4.11 Waste & Recycling: No objection

5. Representations

5.1 Bartestree & Lugwardine Parish Council:

Comments from Bartestree with Lugwardine Parish Council: The Parish Council did not support this application for the following reasons, which remain applicable to the amended scheme.

Overlooking/Loss of Privacy

A number of residents in the adjacent Williams Mead claim that the proposed plans indicate that they will be overlooked by a number of the houses to be built. This would lead to a loss of light and overshadowing for some houses in Williams Mead.

Highway Safety

David Wilson Homes (DWH) claim that there are adequate footpaths in the vicinity for adults and children which, as indicated in recent Parish Plan questionnaires, is complete nonsense. Paths, sometimes narrow, exist on only one side of the busy A438 in many places. In particular, pedestrians walking from Bartestree to the local secondary school in Lugwardine are forced to cross the busy road in two different places - beside Llamas Lodge and again by the Church. Crossing the road might also require pedestrians to weave their way between stationary vehicles waiting in a traffic queue. This is a very dangerous prospect for school children and will result in most parents having to drive their children to school. Children walking to the local Lugwardine Primary Academy will also be inches away from the wing mirrors of passing lorries and vans many of which are exceeding the statutory speed limit. There are no barriers preventing children from stepping off the narrow footpaths. In wet weather large puddles always form on that stretch of road and pedestrians are soaked by spray from passing vehicles.

Traffic

Vehicles leaving the site will be close to the brow of the hill and traffic travelling from Hereford will likely meet the tail end of a queue of traffic as they round the bend. Right turns on to the main road from existing properties along the south of the A438 are already extremely difficult at peak times - this will exacerbate the problem.

DWH have played down the extra vehicular traffic that will be created around peak times. Their proposal to appoint a coordinator to promote car-sharing is a ludicrous suggestion and shows no understanding of human nature and the impracticality of this proposal. They have given no indication of the time period and funding they are prepared to commit to this naive proposal.

DWH state in their analysis that there is no problem with the traffic speeds basically because no remedial action has so far been taken - a peculiar moral position. In reality the West Mercia Safer Road Partnership designated the A438 in this area as 'a road for concern' and operate speed camera measures. The police have on occasions also mounted hand-held camera campaigns. Data from the SIDS provided by Herefordshire Council indicate that more than half of all vehicles exceed the speed limit, and many travel in excess of 40 and 50 mph.

Services and Amenities

Welsh Water has advised DWH that they may pump foul sewage up from the site and into one of the sewer mains on the Ledbury Road, A438. It is considered that Welsh Water have not taken into account the expansion of the village by over 100% (more than doubled!) since this particular sewer was first laid in 1975. The current sewer is 150mm diameter and Welsh Water have advised residents that a sewer pipe of 225mm diameter (CSA = 398 cm²) 'should be able to serve' a population size of 800 and 900 homes according to 'Sewers for Adoption' Edition 7 (see chart attached as supplied by the Parish Action Group). This statement serves to illustrate the risk factor that is inherent in their approval of the scheme.

Whilst Welsh Water may have committed themselves to supporting the DWH proposal it is believed that they are taking a risk by stretching the capacity of this sewer even further than it is now and should be challenged. Their support of the DWH proposal has not been validated by their response to forensic questioning from local residents.

The surface water from the proposed development will not be drained by the main sewer, but will be taken, via a holding area (to limit maximum outflows) to the existing pond at the bottom of the field below. From there it will flow out in the stream which passes through local properties and gardens before eventually joining the River Lugg.

Apart from all the wildlife which depends on the stream along its length, it is known there will be several specific possible victims of the additional pollution - fish in a pond in a private property, numerous grass snakes and frogs frequently seen on the bank of the stream, sheep which drink from the stream and fish and other river creatures in the Lugg. These creatures may be poisoned either directly from the poor water quality or be otherwise harmed through the affect of the water on the micro-organisms or plants in their food chain

This drainage scheme might be acceptable if it were fresh clean rainwater which the DWH application assumes. However, it is obvious that the surface drainage from a modern housing estate of 50 houses is not going to be clean unpolluted water. Every chemical which is used for path cleaning, weed killing, car washes etc will inevitably be washed down with it, plus the effluent from cars (exhaust particles, oil, rubber...) and the remains of dog soiling and urine. DWH state that the water will be filtered - but will filtration system remove all such soluble pollutants? They have also given no indication as to how the maintenance of the filters will be organised or funded in perpetuity. Is it to become a burden on the local parish precept funded by general rates or will they or their successors continue to be responsible?

Local residents already complain that the mains water pressure drops to an unacceptable level on a regular basis. The proposed connection of a further 50 family homes to the mains will make this position worse. As there are a number of other proposed developments in the parish the cumulative effect of these must be considered.

It is also considered that the local amenities are fully stretched. In particular the local primary school is already nearing its capacity for the catchment area children with very little room for expansion. A sudden influx of 50 families will have a negative impact on the efficient running of the school and its relationship with the local community. Parking near the school is a constant critical issue and a cause of conflict with local residents - the police have been involved several times. The additional influx would only exacerbate the problem.

