

DELEGATED DECISION REPORT

APPLICATION NUMBER

173699

Land at Woonton, Woonton, Almeley,

CASE OFFICER: Mr Adam Lewis

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy

SS1 Presumption in Favour of Sustainable Development
SS2 Delivering New Homes
SS3 Releasing Land for Residential Development
SS4 Movement and Transportation
SS6 Environmental Quality and Local Distinctiveness
RA1 Rural Housing Strategy
RA2 Housing in Settlements Outside Hereford and the Market Towns
RA3 Herefordshire's Countryside
H1 Affordable Housing – Thresholds and Targets
H3 Ensuring an Appropriate Range and Mix of Housing
MT1 Traffic Management, Highway Safety and Promoting Active Travel
LD1 Landscape and Townscape
LD2 Biodiversity and Geodiversity
LD3 Green Infrastructure
LD4 Historic Environment and Heritage Assets
SD1 Sustainable Design and Energy Efficiency
SD3 Sustainable Water Management and Water Resources
SD4 Wastewater Treatment and River Water Quality
ID1 Infrastructure delivery

The Almeley Neighbourhood Development Plan (made July 2019)

ALM1: Promoting Sustainable Development
ALM2: Maintaining and Protecting the Landscape and its Features
ALM3: Protecting Heritage Assets
ALM4: Protection of Local Green Space
ALM5: Design
ALM6: Sustainable Design
ALM11: Housing Development in Woonton
ALM14: Providing for Local Housing Need
ALM15: Highway Requirements
ALM17: Protection from Flood Risk

National Planning Policy Framework

1. Introduction
2. Achieving sustainable development
4. Decision-making

5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Relevant Site History: **None directly relevant**
See Procedural Context

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X				X
Transportation	X		X	X	
Historic Buildings Officer	X			X	
Ecologist	X		X	X	
Landscape	X		X	X	
Neighbourhood Planning	X			X	
Land Drainage	X		X	X	
Natural England	X		X	X	
Press/ Site Notice	X				x21
Local Member	X			X	

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application relates to a site located to the south west of the settlement of Woonton in north-west Herefordshire. The site comprises a broadly rectangular parcel of agricultural land which totals 0.6 hectares in area, and is denoted on the map below by the red star. The site has a linear frontage onto the highway to the south east of the junction between the C1079 and the U90410 Logaston Road. The residential property known as The Orchards adjoins the site to the north east, separated by a post and wire fence. On the opposite side of the C1079 to the north-west is found a cluster of residential properties centred around an area of Common Land known locally as Poole Common, whilst Woonton Farm lies to the west of the site on the opposite side of Logaston Road. Open agricultural land extends to the east and south. The site is currently laid to pasture, and an established mature hedgerow occupies the roadside boundary to the north-west. Access is gained via a field gate onto Logaston Road.

The topography of the site is generally flat and level with the adjacent highway. To the south east the site is open in aspect and the land falls away gently, offering long distance views of open countryside towards Burton Hill and Yazor Woods. Public Footpath AM20 is found approximately 70m to the south-east and runs broadly parallel with the site's rear boundary. The landscape character of the site is typical of this area of the county, being categorised in

the Herefordshire Landscape Character Assessment (updated 2009) as Principal Timbered Farmlands / Ancient Timbered Sandstone Landscape Types.

Two listed buildings are identified within the setting of the site. The closest of these is Woonton Farmhouse (Grade II), which is found approximately 20m to the north west of the site on the opposite side of Logaston Road. Poole House (Grade II) is found approximately 30m to the north west on the opposite side of the C1079, and fronts onto the open area of common land known as Poole Common. It is currently laid to mown grassland.

The application has been submitted in full and seeks planning permission for the erection of five dwellings. The proposed site layout plan is shown below;



The site would be served by a single shared vehicle access onto the U90410 Logaston Road located in a similar position to that of the existing field gate, with the existing roadside hedge along the site frontage being translocated to deliver the required visibility splays. The new access road itself would be 4m in width, and a pedestrian footway is proposed adjacent to the access road extending northwards along the site frontage towards to the village. Parking for the dwellings is provided off a shared courtyard, whilst a garage block to the west of the site provides storage for waste bins and cycles.

