

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 October 2015</b>
<b>TITLE OF REPORT:</b>	<b>151150 - PROPOSED RESIDENTIAL DEVELOPMENT OF 69 NO. DWELLINGS OF WHICH 24 WILL BE AFFORDABLE, ACCOMPANIED BY ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE ON LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE.</b>  <b>For: David Wilson Homes (Mercia) Ltd per Mrs Sian Griffiths, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, Worcestershire WR9 0QE</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151150&amp;search=151150">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151150&amp;search=151150</a>
<b>Reason Application submitted to Committee – Contrary to Policy</b>	

**Date Received: 17 April 2015**  
**Expiry Date: 23 July 2015**  
 Local Member: Cllr DW Greenow

**Ward: Hagley**

**Grid Ref: 356556,242770**

## **1. Site Description and Proposal**

### The Site

- 1.1 Detailed planning permission is sought for the erection of 69 dwellings on a 2.92ha field at the south-eastern edge of Withington. The site is bounded to the south by the A4103 Hereford to Worcester Road and to the north by the Southbank housing estate, which appears to have been built in at least two distinct phases. The western boundary is formed by hedgerow lining the C1130, punctuated at the mid-point by the existing field access. Vehicular access into the site is proposed slightly further to the south. Orchard View, which comprises three pairs of semi-detached dwellings, lies adjacent the site's south-eastern corner. These dwellings line the northern edge of the A4103 with long gardens (c. 50m) extending north-eastwards. The western boundary of No.1, which abuts the site, is formed by a dense, conifer hedge.
- 1.2 Opposite the site to the west are dwellings and a residential care home. Further to the west, fronting the A4103 is the Grade II listed Whitestone Chapel and beyond that the site allocated for housing under the Unitary Development Plan policy H5 – Land adjacent to Whitestone Chapel, Withington. This site has outline planning permission for the erection of 33 dwellings and is a 'commitment' contributing towards the parish housing requirement over the lifetime of the Core Strategy. Whitestone Business Park is found to the south of the A4103 along with several other dwellings.

- 1.3 Withington is identified as a main village in the Unitary Development Plan and also a settlement within the Group Parish where proportionate housing growth will be sought over the lifetime of the emerging Core Strategy.

#### The Proposal

- 1.4 The detail of the application has been amended on several occasions post-submission but has remained constant insofar as the number of dwellings (69) is concerned. The layout places public open space against the roadside boundaries. This space incorporates a surface water attenuation basin, landscaping and an adoptable footway that enters the site at the north-western corner opposite the existing public footpath linking back via Withies Close to Withies Road and the village facilities; including the village hall, playing fields and shops. This footway exits the site on the boundary with the A4103 giving direct access to the bus stop outside Orchard View. The village primary school lies off to the north within the Conservation Area.
- 1.5 The development comprises a mixture of 1, 2, 3 and 4-bedroom 1, 1 ½ and two-storey dwellings. The 2 and 3 bed units are terraced or semi-detached. The larger units are detached. Almost two-thirds of the open market units (29) are 4-bed properties, with 14 no. 3-bed and a single 2-bed unit. The affordable housing is split in line with the Housing Development Officer's brief between social rent and intermediate tenures with 12 intermediate units and 12 social rented.
- 1.6 The estate road heads into the site with properties arranged on either side overlooking the public open space initially, before being orientated to overlook the principal estate road and shared private drives within the site. The estate road takes a loop within the site with two drives terminating in turning heads on the eastern boundary, where dwellings overlook open countryside with the proposed 'buffer planting' intervening.
- 1.7 There is a pocket of development (units 32-38) located against the north-eastern boundary of the gardens to Orchard View, whilst units 40-44 back on to the north-western boundary of the garden to No.1, with the intent that the existing conifer hedgerow be protected and retained. This element of the scheme has been redesigned, as discussed below.
- 1.8 The site is outside but immediately adjacent the settlement boundary for Withington as defined by 'saved' policy H4 of the Unitary Development Plan. The application site was subject to assessment under the Strategic Housing Land Availability Assessment and categorised as having low/minor constraints. The implications of the Council's lack of housing land supply (HLS) are discussed below.
- 1.9 The application is accompanied by a Planning Statement, Design and Access Statement, Ecological Appraisal, Landscape and Visual Impact Assessment, Transport Statement, Summary Statement of Community Involvement, Drainage and Flood Risk Assessment and Arboricultural Report.
- 1.10 The Council has adopted a Screening Opinion in relation to the development proposal which concludes that it is not development requiring the submission of an EIA.

## **2. Policies**

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

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

Section 12 - Conserving and Enhancing the Historic Environment

2.2 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
H19	-	Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Withington Group 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.

