

MEETING:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2015
TITLE OF REPORT:	P141828/F - PROPOSED RESIDENTIAL DEVELOPMENT OF 22 OPEN MARKET FAMILY HOMES AND 11 AFFORDABLE HOMES AT MILL FIELD, FOWNHOPE, HEREFORDSHIRE. For: SC Hardwick & Sons per Mr James Spreckley, Brinsop House, Brinsop, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141828&search=141828
Reason Application submitted to Committee – Contrary to Policy and the applicant is a Member of Herefordshire Council	

Date Received: 20 June 2014

Ward: Backbury

Grid Ref: 357488,234973

Expiry Date: 28th February 2015

Local Member: Cllr WLS Bowen (by proxy)

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 22 open market and 11 affordable single and two-storey dwellings on part of the 4.6ha site, which is currently a field in agricultural use. The site adjoins the defined settlement boundary for Fownhope; a 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. 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, and is shown on the plans entering the site at a point opposite the Grade II listed Mill House Farm complex, which 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.
- 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 Bio-diversity Action Plan priority habitat. 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. This is also the village settlement boundary. Further south the settlement boundary returns to exclude a garden (the remnant of the old orchards) of 'Westholme', which is also on the site's south-eastern boundary. 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, changing to a poor, gappy/missing section of hedge and lower embankment further away from the village. The north-western boundary is a native hedge separating the site field from an adjacent one (also arable).

- 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 2009 - 2014. 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 proposed layout plan shows an informal arrangement of dwellings either side of a winding central spine road ending at a turning loop which forms what is described as a "village green". Single-storey buildings are shown on the higher parts of the site and two-storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard, wildflower meadows and a balancing pond. A tree planting plan and a schedule of species have also been provided. Most of the trees are proposed to be large specimens (including oak at 20 - 25cm girth along the road frontage), with new hedging plants along the road on an embankment aligned behind the visibility splay; albeit the existing hedgerow adjacent the entrance and at the southern point of the site is retained. The submitted Landscape Report describes the intention to create a settlement within an orchard, with some 2.75ha of the site being laid out as traditional orchard (apples, pears, damsons and gages).
- 1.6 The dwellings comprise a mixture of detached, semi-detached and terraced buildings with six distinct house-types. On the north-side of the spine road there are two farmhouse and courtyard clusters, the courtyard buildings being single-storey dwellings cut into the slope. The facing materials include stone, brickwork and render. The Landscape Report also includes detailed hard landscaping proposals, specifying the surfacing materials throughout.
- 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.
- 1.8 The application is accompanied by the following supporting documents:
 - Landscape Report
 - Landscape Character and Visual Analysis Report
 - Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Ecological Assessment
 - Draft Landscape Management Plan
 - Flood Risk Assessment
 - Draft S106 Heads of Terms
- 1.9 The south-eastern half of the site was identified as Land with Significant Constraints in the Strategic Housing Land Availability Assessment (SHLAA). Although considered potentially suitable for a development of up to 20 dwellings, the assessment concluded *"access onto the B4224 would be difficult to construct owing to ground level difference and PRow that runs the*

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

full length of the site parallel to the highway. There are no footways and the 30mph speed limit would require extension."

- 1.10 Fownhope is identified within the Herefordshire Local Plan as a main village in the Herefordshire Housing Market Area, with an indicative growth target of 18% over the plan period. Based on the Rural Housing Background Paper (part of the evidence base for the Core Strategy) this equates to a need for 73 dwellings at Fownhope over the lifetime of the plan to 2031.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance (companion guidance to the NPPF)

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of greenfield land
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
T6	-	Walking
T8	-	Road Hierarchy
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – 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 Wye Valley AONB Management Plan 2009-2014.

2.5 Fownhope Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

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:-

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

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No Objection subject to the imposition of conditions.

4.2 Natural England:

The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Further to our response dated the 13th October 2014 and having read Dŵr Cymru/ Welsh Water's letter dated the 29/10/2014 and the amended Landscape Character and Visual Analysis and the amended Landscape Report we have the following additional comments to make.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

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

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended, (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that Herefordshire Council, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

River Wye SAC- No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site;
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- Application for planning permission dated 18/06/2014.
- Dŵr Cymru/ Welsh Water's letter dated the 29/10/2014.

River Wye SSSI – Withdrawal of objection – no conditions requested

This application is in close proximity to Cherry Hill Wood Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

The withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, local site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

Cherry Hill Wood SSSI - No objection – with conditions

This application is adjacent to the Cherry Hill Wood SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and the conditions specified below. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

- To avoid damage to the notified features of the SSSI mentioned above, a condition requiring a construction environmental management plan (CEMP) should be submitted and agreed with the council prior to the commencement of any works. The construction management plan should describe how construction works will avoid damage to the SSSI. One of the objectives of the CEMP should be the protection of the root zone of the trees within the SSSI.
- To avoid damage to the notified features of the SSSI, the proposals for creation of the area of open space set out in the Landscape Management Plan from Robert Myers Associates should be conditioned, along with the short and long term management and monitoring of the area. This will ensure that the buffer the open space provides between the proposed dwellings and SSSI is maintained.
- To avoid damage to the notified features of the SSSI from increased recreational pressure, information boards should be erected within the open space. The boards should contain information on the relevant ecological issues; e.g. (i) the location and sensitivities of nearby national and local designated sites; (ii) steps that occupiers can take to enjoy and conserve these local resources; and (iii) minimising impacts to the habitat- key 'do's and don'ts' - such as keeping to the paths and removing dog faeces and disposing of it in a responsible way. The specific content of the board shall be submitted to and approved in writing by the Local Planning Authority prior to development in each phase commencing.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Cherry Hill Wood SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28(1) (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Area of Outstanding Natural Beauty (AONB) - No Natural England Comment – Advise consultation with AONB partnership

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Wye Valley AONB. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to

advise whether the development accords with the aims and policies set out in the AONB management plan.

Internal Consultation Responses

4.3 Transportation Manager:

The proposal is for 33 dwellings beyond the current village limits in a rural environment. The proposed site access junction is located some 200m to the north-west of the current 30mph limit terminal and is therefore subject to the national 60mph limit.

A Transport Statement has been provided in support of the application which indicates that 85 percentile speeds at the location of the access are around 46mph (74kph), and with less than 1% of vehicles exceeding the 60mph limit.

The drawings in Appendix D and text of Paragraphs 6.5 and 6.6 of the Transport Statement indicate that visibility can be provided within the highway/land within the applicant's control to meet all scenarios of actual measured vehicle 85 percentile speeds or proposed reduced speed limit. In the absence of an implementable speed limit at this time, the worst case of 131m "Y" distance should be considered as applicable. The use of a 2.4m setback is normally considered acceptable, although as hedges are proposed immediately to the rear of the splay I would suggest a greater figure of 3.5m be utilised to include an allowance for hedgerow growth. Some alterations to existing bank and hedge will be necessary to achieve splays and this has been demonstrated in submitted drawings.

Evidence suggests poor observance of the 30mph limit on entry to the village. 85th percentile speeds of 37mph were recorded from a Speed Indicator Device (SID). This shows poor observance in a context where speeds are likely to be depressed from the normal situation by virtue of the presence of the SID itself. Whilst this is the existing situation there is some potential that alterations to hedges and verges necessary to form the visibility splays will increase forward visibility and may encourage increased speeds into the village. Whilst my view is that the proposed reduction in the speed limit with attendant traffic calming features should be pursued if possible, I do not consider the absence of such a reduction to be sufficient to warrant refusal of the scheme and conclude that formulation of an access with the requisite 3.5m x 131m splays is sufficient to serve the proposed development under existing circumstances.

The draft Heads of Terms includes a transport contribution of £64,500 that could be put towards the cost of conducting the necessary Traffic Regulation Orders and traffic calming should it be concluded, following discussions with key stakeholders, that a scheme is both desirable and feasible.

Access to sustainable transport modes – Walking and Bus

In terms of sustainability, Fownhope is reasonably well provided with local facilities and the site is within reasonable walking distance (800m) of such facilities, which include post office and village shop, village hall, primary school, public houses, leisure centre and bus stops. The village medical centre is around 1km distant. The bus service to Hereford has nine buses across two services (the 453 and 454) on Monday–Friday and 8 on Saturday. 10 buses return to Fownhope from Hereford on Monday-Friday, with 9 on Saturday.

No direct pedestrian route is provided to the bus stop along the B4224. There appears to be insufficient width to achieve a footway within the confines of the highway taking into account the levels differences that exist and the potential conflict with the root systems of protected trees. As an alternative a pedestrian link is provided from the southern extreme of the site to link to Scotch Firs, where measurements taken on site indicate that a DDA compliant 1.2m width is achievable, which could be increased to 1.8m width if the overhanging vegetation is cut back to

the boundary posts. This is considered acceptable for the length involved. The footway link then joins the footways on Scotch Firs linking onwards to the B4224 near the village shop. This route also provides an acceptable onwards access to other village facilities.

Trip generation

The Transport Statement assesses likely traffic impact in terms of overall traffic flow on the B4224 and indicates that the development would result in around 3% increase in traffic on B4224. This is considered realistic and is not likely to have a severe residual impact on the network.

In terms of proposed layout, the access junction and road width is considered acceptable and would accommodate in excess of the number of dwellings proposed, being of a higher standard than necessary for 33 dwellings.

Any street lighting provision will require the express permission of the Parish Council. Secure covered cycle storage should be included for each dwelling.

Recommendation

My recommendation would be for approval subject to conditions and this is not dependent on extending the 30mph limit or introducing a 40mph limit past the site entrance. However, it remains my opinion that a reduction in the speed limit may be beneficial for the reasons given above; principally the poor observance of the 30mph limit on approach to the village from Hereford. Should permission be granted I would suggest discussions regarding the potential to reduce the speed limit and design/implement a possible traffic calming entry feature at the entrance to the village. The S106 contribution of £64,500 towards sustainable transport measures could be put towards the costs associated with the TRO process and implementation of traffic calming features.