The proposal has adopted an approach for the site layout which reflects an agricultural vernacular, with the dwellings being laid out in a courtyard fashion around the shared access

road. This approach has also been applied to the dwellings themselves, which are each of an individual design and would be finished in a varied pallet of materials including natural stone, brick, timber weatherboarding for the walls and slate for the roof. A private curtilage is defined for each dwelling, and an area of shared amenity space would be provided adjacent to the site access. A description of each unit is set out below;

Unit 1 – This unit is detached and would provide three bedrooms across a single storey. It would be 'L' shaped in plan form with its principal elevation orientated to the south-west, and externally would be finished primarily in timber boarding and slate.

Unit 2 – This unit is detached and would provide four bedrooms across two storeys. The design is redolent of a traditional threshing barn with large areas of glazing at the centre of the front and rear elevations. The dwelling would be finished predominantly in natural stone under slate.

Unit 3 - This unit is detached and would provide three bedrooms across a single storey. It would be 'L' shaped in plan form with its principal elevation orientated to the north-west, and externally would be finished primarily in timber boarding and slate.

Unit 4 – This unit would be semi-detached and would provide four bedrooms across two storeys. Its principal elevation would be orientated to the courtyard to the north east, and the building would be finished predominantly in brick under slate.

Unit 5 – This unit would be semi-detached and would provide 3 bedrooms of accommodation. It would be predominantly single storey, although a single bedroom would be provided at first floor level in the southern portion of the dwelling. Externally it would be finished in brick, timber boarding and slate.

With regards to landscaping, to the north east of the site between the neighbouring dwelling, The Orchards, an area of coppice planting is proposed. To the south west, a new native species hedgerow is proposed leading onto an area of new native species orchard. A new boundary would be established to the rear south east boundary of the site, with the plans indicating this would either be native species hedgerow, post and wire fencing, or post and rail fencing.

The dwellings would each be served by a Package Treatment Plant discharging to a soakaway/ spreader field. Surface water would be managed through the use of soakaways.

Procedural Context

This application was initially presented for determination by the Planning Committee in June 2018. The committee voted to approve the application in line with the Officer recommendation and planning permission was formally granted on the 27th June 2018.

An application for Judicial Review was subsequently made by a local resident. The grounds of the challenge related to the weight which had been attributed to the emerging Almeley Neighbourhood Development Plan (NDP) in the decision making process. The draft NDP was published for Regulation 16 consultation on the 27th June (the same day as the committee meeting) and a note in the Schedule of Updates advised Committee Members that they could

not give weight to the draft plan at this early stage of progression. However, weight could have been afforded to the emerging plan in accordance with Paragraph 216 (now Paragraph 48) of the Framework, and in this specific case it has subsequently been advised that the plan should have been afforded limited weight. The Council therefore consented to an Order to quash the permission in January 2019. The application is now to be re-determined.

Representations:

The **Local Ward Member** has been updated. He has confirmed he is happy for the application to be determined as a delegated matter (email dated 22/8/2019).

Almeley Parish Council – Objection

Almeley Parish Council wish to object to this application because it contravenes the following NDP policies:

- ALM1 – “Protect views across the River Wye Flood Plain to the Brecon Beacons and Black Mountains”
- ALM 2 – “Protect landscape views across to the Black Mountains area of the Brecon Beacons National Park”
- ALM4 – “This development will “adversely effect residential amenity on Pool Common”
- ALM11 – This development is outside the settlement boundary for Woonton.
- ALM 11 – Development should “not lead to or increase flooding of other properties or the highway”
- ALM17 – “No development will be permitted that will result in increased flood risk to other properties”.

Previous Parish Council / NDP Steering Group comments (November 2017);

As is well documented, in 2011 Parishes were informed that they must meet housing targets. In the Almeley community the figure was 33 of which almost half have been achieved already. However we were given the choice of either letting Hereford Council find development sites or create our own NDP policy where the community had a say in where development would take place. We have had a very dedicated team of volunteers who have worked long hours in their spare time to put together a very detailed plan which will be submitted in the next month under section 14. We do understand until then this means it need not be considered but even without an NDP the view of the community is something that should be considered.