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

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

### **3. Planning History**

- 3.1 None on site

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

#### Internal Council Advice

- 4.2 Transportation Manager: No objection subject to conditions.

Speed data has been provided to confirm the visibility splay from the proposed junction with the C1130. The distance accords with the Manual for Streets recommendation for the measured 85% speed. A setback of 3.5m has also been agreed. This is above the standard 2.4m for a junction such as this, but allows for some encroachment by the hedgerow proposed to the rear of the splay. The pedestrian visibility for the crossing of the C road to the footpath opposite is also acceptable.

The provision of a footway through the site to provide a link to and from the bus stop on the A4103 is a benefit as it will draw pedestrians off the road into a safer walking environment. It has been confirmed that this footway will be offered for adoption by the Council thus securing its use by the public.

The likely traffic impact of the development is summarised in the Transport Statement and the impact on the road network is considered acceptable.

As regards the internal layout and parking provision, this submitted layout on Drawing H6888-101 Rev E is considered acceptable. Cycle parking should be provided in oversized garages or in separate stores as appropriate.

In terms of sustainability, there are footway links into the village and onward to primary school, shop, post office and main bus stops, with a regular bus service to Hereford as detailed in the Transport Statement.

The draft Heads of Terms for Section 106 is considered acceptable, and suitable schemes for use of the contribution will need to be discussed and agreed. Although no provision for a pedestrian crossing of the A4103 is made, the Section 106 contribution could be put towards this if it is considered a local priority.

As with the need for a pedestrian crossing of the A4103 Worcester Road, street lighting will need to be discussed with the Parish Council. As highways within the development are not offered for adoption, this will need to be done by the developer.

- 4.3 Conservation Manager (Landscape): No objection

- As stated within the pre-application advice: *The site is located adjacent to the A4103 and forms part of the eastern gateway to the Village of Withington. Adjacent to the Village*

*Settlement Boundary it relates well to the settlement with existing dwellings on three boundaries. The principle of development on the site is therefore supported.*

- As previously noted, views of the proposal will be possible from the eastern approach to the settlement, the A4103, PROW WT30 and elevated landform to the east. Whilst the proposal will be seen in the context of the existing settlement, it is recommended that the eastern boundary of the development which borders agricultural land has a robust landscape in order to assimilate the scheme into its surroundings.
- It is noted that despite recommendations for green infrastructure to form an integral part of the proposal, public open space is confined to the west of the proposal. It is therefore recommended that extensive planting of trees, shrubs and perennials be incorporated into the scheme in order to soften the built form.
- The proposed public open space running along the south western perimeter of the proposal will provide a buffer between residential dwellings and the A4103 filtering both noise and light levels. As well as providing an attractive landscape setting to the public footpath connecting the development to public transport.
- It is, however, disappointing to see that despite recommendations on more than one occasion for the increase of green infrastructure across the site these have not been included as part of the proposal.

#### Overall Conclusion:-

In conclusion therefore, the impact upon landscape character and visual amenity is unlikely to be detrimental to the locality and the principle of development upon the site is considered acceptable. The lack of green infrastructure proposed is regrettable however an appreciable buffer with the A4103 is proposed and the layout gives some consideration to the transition between open countryside and built form. Having regard to both local context and the UDP policies LA2 and LA3 the scheme is considered to be acceptable. Conditions should be imposed requiring the submission of tree and hedgerow protection proposals, a fully detailed planting specification and a landscape management plan.

#### 4.4 Conservation Manager (Ecology):

Thank you for consulting me on the above application. Although carried out a sub-optimal period of the year, the findings of the ecological report are adequate for this site with some recommendations which should form the basis for a non-standard ecological condition as follows:

*The recommendations set out in the ecologist's report from Betts Ecology dated January 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme 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.

#### 4.5 Conservation Manager (Historic Buildings): No objection

The western edge of the site is within 70 metres of the Baptist Chapel which is a grade II listed building. The White Stone, a 3ft high section of sandstone, also grade II listed is located close to junction with the A4103. Policy HBA4 Setting of listed buildings is therefore applicable to this proposal.

The chapel is located within an existing group of buildings and is not experienced in the same context as the proposed residential site. The proposed landscaped public open space running along the southern and south western perimeter also provides a buffer. It is concluded that there would not be a significantly harmful impact on the setting of the Baptist Chapel. The White Stone would also not be affected by the development unless the junction of the lane with the A4103 has to be widened / altered. If it does need to be moved, then listed building consent would be required.

4.6 Housing Development Manager: No objection

4.7 Schools Capital and Investment Officer: No objection. The village primary school has capacity to accept children from this development.

