

MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2015
TITLE OF REPORT:	143370 - PROPOSED RESIDENTIAL DEVELOPMENT FOR UP TO 37 DWELLINGS OF WHICH 13 (35%) WILL BE AFFORDABLE AT LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD For: Mr Watkins & Mr P Bennett per RCA Regeneration Ltd, Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143370&search=143370
Reason Application Submitted to Committee - Contrary to Policy	

Date Received: 11 November 2014 Ward: Hope End Grid Ref: 370034,243579

Expiry Date: 16 February 2015

Local Members: Councillors CHN Attwood and AW Johnson

1. Site Description and Proposal

- 1.1 The application site lies on the north eastern edge of Bosbury and is a roughly triangular parcel of agricultural land approximately 400 metres from the village centre. It is bounded on all sides by mature hedgerows, with the B4220 running along the south eastern boundary and Brook Lane to the west. The site area is approximately 1.6 hectares.
- 1.2 The land slopes from a highpoint in the south east to a low point in the north western corner, with a change across the site of approximately 8 metres. The site is on the fringe of the village and there is a clear transition from built form to countryside. Dwellings are more sporadically located in small groups along the B4220 and Brook Lane.
- 1.3 The historic core of the village is of a linear form and the historic pattern of development would suggest that it has developed in a westerly direction, with the most recent addition being the Forge Bank estate in the late 20th century.
- 1.4 Bosbury is a main village as defined by Policy H4 of the Herefordshire Unitary Development Plan (HUDP). Local amenities in the village include a pub, church, village hall and primary school. It is identified in the emerging Core Strategy as a village that is appropriate for proportionate growth.
- 1.5 The application is made in outline with all matters apart from access reserved for future consideration and is for the erection of up to 37 dwellings, 13 of which are to be affordable. The application includes an indicative layout plan showing that the dwellings can be accommodated on the site at a density of 23 dwellings per hectare. The plan also includes the

provision of a surface water attenuation pond in the north western corner of the site and the inclusion of areas of open space described as landscaped buffers.

1.6 A detailed access plan shows a single point of vehicular access onto the B4220, opposite the entrance to a property known as Great Gables. The access and its visibility splays are contained within the 30 mph zone, which continues in a north easterly direction along the B4220 to the boundary of the application site. The provision of visibility splays will require part of the hedgerow to be removed, with the plan indicating that a replacement will be planted behind the line of the splay. The plan also indicates the provision of pedestrian footways within the site and a link to the remainder of the village in the southern corner.

1.7 The application is also supported by the following documents:

- Supporting Planning Statement
- Design & Access Statement
- Phase 1 Habitat Survey
- Flood Risk Assessment
- Transport Statement
- Draft Heads of Terms Agreement

2. Policies

2.1 National Planning Policy Framework. The following sections are of particular relevance:

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

2.2 National Planning Policy Guidance

2.3 Herefordshire Unitary Development Plan 2007

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
H16	-	Car parking
H19	-	Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements

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

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

2.4 Herefordshire Local Plan – Draft Core Strategy

The Examination in Public into the Draft Local Plan – Core Strategy has taken place and was closed on 25 February. The majority of the Core Strategy policies were subject to objection and will be subject to modification and therefore can be afforded only limited weight for the purposes of decision making.

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

2.5 Bosbury Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 1 August 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

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 identified for this site. However, planning permission was recently refused for the erection of up to 46 dwellings on land to the west of Upper Court Road, Bosbury (application reference P141550/O), and this application is currently the subject of an appeal.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection to the proposed development but draw attention to the fact that the site is crossed by a distribution water main. No development should take place within four metres of its centre line and precautions should be taken to ensure its protection during the course of development.
- 4.2 Severn Trent – No objection subject to the imposition of a condition requiring the submission of a plan to demonstrate how foul and surface water will be dealt with.

Internal Council Consultations

- 4.3 Transportation Manager – Raises no objection subject to a condition requiring the vehicular access to be constructed in accordance with the submitted plans.
- 4.4 Conservation Manager (Ecology)

No objection subject to the imposition of a condition requiring ecological enhancements to be carried out in accordance with the recommendations set out in the ecology report submitted with the application.