The Parish Council has been committed to a Neighbourhood Development Plan (NDP) since 2012. Through the assessment of public opinion this will establish the development policy which would dictate planning decisions in this parish until 2031. The draft of Almeley Parish Council's NDP is now at an advanced stage and contains parish agreed policies to be considered. Therefore this application cannot be considered in isolation but in the wider context of the NDP criteria being formulated by the community.

As part of the NDP process a call for land was instigated, asking the Parish landowners to co-operate in the identifying sites suitable for residential development. Among the responses

to the call for land was one from a landowner who asked that a redundant farm site at Woonton Farm be considered for the development of 5 dwellings.

To put application P173699 in context, two planning applications, one for six and the other for three houses, have recently been approved in Woonton. Additionally, the owner of the adjacent Woonton Farm has been in detailed pre-application discussions to redevelop a site consisting of redundant barns and yards, these discussions have involved Heritage England, Hereford Council Planning Department, members of the NDP steering group and the planning consultant, subsequently a detailed application is being submitted for Woonton Farm. Our NDP consultant considers that the site at Woonton Farm would be one of the most suitable from among all the sites that were put forward under the NDP Call for Land process, however, this is based on the current level of development in Woonton. The implication to the community is that if another application, such as this one, is approved in Woonton, then the potential Woonton Farm site could be considered unacceptable as this would exceed by far the 20% development threshold.

Having gone through the extensive process of an NDP it has been very demoralising to see sites being accepted from people who are jumping in before the NDP is determined against those who are going through the directed process which we have been instructed to follow by HC. We have found sites to not just match our minimum quota but exceed it and also define a settlement boundary for Woonton and we also know the people of Woonton feel that doubling the size of their community in 2 years is not proportional. Therefore from our NDP point of view it is a very clear case of one or the other.

The NDP is being formulated by the community to protect the parish from inappropriate development and feel that only one of these sites should be approved to prevent Woonton becoming over developed. Application P173699 has been compiled and submitted with no reference to, or negotiation with the NDP process, despite the strong recommendation being given to the applicant in pre-application advice 171294/CE (reference your letter dated 26 July 2107). If approved, this further development would clearly prejudice consideration of the Woonton Farm site which has been reviewed and supported as part of the NDP process and which, it is felt, would be far more sustainable and beneficial to the amenity of Woonton. The application also contravenes Policy RA2 point 1 of the Herefordshire Council's (HC) Core Strategy which states that for smaller settlements such as Woonton, the proposal must demonstrate attention to the character and setting of the site and its location in that settlement.

One of the matters recently considered by the Almeley Parish NDP Working Group has been the question of the form and extent of the settlement boundary for the hamlet of Woonton and its relationship with the surrounding open countryside. Taking into account the outcomes of the public questionnaire in May 2017, the group has now, in consultation with Data Orchard, agreed to recommend that Woonton be given a settlement boundary which encompasses most of the existing buildings at the core of Woonton, the two sites recently approved and Woonton Farm. It does not include the application P173699 site, which is considered open countryside and is classified as Grade 2 - valuable agricultural land. See the attached map showing the proposed boundary (black) and recently approved development sites (red).

Planning applications have recently been approved for the construction of 9 dwellings in Woonton, a small hamlet which, at its core, has 15 houses. If this application for 5 houses is approved, the total number of new houses being added to Woonton would be 14, almost doubling the residences in this hamlet. If the site under consideration at Woonton Farm is also approved, the grand total of new houses in Woonton would be 19, which is over double the current number of houses. If this application was to be approved it would lead to a totally unacceptable situation which would be in clear breach of policies RA1 and RA2. The two sites already approved together with the proposed development at Woonton Farm would more than fulfill the criteria for proportional growth in this small hamlet. Anything more would fail that test and completely undermine the emerging Almeley Parish Neighbourhood Development Plan which is now at the final draft stage and is expected to be submitted for Regulation 14 and commence its formal consultation stage in the near future.