4.8 Parks and Countryside Officer:

**UDP Policy H19 and RST3: Open Space Requirements:** In accordance with UDP policies H19 and RST3 developments of 69 houses consisting of 1 x 4 bed, 14 x 2bed , 21 x 3bed and 30 x 4+ bed and a population of 161.7 are required to provide:

- 0.06ha (600sq m) of POS @ 0.4 ha per 1000 population
- 0.012ha (1200sq m) Children's play @ 0.8ha per 1000 population including both formal and informal.
- Formal provision using Fields in Trust Standard @ 0.25ha per 1000 population should be 0.04ha (400sq m)

**On site POS/Play/SuDS:** It is noted that the applicant in accordance with UDP policy H19 has provided a substantial amount of POS including opportunities for natural play but they have not indicated the size and have suggested that this is dependant on the level of existing provision within the immediate locality. It is acknowledged that Withington is reasonably well provided for in terms of play and recreation facilities, including a neighbourhood facility at the village hall catering for all ages and a couple of smaller play areas which are used by the immediate residential areas all of which are fairly new and in good condition, but the applicant will need to demonstrate how much on-site provision is usable for recreation purposes as some of the area includes an attenuation pond as part of the SuDs.

Whilst natural play features are supported; as SuDs can create good informal semi natural POS for both biodiversity and natural play and recreation opportunities, they need to be designed to take account of health and safety issues. On site play provision should ideally complement that which already exists particularly at the village hall, where older children are well catered for in terms of kick-about space for example. Provision on site for younger children may be more appropriate as access to other facilities would involve negotiating roads. The approach to provide more natural play opportunities is supported particularly as this area forms part of the SuDs. This could take the form of play trails etc, and some formal equipment will be required.

**Based on the number of market housing only and using the SPD on planning obligation (development costs only) the play provision should be to the value of approximately £38,000 to be secured via planning condition.**

It is noted that the location of the open space has been designed in accordance with both opportunities and constraints and that developing a central village green feature is not practical given engineering constraints and the need for the balancing feature to be part of the POS which needs to be at the low point of the site. Although the opportunity to create one larger open space incorporating the SuDs area and informal recreation is generally supported the location of formal play is of some concern, and the applicant will have to consider children's safety when playing close to a noisy and busy road. Children need secure, safe places to play with good access. Final detail of landscaping plans and formal play equipment will need to be agreed via planning condition.

**Adoption/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. For example, this could be by a management company or by the Parish Council. With regard to the SUDS areas: With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

### **Off-site sports facilities contribution**

Withington Parish Council has an identified need for a stand-alone changing room facility to serve the adult and junior sports pitches. In the absence of a defined financial requirement by the Parish, this contribution has been calculated through the use of Sport England guidance. Accordingly the applicants have agreed to pay the total sum of £45,000 towards the provision of the community changing room facilities.

## **5. Representations**

### **5.1 Withington Group Parish Council: Objection**

The Parish Council has objected to the original proposal and the subsequent amended plans. The comments are summarised as follows. The full transcript of all Parish Council objections is available on the website and they should be read in conjunction with the relevant plans. Some of the objections are of an 'in principle' nature, whilst others are more specific to the proposals as they've evolved. The 10 bullet points below summarise the Parish Council position whilst taking account, where possible, of the revised proposals. The paragraph following on from these is the Parish Council's final response to the scheme before Members today.

1. The development in principle is in accordance with the requirement of the draft Core Strategy amendments, which suggest an 18% increase in the number of dwellings in the parish of Withington. (it is understood that this proposal has not yet been accepted). This would result in a requirement for 110 extra dwellings up to 2031. Existing commitments and completions since 2011 total just over 40 dwellings, giving a net shortfall of about 70 dwellings. However the layout of the development is not acceptable as it is more fitting for a major urban area rather than a rural settlement. The applicant's statement that the adjoining Southbank built in the 1980's was a private development is wrong. It was built by a housing association under strict financial controls. The design/access statement states that an opportunity exists for the 'creation of useable and well surveyed public open space to compliment the areas existing recreational and leisure facilities and reinforce feeling of space'. This has not been achieved. Recent developments in Withington have been based on the principle of the provision of a village green in the centre of the development, not on the edge adjacent to a major county highway. In addition the attenuation pond cannot be classed as public open space as it should be fenced for safety reasons and not be available for 'play'. The remaining 'open space is only included to accommodate the footpath.

The developer has ignored this 'design' principle notwithstanding this was brought to its notice at the first public consultation, and in subsequent submissions.

2. The location of the development is described as being on a so called quiet country lane, C1130. However the 'lane' is used as a cross county route to/from the A438, A4103 to the A465 to locations to the north and south of Hereford. There is a need for significant improvement from the A4103 to the new access and on to the junction with Southbank (the bus stop), with the lanes being delineated and a footpath provided. To the north of Southbank consideration should

be given to making the section one way up to Withies Road with the provision of a footpath. (the direction of travel to be determined on highway safety grounds) This suggestion has been ignored by the planning and highway officers.