4.4 Conservation Manager (Landscapes):

The site lies within the Wye Valley AONB in open countryside, outside but adjacent to the village settlement boundary; the land was identified as Land with Significant Constraints in the Herefordshire SHLAA. Although considered potentially suitable for a development of up to 20 dwellings (the current application is for 33), the report states that *"access onto the B4224 would be difficult to construct owing to ground level difference and PRow that runs the full length of the site parallel to the highway. There are no footways and the 30mph speed limit would require extension."*

Various plans and documents have been submitted by the applicant, including a "Landscape Character and Visual Analysis", a Landscape Report, an Ecological Assessment, various drawings of house types and a draft Landscape Management Plan.

A Landscape and Visual Impact Assessment (LVIA) was requested at the pre-application advice stage. The submitted landscape reports / analyses have not been carried out in accordance with national guidance (GLVIA): without an objective and technical assessment it is not possible to determine with certainty what the overall significance of effects is likely to be.

A tree and hedgerow survey of the vegetation on the site boundaries was also requested at the pre-app stage, but as far as I am aware none has been submitted either. The Application Form states that there are no trees or hedges on or adjacent to the proposed development site. This is incorrect. Cherry Hills Wood SSSI and SWS are contiguous with the site's north-eastern boundary, and the roadside hedge will be directly affected by the development.

PROPOSED DEVELOPMENT

The proposal is to build up to 33 dwellings on part of the 4.6ha site which is currently a field (see below). Access to the development would be off the B4224 which runs along the southern boundary of the site, and is shown on the plans entering the site at a point opposite the Mill House Farm complex.

The layout shows an informal, organic arrangement of dwellings either side of a winding central spine road ending at a turning loop which forms what is described as a "village green". Single storey buildings are shown on the higher parts of the site and two storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard, wildflower meadows and a balancing pond.

The public right of way which runs along the southern boundary of the site along the field side of the B4224 would apparently run through the orchard and along the south of the site, although it is not clear whether a diversion of the existing line is proposed.

A tree planting plan and a schedule of species have also been provided. Most of the trees are proposed to be large specimens (including oak and Wych elm at 20 - 25cm girth along the road frontage), with hedging plants along the road c. 1m tall when planted. More detailed comments on the indicative layout are given in section 4 below.

SITE AND SURROUNDING AREA

Fownhope is a 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 straddles the B4224 Hereford to Mitcheldean road, with Hereford 8km to the north-west, and Ross-on-Wye 11km to the south east.

The area is known to have attracted, and been influenced by, human activity since the Iron Age, and there is a large cluster of prehistoric sites in the area between Mordiford, Woolhope and Fownhope. The settlement lies on an old trading route / turnpike road between Hereford and Gloucester, at a point where the Wye could be crossed. It is mentioned in the Domesday Book; the parish church of St. Mary is originally 12th century. In the 18th and early 19th centuries Fownhope was a busy river port. Today the village is a mixture of both old and modern buildings built of local stone and brick, some half-timbered and others rendered; most of these integrate well into the villagescape although there are more recent housing estates which are less in keeping with the local vernacular. There are several local amenities and this is a popular stop-off point for walkers especially those using the Wye Valley Walk, which runs just north of the village.

Fownhope lies within the Wye Valley AONB, at its northern end, in the transition zone between the meandering river and floodplain, and the lower slopes of the Woolhope Dome. In this part of the county the Dome, an ancient Silurian rock formation, is a highly distinctive and recognisable feature in the wider landscape. Its eroded hills and valleys have not been intensively farmed and as a consequence, the Dome is a rich mosaic of ancient oak and mixed woodlands, species-rich hedgerows, wildflower meadows, traditional orchards and streams, with many of these habitats designated as Sites of Special Scientific Interest (SSSIs) and Special Wildlife Sites (SWSs); some of these are adjacent to the site. Old maps show that by the mid-19th century, this transition zone (in which the site is situated) had been cleared of woodland and planted with orchards, which would no doubt have flourished on the south west-facing slopes.

To the north and east of the site, the heavily-wooded slopes of this part of the Dome create a strong physical boundary, limiting the influence of the site which is also both physically and visually separated from the rest of the village which lies to the south east. To the south, Capler Camp is visible on the skyline. The landscape opens up to the south west and west across the flat river valley, although there is some mature tree cover along the river and in hedgerows; the wooded hills south of Holme Lacy form the visual envelope, although Hay Bluff is visible in the

distance. There are clear views of the site from Holme Lacy House and grounds due west of the site, and also from the 13th century Church of St. Cuthbert which lies on the plain below the site. The edge of Holme Lacy village which lies on elevated ground c. 2km to the north-west is visible from the site, as is Dinedor Hill and Camp.

The settlement pattern in the area comprises predominantly clusters of villages and hamlets, mainly along long-established routes to and from Hereford on land above the river on both sides. There are isolated farmsteads and dwellings on the less densely wooded hill slopes, but the flood plain is largely devoid of built form. Fownhope itself is concentrated mainly around the area north of the B4224 and south of the road to Woolhope, but the settlement extends eastwards to Common Hill where there are several dwellings along the road on high ground. The western edge of the village is clearly defined by the edges of properties on both sides of the road (much of this being relatively recent development), and beyond the edge is a rural landscape of arable land, pasture and woodland.

The site lies at this north-western gateway. It comprises a regularly-sloping, rectangular field which is currently arable. There are no free-standing trees in the field but telegraph poles and wires cross part of the site - presumably a constraint to be considered.

Access to the field is via gates off the B4224. 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. Most of the south-eastern boundary is ornamental shrubs / hedges along the rear garden boundaries of properties in the relatively recently-built housing estate at Scotch Firs. This is also the village settlement boundary. Further south the settlement boundary returns to exclude a garden (possibly the remnant of the old orchards) in the gardens of 'Westholme', which is also on the site's south-eastern boundary. 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, changing to a poor, gappy / missing section of hedge and lower embankment further away from the village. The north-western boundary is a native hedge separating the site field from an adjacent one (also arable).

LANDSCAPE CHARACTER, DESIGNATIONS, CONSTRAINTS AND POTENTIAL EFFECTS

a. Landscape Designations: The site lies within the Wye Valley AONB, located at the northern end of the designated area. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the landscape. This includes flora, fauna and other elements and features; public appreciation is a key component of natural beauty. According to the Wye Valley AONB Partnership, "the Wye Valley is regarded as one of the finest lowland landscapes in Britain, with the River Wye one the nation's favourite rivers.... The natural beauty of the area is recognised as contributing to economic activities and well-being such as tourism and inward investment."

The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 - Woolhope Dome and LMZ03 - Seller's Hope Ridges and Valleys (probably the site is just within the latter), as defined by the AONB's current Management Plan 2009 - 2014. All development within and impacting on the AONB must be compatible with the aims of AONB designation. The relevant planning policy is the Council's saved UDP Policy LA1 Areas of Outstanding Natural Beauty which states:

"Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans. Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the

quality of the landscape or biodiversity. Exceptions to this policy will only be permitted when all of the following have been demonstrated:

1. the development is of greater national interest than the purpose of the AONB;
2. there is unlikely to be any adverse impact upon the local economy;
3. no alternative site is available, including outside of the AONB; and
4. any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided."

The proposed development is not small scale and *could be* classified as 'major development' as it is over 10 dwellings / 0.5ha. The site has a relatively wide area of influence and is clearly visible from several locations within the AONB, both at close quarters and from further afield (see below). It lies alongside a road which is well-used by tourists, and there are public rights of way running along the site's north-eastern and south-western boundaries which link to the nearby long-distance footpath network including the Wye Valley Walk and the Three Choirs Way. Cyclists, equestrians and boat users are also receptors - the site is visible from some sections of the river. 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 the loss of this field and its replacement with a relatively large, modern housing estate would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.

The layout does propose mitigation, compensation and enhancement, which could potentially reduce localised adverse effects. This is covered in more detail below.

b. Landscape Character: Fownhope lies in the South Herefordshire and Over Severn National Character Area, where the landscape is greatly influenced by geology and hydrology. The landscapes of the Wye Valley and Woolhope Dome are highly sensitive and vulnerable to change. Even small-scale changes can potentially give rise to adverse effects, especially when the changes happen cumulatively over a wider area. Many of the local woodlands are SSSIs and SWSs, where disturbance and erosion from increased human activity in particular can adversely affect habitats and the species they support. This in turn leads to changes which also affect landscape character, visual and public amenity. The Wye Valley Walk, a long-distance footpath (public right of way / bridleway FWA6), runs about 500m north east of the site at its closest point, and the area is popular with walkers. All landscape and many visual receptors in the AONB are of High sensitivity.

Within Woolhope and Over Severn, the characteristic settlements of the area are farmsteads and hamlets commonly of brick, black and white timber framing and grey Silurian limestone. Natural England states that "twentieth century development is limited in the Woolhope and Over Severn area".

The site's landscape character type is Principal Settled Farmlands, although its south-eastern boundary is contiguous with the Riverside Meadows landscape character type associated with the River Wye. Principal Settled Farmlands are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets, and the key primary characteristic is hedgerows used for field boundaries. The landscape of the site and surrounding area is typical of this description. In terms of the settlement pattern of this type, HC's Landscape Character Assessment states: *'Low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement'*.

The overall strategy for Principal Settled Farmlands is to 'conserve and enhance the unity of small to medium scale hedged fields'. The proposed development is sited in a single field and

would not directly affect any key existing landscape features and elements, although indirect effects may occur (see below).

The Riverside Meadows landscape character type lies along the south west boundary of the site at the edge of the floodplain of the River Wye. These are secluded pastoral landscapes, characterised by meandering tree lined rivers, flanked by riverside meadows which are defined by hedge and ditch boundaries. Settlement is typically absent. Throughout these landscapes, the presence of extensive areas of seasonally grazed waterside meadows has in the past provided a strong sense of visual and ecological unity. Built development would be contrary to the landscape character of this type.

The riverine landscape exerts limited influence over the site, which, although it forms part of the river valley slopes, is separated from the plain by further steep slopes and vegetation as well as the built complex at Mill House Farm. It is pertinent to note that the Management Guidelines and Environmental Mitigation for this type identify that arable cropping not only leads to loss of landscape character but also to erosion and river pollution through silt and nitrate-rich runoff; it is possible that (in the event of permission being granted), well-designed sustainable drainage systems integrated into new built development on the site could potentially help to reduce some of these effects, which may arise from the field in its present use, and also enhance biodiversity.