Conservation Manager (Landscape)

Objects to the application and comments as follows:

The site is a triangular parcel of land located approximately 350m north east of the main village of Bosbury. Historic maps indicate that built form in Bosbury has developed in a linear pattern extending from the B4220 and C1152 road junction where a number of significant buildings including the Church of Holy Trinity are situated. Larger scale 20th century development is confined to the south of the B4220. The site itself forms part of a gap in conjunction with an adjacent orchard which separates the main village from Aylescroft. Here development is confined to wayside, detached properties set in large parcels of land, large scale development on this site would therefore be considered out of keeping with the existing settlement pattern.

Bosbury itself is set on land at approximately 70m AOD the landform rises in an easterly direction at the outskirts of the village, the site at 80m AOD, peaking at 85m AOD at eastern most tip, is therefore prominent within the local landscape, forming part of the gateway to the village, large scale development on this elevated site has the potential to harm the setting of this rural settlement and would therefore be considered contrary to LA3 of the UDP.

The elevated topography of the land in conjunction with its north west facing slope means that the site relates visually to open countryside. Views of the proposal from a number of locations including elevated land such as Harbour Hill and long distance views into the site from Fox Hill and Stanley Hill are considered likely. The Herefordshire Trail passes through the historic core of the village following the River Leadon and further views along this route are anticipated. The unregistered park and garden Bosbury House is situated south of the B4220 and views from outer edges of the park are probable. The visual impact of the proposal upon its surroundings can therefore be considered extensive.

In the event that the application is approved the following recommendations are put forward for consideration:

- Development at the eastern tip of the site should be avoided due to its especially prominent topography.
- The proposed layout shows roadways within the RPA's of trees with attenuation ponds in close proximity to hard surfaces; these issues would need to be addressed and may result in necessitating a reduction in the number of units.
- Historic maps indicate much of the local landscape was used for fruit production, including the existing site, adjacent land is still in use and it is recommended that the reinstatement of orchard be given consideration as a means of mitigation.
- It should be noted that there does not appear to be a Tree survey submitted as part of the proposal or a landscape appraisal. Both of these documents would be required.

4.5 Parks & Countryside Manager

It is noted in the Design and Access Statement that green open space is to be provided on site to create a gateway feature and a sense of place and openness to the development. It is unknown how large this area is and to what extent it could be considered for informal/formal recreation purposes. As a result of the public consultation the applicant has suggested that there is potential to include a public open space and this detail should be considered at a reserved matters stage. I would add that Bosbury doesn't have an existing play area, and according to the Play Facilities Study is of a size which would only require informal play and recreation opportunities. Any formal provision on a site of this size would be small, offer little in play value and be costly to maintain so careful consideration should be given to whether it is needed or not. It may be that an informal kick-about area would be sufficient. I would agree that this aspect should be considered at a reserved matters stage and in consultation with the Parish Council. Any provision on-site could off-set what is asked for off site.

It is also noted that there will be a pond area at the lowest end of the site for drainage. If designed with health and safety and standing water in mind, they can form opportunities for informal recreation and provide semi natural open space for both natural play and biodiversity.

Adoption/Future Maintenance/Commuted Sums: 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 - given the location this is highly unlikely; 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.

Draft Heads of Terms: It is noted that the applicant has included the following contributions:

- £235 (index linked) for a 2 bedroom open market unit
- £317 (index linked) for a 3 bedroom open market unit
- £386 (Index linked) for a 4+ bedroom open market unit

To provide off-site public open space / play contribution to be used in accordance with the Play Facilities Strategy and Investment Plans.

The contribution is in accordance with the SPD on Planning Obligations, POS contribution and not children's play which would be a higher tariff. This is due to there being no existing play area in Bosbury and no details of any planned provision (in accordance with the Play Facilities Study and Action Plans). In the more rural areas such as Bosbury, it is more appropriate to use it towards improving quality/accessibility or the more natural and semi natural green space and recreational rights of way in accordance with management plans including the Council's Public Rights of Way Improvement Plan.

However, as described above, the off-site contribution should be adjusted accordingly if there is to be some provision on-site.

4.6 Education

No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies the application.

4.7 Land Drainage Engineer

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. However, all new drainage systems for new developments must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:

- Provision of a detailed drainage strategy 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;
- Soil infiltration rates (soil infiltration tests should be undertaken in accordance with BRE365 guidance) and groundwater levels;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure no flood risk to development and no increased flood risk to third parties 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;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

The management of surface water runoff from this proposed development will be of particular concern due to existing flooding issues downstream of the site. Whilst we approve of the proposed approach as this suggests no discharge from the site up to the 1 in 100 year event, we are mindful that on-site ground conditions may require an alternative approach to be considered that requires some discharge of surface water runoff off-site. If an alternative approach is required, we promote the use of combined attenuation and infiltration structures prior to discharge to a watercourse and with discharge rates limited to existing greenfield rates with betterment provided where possible.