Design, Appearance and Materials

The development does not offer a mix of properties i.e. no bungalows or similar for elderly people. There is nothing the support the concept of sustainability or areas for home-working-these will be executive homes for commuters. The designs do not offer energy saving measures or microgeneration (solar panels).

The development clearly allows (and DWH have admitted in open meeting) for further expansion into the fields behind the current proposal. At the very least the proposals should be redrawn to prevent this from happening

The design of many of the properties does not allow sufficient space for freezers and gardening and domestic equipment. The design of all the properties does not incorporate space for secure storage of wheelie bins. As a result these items will be stored in the garages of the properties consequently leaving cars parked on the street. There is nothing in the proposal to prevent parked cars from partially blocking the access to the proposed development or even being dangerously parked on the A438.

Government & Local Policy

The number of homes planned (50) far exceeds the average build rate necessary to satisfy an annualised rate (7per year) needed to supply the total of 118 homes needed under the proposed "Herefordshire Local Plan - Core Strategy 2013 - 2031".

Nature Conservation

The site forms part of a scenic view from the North West of Bartestree, where local people walk and enjoy the countryside. This view will be spoiled for ever once the homes are built.

On the plans the footpath LU6 is not shown but it does cross the corner of the field and should therefore be protected.

It was considered that the attenuation pond would be better located to the east of and adjacent to the existing pond than its proposed location.

Saved Policies from the UDP pertinent to this application:

H5 - Bartestree is a main village in which no land was allocated within the UDP for development.

H7 - Policy seeks to restrict housing in the open countryside, outside of defined settlement boundaries.

HBA4 - New build should not adversely affect listed buildings and their settings (proximity of site to Prospect Cottage, a listed building)

If saved policies have no bearing on current planning applications, then what is their function?

Other Comments Included:

It is immoral that the absence of a "5-year housing supply" should be sufficient grounds to allow building on a green field site which is located outside the previous settlement boundary established through the previous local development plan.

There is an established Neighbourhood Development Plan Steering Group presently working on a detailed consideration of all SHLAAs and about to launch a consultation of local residents. It is considered premature to allow any such large housing estate to proceed before the NDP conclusions are known.

There is already another Planning Application, for 30 houses on Quarry Field in the Parish. Five other lots of land have been sold by auction as 'parcels of land and building', and housing plans are likely to be submitted for those. We understand that pre-application consultation has also taken place regarding yet another site of potentially 30 properties. We believe that these various sites should not be considered each in isolation, but that the cumulative effect on the Parish must be taken into account. If all were permitted, the 20-year Core Strategy target of 118 houses could already be exceeded within the next two or three years.

Localism Act 2011

The Localism Act 2011 is expressly designed to give residents a powerful voice in the ongoing development of their communities.

The developers have no consideration for the views of local people. As reported in DWH's own Community Update, 68% of those who responded rejected the proposal and only 7% of local people supported the proposal.

A recent petition of local people echoed this view when 825 residents living in the Parish signed their agreement to the following statements.

- 1) I accept that the Herefordshire Council Core Strategy guideline of 18% expansion (about 118 houses) up to 2031 is reasonable.
- 2) I accept that sites should be chosen taking into account the recommendations of the Neighbourhood Development Plan now being developed by local residents and to be voted on in a Parish Referendum.

Demand for housing

There is little demand for this number of homes here and now. The people who might purchase them will not be employed locally but in Hereford, the local market towns or beyond.

Finally, in virtually all aspects, this proposal has nothing positive to offer the people of Bartestree and Lugwardine.