The area of influence of the site in the wider Herefordshire landscape is relatively limited. A modern housing estate of 33 dwellings on the proposed site could potentially be accommodated without giving rise to significant adverse effects on regional landscape character.

In terms of local landscape character, the effects of development would be greatest on the north western side of the village, and on the AONB landscape setting to the south, west and north west. The field and the one adjacent to it make an important contribution to local landscape character, as they are read as part of the linear transition zone between the woodland and the river. Fownhope has already extended north-westwards in recent years, and there is only some 750m between the village and a cluster of houses along the road which are visible in the wider landscape. Development on the site would reduce this gap and increase the extent of built form (and lighting) into the sensitive landscape of the transition zone. The erection of 33 houses on the site would result in a locally significant adverse change in character of this part of the village by replacing an open field with modern houses which would extend into open countryside. However, with reference to the landscape type comments above, the proposed development is shown to be set back from the road with a landscaped buffer between the houses and the road; although it would extend the village north-westwards, the wayside pattern is not likely to be 'prominent'. In the context of the existing settlement, the proposals do not increase the size of the village to an unacceptable degree thus from this perspective, the scale of development is not considered especially large. There is also potential for mitigation and compensation (see below).

A more detailed plan showing the exact extent of the area of the hedge to be removed should be provided. If it is to be retained and gapped up as proposed, this will help to mitigate the adverse effects on landscape character and visual amenity which would otherwise arise.

The proposal is to cut into the slope of the field in order to set built form down at a lower level to minimise visual effects. If the sections in the landscape report are accurate, it would appear that this can be achieved without substantial remodelling of the land so whilst there may be localised adverse effects on landscape character, they would not be significant.

The landscape layout has been landscape-led, and has taken into account pre-application comments. The previously-proposed organic and ornamental landscape scheme, which was at odds with local landscape characteristics, has been replaced with an extensive orchard, to be planted with traditional varieties of fruit. This was the earlier land-use of the field, and this, as well as the additional planting proposed, would certainly help to assimilate new houses into the

landscape. The orchard is offered for use by the local community and thus also provides a locally important new Green Infrastructure asset. 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, although it may need to cover longer-term objectives (10-25 years +).

In terms of the indicative 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 details (especially choice of materials and colours) have been appropriately considered.

I am not convinced that the photomontages are an accurate representation of the heights of proposed trees. At VP18, the trees shown at year 1 of development look very tall. If the car (a Landrover) is c. 1.8m high, then the trees must be 8 or 9m at planting. By year 10, they appear to be about 20m. As the trees proposed include oak and holly, which are very slow-growing (oak = c. 300mm per annum), and large specimens are to be planted, which are slow to grow at first, unless shown otherwise I consider that mitigation is likely to take longer than suggested. Also, effects on views may be greater without the benefit of summer leaf cover.

Whilst the above, together with other landscape enhancements, do not entirely mitigate the overall adverse effects on local landscape character, they do help to compensate for them. Adverse effects from lighting - possibly along the road as well if the 30mph zone was extended - would be localised and not highly significant. There would also be localised adverse effects on the landscape during construction, which could be significant adverse at times.

c. Historic and Cultural Landscape: Fownhope lies in a landscape which has been influenced by human activity since the Stone Age. Cherry Hills Camp, an Iron Age hill fort and Scheduled Ancient Monument (SAM), lies on the hill above the site, less than 200m from its north-eastern boundary. Capler Camp, c. 2.3km south east of the site, and Dinedor Camp, c. 4.5km north west of the site, are also an Iron Age Hillforts and SAMs. Although the site is intervisible with all of these, development in this location is unlikely to give rise to more than minor adverse effects on the landscape context of the Monuments.

Holme Lacy House (c. 2km west of the site), and Church of St. Cuthbert (c. 600m south west of the site) are Grade I listed buildings, and there are clear views of the site from both. Although the increase in built form would be noticeable from Holme Lacy House and its grounds, the effect would not be significant. It would be more noticeable from, and have a greater effect on, the setting of the Church, although in the intervening landscape there are 'detractors' such as telegraph poles and wires, broken fences and farm buildings. The effects on the landscape context of the church would be minor to moderate adverse. The Church of St. Mary (Fownhope) is also Grade I listed and its spire is visible in the surrounding landscape, but effects on its context within the village are unlikely. There are several Grade II listed buildings in the area including Mill Farmhouse which is close to the site's south-western boundary, but significant adverse effects on their landscape context are unlikely.

The south-western boundary of Fownhope Park, an Unregistered Park and Garden, lies above the site's north-eastern boundary, some 60 - 80m beyond a lower strip of woodland. It is a Medieval Deer Park encompassing the Iron Age fort on Cherry Hill and associated with Fownhope Court (Grade II listed 13th century origins but rebuilt in 17th century). The SMR states "No vestige of this park is now to be found beyond the name..." However the woodland, including the strip along the site's north-eastern boundary, is designated ancient woodland. It is unlikely that proposed development would result in significant adverse effects on Fownhope Park.

Fownhope's Conservation Area is extensive, covering the majority of the settlement south of the B4224 and parts of it to the north. The site lies adjacent to the north-western end of the Conservation Area. Although there is very limited inter-visibility with, and physical relationship to, the main part of the Conservation Area, new housing in this location would affect its north-western edge. Currently, the edge is open, rural landscape. Built development would change its character completely and effectively enclose this part of the Conservation Area north of the B4224 within built form.

d. Visual and Public Amenity: The main effects on visual receptors are the changes in landscape character, as described above. The site's visual envelope is very limited to the north and north east (apart from a public right of way - see below). To the south east, some properties on the edge of the site have clear views into it, mainly from gardens and ground floor windows. These receptors' visual amenity would be adversely affected (especially by lighting), but tree planting should help to mitigate effects in the longer term, although possibly less in winter. Beyond this, there would probably be few views of the site from within the village apart from glimpses from some upper floor windows. If the south-eastern section of the roadside hedge was retained and new trees planted, there would, eventually, only be fleeting views of the site when travelling north-west out of the village. The view into the site from the access point, although changed from rural to urban, would also be fleeting to receptors in cars and on bicycles. Views from the B4224 arriving from the north-west would similarly be very limited and fleeting and could, in the long term, be mitigated by planting.

Public right of way FWB10 runs along the site's north-eastern boundary and would have views of the new development. The indicative layout shows the nearest house set down in the slope and well separated from the footpath with a buffer zone of planting; the hedge along the boundary is to be improved and reinforced. With mitigation, effects on these receptors would probably be no more than Moderate to Minor adverse. PROW FBW8 runs inside the site's south eastern boundary and connects the roadside footpath FWB9 with the Scotch Firs housing estate through a narrow gap between the houses. Views along these paths would be permanently changed from open fields and woodland to orchard, with modern housing on both sides of the latter. I think that whether or not this is seen as an improvement is subjective and depends on the attitude of the receptor. There is, however, potential for mitigation and compensation.

Visual effects from Capler Camp have not been assessed but adverse effects are unlikely to be significant from there. The main effects would be experienced from the south west, west and north-west, by road, footpath and river users, and people living in houses with views of the site.

In my opinion, development in this location would give rise to Moderate adverse effects on visual receptors from certain locations within the AONB, at least until the tree planting began to mature, which would take several years. There would be adverse visual effects during the construction period, and mitigation for these should be proposed.

CONCLUSIONS AND RECOMMENDATIONS

As set out above, in the AONB, development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape [unless adverse effects can be mitigated or compensated for] and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.

Although the proposed development has the potential to give rise to adverse effects on local landscape character and visual amenity, I consider that these effects can, at least in the longer term, be mitigated / compensated for through the establishment of the orchard, structural tree planting and the creation of wildlife habitats etc. (so long as these are properly maintained and managed in the long term).

I do not object to the proposals from a landscape-related perspective, although I do require clarification of the issues raised above, namely:

- i) The extent of the roadside hedge to be removed
- ii) The height of roadside tree species at planting
- iii) Growth rates applied to these species
- iv) Heights of species at 10 and 20 years (the photomontages should be revised to take this into account if found to be necessary)
- v) Further information on the long term management of the site (10 - 25 years +), and how the site's management is to be ensured in terms of responsibilities etc

If permission is granted for this development, I recommend that the following conditions should be attached:

G02 - Retention of trees and hedgerows

G03 - Retention of existing trees/hedgerows: scope of information required

G04 - Protection of trees/hedgerows that are to be retained

G10 - Landscaping scheme

G11 - Landscaping scheme - implementation

G14 - Landscape management plan.

ADDENDUM LANDSCAPE COMMENTS

The paragraphs below summarise my conclusions about the scheme. They have been drawn up in the light of the various addendums and revisions which have been submitted by the applicant over the last few months in response to my ongoing comments and requests for further information.

1) My original comment (13th July 2014) about the landscape reports not having been carried out in accordance with published guidance still applies. However we seem to have arrived at a point where the effects of hedge removal have been satisfactorily assessed, with the latest photomontage suggesting that the retention of the section of hedge at the gateway to the village should be acceptable in land and villagescape character terms, so long as it survives.

2) The revised landscape report now concludes that there will be significant visual impacts as a result of hedge removal and the new access. Mitigation in the form of new hedge planting using large planting stock is likely to reduce the level of significance of the effects over time up to a point, but the long-term success of this will depend greatly on good management.

3) Although requested, no arboricultural assessment was ever carried out as far as I am aware. The proposal to retain sections of the existing hedge will require specialist input and ongoing management if it is to be successful. This should be dealt with by way of an appropriately-worded condition, perhaps with the input of the Tree Officer.

4) The information requested in the original comments has only been supplied in part, but we probably have enough information now to make an objective judgement about the likely effects. I still question the accuracy of the photomontages' depiction of tree growth over time, and think it is over-optimistic. I also doubt that the effects of the new houses will ever be fully mitigated, and the effects will certainly be greater when there is no leaf cover.

4.5 Conservation Manager (Historic Buildings): No objection subject to conditions

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 provide 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 and 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. More detailed assessment of the setting of the listed buildings and their significance would have been beneficial – particularly given the listed buildings' character and appearance.

The existing road and hedgerows will provide some screening between the listed buildings and the new development within its setting. Retaining the hedgerow – and implementing the proposed landscape strategy in terms of planting and mitigating the impact of the development on local views – will be key in securing the success of this project.