3. The proposed footpaths links are inadequate and unattractive. Depending on 2 above, there should be a link into Southbank as stated in para 6.11 of the design/ access statement but not shown on the layout to provide access to the bus stop. It is noticed it was removed from earlier plans. Additional traffic calming measures are required on the C1130 at any crossing to link into the footpaths into Withies Close. A speed table may be beneficial. Since making these observations (points 2 and 3) the developer has simply stated that there could be ownership issues but has given no details. As Southbank is 'publicly' owned through a housing association both the developer and Council could co-operate in reaching a satisfactory solution.

4. The house sizes provide a mix of development and it is noted that significant changes have been made to the designs. The brick types should be 'rustic' and stone and render and possibly timber cladding (not mock tudor) should be used to break up the monotony of brick.

It has also been brought to the attention of the PC that the area behind 1, 2, and 3 Orchard View is prone to flooding. The balancing pond could be located behind these houses.

5. The affordable homes are not provided with garages, nor with the opportunity to build garages in the future. Regardless of proposed government policy to extend the right to buy, affordable homes should have the same facilities as open market dwellings or at least the ability to develop them in the future. It is understood that the Council does not pursue this as a policy but it would provide an opportunity to start doing so. This will ensure a reduction in on street parking. The lack of garage provision also applies to plots 40 – 44, but see 5 above.

6. Only 10% of the dwellings are bungalows or dormer bungalows. This should be increased to 20% (14 dwellings) to reflect the needs of an aging population. Again the lack of a Council policy should not prevent this being sought.

7. There are no proposals for pedestrian crossing facilities on the A4103 to provide safe access to the employment area at Whitestone Business Park. It is understood that the developer does not consider this necessary. The PC considers that no decision should be taken until proposals are submitted and agreed by the highway authority. Without significant traffic calming and pedestrian safety features all journeys are likely to be by car, and thus be unsustainable for a 2 – 500 metre journey.

8. There is no Section 106 agreement provided with the application, and the Parish Council would ask to be consulted on any draft agreement. The draft heads of term does not appear to reflect the wishes of the PC in respect of the type of affordable housing (too many social rented) and in respect of the contribution to public open space.

9. It is acknowledged that the neighbourhood plan has not progressed beyond initial consultation and the consideration of options for future residential development. However in order to overcome the problems re access, by foot and car to the existing school an alternative location, more accessible to the recent housing areas could be considered in the plan period of the Core Strategy. There are limited sites in the village to the north of the A4103 and part of the application site would provide an acceptable location. This is currently being considered for further public consultation as part of the NP process.

10. The PC has not been consulted as to the requirement for street lighting. It is considered that this is necessary.

#### Parish Council response to the current proposals



Following further consideration of the amended plan the WGPC considers that the scheme still does not overcome the fundamental objection which has been pursued from the initial consultation, over 6 months ago, that there should be a 'village green' approach to the layout. Public open space next to a major county highway is unacceptable and to link this with a flood attenuation area is also unacceptable. The reduced impact on 1 Orchard View is acknowledged, but does not overcome the significant impact of properties overlooking its' private amenity space.

5.2 Eight (8) letter of objection have been received. The content is summarised below:-

- The development is too large. It would fulfil the Parish requirement for housing over the lifetime of the Core Strategy in one go. Smaller sites should be looked at first;
- There are better sites with better access to village facilities. The second appeal at Vine Tree Close is pending and the decision should be awaited before taking a decision on this site;
- The route to the primary school via the C1130 and C1129 is unsafe. The road is unlit, narrow and without pavement. It is also prone to significant traffic movements, including articulated lorries and farm traffic. The alternative route via Withies Close is circuitous;
- The C1130 itself is narrow and the 30mph limit is not observed.
- The bus service is poor. The earliest bus does not arrive in Hereford in time for the beginning of the working day. This will reinforce reliance on the private motor car;
- The dwellings located adjacent Orchard View will result in a loss of privacy and devaluation of property. A greater margin should be built in around these properties;
- The village has no healthcare facilities or senior school. This will further increase reliance on the private motorcar for journeys to these facilities;
- The POS should be located to the rear of Orchard View not adjacent the A4103;
- The site is prone to flooding as a result of run-off from higher ground. Developing the site will increase the risk of surface water flooding elsewhere, including the A4103.