5.2 Over 90 letters of objection have been received from local residents. The content is summarised as follows:

- The scale of development sought in terms of number will dominate and transform the notion of village life.
- Other large-scale developments are likely to come forward, transforming the feel of the village, resulting in coalescence with Lugwardine and turning the village into nothing more than a suburb of Hereford;
- The development represents poor design. The houses are not in keeping with the locality;
- The pressure brought to bear by the response to the Council's apparent housing land supply issue is wholly prejudicial to the Parish's Neighbourhood Plan. A steering group has been enacted;
- The Draft Local Plan – Core Strategy 2013-2031 envisages proportionate growth of 118 dwellings over the plan period. This equates to 7/8 a year. Parishioners are supportive of a staged and progressive approach, utilising the redevelopment of brownfield sites rather than a headlong rush to meet a shortfall that only exists because of the planning policy position;
- At various times existing dwellings suffer from reductions in water pressure. Adding 50 dwellings will exacerbate this issue. Assurances given by the developer and Welsh Water are not sufficient;
- The proposed access is close to the brow of a hill. The road is designated a 'road for concern' by the West Mercia Safe Roads Partnership and speed measurements reveal that a high proportion of vehicles break the 30mph speed limit;
- The demand for housing does not derive from the existing local community. These houses will become the preserve of executives who work elsewhere and commute long distances to work;
- There is no continuous pavement link between Bartestree and Lugwardine. This is particularly relevant given the developer's assertion that the site is well served by footpaths. School children walking to the high school in Lugwardine have to cross the A438 at two points. Pedestrians coming to the primary school in Bartestree from Lugwardine have to do the same;
- The development will result in the loss of privacy for residents in Williams Mead;
- The schools are at capacity and without the ability to expand on their sites. This has been confirmed by the head-teacher of Lugwardine Primary School (located in Bartestree);
- The submitted layout would appear to enable access into fields beyond – something that the developers readily admitted to at the consultation event;
- The infrastructure locally does not support large-scale housing. There are no local employment opportunities, medical facilities and only one comparatively modest convenience store;
- Drainage is a significant constraint. The existing mains sewer is considered over capacity, as is evidenced by frequent flooding locally;
- The adverse impact on views from north of the village is not referenced. The impact on views from public footpaths locally will be significant;
- The historical and cultural narrative of the villages would be better served through smaller development;
- The development delivers nothing for the existing community;
- The proposed dwellings do not meet the needs of the elderly. There are no bungalows;

- The development would result in the loss of prime agricultural land at a time when we should be producing more food for ourselves;
- The cumulative impact of this and other proposed development should be considered in relation to the impact upon existing residents, infrastructure and traffic congestion;
- The surface water drainage strategy is likely to have an adverse impact on local watercourses, which are tributaries of the River Lugg/Wye SSSI/SAC;
- There are no allotments or public open space and the site does not enjoy good links to existing facilities;
- The houses are over-powering and not well suited to the village environment;
- The bus service is poor and it is ludicrous to suggest that people will car share;
- The developers own statement confirms the strength of local opposition to the proposal;

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

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

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The application seeks planning permission for the erection of fifty dwellings on an open field immediately adjacent the residential development known as Williams Mead, Bartestree. The site lies to the west of the village, outside but adjacent the UDP settlement boundary. The site has been subject to the Strategic Housing Land Availability Assessment (SHLAA) and categorised as having low/minor constraints. The key issues are considered to be:-

- An assessment of the principle of development at this location in the context of 'saved' UDP policies, the NPPF and other material guidance;
- An assessment of the sustainability of the scheme having regard to the presumption in favour of sustainable development;
- An assessment of the scheme's impact on the existing settlement in terms of privacy, character and amenity;
- An assessment of impacts on highway safety.

The Principle of Development in the context of 'saved' UDP policies the Framework and other material guidance

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

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

6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). UDP policy S3 sets out provision for the erection of 800 dwellings per year between 2001 and 2007 and 600 per year thereafter. The distribution for housing is split between Hereford and the market towns, main villages and the wider rural area. 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. Essentially, the greater the degree of consistency, the greater the weight that can be attached.

6.4 Bartestree is defined as a main village under saved UDP Policy H4. This site falls outside the settlement boundary, which ends at Williams Mead. Development is thus contrary to 'saved'

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

UDP policy H4 and none of the exceptions under Policy H7 are met. It is clear, therefore, that the proposal is contrary to the housing delivery policies of the UDP.

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

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

- 6.6 The effect of this paragraph is to effectively supersede the UDP with the NPPF where there is inconsistency in approach and objectives. The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15.

Paragraph 47 states: *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

- 6.7 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This was the published position in April 2012 and again in July 2012, since when there has been no further published figure. However, the position has recently been clarified by the Inspector’s decision following the Public Inquiry for Home Farm, Belmont – APP/W1850/A/13/2192461. The Inspector concluded that housing sites identified in the emerging Core Strategy could not be taken into account as there can be no guarantee that they will deliver housing within the first 5 years of the plan.

- 6.8 The Inspector also judged that on the basis of the Council’s housing requirement it does not have a five year supply, is significantly short of being able to do so, and persistent under-delivery over the last 5 years would render the authority liable to inclusion in the 20% bracket.

- 6.9 In this context, therefore, the proposed erection of 50 dwellings, including 18 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.

Hereford Local Plan – Draft Core Strategy 2013-2031

- 6.10 The Draft Local Plan is not sufficiently advanced for its policies to be attributed weight for the purposes of decision making and this has been borne out by the Home Farm decision. It is the case, however, that Bartestree is identified as a settlement within policy RA1 where it is anticipated that proportionate growth will occur during the plan period to 2031. This equates to approximately 118 dwellings. It is clear, therefore, that Bartestree can expect to accommodate proportionate growth over the plan period and this is generally accepted. It is the timing of and location of development that are in dispute; the Parish Council and a number of local residents stating that large-scale development of this nature is prejudicial to emerging neighbourhood plan proposals; although recent appeal decisions confirm that emerging neighbourhood plans cannot be given significant weight for the purposes of decision taking.