5. Representations

5.1 Bosbury Parish Council - The parish council wish to object to the development of houses in this location.

Bosbury is a small village close to an Area of Outstanding Natural Beauty. The centre of the village is a Conservation Area and contains many listed properties and two scheduled monuments. The proposed development site abuts the historic core of the village.

The parish council and local residents are not against appropriate residential development to help meet Herefordshire Council's five year shortfall, but the scale of the proposed development in this location is unacceptable as there are a significant number of adverse impacts on Bosbury village:-

- Impact on the Character of Bosbury - Bosbury is a small village that contains a Conservation Area, numerous listed buildings and scheduled monuments. The historic core of the village has a linear settlement pattern along the B4220. A development of this size in this location would fail to respect the townscape and landscape context of the site and the distinctive character and appearance of the locality, including its linear settlement pattern, contrary to policy H13 of the UDP. This impact would be exacerbated by the fact that it is in a prominent location and would be highly visible to people entering and leaving the village along the main road. Furthermore, it would affect views of the Grade I listed church from the eastern edge of the village. It is therefore considered that the proposal would also result in substantial harm to the setting the historic core of the village contrary to paragraph 131 of the National Planning Policy Framework.
- Size of Development - In Herefordshire Council's Core Strategy (draft document) Bosbury has been identified as being sustainable and appropriate for proportionate growth. In the case of the Ledbury HMA this is considered to be 14% growth over the period 2011-2031. According to the 'Rural Housing Background paper (2013) there are 143 dwellings within the main village envelope. This proposal of 37 dwellings would result in a growth of 26%. However, it should be noted that the number of houses within the main village as defined by the settlement boundary is considerably less (circa 100). On this more accurate figure the percentage increase would be approximately 37%. This is nearly three times the 14% identified in the draft Core Strategy and would result in a disproportionate expansion that would detract from the character and setting of the village contrary to UDP policies DRI (Design), S2 (Development Requirements) and H13 (Sustainable Residential Design) and the framework including paragraph 61.
- Play Area - The applicant states that a play area can be provided on the site. However, no play area is shown on the plans. The applicant should therefore be asked to include a small children's play area and an older children's informal space as required by policy H19. Whilst it is appreciated the application is in outline, without including this open space the applicant has failed to demonstrate that the site can satisfactorily accommodate 37 dwellings.
- Access & Highway Safety - The proposed access to the site is in a dangerous position given it is close to a corner in the road and there are also undulations in the road to the north-east of the access. This would result in poor visibility for vehicles leaving the site which would prejudice highway safety contrary to policy S6 of the UDP.
- Flooding - Pluvial flooding is already very high on the site as indicated in their survey with regular flooding down Brook Lane at Dowdings Brook. The development will cause further and additional flooding at this point and in Bosbury village with water surge going into Dowdings Brook and causing additional flooding risk at the New Bridge on Dowdings Brook and further downstream at the conjunction with the River Leadon by the Parish Hall. No solution has been put forward by the applicant to address this issue.
- Infrastructure - The sewerage works are working to capacity and therefore cannot accommodate the extra volume this development would bring without considerable upgrading. The applicant makes no reference to this issue in his supporting information or how it will be addressed.
- Residential Amenity - There would be a detrimental impact on the outlook from the existing dwellings adjacent to the site. Their view would change from one of open countryside to that of a modern housing development.

- Pre-Application Consultation - Paragraph 188 of the framework states that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."

The applicants claim extensive consultation. However, they did not speak to the Parish Council or residents directly to explain their proposal or listen to their views. Instead they sent a letter to the residents but left out at least 50% of the main village including the residents in Aylescroft or Brook Lane and Harbour Hill who will be most affected. The Parish Council and the community is very disappointed with this level of consultation as it has wholly failed to deliver "better coordination between public and private resources and improved outcomes for the community". As such little weight can be attached to the consultation undertaken by the applicant.