5.3 River Lugg Internal Drainage Board: No objection subject to standard requirements.

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 The fully detailed proposal seeks planning permission for the erection of 69 dwellings, including twenty-four affordable, public open space and associated infrastructure on an agricultural field to the immediate north of the A4103 at the south-eastern fringe of Withington. The site covers 2.92ha and is in arable use.

6.2 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. This contradicts the NPPF requirement as expressed at paragraph 47 and means that UDP policies relevant to the supply of housing must be considered out of date as per paragraph 49. Housing applications must therefore be considered in the context of the NPPF's presumption in favour of sustainable development unless other policies in the NPPF indicate that development should be restricted – see NPPF paragraph 14 foot note 9.

6.3 Relevant to the supply of housing in rural Herefordshire in the long-term is the content of the Core Strategy ('CS'); even if its policies attract no weight for the present. Within the CS, Withington is

identified as a main village within the Hereford Housing Market Area (HMA). Within such villages the intention is that an indicative proportionate growth target will deliver the requisite 5,300 homes in rural areas over the lifetime of the plan to 2031. For main villages in the Hereford HMA the minimum growth target is 18% relative to the housing stock at 2011.

### **How does the policy position translate to housing provision in Withington?**

- 6.4 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*.
- 6.5 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, including bungalows. 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.
- 6.6 The Core Strategy is predicated on the aims and objectives of the NPPF. As a main village within the Hereford Housing Market Area, the proportionate growth target for Withington Parish over the lifetime of the Core Strategy is 18%. When commitments and completions since March 2011 are taken into account, the residual requirement is a minimum 45 dwellings and the proposal would meet and exceed the minimum requisite growth for the parish between now and 2031. It should be noted there is no requirement in emerging Core Strategy policy for a phased approach to housing delivery in the rural areas.
- 6.7 Taking the policy context and 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 that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

### **Accessibility to goods, services and employment**

- 6.8 Withington is a main village within the Hereford Local Plan – Core Strategy and also historically within the UDP. The site is contiguous with the main built up part of the settlement linking well with the villages existing network of footpaths. As regards the sustainability of the site in locational terms, a number of representations refer to the lack of access to necessary goods, services and employment opportunities. It is argued that the bus service, although relatively good by comparison with other rural services, is not a genuine alternative to the private motor car. It is stated that Withington does not have employment opportunities within the parish and there is no access to medical care. The conclusion is that the village is not equipped to accommodate large-scale housing development of this sort, but should be allowed to grow via smaller sites; albeit these are as yet undefined.
- 6.9 Emerging policies anticipate that rural settlements such as Withington will accommodate proportionate growth over the plan period; it is the means by which the need is met that is at issue. In this context officers do not consider it can be argued simultaneously that such villages are unsustainable locations for proportionate housing growth. On this point officers are mindful of Inspectors' conclusions in relation to recent appeal decisions where the sustainability of similar rural settlements was also at issue.
- 6.10 Whilst accepting that Withington does not contain all of the facilities necessary for day-to-day existence, officers consider the village does support sufficient facilities to warrant its status as a sustainable location for future housing growth. Moreover, Withington is a village in the Hereford

Housing Market Area, closely related to the county's main population centre and on a main arterial route. To conclude that Withington is not a sustainable location for housing delivery would undermine the evidence base supporting the Core Strategy; specifically the housing delivery policies and is not, in the opinion of your officers, arguable.

- 6.11 In this specific context the site is considered reasonably well placed relative to local facilities and public transport and the scheme takes the opportunity, insofar as is possible, to improve pedestrian connectivity.

### **Impact on Landscape Character and Visual Amenity**

- 6.12 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 geodiversity 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 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.13 The application site has no formal landscape designation and is bound to the north by an existing C20th residential development and to the south by the A4103. It lies in open countryside outside but adjacent the settlement boundary and was also categorised in the 2009 SHLAA as a site with 'low/minor' constraints. The Conservation Manager (Landscape) concludes the proposed development is not likely to adversely affect the character of the landscape or its visual amenity and that the site can accommodate the development proposed, although this is contingent on appropriate landscaping proposals and retention of the hedgerow features for which the Principal Settled Farmlands landscape typology is known and bolstering these features as appropriate. The revised layout and landscaping plans reflect these objectives and enhances green infrastructure by drawing development away from the western and southern highway boundaries.
- 6.14 The topography of the site and intervening features is such that there is no inter-visibility with the conservation area to the north and the Historic Buildings Officer confirms no objection in relation to the listed Chapel and milestone marker. There is no conflict with saved UDP policy HBA4 of guidance set down in Chapter 11 of the NPPF.
- 6.15 On the basis that conditions will be imposed requiring the protection of existing hedgerows, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3 and NPPF guidance.