- 6.11 On this basis officers conclude that in the absence of a five-year housing land supply the presumption in favour of *sustainable development* set out at Paragraph 14 of the NPPF should apply (if it should be concluded that the development is sustainable) and the principle of

development cannot be rejected on the basis of its location outside the UDP settlement boundary.

The presumption in favour of sustainable development

- 6.12 In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.13 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. Although not allocated for housing development; it being the intention in Herefordshire that neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having low/minor constraints and being capable of delivery within the first five years of the plan period. The current application is testimony to this. In the context of persistent under-delivery, including some large-scale UDP allocated housing sites on which development is still yet to commence; officers consider the immediate deliverability of this site to be a material consideration.
- 6.14 Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
Specific policies in this Framework indicate development should be restricted.
- 6.15 The requirement to ensure the supply of housing is boosted is further reinforced at paragraph 47 and paragraph 49 confirms that housing policies within the adopted development plan cannot be considered up to date in the absence of a five-year supply of deliverable housing sites.
- 6.16 NPPF paragraph 56 confirms that the Government attaches great importance to the design of the built environment, confirming that “good design is a key aspect of sustainable development” and “indivisible from good planning.” Good design should contribute positively to making places better for people. The NPPF recognises it is important to plan positively for the achievement of high quality and *inclusive* design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.17 Within this overarching approach it is recognised that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Paragraph 60 states as follows:-

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

- 6.18 ‘Saved’ UDP Policy DR1 (1) echoes the general aims and objectives of this approach, avoiding prescription, but advocating design that where relevant seeks to “promote or reinforce the distinctive character and appearance of the locality in terms of a range of issues including layout, density, scale, height and design. The appearance of individual buildings is not mentioned specifically and this is considered consistent with the NPPF guidance that policies should guide in relation to scale *et al* rather than prescribe an architectural approach. DR1 (3) also requires, where relevant that development should “respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines.”

Accessibility to goods, services and employment

- 6.19 As regards the sustainability of the site in locational terms, a number of representations refer to the lack of access to necessary goods, services and employment opportunities. It is argued that the bus service, although relatively good by comparison with other rural services, is not a genuine alternative to the private motor car. It is stated that Bartestree does not have employment opportunities within the parish and there is no access to medical care. The conclusion is that Bartestree is not equipped to accommodate large-scale housing development of this sort, but should be allowed to grow at a consistent rate throughout the Core Strategy plan period – about 8 completions per year.

- 6.20 Whilst taking this into account, it is relevant that Bartestree has been identified as a main village in the UDP and it is intended that this remain the case in the Draft Local Plan – Core Strategy. Emerging policies anticipate that rural settlements such as Bartestree will accommodate proportionate growth over the plan period; it is the means by which the need is met that it at issue. However, given that Bartestree is identified as a main village in the existing and emerging Development Plans, officers do not consider it can be argued simultaneously that such villages are unsustainable locations for proportionate housing growth. On this point officers are mindful of the Inspector’s conclusion in relation to the recent appeal at Whitehouse Drive, Kingstone, where the sustainability of the settlement was also at issue. The Inspector identified Kingstone’s inclusion as a main village in the UDP and the proposed inclusion as a RA1 settlement in the emerging Core Strategy – as is the case with Bartestree. Whilst noting that Kingstone did not contain all of the facilities necessary for day-to-day existence he held the view that it did support sufficient facilities to warrant its status as a sustainable location for future housing growth. Officers consider that this conclusion is equally applicable to Bartestree, which by comparison to Kingstone is very much closer to the County’s main population centre and also reasonably well-related to employment opportunities. To conclude that Bartestree is not a sustainable location for housing delivery would seriously undermine the evidence base supporting the Core Strategy; specifically the housing delivery policies and is not, in the opinion of your officers, arguable. The scale of the Whitehouse Drive development relative to Kingstone was also argued, but not supported by the Inspector.

Design, layout and architecture

- 6.21 It is acknowledged that good design is indivisible from sustainable development. Neither local nor national policy seeks to impose a straitjacket on designers. Good, innovative design is actively encouraged, particularly where it has the ability to promote or reinforce local distinctiveness. The local planning authority acknowledges the challenge that creating a sense of place can pose designers; particularly on mid-size schemes on discrete parcels of land at the edge of a rural settlement such as Bartestree. The Council acknowledges the

benefits to be derived from the provision of a good housing mix, but also that on schemes of 50 dwellings this in itself can present challenges in terms of giving a scheme qualities that ground it within the local context but also a unity within the scheme itself. In this instance the mix is such that provision is made for one-bedroomed affordable units and large, 5-bedroomed detached properties within the same scheme, whilst also including mid-sized dwellings. Incorporating a divergence of house-types is illustrative of the difficulty inherent in unifying manifestly different 'products' and thereby creating a 'sense of place'. It is the case, however, that traditional villages that have grown organically and less rapidly over time do have just such a mix – the large manor house and farmhouse, the small and medium sized cottages, the bakery and the smithy etc.