Stone will be used in some ways within the development to clad/detail proposed new buildings. It is considered that the use of stone could be more prominently applied in buildings adjacent to the main road – at present, these are shown as render and brick. In order to better integrate this scheme into the village and have the most beneficial impact on the character and appearance of the conservation area, the buildings closest to the road, and those which will be the most prominent, should be predominantly in stone. A condition on the proposed materials is therefore suggested.

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

I have read the ecological assessment and the landscape management scheme for the proposal both of which are comprehensive and very impressive documents. I am supportive of this application as I believe it lends significant biodiversity benefits via habitat creation and management. In addition, the proximity to the Cherry Wood SSSI has been taken into account and there has been a substantial effort to minimise any impacts upon this area. A considerable buffer strip is incorporated into the design. The nearby River Wye SAC is also safeguarded by the management plan for surface water through a SuD system and the use of mains sewer for foul drainage. If approval is given I would like to see non-standard conditions imposed.

4.7 Parks & Countryside Officer: No objection subject to completion of S106

In order to meet policy requirements (UDP Policy RST3 and H19) and provision for children, an off-site contribution is provided in accordance with the SPD on planning obligations, pre-application comments and the Play Facilities Study and Investment Plan, towards improvements at the existing neighbourhood play area in Fownhope of:

- £1,640 - 3 bed
- £2,219 - 4+bed

This is supported as there is scope to provide additional play equipment for older children in consultation with the Parish Council who own and maintain this site. Although it is at the other end of the village it is within easy access and is a large neighbourhood facility.

Design/Future Maintenance

Future Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated Infrastructure within the open space in line with the Council's policies. This could be by adoption by Herefordshire Council with a 15-year commuted sum plus appropriate replacement costs; by the Parish Council or by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.8 Land Drainage Officer: No objection subject to conditions

We have no objections in principle to the proposed development on flood risk and drainage grounds. However, it is recommended that the Applicant submits the following information prior to construction and that these are secured through appropriate planning conditions:

- Provision of a detailed drainage strategy (including drawing) that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- If individual soakaways are proposed, further information regarding the Applicant's preferred choice of this method and how risks to future maintenance will be managed.
- Details of the proposed adoption and maintenance of access roads, driveways and parking areas;
- Demonstration that the proposed surface water management solution will limit site-generated surface water runoff to the current greenfield runoff rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Results of the additional infiltration tests undertaken in accordance with the BRE 365 guidance as recommended in the submitted FRA;
- If infiltration techniques are found to be feasible, groundwater levels should be submitted to check whether there is sufficient distance between the proposed soakaway and groundwater level (a minimum distance of 1m is required);
- Detailed calculations of the proposed surface water drainage strategy, including proposed soakaways sizing and/or attenuation sizing;
- If infiltration is not considered feasible, details of the proposed outfall from the attenuation pond and demonstration of approval from the relevant authorities, as appropriate.
- Confirmation of the proposed management of surface water runoff from land to the north-east of the development and that this will not reduce the capacity of the on-site drainage system;
- Demonstration that the Applicant has considered designing for exceedance;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

4.9 Schools Capital and Investment Officer: In accordance with the SPD the Children's Wellbeing Directorate would be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution per dwelling (excluding affordable housing) for this development would be as follows:

2+ bedroom apartment - £2,845 2/3 bedroom house - £4,900 4+ bedroom house - £8,955

4.10 Housing Development Officer: No objection.

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

The scheme has been amended to make provision for 2 no. 1-bedroom affordable dwellings. This mix better reflects the local need and the scheme is supported in principle. It is noted that the units are to be developed to lifetime homes, DQS and Code 3 for Sustainable Homes; all of which are required by the Housing Team. The plans highlight the affordable housing and subject to these remaining tenure neutral, the positioning of them is acceptable. It is requested that all of the units are to be allocated to those with a local connection to Fownhope in the first instance.

5. Representations

- 5.1 Fownhope Parish Council: Fownhope Parish Council objects to the application for 33 dwellings on this 12 acre site which is clearly contrary to the adopted local plan.

“Planning applications are currently decided upon primarily by using the saved policies of the Unitary Development Plan (UDP), a statutory document which sits within the Local Plan. The UDP will gradually be replaced when the core strategy is adopted and until this time saved UDP policies will still be used to determine planning applications.” - HCC Planning Website

The site lies outside the settlement boundary, is within the Wye Valley AONB and abuts a part of the Fownhope Conservation Area which is not itself within the settlement boundary. There are no material considerations to justify this development. The guidance in the government's National Planning Policy Framework explicitly excludes development in Areas of Outstanding Natural Beauty. Fownhope parish is in the Wye Valley AONB. The site abuts a Special Wildlife Site and Site of Special Scientific Interest on one side. Part of the southern boundary of the application site abuts the orchard of Westholme which is within the Fownhope Conservation Area (a designated heritage asset) but is not even within the settlement boundary.

The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. The footnote to paragraph 14 of the NPPF is helpful in identifying those areas that the NPPF has in mind where development should be restricted. By way of example it lists:

- sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest
- land designated as Local Green Space
- land designated as an Area of Outstanding Natural Beauty
- land affected by designated heritage assets
- land at risk of flooding

The Unitary Development Plan

Part of the application site was put forward and rejected in the later stages of the UDP in 2005. The agent suggested 30 new dwellings. Herefordshire planners were clear that the site is 2.47 hectares and could support 74 houses at a density of 30 per hectare. The land adjoining Scotch Firs is not a suitable location for new housing. The site is beyond the existing built up limits of the village, its development would represent further encroachment into open countryside which would be unnecessary and visually intrusive. Development in this location would detract from the natural beauty of this part of the AONB. The existing development at Scotch Firs does not meld well with the adjoining countryside but to add further large scale development here would merely compound matters in the council's view. The inspector agreed with those views, concluded that no new sites were appropriate or needed in

Fownhope and resolved in his report in March 2006 that the site is not in a location where development would be encouraged.

SHLAA review March 2012

The southern end of this field (2.47 ha/six acres) was put forward as part of the Strategic Housing Land Availability Assessment which examined which potential housing land supply which might be available to the emerging Core Strategy. No site in Fownhope was considered ideal by the working party. The applicant's agent was a member of that working party. The site was deemed one of five with 'land with significant constraints' which might be examined further if Fownhope, as a main settlement, was to contribute to the supply of new homes within the Hereford Market Area. That report suggested these sites with significant constraints should not form part of the land supply before the year 2021. Their assessment suggested a capacity of 20 houses on that part of the field closest to the village. The application however shows the whole of the field; twice that of the area considered in the SHLAA assessment.

The owners are entitled to continue to ask for this site to be considered in the forthcoming Core Strategy and in the Fownhope Neighbourhood Plan. The scheme put forward is considerably more sophisticated than the two sketches that formed the basis of the submission in 2005. Local residents may welcome the landscaping and tree-planting scheme. We can welcome provision of 'affordable housing' though there is no reference to any partnership with a social housing landlord. The Housing needs survey, prepared by Herefordshire Council in 2012, pointed to a need for 8 more homes for rent and shared ownership. An application for development of a rural exceptions site could be appropriate as a means of fulfilling the expressed need for up to eight homes for local needs.

Core Strategy & Fownhope Neighbourhood Plan

We are concerned that the application has been submitted before the new local plan is in place. Herefordshire Council has encouraged parish councils to prepare Neighbourhood Plans to provide formal statutory planning guidance to sit alongside the Core Strategy. Fownhope Parish Council agreed in December 2013 to proceed with a Neighbourhood Plan. This was supported by a parish meeting in Fownhope in February 2014 from which a steering group was formed, government funding secured, a Service Level Agreement made with the Herefordshire planning team and consultants commissioned. Landowners have been invited to put forward sites for consideration for development. The public will be asked their views by way of a questionnaire and a major consultation event in September 2014. This will, amongst other matters, invite the public to consider the criteria by which housing sites are assessed. Landowners and their agents will be able to display ideas for development.

The 'Mill Field' application is for 33 new homes but the Herefordshire planning officers considered in the UDP process that southern end of site had a potential for 74 new homes. That would represent an increase of 22% in the number of houses in the village. The applicant has failed to make a case for a scheme that does not conform with the adopted local plan, lies wholly within the AONB, abuts the conservation area boundary, and fails to provide safe pedestrian links to the village, and lies more than one kilometre from some facilities

Fownhope is the only main village in the Hereford rural area within the Area of Outstanding Natural Beauty, and as such where higher standards will apply before any houses can be agreed. We are also required to consider the impact on the water quality of the river Wye, and of course the lack of capacity at the sewerage works.

There is no provision for any footway from the development into the village. There are two existing public footpaths. One leads onto the busy B4224. The grass verge is too narrow and uneven to provide safe passage to the shops and bus stop. The other path is a narrow path between hedges leading onto the Scotch Firs estate. We can welcome the tree-planting regime but it is far from clear how the 'community orchard' will be maintained or managed.

Consultation process

The submission for 'Mill Field' claims that there have been consultations with the community. The agent claims to have consulted the Parish Council in June 2012 and Jan 2013. The item does not appear in any agendas or minutes for this period. The submission also records two 'very well attended Planning Exhibitions' in December 2013. These events were held at very short notice on the afternoon before the Council's meeting. The Clerk did not receive notice until after the deadline for publication of the Council's agenda. However the chairman exercised discretion to give the agent opportunity to explain the scheme to councillors before the meeting opened. The process cannot in any way be described as 'consultation'. The agent brought a set of drawings to display at the meetings, but took them away. We asked for a set so the Council could consider them properly but despite requests no set was forthcoming. The formal planning application has been the first time we have had access to the plans.

The Parish Council discussed this application at its July meeting at some length and took on board public comments expressed at the meeting. It resolved by nine votes to nil to object to the application. The agent has been invited to submit the site for consideration in the Neighbourhood Plan where the community will be able to consider the overall future of their village. The application should be refused.