### **Design and Appearance**

- 6.16 The NPPF states that good design is indivisible from sustainable development. Neither local nor national policy seeks to impose a straitjacket on designers. Good, innovative design is actively encouraged, particularly where it has the ability to promote or reinforce local distinctiveness.
- 6.17 Officers agree that the submitted Design and Access Statement is accurate insofar as its assessment of the existing built form is concerned and believe it reasonable to describe Withington's growth over the last 40 years as comprising a series of residential estates; Withies Close, Southbank, Vine Tree Close, Farndon Rise and Springfield are such examples. Whilst Withington is not without numerous examples of traditional Herefordshire vernacular, these are concentrated in the conservation area, with the southern part of Withington now typified by more

modern development which now serves as a backcloth to the application site. As a consequence it is officers' opinion that the development would not appear incongruous in the immediate context.

- 6.18 Revisions to the layout and housing mix and appearance have been undertaken in response to officer and Parish Council concerns. The house-types proposed are variations on the standard units used by the applicant and through an iterative process these have been reviewed in a manner that officers are now satisfied with. The palette of materials has also been reviewed, with some principal elevations throughout the scheme faced in painted render. This alleviates the regimented uniformity associated with the use of brick throughout and is considered more appropriate in a village scenario, where there is often a diverse range of architecture and consequently building materials. A number of bungalows have been incorporated to the row of properties overlooking open countryside to the east. The resultant steps in ridge heights will relieve the massing that would result from uniform two-storey dwellings on this important flank of the application site which is exposed to the open countryside.
- 6.19 Given the mix of architectural styles and periods present in Withington it is difficult to reconcile policies that require the reinforcement or promotion of local distinctiveness with proposals for modern housing development, particularly where local distinctiveness has been blurred over time by comparatively large-scale C20th expansion; as is the case here. However, given the backcloth provided by Southbank and the retention of a landscaping buffer against the A4103, officers consider that the overall design and appearance of the development will not be incongruous. The Parish Council, in its response above (5.1, point 4), recognises the significant changes to the individual design of the dwellings themselves.
- 6.20 The Parish Council concerns include what is described as a lack of a 'village green' feature at the centre of the development. This has been discussed directly with the developer. Whilst understanding the Parish Council's concerns, officers consider the layout, which incorporates public open space and surface water drainage attenuation along the south-western boundary, is justified on technical *and* design grounds:-
- The public open space and associated landscaping offers a green wedge against the roadside that will better maintain the rural edge to the village;
  - This land incorporates some of the lower-lying land on the site and thus is the most logical position for the water attenuation basin;
  - The public open space will make an attractive setting for the public footpath link to the bus stop;
  - The buffer also protects the dwellings from road noise to a greater extent than if the dwellings currently overlooking this space were moved to the roadside.
- 6.21 In conclusion, whilst officers accept that there is more than one potential approach to architecture and site layout, the context is one of existing predominantly mid-late C20th dwellings that have grown up as small estates. In this context the use of standard house-types is not considered inherently unsustainable as a design approach but is broadly consistent with prevailing character locally. Likewise the layout is considered appropriate to the local context. Maintaining landscaped buffers to the two road frontages in this context is considered beneficial to the wider character of the area, notwithstanding it prevents the central 'village green' feature the Parish Council favours.

## **Impact on Adjoining Residential Amenity**

- 6.22 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site as per the amended layout provides a reasonable standard of amenity and is without undue impact on adjoining property.
- 6.23 The scheme has been amended to take account of concerns that the layout in the south-eastern corner where the site adjoins Orchard View would have resulted in unacceptable adverse impacts for neighbouring residents. Specifically the two, large detached units occupying the original plots 45 and 46 have been removed and the public open space extended up to the boundary with No.1 Orchard View. Revised plot 44 has a front elevation removed from the mutual boundary with No.1 and orientated to overlook the public open space. Further along the boundary plots 41-43 form a short terrace of three bedroom dwellings with 10 metre rear gardens, separated from No.1 by the existing mature evergreen hedge. Given the distance and oblique relationship to No.1 itself, the relationship is now considered acceptable.
- 6.24 At the north-eastern end of the Orchard View gardens is a cluster of 7 affordable units in the form of a pair of semi-detached dwellings a pair of semi-detached bungalows and some maisonettes. The layout here is, in your officer's opinion, comparatively cramped. However, given the separation distances to the dwellings in Orchard View and intervening landscaping, it is not considered that the impact on the living conditions of existing residents would be so harmful to the living conditions of existing residents so as to warrant refusal. As such, whilst the shortcomings of the layout in this location are noted, this must be weighed in the balance against the benefits of the scheme.