The proposal, as submitted, introduces two new traffic accesses at the junction of the C1079, which is the main route from the A480 to Almeley with the lane to Logaston at a 90° bend in the road. This is the principal route used by residents of Woonton to access the local services in Almeley Village and by Almeley residents travelling to and from the main commercial centres for the area, namely Hereford and Leominster. The number of journeys for both groups is likely to increase with additional housing, leading to a greater volume of traffic. Most visitors to Almeley, both private and commercial, use this route, as do buses, school traffic and agricultural vehicles. Those who use this road know that this junction already has to be approached from the west with caution.

The proposed site sits directly opposite and to the south of a registered common, Pool Common, which is shortly to be purchased by Almeley Parish Council as a public open space. Pool Common currently has uninterrupted spectacular views of Ladylift and Yazor Woods, round towards Merbach Hill and away to The Black Mountains, and is one of the few locations in Woonton accessible to the public where far-reaching views can be enjoyed. The proposed development would completely obstruct that view and in so doing, would diminish the value to the public of the Common.

In summary, Almeley Parish Council (Neighbourhood Development Plan Working Party) objects to this application for the following reasons.

- The applicant did not follow the NDP procedure, as advised by the planning office. If the application is approved, it undermines the emerging NDP.
- If approved, application P173699 would have wider implications on the NDP selection of land for development and it could set a precedent for ribbon development along Logaston Lane.
- The site for application PI 73699 which is Grade 2 agricultural land, it is currently farmland and is classified as open countryside not in the settlement of Woonton. The proposed site is outside the settlement boundary that has been proposed for Woonton under the emerging NDP. The National Planning Policy Framework (NPPF) issued by the government states in section 11 that planning policies and decisions should encourage the effective use of land by re-using land previously developed. This has been incorporated into HC's Core Strategy Policy RA2, which states that housing proposals will be permitted when their locations make best and full use of suitable brownfield sites.

- The two new proposed access points in application PI 7369 are in close proximity to and actually straddle the Logaston Lane junction with the C1079. This does not satisfy the requirement as stated in Core Strategy Policy MT1 which has a requirement that the local highway network can absorb the traffic impacts without adversely affecting the safe and efficient flow of traffic.
- Construction of dwellings on the site proposed in PI 73699 would diminish the amenity of Pool Common by obscuring views to The Black Mountains.
- Approval of this application would be likely to lead to the loss from the NDP site allocation of one of its recommended sites in order to comply with its stated objective of meeting, but not greatly exceeding, the housing allocation target set by Herefordshire Council.

As a community our understanding was when we took on this process that we would be supported by HC to make our own choices on development in our own community. All we ask is we see some evidence of that support and allow us to provide our views rather than watching our work being side-lined by the other applications outside the emerging development line before you decide to give your full support to any development.

The NDP group therefore advises the APC to recommend the rejection of this application.

Natural England – No Objection

SUMMARY OF NATURAL ENGLAND'S ADVICE

Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Cooperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Cooperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Transportation Manager – No objection subject to conditions

The previously submitted highways comment remains relevant for this site. This resulted in no objection but it recommended a number of conditions should the site be approved.

For completeness the previous comment is set out below:

- The proposal is for 5 units only with an access off the U9410, there are no linked footpaths in the area, the roads are relatively low speed and volume.
- The proposal provides a footpath link to the site, this ideally needs to extend to the C1079, not to the boundary of the property as visibility is blocked. There needs to be a 2m verge fronting the whole site with the replanted hedgerow centre line 1m behind the footpath which will enable maintenance and growth not to impact on the footpath. The footpath and verge fronting the site to the NW are highways land and will need to be adopted to highway.
- Car parking availability is substantial but not significant as this will enable visitor parking and prevent parking on the adjacent highway network.
- Visibility splay based on 25mph would be 33m, x dist 2.4m. The provision of the 2m verge / footpath, hedge centre line 1m behind the 2m will achieve the required splay and provide a safe refuge for walking, cycling, equestrian etc.
- In principle there is nothing in the development that would warrant refusal for this small scale development, therefore if you are minded to approve, please add the following conditions and informatives.