5.2 Fifty-five letters of objection have been received. The content is summarised as follows:-

- The site lies outside the UDP defined settlement, abuts the Fownhope Conservation Area and is wholly within the Wye Valley Area of Outstanding Natural Beauty. The site is thus in a highly attractive and sensitive, nationally important landscape;
- The NPPF is clear that within the AONB 'great weight should be given to conserving landscape and scenic beauty';
- The NPPF is clear that 'major development' should only be permitted where exceptional circumstances exist. This scheme is a major development and none of the exceptions specified by the NPPF at paragraph 116 apply to this proposal, which ought to be refused as a consequence;
- Although the site layout depicts a low-density scheme, what guarantee can there be that a planning permission would not be a precursor to a larger scheme? It is highly likely that if offered to a house-builder, a scheme increasing the numbers and reducing the landscaping would follow;
- The site has poor connectivity to the village for pedestrians. The verges along the B4224 do not provide the opportunity for a footway and the existing footway on the opposite side of the road is narrow and does not extend to the site. The proposed route via the gap between properties in Scotch Firs is narrow and not convenient;
- There is no evidence of demand for housing locally and work on the neighbourhood plan suggests a strong preference for smaller developments as opposed to housing estates;
- The application is highly prejudicial to the emerging Neighbourhood Plan and decisions on any large-scale housing applications should be held in abeyance until the plan is adopted. Failure to do so would undermine the provisions and purpose of the Localism Act 2011 and NPPF;
- The site may well come out as a preferred site for housing, but that should follow due process and should not be decided in a manner that is prejudicial to local democracy.
- The Rural Settlement Hierarchy Paper identifies the presence of the AONB as a major constraint to development in Fownhope and cautions, in accordance with UDP policy LA1 that any development would need to be small-scale. This proposal is clearly not small-scale;
- The Rural Settlement Hierarchy Paper also incorrectly exaggerates the number of dwellings within the UDP settlement boundary. As a consequence the indicative 'proportionate growth' target in the emerging Core Strategy is too high;
- There is no evidence of assessment of the social impacts of such a large development on the existing community;

- The proposal would add to the volume of traffic on the already busy B4224. There is no guarantee that a speed limit reduction would be forthcoming and any on-road traffic calming feature is unlikely to enhance the gateway to the village and its Conservation Area;
- It is well-known locally that the local sewerage works is at capacity. Additional waste is likely to cause problems and potentially result in pollution of the River Wye SAC;
- The proposed landscaping scheme is welcome, but there is very little detail as to by whom and how it would be managed?
- The proposal would extend the ribbon pattern development by a further 300m. The consequent landscape impact is uncharacteristic of the area;
- The proposal would result in the loss of top grade agriculturally productive land;
- The proposed access is in a well-known overtaking position as people leave the village;
- The provision of visibility splays will require the removal of a significant length of the existing roadside hedgerow;
- The surface water that already runs of the field in times of heavy rain is unlikely to be reduced by the addition of 33 houses and associated hard-standing. This is particularly significant in the context of recent land-slips locally;
- The scheme appears altruistic, but is it viable? If not, it is likely that the applicant will be back to ask for concessions or potentially more housing;
- The reference to the existing unsightly entrance to the village at Scotch Firs is an insult and could easily be remedied by the planting of an orchard without the 33 houses;
- The proposal will devalue neighbouring property, deprive residents of an outlook and add to security concerns by routing pedestrians through Scotch Firs via a narrow path passing between two properties;
- The local school is at capacity and the site is well removed from some of the other village facilities;
- There should be a presumption in favour of brownfield sites first; especially within Fownhope;
- Street-lighting would, if proposed, present issues within light-pollution. At present there is very little lighting within the village at night; another thing that makes the character of Fownhope unique;
- There was very little meaningful consultation on these proposals. The public exhibitions were held at very short notice;
- Vehicles accelerating when leaving the site will create noise and the proximity of the houses to the south-western boundary will create over-looking of properties at Mill Farm.

5.3 There have been 12 letters of support. The content is summarised as follows:-

- The application appears to be sympathetic to the environment and has the potential to create an attractive edge to the village;
- With an ageing population, the provision of affordable housing for local, young people is critical to the maintenance of local services. Lots of young people born in the village cannot afford to buy property in Fownhope on the open market;
- The proposed landscaping is well-conceived and offers the potential for significant bio-diversity enhancements;
- The scheme is deliberately low-density;
- In the absence of a housing land supply the principle of development is acceptable in this sustainable location;
- Objectors to the scheme presume that infill is always correct, but that isn't always the case. The scheme continues to the historic linear pattern of development and offers a good opportunity for the village to evolve in a progressive manner;
- Thriving communities such as Fownhope need growth. Many objectors to the scheme reside in comparatively modern housing estates such as Scotch Firs and Church Croft. These were built on orchards and enabled local people to stay within the village. The same opportunity should be afforded the next generation;

- The loss of agricultural land is inevitable if housing is to be built in the numbers required;
- The support for smaller sites would not generate the affordable housing that people born in the village are in need of;
- Objections based on the progress of the Neighbourhood Plan are a delaying tactic.

5.4 Hereford Ramblers: Qualified comment

Unfortunately the information seems to be lacking with regard to the existing Public Rights of Way within the boundaries of this site. The only feature which I believe that I can identify is the possibility of footpath FWB9 following a depicted path from the proposed new road junction towards the village of Fownhope. If this is correct I would prefer to see this path constructed of natural materials in an effort to keep the rural setting of this footpath.

The potential for extending the footpath network in the area is noted for the possible extension of footpath FWB8 to join with FWB10. Two further possibilities for enhancing the footpath network would be to make provision for footpaths FWD8 and FWD8A, which join the B4224 on its western side, to be for them to cross the B4224 and join footpath FWD9 opposite their entry points.

If this application is successful then I would request that it is a condition of the application that these proposals for extending the footpaths in this locality are made binding upon the developers. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

5.5 Wye Valley AONB Office

The AONB Unit has some concerns about the design and scale of the development but welcomes the detailed approach to the landscape planning.

Section 115 of the National Planning Policy Framework (NPPF) requires "great weight" to be given to AONB status. Where there is clearly an impact on the AONB it is up to the applicant to demonstrate that the benefits of the scheme carry sufficient weight to outweigh the great weight given to the AONB location. From the information put forward by the applicant the landscape impacts do not appear to be significant, although their images of tree growth seem a little ambitious over ten years. However it is not clear whether there are sufficient arguments in favour that are of national importance to outweigh building in the open countryside of the AONB.

Section 116 of the NPPF relates to major development in AONBs. Where a development is considered to be major then the applicant is required to demonstrate that exceptional circumstances exist and that the development is in the public interest. The recent National Planning Practice Guidance confirmed that the decision as to whether a development in an AONB is major is a matter for the decision taker.

A recent planning appeal in the Wye Valley AONB and Forest of Dean District at Reddings Lane, Staunton, Coleford (APP/P1615/A/13/2204158) concluded that a development of 14 houses on the edge of a small village was major development. The Inspector commented as follows –

20. There were differences of views at the inquiry on whether the proposal represented a 'major' scheme in the context of paragraph 116 of the Framework and the appellant referred to a number of decisions in support of their argument that it was not major. However, relative to the limited size of Staunton and to the location and extent of development in recent years, I regard the proposal to represent a major scheme for which planning permission should be refused. I do not consider that a shortage of a five year housing land supply represents

sufficiently exceptional circumstances to overcome the presumption of refusal as there could be less sensitive potential sites elsewhere in the district where this shortfall could be met.

21. I conclude on this issue that the landscape impact of the proposed development on the Wye Valley AONB, and on local landscape character and the setting of the village would be harmed and I attach substantial weight to this. It would also conflict with the strategic objectives (in particular WV-D4) and damage some of the special qualities set out in the Wye Valley AONB Management Plan.

Similarly, a High Court decision at Mevagissey in Cornwall {Queen/Mevagissey Parish Council V Cornwall Council - Case No CO/6597/2013} considered that a development of 31 houses was major development in an AONB. The judge's decision included the following: -

"51. Where an application is made for a development in an AONB, the relevant committee or other planning decision-makers are required to take into account and weigh all material considerations. However, as I have explained above (paragraph 6), the NPPF places the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration: as a matter of policy paragraph 115 requires it to be given "great weight", and paragraph 116 of the NPPF requires permission for a major development such as this in an AONB to be refused save in exceptional circumstances and where it can be demonstrated the proposed development is in the public interest. In coming to a determination of such a planning application under this policy, the committee are therefore required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that (i) there are exceptional circumstances, and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest."

Using the applicant's figures for existing housing numbers in Fownhope, this development would lead to an 8% increase in the number of dwellings in the village. It is therefore for the Council to decide whether this would be major development next to the village of Fownhope and in the Wye Valley AONB. If so Section 116 of the NPPF should be applied. In our view, the applicant has not adequately demonstrated that exceptional circumstances exist or that the development would be in the public or national interest.

In this respect and given the sensitivity of the landscape around Fownhope, we consider that a range of options should be considered prior to allowing such a significant development in, or beside, this village. This would be best done through a Neighbourhood Planning process. We understand from other representations that such a process is currently underway but that the proposed development is not connected to this process.

We also note from the SHLAA process that this site was identified as a developable site for only 20 houses and on an 11-20 year timescale. It is questionable, therefore, whether this should be permitted ahead of the development of the Local Plan and Neighbourhood Plan. The site is located outside the development boundary for Fownhope as set out in the Unitary Development Plan. It must therefore be assessed as development in open countryside, which must be strictly controlled in the AONB.

The AONB Unit is not in a position to judge whether the Council can demonstrate a five-year land supply and therefore whether the policies from the Core Strategy or Local Plan will be given much weight. However, we consider that a number of UDP policies are relevant:-

H4 Main villages: settlement boundaries - The development is clearly outside the settlement boundary of Fownhope and extends the settlement further in a linear direction.

H7 Housing in the countryside outside settlements - Given that the site is outside the settlement boundary then this is the relevant policy. The proposed development does not appear to meet any of the criteria set out in this policy.

S7 Natural and historic heritage – If the landscaping proposals are fully implemented the orchard and hedgerow development would contribute to local distinctiveness and benefit the setting of Cherry Hill Wood SSSI, including the removal of an arable field adjacent to the SSSI.

LA1 Areas of Outstanding Natural Beauty - The creation of an orchard will be an enhancement to the local landscape and views towards the wooded escarpment. However it has not been demonstrated that alternative sites have been considered to make the same housing provision.