In conclusion, Bosbury Parish Council and local residents appreciate that there is a housing shortfall and would welcome an application for a proportionate residential development that respects the character of the village. However, once again, an application has been submitted where the harm caused would significantly outweigh any benefits the proposal has in terms of housing numbers. This would result in an unsustainable form of development contrary to national and local planning policy. The Parish Council therefore strongly object to the application and consider it should be refused.

5.2 CPRE – Object to the application. In summary the points raised are as follows:

- The proposal is out of scale with the village
- The development will be visually obtrusive
- Adverse impact on the setting of the village

5.3 Sixty two letters of objection have been received from local residents. In summary the points raised are as follows:

Impacts on the character and setting of the village

- The size of the development is too large for Bosbury.
- The scheme represents over-development.
- Detrimental impact on the setting of the village and the approach to it.
- The village is linear and it is not until Forge Bank that this changes.
- The layout of the development does not reflect the historic pattern of growth of the village.
- The proposal represents a 37% growth of the village and is a disproportionate expansion that would harm its character and setting.
- The proposal would be detrimental to the amenities of the properties that border the site.

Sustainability

- The village has insufficient facilities to support the amount of development proposed.
- A need to drive to shops in Ledbury.
- The village has a limited bus service.
- Insufficient capacity within the village's existing infrastructure, particularly the sewage treatment works.
- Insufficient capacity within the village school.
- The current proposal is unsustainable and a smaller number of properties should be considered.

- There is no local employment available and Bosbury would become a dormitory village.
- The proposal would result in the loss of good grade agricultural land.

Highway Matters

- The scale of the development is likely to generate significant numbers of additional traffic movements that will cause highway safety issues in the village centre.
- Poor visibility at the point of access to the site onto the B4220.
- Access close to the brow of a hill and bend in the road. Visibility is impeded and the proposal will be detrimental to highway safety

Flood Risk

- Present Environment Agency flood zone designations do not accurately reflect recent flood events.
- The site is prone to surface water flooding during periods of heavy rainfall.
- Development will increase flooding along Brook Lane.
- Run-off will enter Dowdings Brook, causing increased flooding downstream in the centre of the village.
- The existing sewerage system is inadequate and cannot accommodate the level of development proposed.

Environmental Concerns

- The proposal would result in increases in noise and light pollution.
- The proposed housing does not appear to be environmentally friendly.
- The scheme would result in the loss of a Greenfield site. A sequential approach has not been adopted.
- There are other sites available that are better suited to smaller scale development.

Other Issues

- The concerns raised significantly outweigh any benefits that the proposal might bring and would result in an unsustainable form of development contrary to national and local planning policy.
- Detrimental effect on wildlife, particularly birds.
- The proposal is contrary to the emerging Core Strategy and the 14% growth target envisaged for the Ledbury Housing Market Area.
- The proposals do not reflect the wishes of local residents as expressed through the Neighbourhood Plan.
- The agent's consultation process was limited. It did not include those living closest to the site and its results are misleading.
- The scheme does not provide any benefit to the local community.
- The plans do not include enough recreational space.

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

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

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

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

6. Officer's Appraisal

- 6.1 Bosbury is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Ledbury Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

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

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

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

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

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

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

- 6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.
- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of

being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

- 6.9 In this context, therefore, the proposed erection of up to 37 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Bosbury is a main village within the UDP and also identified as a main village in the Hereford Local Plan – Core Strategy. Officers consider that in terms of access to local services that include a primary school and public transport and its relative proximity to Ledbury where there are employment opportunities, the site is sustainably located whereas the delivery of up to 37 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character and the Setting of the Village

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 are broadly consistent with chapter 11 of the NPPF.
- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. The Conservation Manager (Landscape) has

concluded that the proposed development will have an adverse effect on the character of the landscape and the visual amenity of the locality and will affect the setting of the village.

