

For the attention of: Mrs Charlotte Atkins  
Acting Principal Planning Officer  
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Sent by email: [catkins@herefordshire.gov.uk](mailto:catkins@herefordshire.gov.uk)

5<sup>th</sup> March 2015

PRR ref: PRP15-04  
LPA ref: P143190/F

Dear Charlotte,

**P143190/F**

**Proposed residential development of 10 dwellings for the affordable housing market and associated works. Proposed public open space and allotments with car parking  
Bamford Cottages, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7TT**

We note that you are the case officer for the above-mentioned planning application. We have been instructed by Ms Kat La Tzar on behalf of Herefordshire Housing (the applicant) to provide you with a planning overview of these proposals.

**Local Planning Policy Context:**

**Saved Policies in the Herefordshire Unitary Development Plan (UDP)**

Under saved Policy H6 of the Herefordshire UDP Upton Bishop is listed as a Smaller Settlement that is capable of supporting a level of housing.

Policy H7 confirms that rural exception sites located outside of the Smaller Settlements will be permitted when in accordance with Policy H10.

Relevant elements (the ones consistent with national policy) of Policy H10 state that affordable housing may be permitted on land within or adjoining an established rural settlement, providing that the scheme will contribute to meeting a proven and genuine and quantifiable local need for affordable housing (ascertained in a housing needs survey); the scheme respects both the character and size of the settlement concerned and the identified scale of need; arrangements are made to ensure that the benefits of the affordable housing are enjoyed in perpetuity; and the site's location affords reasonable access to facilities and where possible public transport.

**Emerging Policies in the Herefordshire Local Plan – Core Strategy**

The proposed development falls under Policy RA3 – Herefordshire's countryside.

Point 5 of Policy RA3 permits rural exceptions sites in this location providing they are in accordance with Policy H2 (Rural exception sites).

Policy H2 goes on to state that proposals for small affordable housing schemes in rural areas may be permitted where the proposal could assist in meeting a proven local need for affordable housing; the affordable housing is made available to, and retained in perpetuity for local people; the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2; and the internal floor area of the dwellings is consistent with the size limits required under Policy RA2.

However, we note that the internal floor area element of Policy RA2 is to be removed, as discussed at the Core Strategy 'rural areas' hearing session on 18<sup>th</sup> February 2015.

#### **Planning Balance:**

In terms of decision-taking, the Local Planning Authority will need to consider this planning application under Paragraph 14 of the National Planning Policy Framework (NPPF), because under Paragraph 49 of the NPPF, the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, but also because the County's housing provision within the development plan is time expired at 2011 until the emerging Herefordshire Local Plan – Core Strategy is adopted.

Paragraph 14 is reproduced below:

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.<sup>9</sup>

For **decision-taking** this means:<sup>10</sup>

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.<sup>9</sup>

In this instance, it is the applicant's position that the proposal accords with the first strand of Paragraph 14, i.e. approving development proposals that accord with the development plan without delay. In saying this the applicant is of the opinion that the proposals subject to this current planning application accord with the requirements of both the saved and emerging development plan policies for affordable housing rural exception sites; Policy H10 of the UDP and Policy H2 of the Core Strategy.

This is demonstrated as follows:

- *Meeting a proven local need for affordable housing.*

There is a Local Affordable Housing Needs Survey for Upton Bishop, dated July 2011. This is the latest survey for Upton Bishop, in which a need was identified for 13 affordable dwellings. Following discussions with the Parish Council this proposal delivers 10 units from this assessment of the need.

As confirmed in their representations of 13<sup>th</sup> November 2014 the Council's Housing Team fully supports this planning application; further supporting its housing need credentials.

- *The affordable housing is made available to, and retained in perpetuity for local people.*

This is accepted and can be secured by way of a legal agreement (S106 Agreement). The draft Heads of Terms for the S106 Agreement confirms this.

- *The scheme respects the character of the settlement.*

The Council's Landscape Officer has commented on this planning application (representations dated 6<sup>th</sup> November 2014), and concluded that the proposals are considered to comply with Policies LA2 and LA3 of the UDP, as well as Paragraph 109 of the NPPF.

Having said this, the Landscape Officer asked for further consideration to be given to the layout of the proposals in order to ensure they better relate to existing adjacent development; in terms of orientation of dwellings, integration of car parking provision and appropriate selection of design materials. It was also suggested that these amended layout proposals should be submitted in conjunction with a landscaping scheme that illustrates existing vegetation in addition to the proposed landscape features within the site, such as the natural play area as well as boundary treatments to mitigate for any visual impact from a southerly aspect. These details could then be secured by a condition.

The applicant has undertaken this work, and an amended layout plan and landscaping scheme was submitted on 26 January 2015, which the applicant considers now addresses these additional points raised by the Council's Landscape Officer.

- *The site's location affords reasonable access to facilities and where possible public transport.*

Saved Policy H6 of the UDP confirms that Upton Bishop is a sustainable location for some housing growth.

Although emerging Core Strategy policy, H2, refers to settlements identified in Policy RA2 the fact Upton Bishop is not does not preclude such development, because the word 'normally' is used; thus allowing affordable housing schemes in villages like this.

Footpath links are proposed as part of the development, providing a continuous link from the centre of the village, through the site, which includes play space (natural play area) and onto the proposed allotments and existing bus stops (which provide services to Ross on Wye and Gloucester). The proposals therefore provide pedestrian links to the existing facilities within the village, which includes a nursery school, church, pub and well used hall hosting activities catering for a range of interests and ages, e.g. busy bees, little swallows, badminton, yoga, WI, tea dances etc.

In light of the above, it is very much apparent that the proposal accords with the relevant affordable housing rural exception site policy in both the saved and emerging development plan, as well as relevant national policy and guidance contained within the NPPF and PPG, and as such it should be approved without delay in accordance with the first strand of Paragraph 14 of the NPPF.

We trust the above information is of assistance and that a prompt determination of this planning application can now be undertaken. In the meantime please do not hesitate to contact us if you wish to discuss the contents of this letter further.

Yours sincerely

**Philip Rawle BSc(Hons) MA DipTP MRTPI**  
**Chartered Town Planner**