- 6.22 Officers agree that the submitted Design and Access Statement is accurate insofar as its assessment of the existing built form is concerned and believe it reasonable to describe Bartestree as comprising period properties, typically timber-framed or brick under natural slate aligned along the A438, with mid/late C20th expansion further to the north of the main road, in long cul-de-sacs with poor legibility and inter-connectivity. Thus the prevailing character can be hard to identify and the Summary Statement of Community Involvement correctly asserts that there is no strong prevailing architectural character. Bartestree is not without numerous examples of traditional Herefordshire vernacular, it is just that in terms of volume these examples are outnumbered by the more modern development which now serves as a backcloth to the period properties lining the A438.
- 6.23 From vantage points to the north, Bartestree is defined by this mid/late C20 expansion. There is a hard edge to the settlement when viewed from public vantage points to the north. Existing properties in Williams Mead, Croft Close and Burden Drive are often viewed in stark relief when seen across open countryside in the foreground. These developments are frequently inward looking with either rear or side elevations presented to open countryside in a manner that fails to engage or interact with the rural setting. Whilst it is not uncommon for traditional ribbon development to present flank or rear elevations to open countryside, this is often in a different context to that proposed here, where 2 ½ storey dwellings will stand in close proximity to each other and the boundary with open countryside.
- 6.24 The geometry of the application site is such that it is hard to conceive a response other than a relatively long estate road, with dwellings fronting on either side. It is unfortunate, but a consequence of circumstance, that connection cannot be made to existing developments and despite the relative proximity to the school, there is no means of accessing it directly from the application site. This lack of integration with existing development and the does challenge the development's sustainability from the perspective of social cohesion, but is largely unavoidable.
- 6.25 Revisions to the layout and housing mix and appearance have been undertaken in response to officer concerns. Principally the entrance to the site has been reviewed, with the plots at the entrance orientated to front the main road in a manner consistent with the period properties elsewhere along the A438. The house-types proposed are variations on the standard units used by the applicant and through an iterative process these have been reviewed in a manner that officers are now broadly satisfied with. The applicants have also responded to concerns expressed in relation to the layout of the affordable units in the northwest corner of the site, which are now arranged as a terrace of one-bed units with rearward outlook over open countryside. Previously these had been arranged as back-to-back units with shared amenity space. The palette of materials has also been reviewed, with some principal elevations throughout the scheme faced in painted render. This alleviates the regimented uniformity associated with the use of brick throughout and is considered more appropriate in a village scenario, where there is often a diverse range of architecture and consequently building materials. On certain units chimneys are incorporated as a reflection of local vernacular.

- 6.26 Given the eclectic mix of architectural styles and periods present in Bartestree it is difficult to reconcile policies that require the reinforcement or promotion of local distinctiveness with proposals for modern housing development, particularly where local distinctiveness has been blurred over time by comparatively large-scale C20th expansion; as is the case here. Certainly in views from the north the scheme will extend the panorama of mid/late C20th dwellings that already exists, ranging from St James Close at one end to Williams Mead at the other.
- 6.27 In conclusion, whilst officers accept that there is more than one potential approach to architecture on the site, the context is one of existing predominantly mid-late C20th dwellings that have grown up as small estates and now serve as the backdrop to the period properties that remain. In this context the use of standard house-types is not considered inherently unsustainable as a design approach but is broadly consistent with prevailing character locally.

Coalescence of Bartestree and Lugwardine

- 6.28 Many letters of representation and internal Council advice make reference to the importance of the application site as a physical break between the built up parts of Bartestree and Lugwardine, which are distinct villages. Officers have considered this issue and acknowledge that development here would erode the gap. It is concluded, however, that in the weighing of issues, and mindful of the low/minor constraints assessment via the SHLAA, that this issue is not one that warrants refusal in isolation. This is particularly so in the light of a significant housing land supply deficit.
- 6.29 As such, whilst officers do acknowledge that the scheme is contrary to 'saved' policy LA3 – setting of settlements, this conflict is not sufficient in the light of prevailing housing land supply deficiency to warrant refusal on this issue alone. Clearly this is an issue that must be weighed in the balance.

Benefits arising from the proposal

- 6.30 S38 (6) of the Planning and Compulsory Purchase Act necessitates review of other material considerations alongside the provisions of the Development Plan in exercising the 'planning balance'. The main material consideration in the context is the National Planning Policy Framework, which supersedes the housing supply policies of the UDP. As such the acknowledged shortfall in deliverable housing sites represents a consideration of significant weight in favour of the scheme. The scheme would also boost the supply of housing and go some way to addressing the current need for affordable housing within the parish. In terms of the economic dimension of sustainable development, the development would introduce benefits in terms of the New Homes Bonus, as well as investment in jobs and construction in the area.
- 6.31 S106 contributions of around £450,000 have also been confirmed after a review of the viability report submitted with the scheme. It is agreed that contributions towards education infrastructure, open space and sustainable transport strategies are compliant with the CIL regulations (122(2)). A Unilateral Undertaking is in the process of preparation. In this respect the scheme complies with 'saved' UDP policy DR5, the Planning Obligations SPD and the Framework.