## **Transport**

- 6.25 The Transportation Manager has no objection subject to conditions. The visibility splays for vehicles and pedestrians have been calculated against measured speeds and are acceptable. The provision of a footway link through the site is considered of wider benefit to pedestrian facilities locally, whereas the S106 contributions could, if desired locally, be put towards investigating the feasibility of constructing a pedestrian crossing of the A4103.
- 6.26 There is no evidence that the network will not be able to accommodate the traffic generated and the location adjacent the A4103 will result in fewer vehicles having to travel through the village along Withies Road by comparison with other sites.

## **Impact on Ecological Interests**

- 6.27 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

## **Land Drainage and Flood Risk**

- 6.28 The Land Drainage Officer has no objections to the proposed development subject to submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development prior to construction. A condition is recommended to ensure the submission of a fully integrated foul and surface water drainage system.

## **Foul Drainage and Water Supply**

- 6.29 The Water Authority has no objection to the development and confirms that the treatment of domestic discharges from this site can be accommodated by the existing Waste Water Treatment Works. No problem is anticipated with the supply of potable water.

## **S106 Heads of Terms**

- 6.30 The S106 draft Heads of Terms are appended to the report. The S106 will also includes provision to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria. The Parish Council has requested that none of the affordable housing units be for Social Rent, but this position is not supported by the Council's Housing Development Manager. Expenditure of the off-site highway monies will be undertaken in consultation with the Parish Council. This could include discussion on the potential and desirability of forming a pedestrian crossing of the A4103. The contribution towards the village playing fields changing facilities has been negotiated with Parish Council input and is agreed by the developer. There is no contribution towards the village school, which has capacity.

## **The Neighbourhood Plan**

- 6.31 Withington Group 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'*.
- 6.32 The Neighbourhood Plan is not presently 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 the neighbourhood plan. It is worth noting, however, that the application site has been identified as a preferred site for housing previously. In representations objecting to the development at Vine Tree Close, the application site was cited as the preferred location for housing development within the village.

## **7. Conclusions**

- 7.1 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.
- 7.2 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having low/minor constraints and Withington is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities and improves the existing footway network by diverting pedestrians off-road through the site towards the bus stop. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 7.3 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.
- 7.4 In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 7.5 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the revised layout plan responds positively to these requirements. The site is well removed from the conservation area, and would exert relatively little influence on the setting of the listed Chapel and milestone. Officers also conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and thus the Environmental role is satisfied.
- 7.6 On the basis of the above and that officers have failed to identify overriding harm, the benefits associated with granting planning permission significantly and demonstrably outweigh the adverse impacts of doing so. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions.

## **RECOMMENDATION**

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

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for submission of reserved matters (outline permission)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. G04 Protection of tree/hedgerows that are to be retained**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. G14 Landscape management plan**
- 8. G19 Details of play equipment**
- 9. H03 Visibility splays**
- 10. H05 Access gates**
- 11. H06 Vehicular access construction**
- 12. H11 Parking – estate development**
- 13. H17 Junction improvements/off site works**
- 14. H27 Parking for site operatives**
- 15. I16 Restriction of hours during construction**

16. I51 Details of slab levels
17. L01 Foul/surface water drainage
18. L02 No surface water to connect to public system
19. L03 No drainage run off to public system
20. L04 Comprehensive and integrated draining of site
21. The recommendations set out in the ecologist's report from Betts Ecology dated January 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected 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.

22. I16 Restriction of hours during construction

#### **INFORMATIVES:**

1. HN04 Private apparatus within highway
2. HN05 Works within the highway
3. HN08 Section 38 Agreement & Drainage details
4. N11C General
5. S106
6. 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.

Decision: .....