- 6.16 Bosbury has been allocated for proportionate growth in the emerging Core Strategy. However, in the most recent Strategic Housing Land Availability Assessment no sites were identified as having low or minor constraints. The draft Neighbourhood Plan identifies an area adjacent to Old Court Farm as being appropriate for some growth through a combination of barn conversions and new development. This is immediately adjacent to the Grade I listed church and bell tower and the majority of the site is within Flood Zone 2 and 3. In your officers view it has significant constraints and at this stage it is by no means certain that it is appropriate for the proportionate growth that the village will be expected to accommodate. However, the plan is still at Regulation 14 stage and consequently has no weight at this time.
- 6.17 If Bosbury is to accommodate growth in accordance with the emerging Core Strategy then there will need to be a sacrifice of either the historic or landscape setting of the village. Significant weight has previously been attributed by Planning Committee on its historic setting through the refusal of an earlier application. This proposal is distant from the historic core and, in your officer's view will not have a demonstrable impact on its setting. However, it is clear from the comments of the Landscape Officer that, due to the topography of the site and the surrounding area, it will be visually prominent and will be detrimental as it will be seen in relative isolation to the rest of the village's built form.
- 6.18 However, in light of the weight previously given to the importance of protecting the historic setting of the village, your officer's view is that the landscape impacts that will arise as a consequence of this development are outweighed by the need to demonstrate a five year housing land supply.
- 6.19 The impacts of the development can be mitigated to some extent through the imposition of conditions requiring the protection of hedgerows where possible, the creation of green spaces within the development and the formulation of a detailed planting regime, and this is reflected in the recommended conditions below. In the context of the housing supply situation, the principle of development is considered acceptable in relation to 'saved' UDP policies LA2 and LA3.

Highway Safety and Pedestrian Access to Local Facilities

- 6.20 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'
- 6.21 Bosbury is served by a local bus service and, although the comments made in the letters of representation about its frequency are acknowledged, this does provide an alternative means of transport for local people. The creation of a pedestrian link at the southern corner of the site provides a safe walking route from the site into the centre of the village where public transport and other local facilities can be accessed.
- 6.22 A number of objections have been raised in specific regard to the location of the means of vehicular access to the site, considering it to be unsafe. The entire road frontage of the application site is contained within the 30mph zone which has recently been extended as part of an improvement scheme for the village. The Transportation Manager has visited the site and raises no objection to the proposal. The submitted plans demonstrate that the appropriate

visibility splays can be provided in accordance with the Council's Highway Design Guide and Specification and, subject to conditions, the provisions made are considered to accord with Policies DR3 and T8 of the UDP.

Land Drainage and Flood Risk

- 6.23 The Council's Land Drainage Manager has not objected to the development subject to the imposition of planning conditions. The site lies wholly with Flood Zone 1 and it at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultants comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.24 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. The oak tree scheduled for removal ought to be subject to further survey work prior to felling. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Summary and Conclusions

- 6.25 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.26 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.27 The site lies outside but adjacent to the settlement boundary for Bosbury and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The creation of a pedestrian link in the southern corner of the site will give access to facilities beyond the extent of the application site and will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.28 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and, officers consider that the scheme also responds

positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.29 The Conservation Manager (Landscapes) has objected to the development on landscape impact grounds. However, the village has been identified as one that is appropriate for proportionate growth in the emerging Core Strategy. The Council has previously apportioned significant weight to the protection of the village's heritage assets through the refusal of a similarly sized scheme for residential development. It is not clear that there are any other sites that are available and deliverable in order to address the Council's lack of a five year housing land supply. While it is accepted that the development of this site will have some landscape impacts, there are no national or local landscape designations in the immediate area. Impacts can be mitigated to some extent through detailed design and the imposition of conditions to retain and protect existing landscape features where possible. It is not considered that the scheme will have a demonstrable impact upon heritage assets due to its distance from them and lack of any visual relationship, and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.
- 6.30 The provision of a vehicular access to the requisite highway design and specification can be achieved and the proposal is not considered to be detrimental to highway safety.
- 6.31 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.32 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 37 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

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 outline planning permission, subject to the conditions below and any other further conditions considered necessary

- 1. A02 – Time limit for submission of reserved matters (outline permission)**
- 2. A03 – Time limit for commencement (outline permission)**
- 3. A04 – Approval of reserved matters**
- 4. A05 – Plans and particulars of reserved matters**
- 5. C01 – Samples of external materials**
- 6. The development shall include no more than 37 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H03 Visibility splays**
8. **H11 Parking – estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads – submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **H30 Travel plans**
17. **The recommendations set out in the summary sheet of the ecologist’s report from HEC dated September 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a habitat enhancement plan should be submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan, and to comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.
18. **G04 Protection of trees/hedgerows that are to be retained**
19. **G09 Details of boundary treatments**
20. **G10 Landscaping scheme**
21. **G11 Landscaping scheme - implementation**
22. **L01 Foul/surface water drainage**
23. **L02 No surface water to connect to public system**
24. **L03 No drainage run-off to public system**
25. **L04 Comprehensive and integrated draining of site**