Other Matters

Water and drainage

- 6.32 There are no objections from Welsh Water, the Environment Agency or Council's Drainage Consultant on the issues of flood risk, pollution control, water supply or foul drainage conveyance. Welsh Water does recommend a Grampian-style condition to ensure that a fully integrated drainage scheme is designed prior to the commencement of development.

Highway matters

- 6.33 A substantial number of representations have raised highway safety as a significant area for concern. It is highlighted that the junction is close to the brow of a hill and that the road is designated a 'road for concern' by the West Mercia Safer Road Partnership. Parish Council organised surveys reveal that the majority of vehicles travel in excess of the 30mph speed limit. Speed measuring devices (SIDS) are frequently employed as a deterrent.
- 6.34 Objectors have also identified deficiencies with the pavements locally and take issue with the developer's position that the site is well served by pavements with onward access to the range of goods and services available in Bartestree. The traffic generation associated with the development is also queried; although the peak hour trip generation assessment has been revisited to the satisfaction of the Council's Traffic Manager. A number of objectors, the Parish Council included, find the submitted Travel Plan entirely unrealistic in its projections for car-sharing.
- 6.35 Saved UDP policy DR3 requires, where relevant, that development should provide a safe, convenient and attractive pattern of movement into, out of and across development sites, particularly for pedestrians, people with disabilities and the elderly. The NPPF has concise guidance at paragraph 32. It concludes that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In this instance the development would be served by an access onto the A438 that meets the Council's Highways Design Guide. Visibility is acceptable across the frontage, where a pavement also exists. Whilst the lack of a continuous footway between Bartestree and Lugwardine is noted, it is not considered that this pre-existing situation should be used as a basis for refusal of the scheme; particularly when the developer has given an undertaking that S106 contributions could reasonably be used to scope the potential for delivery of signalised crossings and/or pavement improvements and bus shelters. Taken as a whole, it is not considered that the scheme would result in severe residual cumulative impacts necessary to justify a refusal on transport grounds.

Schools

- 6.36 Lugwardine Primary School is found on Barnaby Avenue, Bartestree a short distance to the east of the application site. Although the distance from the north-east part of the application site is less than 100m the route to school would necessitate a walk via the public footpaths or otherwise back out onto the main road and then via the public footpath LU5. The school is at capacity and without obvious means of expansion. The Schools Capital and Investment Officer has confirmed that admission to non-catchment based pupils is characteristically high and that the Council may have to revert to a policy of giving priority to pupils resident within the catchment area. It is the case that 29% of pupils presently at Lugwardine Primary live outside catchment.
- 6.37 The NPPF identifies the importance of ensuring a sufficient choice of school places for existing and new communities and recognises that local planning authorities will need to work proactively in order to meet this requirement (paragraph 72). In this context the tension is obvious, but on balance, it is considered that the single issue of school capacity is not sufficient to warrant refusal of the proposal.

Overlooking

- 6.38 Residents of Williams Mead have referred to loss of amenity. Having enjoyed an aspect over open countryside this is understandable. Loss of view is not, however, a material planning consideration.
- 6.39 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, whilst the Council does have concerns in relation to the proximity of plots 34-41 to the common boundary with Williams Mead, the relationships in terms of window-to-window distance are not considered so poor as to warrant a refusal based on loss of amenity.

Impact on adjoining listed building

- 6.40 The Council is under a statutory duty to consider the impact of the proposal upon the adjoining heritage asset; the Grade II listed Prospect Cottage. The cottage lies to the west of the application site in what is, given the proximity to Bartestree and Lugwardine, a secluded position. A tall hedgerow bounds the cottage to the east, separating it from the application site. The cottage is set back from the highway's edge. The pre-submission layout saw a large two-storey dwelling sited parallel to the cottage in very close proximity to the common boundary. The revised layout has sought to address this by pulling development away from this boundary behind a small amenity area.
- 6.41 The position of the Building Conservation Officer is noted and accepted. It is clear that a development of this scale, which builds over the green space that presently separates the listed building from the rest of Bartestree, will have a pronounced impact on the setting of the heritage asset. However, when assessing the impact against the NPPF, officers conclude that the impact upon the building's setting constitutes less than substantial harm in the context of the housing land supply issue.

Ecology

- 6.42 The Council's Ecologist concurs with the findings of the submitted appraisal and it is considered that the proposal will have no worse than a neutral impact on ecological interests. The development is considered to accord with the provisions of the Development Plan and NPPF guidance in this regard.

Community Engagement

- 6.43 The developer undertook to carry out pre-application consultation events, including one-to-one stakeholder meetings and an open exhibition. The application is accompanied by a summary Statement of Community Involvement, which confirms that of the 120 respondents only 7% were in favour of the principle of development, whilst 25% were non-committal. It is clear that the developer has discharged its duty as regards the publicity of the proposal and associated engagement. What is less clear, however, is the extent to which the scheme has been modified as a direct consequence of local feedback.