LA2 Landscape character and areas least resilient to change - The development will have a small impact on local landscape character by offsetting the housing against the orchard and the setting of the woodlands.

LA3 Setting of settlements - The development could enhance the visual approach to the settlement boundary although it will extend the settlement further in a linear direction.

LA6 Landscaping schemes - A comprehensive landscaping scheme is proposed, which could contribute to local distinctiveness, although the images of tree growth seem rather ambitious over ten years. However it is not clear how the long term management of the community orchard will be administered.

We are concerned that if this development is permitted it may be more difficult for the Council to resist further applications for development on greenfield sites in and around Fownhope and other settlements in the wider AONB.

In conclusion, the AONB Unit considers that there are some positive aspects to the landscaping proposed in this development; however there are concerns about the precedent this development may set due to its location extending the settlement of Fownhope and encroaching into open countryside.

5.6 Fownhope Neighbourhood Plan Steering Group comments are summarised below: Objection

The Neighbourhood Plan Steering Group make similar points to the Parish Council, but reinforce the point that based on 342 dwellings being within the Fownhope UDP settlement boundary in 2011, rather than 406, the indicative 18% growth target in the Core Strategy would suggest 61 new homes in Fownhope in the plan period. Consent has already been granted for 11 new homes in Fownhope of which three have been built. Eight of these homes are infills within the existing settlement boundary, and other infills can be anticipated during the remaining years of the new Local Plan.

It is also considered that development in Fownhope will also need to be tempered by its status as the only main village in the Hereford Market Area within the Wye Valley AONB. Planning officers have also advised that there are constraints related to the River Wye SAC (Special Area of Conservation) which will need to be addressed if any significant development is to take place in Fownhope.

The Group considers this scheme should be considered a 'major development' and therefore not compliant with paragraph 116 of the National Planning Policy Framework and should be refused.

5.7 CPRE: The objections of the Herefordshire CPRE are summarised below:-

Fownhope is entirely within the Wye Valley AONB. The proposed site is also within the AONB and is therefore afforded protection by national policy. Paragraph 115 of the NPPF states "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection....The conservation of wildlife and cultural heritage are important considerations In all these areas".

The proposal is contrary to NPPF paragraph 116 in that it represents major development in the AONB. 116 states: "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances". The proposal for 33 homes in the context of a settlement of 342 existing homes represents a major development and should be refused.

There is also conflict with local planning policy including LA1 – Areas of Outstanding Natural Beauty. This site is also in open countryside. None of the exception criteria to UDP policy H7 apply.

Relatively few of the dwellings at Scotch Firs are visible from the road and it is not a satisfactory argument for further housing development, in open countryside, to be allowed as a means of screening the existing dwellings.

There is conflict with saved policies LA2 and LA3 of the UDP which state: "Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection" and "Important visual approaches into settlements... and surrounding open countryside will be particularly protected".

Policy RA2 of the draft Core Strategy gives priority to the development of suitable brownfield sites reflecting the character of the village and surrounding environment...demonstrating community support in accordance with a neighbourhood development plan OR where there is no plan by undertaking community consultation". There is therefore no evidence whatever to demonstrate any local support for this scheme and strong evidence of objection.

The access road to the proposed site joins the main highway B4224 at a particularly narrow section and the road is already very busy. No thought has been given to improve safety for pedestrians and cyclists at the junction. Furthermore, access to the village by pedestrians will be dangerous, there being no footpath.

There are no sustainable features in this development in terms of transport and this is therefore in conflict with paragraph 35 of the NPPF: *"plans should exploit opportunities for the use of sustainable transport modes..therefore, developments should be located and designed where practical to give priority to pedestrian and cycle movements...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...incorporate facilities for charging plug-in and other low emission vehicles"*.

The Wye Valley AONB, including the river itself is an important tourist attraction for walkers, canoeists, motorists and wildlife enthusiasts. Any incursion into the rural nature of this area will detract from this. Policy E4 of the draft Core Strategy states "In particular the tourist industry will be supported by...the development of sustainable tourism...capitalising on assets such as the county's landscape, rivers...and attractive rural settlements; whilst ensuring that any development does not have a detrimental impact on environmental assets and environmental designations.." The proposed scheme, sited as it is in an AONB and next to a SAC, clearly violates this principle.

In conclusion, the conditions for the "presumption in favour of sustainable development" as set out in paragraph 14 of the NPPF are not satisfied because the "adverse impacts of so doing would significantly and demonstrably outweigh the benefits", notwithstanding the Council's position with regard to the 5 year Housing Land Supply.

- 5.8 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

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

6. Officer's Appraisal

- 6.1 The proposal is for the erection of 22 open market and 11 affordable dwellings on land outside but adjacent the HUDP defined settlement boundary for Fownhope at the north-western gateway into the village. The site is 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. The application acknowledges the sensitivity of the site as lying within the AONB and consequently takes a sensitive approach to development in recognition of the landscape quality. This is reflected in the detailed landscaping proposals that form part of the application, which include the planting of approximately 2.75ha of traditional orchards, standard trees, hedgerows and wildflower meadow. The application is, however, predicated on the Council's lack of housing land supply.
- 6.2 Taking the 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 is the Herefordshire Unitary Development Plan 2007 (HUDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. HUDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3rd July and the plan was submitted to the Inspectorate on 23rd September 2014. For the present, however, the Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision taking. It is the case, however, that within the Core Strategy Fownhope, as a proposed 'main village,' will be a focus for proportionate growth for housing over the plan period (2011-2031). In this case 18% growth equates to a total of 73 dwellings, although the Neighbourhood Plan Steering Group suggests a baseline figure of 342 dwellings, giving rise to a proportionate growth target of 61 dwellings.
- 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, and in the context of the UDP and

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

housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the practical effect of superseding UDP policies with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged if development can be shown to be sustainable.

6.6 Recent appeal decisions within the county have also confirmed the Planning Inspectorate's position that saved Policy LA1 – Areas of Outstanding Natural Beauty is not entirely consistent with the NPPF. In this case the full weight of the NPPF in relation to conservation of the natural environment and in particular the AONB relevant policies at paragraphs 115 and 116 are applicable.

6.7 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:

- *“Approving development proposals that accord with the development plan without delay; &*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
 - *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.8 In the context of the HUDP housing supply policies and the AONB designation it is the second bullet point that is relevant in this case. Footnote 9 explains that specific policies include those relating to nationally important landscape designations such as AONBs. As a matter of policy, paragraph 115 requires conservation of landscape and scenic beauty within AONBs to be given "great weight". Paragraph 116 of the NPPF requires permission for a major development in an AONB to be refused save in exceptional circumstances and where it can be demonstrated the proposed development is in the public interest. It is thus an assessment of the scale of the development and whether it represents 'major' development within the local context that is critical in this regard.

6.9 There are numerous appeal decisions and recent case law that consider this point. The comments of the Wye Valley AONB Office refer to appeal decisions and case law in their comments at 5.5 where proposals for fewer dwellings than the 33 dwellings proposed here have, in a specific context, been considered to represent major development. Conversely there are cases where developments for more than 33 dwellings have been held to not represent 'major' development.

6.10 The National Planning Policy Guidance provides some clarification on the issue and states 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 The issue is addressed not only by the Wye Valley AONB, who ultimately reserve judgement on the matter, but is assessed by the Conservation Manager (Landscape) in the comments above at 4.4. The comments need to be read 'in the round' but on this specific issue the officer considers the *“erection of 33 houses on the site would result in a locally significant adverse change in character of this part of the village by replacing an open field with modern houses which would extend into open countryside. However... the proposed development is shown to be set back from the road with a landscaped buffer between the houses and the road; although it would extend the village north-westwards, the wayside pattern is not likely to be 'prominent'. In the context of the existing settlement, the proposals do not increase the size of the village to an unacceptable degree thus from this perspective, the scale of development is not considered especially large. There is also potential for mitigation and compensation.”* (Case Officer's emphasis).
- 6.13 As such, and with regard to this advice, the landscape character and context of the site, the nature of the proposal and the scale of the existing settlement, officers consider it reasonable to conclude that this proposal is not 'major development' to which the policy in NPPF paragraph 116 is applicable. By extension, it is not necessary to apply the exceptions tests set out at LA1 of the UDP.
- 6.14 The policy at NPPF paragraph 115 is thus not held to be a restrictive policy within the meaning of paragraph 14. Rather it is a policy that goes to the weight to be given to 'AONB matters' in the planning balance. If it is concluded that the development is not 'major development' the assessment is then whether when considered in the round, the scheme is representative of sustainable development as per the policy at paragraph 14 of the NPPF. The weight attached to the need to ensure conservation of the landscape and scenic beauty will be 'great' as per paragraph 115, but other matters must be considered in the 'planning balance'.
- 6.15 It follows that assessment of any proposal in an AONB will rest, to a great extent, on the ability of the scheme to conserve landscape and scenic beauty.

Is the scheme representative of sustainable development having regard to the AONB designation and other material considerations?

- 6.16 The NPPF at paragraph 6 states that “policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.” However, paragraph 7 goes on to identify the three roles of sustainable development (the economic, social and environmental). Paragraph 9 of the NPPF goes on to note that sustainable development will result in “positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.”
- 6.17 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.
- 6.18 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity. This is a requirement that attracts significant weight in the context of NPPF paragraph 115.