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C General**
4. **HN04 Private apparatus within highway**
5. **HN28 Highways Design Guide and Specification**
6. **HN05 Works within the highway**
7. **HN07 Section 278 Agreement**
8. **HN10 No drainage to discharge to highway**
9. **HN08 Section 38 Agreement & Drainage details**
10. **HN01 Mud on highway**
11. **HN25 Travel Plans**

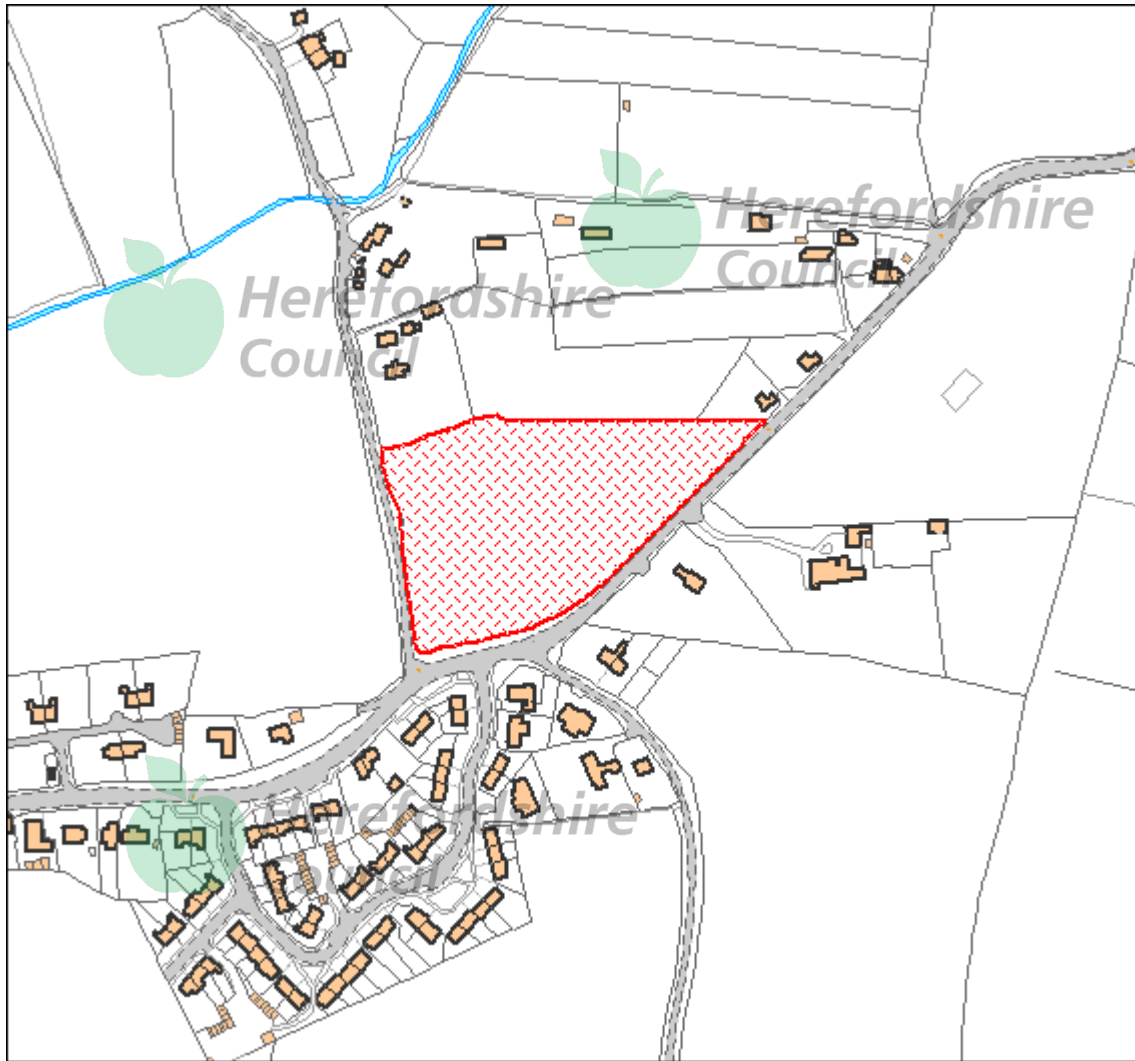
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143370

SITE ADDRESS : LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD

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