The proposal is premature and contrary to localism in the guise of the neighbourhood plan

- 6.44 Bartestree and Lugwardine Parish Council has designated a neighbourhood plan area, although the plan itself is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking. Whilst acknowledging that large-scale schemes such as this appear contrary to the intended aims of localism, the Council cannot reject schemes purely because they are potentially prejudicial to the neighbourhood plan; particularly where the plan is in the earliest stages of preparation. In the same way that the Council cannot rely on emerging Core Strategy policies, emerging neighbourhood plan proposals cannot be attributed weight.

Energy Efficient Design

- 6.45 The submitted Sustainability Report focusses on measures undertaken by the applicant to reduce energy demand across their standard house-types. Construction follows the 'fabric first' approach, which looks to reduce energy demand through high levels of insulation and a number of other measures as follows:
- *Upgraded heating controls such as weather compensation devices, delayed start thermostats and zone controls*
 - *Efficient hot water controls and storage cylinders*
 - *Energy Saving Trust recommended condensing boilers*
 - *Design air permeability of 5m³/hr/m².*
 - *Bespoke thermal bridging details*
 - *100% Low E Lighting*
- 6.46 The improved fabric specification employed brings the performance of the two typical house designs to a level in excess of that required by the 2010 Building Regulations without recourse to renewable technologies. The H500 house-types reduces carbon emissions a further 7% over 2010 requirements, while the P382 achieves an approximate 3% betterment.

7. Conclusion

- 7.1 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 7.3 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. S106 contributions are also noted (although a signed undertaking has not been completed). The ability of an increased population to underpin local services is also recognised.
- 7.4 Officers consider that in the context of existing development within Bartestree, the design of the proposal in terms of its layout and architecture is acceptable, albeit other approaches to the appearance of the dwellings could quite legitimately be considered. Furthermore, the concerns identified about the increased coalescence of the distinct villages of Bartestree and Lugwardine are noted and there is an acknowledged tension with regard to Policy LA3 of the UDP. However, when considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. It is also the case that the examples cited at footnote 9 to paragraph 14 are not applicable to this site i.e. the site is not subject to any national or local designations that indicate that development ought to be restricted. Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

RECOMMENDATION

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

That subject to the completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990, officers named in the scheme of delegation be authorised to issue planning permission subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **H06 Vehicular access construction**
4. **H09 Driveway gradient**
5. **H11 Parking - estate development (more than one house)**
6. **H13 Access, turning area and parking**
7. **H18 On site roads - submission of details**
8. **H19 On site roads - phasing**
9. **H20 Road completion in 2 years**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Secure covered cycle parking provision**
13. **G09 Details of Boundary treatments**
14. **G10 Landscaping scheme**
15. **Before construction works commence on site, a hydraulic modelling assessment shall be undertaken by the developer in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.
Reason: To protect the integrity of the existing water supply system.**
16. **There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.
Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run-off to public system**
20. **L04 Comprehensive & Integrated draining of site**
21. **I16 Restriction of hours during construction**

- 22. I51 Details of slab levels
- 23. I55 Site Waste Management

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN04 Private apparatus within highway
- 5. HN28 Highways Design Guide and Specification
- 6. HN13 Protection of visibility splays on private land
- 7. HN05 Works within the highway