It is felt that the conditions could be rationalised to the following list:

- CAC a total of 3m from the edge of the carriageway, 2m for the visibility splay and a further 1m for the growth of the hedge.
- CAE – Vehicular Access Construction
- CAJ – Parking for estates (multiple house sites)
- CAP – Provision of the footpath
- CAZ – Site Operative Parking
- CB2 – Provision of secure cycle parking

In the event that permission is granted the applicant is reminded that permission will need to be sought from the local highway authority to work in the highway and install the access.

Conservation Manager (Historic Buildings)

The proposal will have a very minor negative impact on the setting of grade II listed Woonton Farmhouse. Part of the setting of this listed building is the open fields to the south-east. These fields are separated from the farmhouse by Logaston Road and partially screened by hedgerows. Only part of this element of Woonton Farmhouse's setting will be affected by the development.

Grade II listed Poole House's setting is affected to a greater extent. The primary setting of this building is that of a detached traditionally built house in a loosely settled hamlet. Although still having the open green to its south-east facing principal elevation, a lesser part of this listed building's setting is the open countryside it faces beyond the green. This less than substantial harm is somewhat mitigated by the low height of the proposed new dwellings, topography and distance from the listed building, however this minor harm to the setting should be given some weight by the planning officer.

The level of harm to the setting of Woonton Farmhouse is negligible, but the effect on the setting of Poole House would be classed at the lower end of less than substantial harm.

Conservation Manager (Landscape Officer) – No objections subject to conditions

Landscape comments were provided at the initial consultation, it is my understanding the design and layout has not changed therefore I refer the case officer back to my original response;

I have seen the revised proposals including the elevations, I am satisfied with the revisions to the layout and heights of the buildings, the retention of the open space at the road junction is welcomed. My only point is in relation to the rear boundary with open countryside given that there is potential for adverse effects from the nearby PROW the boundary must be delineated by native hedgerow with hedgerow tree planting to filter views of the new built form.

Conservation Manager (Ecology) – No Objection subject to conditions

I note the ecological assessment by Churton Ecology dated September 2017. Even though now two full seasons old as there are no identified impacts on protected species this report would still be relevant. I would suggest that if Planning Consent is granted that the following Conditions are included based on current/updated national guidance.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested.

This development being within the River Wye SAC catchment triggers the requirement for a Habitat Regulations Assessment process. The required appropriate assessment submitted by this LPA must be formally approved by Natural England PRIOR to any planning consent being granted and a relevant condition included on any consent granted.

Recommended Conditions;

- The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Churton Ecology dated September 2017 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006’

- Prior to commencement of the development, a detailed habitat enhancement scheme including a location plan and significant provisions for bat roosting, bird nesting, hedgehog homes and invertebrate/pollinating insect houses shall be submitted to the local planning authority for written approval. No external lighting shall illuminate any boundary feature, surrounding habitat or biodiversity enhancement feature. The

approved scheme shall be implemented in full and hereafter maintained unless otherwise in writing by the local planning authority

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- All foul water shall discharge through connection to new private foul water treatment system(s) with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

Land Drainage – No objections subject to conditions

I can confirm that our comments would remain the same for this application. Please do note our preference for individual package treatment plants and drainage fields for the management of foul water. The previous proposals were to locate the foul water management features outside the curtilage of each residential garden. This is likely to cause issues in the future, thus we recommend that the land on which the drainage fields and package treatment plants are located should be on land owned by the respective homeowner

Overall Comment

In principle, we do not object to the development, however we recommend that the following information provided within suitably worded planning conditions:

- Demonstration of the location of the surface water soakaways and which dwellings they are serving;
- Confirmation of the proposed adoption and maintenance agreements for the surface water soakaways;
- A revised foul water drainage strategy which includes individual package treatment plants serving each dwelling. The land on which the package treatment plants and drainage fields are located should be located on land owned by the respective homeowners. The spreaders should be connected to prevent build-up of debris.
- The Applicant should clarify how the proposed road will be drained.