Impact on landscape character and scenic beauty

- 6.19 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 the loss of this field and its replacement with a relatively large, modern housing estate would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.
- 6.20 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 33 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 does propose mitigation, compensation and enhancement, which could potentially reduce localised adverse effects in the longer-term.
- 6.21 The proposal is recognised as being 'landscape-led' and has taken into account pre-application comments. The previously-proposed organic and ornamental landscape scheme, which was at odds with local landscape characteristics, has been replaced with an extensive orchard, to be planted with traditional varieties of fruit. This was the historic use of this and adjoining fields, and this, as well as the additional planting proposed to the site perimeter, would help assimilate new houses into the landscape. The orchard and associated pathways are offered for use by the local community and thus also provide a locally important new Green Infrastructure asset. 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, although it may need to cover longer-term objectives (10-25 years +).
- 6.22 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 details (especially choice of materials and colours) have been appropriately considered. This opinion is shared by the Conservation Manager (Historic Buildings).
- 6.23 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 officer's 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. In this respect the agent has confirmed that the portion of orchard adjoining Scotch Firs would be transferred to the Parish Council (0.41ha) with the remainder put into a management company. The detail of these arrangements will be incorporated in the S106 agreement as per the heads of terms attached to the report. Planning conditions in respect of landscape management proposals will be imposed.
- 6.24 The Conservation Manager (Ecology) also has no objection to the proposal, but expresses support in the belief that the landscaping proposals would lend significant biodiversity benefits

via habitat creation and management. In addition, the proximity to the Cherry Wood SSSI has been taken into account and there has been a substantial effort to minimise any impacts upon this area. A considerable buffer strip is incorporated into the design. The nearby River Wye SAC is also safeguarded by the management plan for surface water through a SuD 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. It is generally accepted, 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; reminiscent of the historic landscape character and use that the fields were used for historically; historic mapping supports this assertion.

Impact on Designated and Non-Designated Heritage Assets

- 6.25 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.
- 6.26 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. It also recognises that the pattern of development should also be an important influence on design.
- 6.27 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 opening 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.
- 6.28 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. Retaining the hedgerow, insofar as is possible, together with implementation of the proposed landscape strategy is held as the key to securing the success of this project.

Transport

- 6.29 The Transportation Manager has assessed the access proposals in the context that the proposed site access junction is located some 200m to the north-west of the current 30mph limit terminal and is therefore subject to the national 60mph limit. A Transport Statement has been provided in support of the application which indicates that 85 percentile speeds at the location of the access are around 46mph (74kph), and with less than 1% of vehicles exceeding the 60mph limit.
- 6.30 In the absence of an implementable speed limit at this time, the worst case of 131m "Y" distance should be considered as applicable. This can be achieved within the confines of the highway/land in the applicant's control, although alterations to the existing bank and hedge will be necessary to achieve splays.
- 6.31 It is also recognised that the work necessary to form the visibility splays will necessitate re-grading of the roadside verge and replanting of the hedgerow to the rear of the splay. This will improve forward visibility on approach to the village, which may result in increased speeds on approach to the 30mph limit.

- 6.32 It is on this basis that although making it clear that his recommendation for approval subject to conditions is not contingent on a reduction to the speed limit the Transportation Manager suggests that an extension of the 30mph speed limit may be beneficial. Discussions regarding the potential to reduce the speed limit and design/implement a possible traffic calming entry feature at the entrance to the village should thus be taken forward. The S106 contribution of £64,500 towards sustainable transport measures could be put towards the costs associated with the TRO process and implementation of traffic calming features.
- 6.33 The development is also considered to offer genuine alternatives to the car in terms of access to goods and services as required by saved UPD policy DR3 and the NPPF chapter 4. Fownhope has a number of village facilities and the site is within reasonable walking distance (800m) of such facilities such as post office, village shop, village hall, primary school, public houses, leisure centre and bus stops, with the medical centre at around 1km distance.
- 6.34 A pedestrian link is provided from the southern extreme of the site to link to Scotch Firs, where measurements taken on site indicate 1.2m width could be achieved, increasing to 1.8m if the overhanging vegetation is cut back to the boundary posts. This is considered acceptable for the length involved. The footway link then joins the footways on Scotch Firs before joining the B4224 near the village shop. This route also provides an acceptable onwards access to other village facilities, including all of those referred to above.
- 6.35 It is not considered feasible to provide a direct pedestrian route to the bus stop along the B4224. There appears insufficient width to achieve a footway within the confines of the highway taking into account the levels differences that exist and the potential conflict with the root systems of protected trees.
- 6.36 In overall conclusion on transport issues, officers consider that the development offers reasonable access to local goods and services and public transport. The visibility splay achieved is acceptable for the measured speeds without the requirement for reduction of the speed limit or introduction of other traffic calming. Officers conclude that the residual cumulative impacts of the development would not be severe and the network capable of accommodating the anticipated traffic generation. The proposal is considered to accord with NPPF policies.
- 6.37 It is the case, however, that money payable via the S106 agreement could be put to conducting Traffic Regulation Orders and potential implementation of traffic calming measures such that can be agreed with Parish Council input and wider consultation.

Design

- 6.38 Saved UDP policy DR1 requires, where relevant, that development proposals reinforce local character and distinctiveness. The NPPF requires development to secure high quality design and confirms that good design is a key aspect of sustainable development and indivisible from good planning. It is recognised, however, that design policies should not be prescriptive, but should concentrate instead on guiding the overall scale, density, massing, height and landscaping in relation to neighbouring buildings and the local area more generally.
- 6.39 Fownhope is a village with a mixture of both old and modern buildings built of local stone and brick, some half-timbered and others rendered; most of these integrate well into the village-scape although there are more recent housing estates which are less in keeping with the local vernacular. Most C20th development has occurred to the north of the B4224, away from the riverside meadows.

- 6.40 The application site sits below Cherry Hill Woods (SSSI) and was cleared of orchards in the early part of the 20th century. In recognition of this historic landscape character the Landscape Report describes the intention to create a development within an orchard setting and the detailed landscaping proposals have been informed via negotiation with the Council's Conservation Manager (Landscape). The layout of the dwellings is informal; with properties arranged either side of a winding estate road, which loops around a 'village green' at its southern end. This approach is considered appropriate within the AONB landscape, with a good buffer against the B4224, whilst in the long-term the landscaping proposals will filter views of the development from the road and from middle-distance views across the river meadows.
- 6.41 The dwellings themselves comprise a mixture of single and two-storey dwellings of traditional design, with farmhouse-style properties complemented by single-storey courtyard arrangements at the rear cut into the slope; short terraces and detached dwellings. The open market housing comprises 13 x 3-bed and 9 x 4-bed units. The affordable housing mix has been amended to include 2 x 1-bed units designed as end of terrace properties attached to and thus indivisible from the open market units. The choice and mix of housing offered is considered appropriate. The scheme also proposes boundary treatments and detailed surface treatments that are sensitive to the wider landscape setting and characteristic of the local vernacular.
- 6.42 The Conservation Manager (Landscape) considers that the overall approach has the potential to assimilate quite well within the overall landscape and detailed landscaping proposals. A condition is recommended in recognition of the Conservation Manager's comments regarding the predominant use of stone for the facing materials.
- 6.43 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. Where possible, and with reference to the site's topography, houses have been orientated to ensure optimum exposure to passive solar gain.
- 6.44 Whilst recognising that the landscaping proposals will take time to reach maturity and take full effect, officers consider the approach taken to be sensitive to the site's location at the edge of the village and capable of enhancing the existing approach to Fownhope, which is at present defined by the relatively open vista towards Scotch Firs. The reinstatement of orchard planting on these south-west facing slopes is considered to benefit landscape character and off-set the impact of the dwellings themselves. It is thus concluded that the scheme is representative of good design in accordance with Chapter 7 of the NPPF and saved UDP policy DR1.

Impact on Adjoining Residential 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. Given the significant margin on the site's southern boundary, which would be planted with orchard, the impact on the dwellings in Scotch Firs is also considered acceptable. 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. Officers are satisfied that the layout accords with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Flooding and Surface Water Drainage

- 6.46 The application is accompanied by a Flood Risk Assessment (FRA) that confirms that the site is in Flood Zone 1, the category of lowest flood risk. The FRA thus concludes that the site is not liable to flooding and is unlikely to result in increased risk to other properties. Although permeability tests have not been undertaken the report concludes that infiltration of surface

water and land drainage run-off should be possible. If not, a SUDs system that relies on attenuation within a basin may be necessary. In any event, the Land Drainage Officer has no objection to the proposal in principle, but given the absence of testing recommends the imposition of a condition requiring the formulation of a comprehensive and integrated land drainage scheme.

- 6.47 Officers conclude that the technical evidence would not support a reason for refusal on this issue, which can be addressed by the imposition of planning conditions in a manner that accords with NPPF guidance.

Foul Drainage

- 6.48 Welsh Water originally imposed a holding objection in relation to capacity issues at the local foul treatment station. They have subsequently revisited the issue and confirm that sufficient capacity exists to accept foul waste from the site. Conditions are recommended requiring the separation of foul and surface water/land drainage run-off and the formulation of a detailed and integrated scheme of foul and surface water drainage. These conditions are attached to the recommendation and the scheme is considered to accord with saved UDP policy CF2 and NPPF guidance.

Prematurity relative to the Neighbourhood Plan

- 6.49 Fownhope Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.50 The Parish Council via the Neighbourhood Plan Steering Group are actively assessing potential housing sites and are holding public forums at which developers can present their proposals. It is via this approach that the Neighbourhood Plan would seek to identify and allocate sites for housing.
- 6.51 There is, therefore, evident dissatisfaction that housing applications are being submitted in advance of fulfilment of Neighbourhood Plans. The Parish Council and Neighbourhood Plan Steering Group comments both give vent to this frustration. The Neighbourhood Plan is not, however, sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to an emerging neighbourhood plan.

S106 Contributions

- 6.52 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

'Education Contribution'	-	£144,295
'Sustainable Transport Contribution'	-	£64,500
'Off site play'	-	£41,291
'Waste & Recycling'	-	£2,640
'Library'	-	£4,730

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards, tenure mix and eligibility criteria.