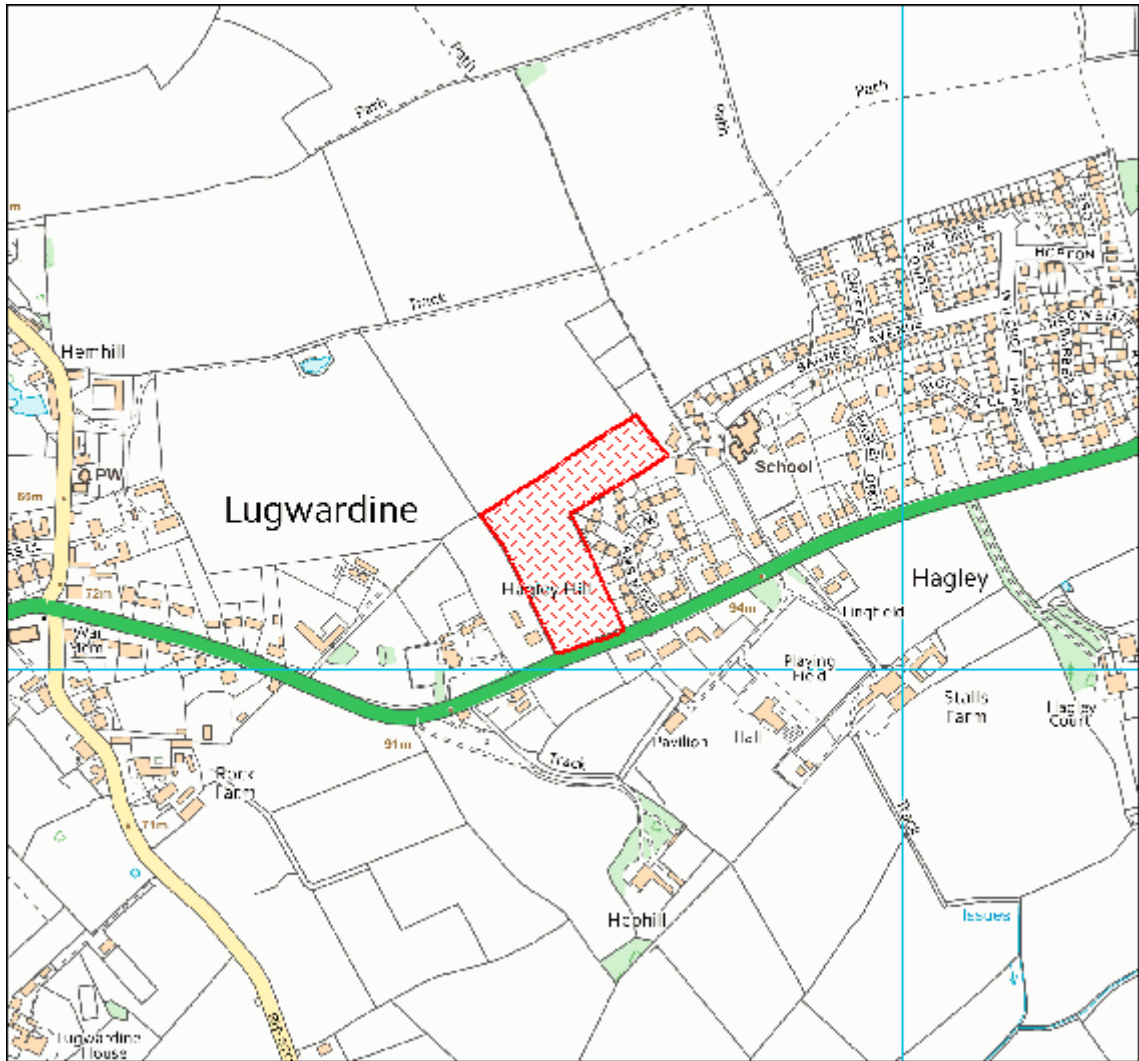
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132536/F

SITE ADDRESS : LAND ON LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE,
HEREFORDSHIRE

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application: 132536/F

Proposal: Residential development comprising 50 dwellings, including 18 affordable dwellings on land off A438 (Ledbury Road) Bartestree, adjacent to Williams Mead.

1. **The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £246,010.00 (index linked) for enhanced educational infrastructure at North Hereford City Early, Lugwardine Academy, St Francis Xavier Primary School, The Bishop of Hereford Bluecoat School, Hereford City youth service and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.**
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£101,480.00** (index linked) for sustainable transport infrastructure to serve the development. The sustainable transport infrastructure may include improvements to public transport facilities, improvements to cycling and pedestrian facilities, including off road routes to and from Hereford and the colleges, widening of splay and entrance to the village hall and playing fields. The sum shall be paid on or before occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£65,218.00** (index linked) for off-site play facilities. This contribution would be used in consultation with the local community and Parish Council on off-site play facilities within the village at Frome Park and the Village Hall in accordance with the Play Facilities Study and Action Plans. The sum shall be paid on or before occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£24,716.00** (index linked) for off-site sports facilities. This contribution would be used in consultation with the local community and Parish Council on off-site sports facilities in accordance with the Playing Pitch Assessment for Hereford and Indoor Facilities Strategy. The sum shall be paid on or before occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£7,282.00** (index linked) for enhanced Library facilities in Hereford City. The sum shall be paid on or before occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£3,840** (index linked). The contribution will provide for waste reduction and recycling in Hereford City. The sum shall be paid on or before occupation of the 1st open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.

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

7. The developer covenants with Herefordshire Council that 18 of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those Affordable Housing units, at least 9 shall be made available for social rent with the remainder 9 being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2 satisfy the requirements of paragraph 11 of this schedule
 - 10.3 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
 - a local connection with the parish of Bartestree and Lugwardine.
 - in the event there being no person having a local connection to the parish of Bartestree and Lugwardine a person with a local connection to one of the following parishes: Holmer, Hampton Bishop, Mordiford and Dormington, Weston Beggard and Withington
 - in the event there being no person with a local connection to any of the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.3 above
11. For the purposes of sub-paragraph 10.3 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 11.1 is or in the past was normally resident there; or
 - 11.2 is employed there; or
 - 11.3 has a family association there; or
 - 11.4 a proven need to give support to or receive support from family members; or
 - 11.5 because of special circumstances
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency ‘Design and Quality Standards 2007’ (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation ‘Lifetime Homes’ standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

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

Yvonne Coleman
Planning Obligations Manager