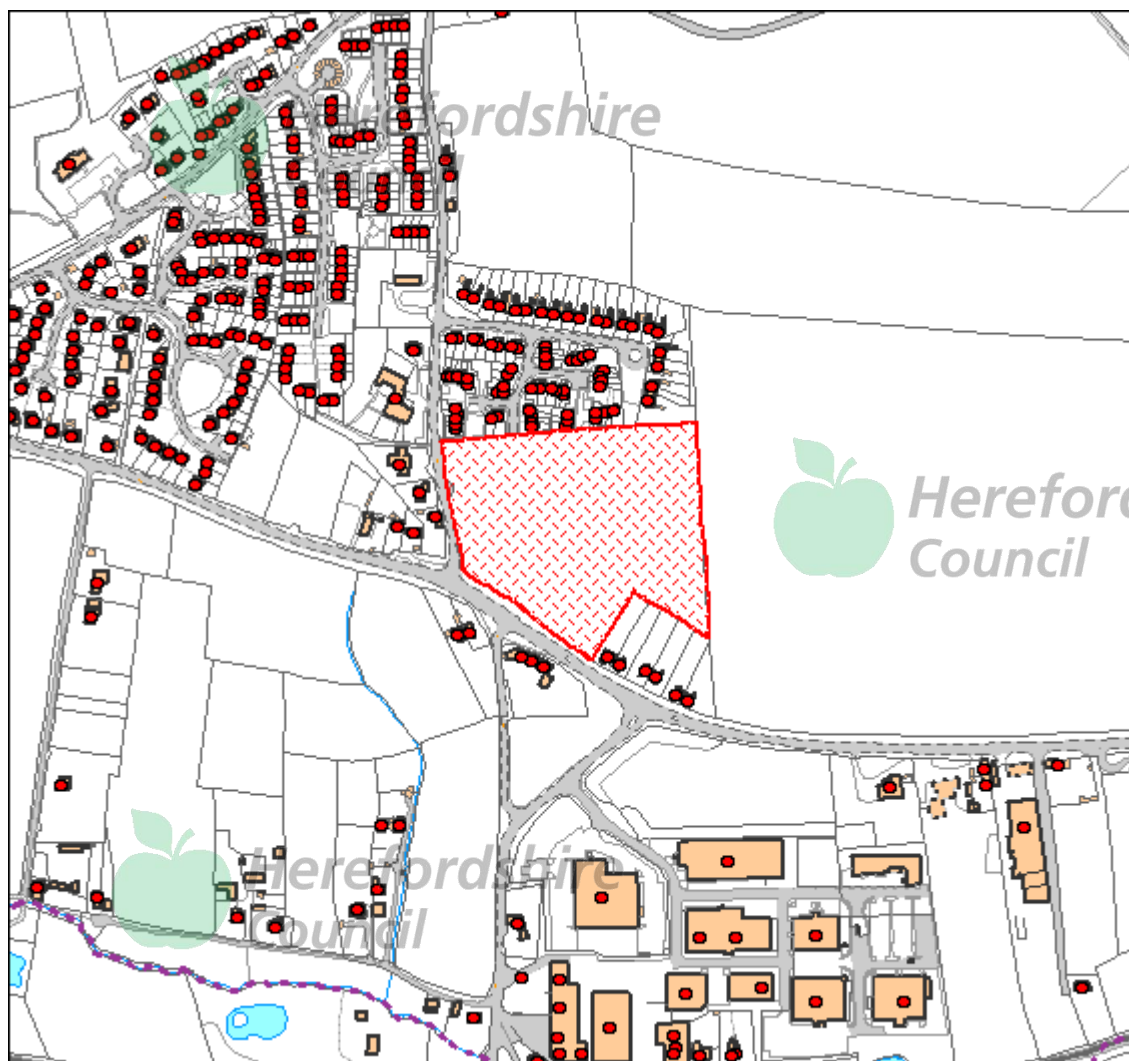
Notes: .....

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#### **Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 151150

**SITE ADDRESS :** LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE

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# HEADS OF TERMS

## Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

### Planning Application – 151150

Site address:

[Land adjacent to Southbank Withington Herefordshire](#)

Planning application for:

**Residential development of 69 dwellings.**

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1720	(index linked) for a 2 bedroom open market unit
£2580	(index linked) for a 3 bedroom open market unit
£3440	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
  - b) New pedestrian and cyclist crossing facilities
  - c) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality
  - d) Public initiatives to promote sustainable modes of transport
  - e) Safer routes to school
2. The maintenance of any on-site Public Open Space (POS) will be 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 the parish council and/or 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.

*NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period*

*NOTE: The public open space, although privately maintained, will be for the benefit and enjoyment of the general public and not solely for the use and enjoyment of residents of the development.*

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1 x waste and 1 x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £45,000 (index linked) towards the provision of community changing room facilities at the Village Hall playing fields.
5. The developer covenants with Herefordshire Council that 35% (24 on basis of a gross development of 69) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy

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

including the Supplementary Planning Document on Planning Obligations.

Please note that the following tenures will be sought:

- 12 x Social Rent
- 12 x Intermediate tenure

For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

6. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
7. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
  - 7.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 7.2. satisfy the requirements of paragraphs 7 & 8 of this schedule
8. 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 whom has:-
  - 8.1. a local connection with the parish of Withington
  - 8.2. in the event of there being no person with a local connection to Withington any other person ordinarily resident within the administrative area of the 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 9.1 above.
9. For the purposes of sub-paragraph 8.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 9.1. is or in the past was normally resident there; or
  - 9.2. is employed there; or
  - 9.3. has a family association there; or
  - 9.4. a proven need to give support to or receive support from family members; or
  - 9.5. because of special circumstances.
10. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
12. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

13. 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.

**Peter Clasby**  
**Planning Obligations Manager**