A restriction is also imposed requiring the provision of the on-site public open space. A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

The Planning Balance

- 6.53 It has been concluded that the application does not represent major development and that the restrictive policy at 116 of the NPPF is not applicable. It is clear, however, that the conservation of landscape and scenic beauty in the NPPF must attract “great weight” for the purpose of decision-taking. The presence of the AONB designation does not, however, debar application of the presumption in favour of sustainable development. Rather the paragraph 115 requirement to attach ‘great weight’ to the conservation of landscape and scenic beauty must be weighed ‘in the round’. Therefore, if the proposal is ‘sustainable’, with regard to the NPPF as a whole, then this application does fall to be considered against the presumption in favour of sustainable development because:
- a. It is a development proposal (see paragraph 197 of the NPPF).
 - b. It is a housing application (see paragraph 49) in the context of a shortfall of housing land supply.
- 6.54 As such the remaining question is whether “any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole?”
- 6.55 In this instance the economic benefits may be taken to include jobs in the construction of the proposed development, increased spending power of new residents to support local shops and services, income from the New Homes Bonus, additional Council Tax receipts and S106 contributions.
- 6.56 The social benefits may be taken to include the delivery of market and affordable housing to address an existing local need, support for existing services, the provision of community open space, with the gift of 0.41ha of community orchard to the Parish Council and public access to footpaths, and potential improvements to surface water run-off management. The off-site contribution to village play facilities is also a material consideration. The provision of both market and affordable housing should, in the context of a housing land supply shortfall and district wide shortage of affordable housing, attract substantial weight.
- 6.57 In terms of the environmental role, the scheme delivers benefits in terms of bio-diversity enhancement and the Council’s Ecologist expresses support for the proposal. Subject to conditions, Natural England does not object either. In relation to other matters, officers conclude there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application.
- 6.58 There are acknowledged dis-benefits. The Conservation Manager recognises that the loss of the open field on approach to the village will, particularly until mitigation is established, fundamentally alter the landscape character of this part of the village. Localised impacts on landscape character and visual amenity in the short-term especially will be significant as the landscaping matures, and will be more noticeable during winter months.
- 6.59 When considered against the policies of the NPPF as a whole, however, officers conclude that having regard to the nature and characteristics of the development, the harm to the scenic beauty of the AONB will be capable of mitigation such that the magnitude of adverse impacts associated with approval will not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

6.60 In reaching this conclusion “great weight” has been attached to the conservation of landscape and scenic beauty and in this regard officers consider that the detailed and appropriate landscaping proposals offer the potential for significant bio-diversity enhancements and re-instatement of a significant area of publicly accessible Biodiversity Action Plan habitat, together with mitigation of visual effects in the long-term. On this basis, officers conclude that in accordance with the planning balance described at paragraph 14 of the NPPF, planning permission should be granted.

RECOMMENDATION:

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

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **H03 Visibility splays**
5. **H06 Vehicular access construction**
6. **H09 Driveway gradient**
7. **H11 Parking - estate development (more than one house)**
8. **H17 Junction improvement/off site works**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H20 Road completion in 2 years**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **The recommendations set out in Section 5 of the ecologist’s report from Ecology Services dated June 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for protected species mitigation should be submitted to and be approved in writing by the local planning authority, and the work 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 the Herefordshire Unitary Development Plan and the NPPF.
16. **The recommendations set out in Section 5 of the ecologist’s report from Ecology**

Services dated June 2014 and the Landscape Management Plan from Robert Myers Associates should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a plan showing habitat enhancement proposals integrated with the Land Management Plan 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. 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.

18. G02 Retention of trees and hedgerows

19. G03 Retention of existing trees/hedgerows

20. G10 Landscaping scheme

21. G11 Landscaping scheme - implementation

22. G14 Landscape management plan

23. I16 Restriction of hours during construction

24. 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 NC1, NC6 and NC7 of Herefordshire’s Unitary Development Plan.

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

25. L01 Foul/surface water drainage

26. L02 No surface water to connect to public system

- 27. L03 No drainage run-off to public system
- 28. L04 Comprehensive & Integrated draining of site
- 29. I51 Details of slab levels

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. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.
- 3. HN10 No drainage to discharge to highway
- 4. HN08 Section 38 Agreement & Drainage details
- 5. HN07 Section 278 Agreement
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8. N02 Section 106 Obligation

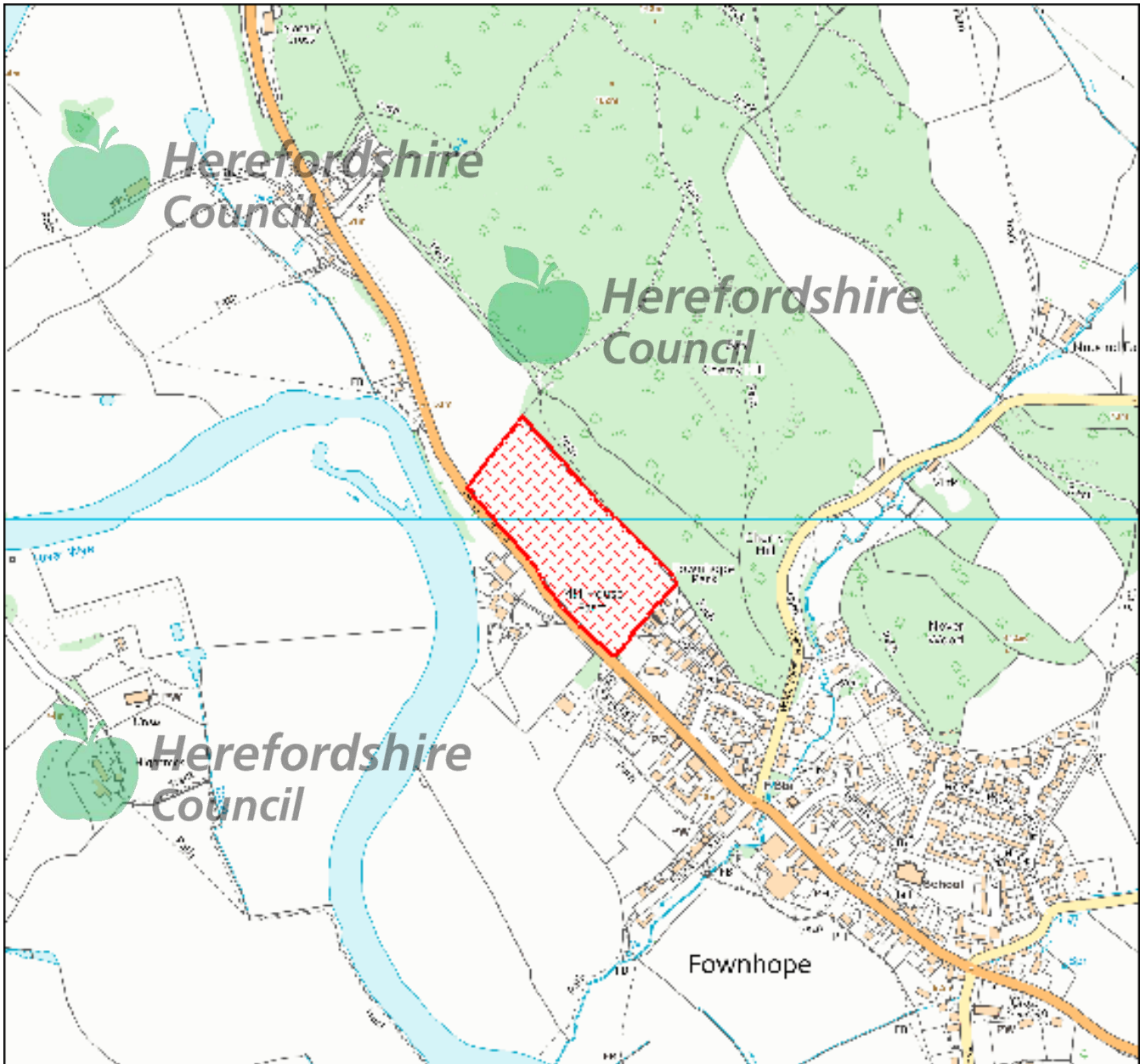
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141828/F

SITE ADDRESS : MILL FIELD, FOWNHOPE, HEREFORDSHIRE

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

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P141828/F

Proposed residential development of 22 open market family homes (13 x 3 bedroom and 9 x 4 bedroom) and 11 affordable (2 x 1 bedroom, 6 x 2 bed and 3 x 3 bed) on Mill Field, Fownhope, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£144,295.00** (index linked). The contributions will provide for enhanced educational infrastructure at North Hereford City Early Years, St Mary's Primary School, Bishop of Hereford Bluecoat School, St Mary's Roman Catholic High School (8% of contribution), Post 16 and the Special Education Needs Schools (1% of contribution). The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£64,500.00**. The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Traffic Regulation Order to investigate the reduction in speeds and making drivers more aware of the village environment they are driving through.
 - Improvements to passenger waiting facilities in Fownhope, shelter and kerbs.
3. The developer covenants with Herefordshire Council to provide 2.75 hectares of on-site green infrastructure comprising;
 - Recreational open space
 - 0.41 hectare community orchard
 - Wildflower Meadows
 - Wetland and Pond

The on-site green infrastructure shall be made available on or before occupation of the 1st open market dwellinghouse.

4. The maintenance of the on-site Public Open Space will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable ongoing arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure that good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of the land transfer.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£41, 291.00** (index linked). The contributions will provide for enhanced play facilities at the existing neighbourhood play area in Fownhope. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£4,743.00** (index linked). The contributions will provide for enhanced library facilities in Hereford. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2,640.00** (index linked) per dwelling. The contributions will provide waste reduction and recycling in Hereford. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% (11 units) 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 2008.

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

9. The developer covenants with Herefordshire Council that 6 of the affordable units will be social rented and the remaining 5 units will be for intermediate tenure.

10. The developer covenants with Herefordshire Council not to occupy or cause or permit the occupation of more than eighty percent (80%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).

11. The Affordable Housing Units must at all times be let or managed by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing by way of Social Rented Housing and Intermediate Housing (unless otherwise agreed in writing by the Council) to persons who are:
 - 11.1 registered with Home Point at the time the Social Rented Housing Unit or the Intermediate Rent Housing Unit become available for residential occupation; or
 - 11.2 is eligible for a Shared Ownership Housing Unit under the Herefordshire Allocations Policy and the allocation policy of the landlord Registered Proprietor; and
 - 11.3 satisfy the requirements of paragraph 12 below.

12. 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:-
 - 12.1 a local connection with the parish of Fownhope;
 - 12.2 in the event there being no person with a local connection to the parish of Fownhope to the adjoining parishes;
 - 12.3 in the event there being no person with a local connection to 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 11.1 above

13. For the purposes of sub-paragraph 12.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

13.1 is or in the past was normally resident there; or

13.2 is employed there; or

13.3 has a family association there; or

13.4 a proven need to give support to or receive support from family members; or

13.5 because of special circumstances

14. 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.

15. 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.

16. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 5, 6 and 7 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.
17. The sums referred to in paragraphs 1, 2, 5, 6 and 7 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.
18. 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 commencement of the development.
19. 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.