Neighbourhood Planning Manager

The proportional growth for the parish is as follows:

Proportional growth target – 33

Built at April 2019 – 7

Commitments at April 2019 – 15
NDP allocations – 10
Residual - 6

Therefore at April 2019, the parish had met its proportional growth target with the additional windfall allowance which can be found across the whole parish within the plan period. In light of para 14, the Almeley NDP should have full weight;

- a) The plan was adopted in 5 July 2019
- b) The plan does have policies and proposals (allocations) to meet the required proportionate growth
- c) The LPA currently has a 4.55 year supply
- d) The LPA has 74% delivery test.

Seven Letters of Objection have been received as part of the re-determination consultation process. They can be summarised as follows;

- The Almeley NDP has now been adopted and attracts full weight
- The site is outside of the settlement boundary for Woonton
- The development will obstruct views from Pool Common to the Black Mountains and Yazor Woods (ALM2 and ALM9)
- The development will harm the setting of Pool Common Local Green Space
- The development would represent disproportionate housing growth
- The proposal would be detrimental to road safety
- The proposal would result in the loss of Grade II agricultural land
- The proposal would result in the loss of hedgerow
- The matter of flooding has not been adequately considered and the drainage scheme is not sufficiently detailed.

14 Letters of Objection were received in response to the initial public consultations in 2018. The contents of these can be summarised as follows;

- The proposal site has not come through or followed the Neighbourhood Plan process.
- The site is not allocated for development in the draft Neighbourhood Plan
- In combination with existing permissions in Woonton the scheme would not constitute 'proportionate growth' of the settlement as required by RA2. The character of the village would be irrevocably altered as a result.
- There is already permission for 9 houses in Woonton, with another application for a further 5 being considered in addition to this site (*174721/F – Approved 21st March 2018*)
- The scheme is not in keeping with character of the village and would lead to landscape harm.
- The scheme would lead to harm to the setting of and loss of views from Grade II listed Pool Cottage
- The scheme would erode the openness of Pool Common and would impede landscape views of Yazor Hill, Tin Hill and Hay Bluff from Pool Common
- The scheme would result in the loss of Grade II Agricultural land
- Woonton lacks services and facilities and is not a 'village'.

- Almeley is a better focus for development as it has services such as a school, shop and pub.
- Future occupants of the houses will be reliant on the use of a car to access services, facilities and employment.
- There are brownfield site available which are more appropriate for housing development.
- The proposal for two entrances in close proximity to a sharp bend and either side of a busy junction between the C1079 and Logaston Road would be harmful to highways safety and contrary to MT1.
- The scheme will increase vehicle movements through the village.
- The road to Almeley is unsafe for pedestrians and cyclists.
- The scheme would have an adverse impact on neighbouring properties through loss of privacy and light.
- The scheme would be visually prominent from the nearby public footpath.
- The scheme will increase surface water run-off and will lead to drainage issues.
- The scheme would lead to the loss of hedgerows and would harm biodiversity contrary to LD2 and LD3.
- The layout and appearance of the scheme is not in keeping and would 'suburbanise' the village.
- The Neighbourhood Plan questionnaire showed that the majority of residents did not support linear development away from the 'core' of the village.
- The Planning system should support the Parish Council in the production of their Neighbourhood Plan
- The scheme would have a detrimental impact upon the setting of Poole House, Pool Cottage and Woonton Farm.
- Views of the wider landscape from the village will be obstructed.
- The site is not an infill site.
- The removal and relocation of hedgerows should not be permitted.
- The scheme's frontage would not be in keeping with the character of the village.
- The height of Unit 2 would impede landscape views from Pool Common. The proposed orchard and copse planting will impede landscape views from Pool Common.
- There are highways safety and drainage concerns which have not been addressed.
- The scheme will have a detrimental impact upon the setting of the listed Pool Cottage, which forms part of the Black and White Trail.
- The landscape harm will be detrimental to local tourism.

Constraints:

Woonton Settlement Boundary

Listed Buildings – Nearby – Poole Cottage and Woonton Farm (Grade II)

SSSI Impact Risk Zone

Common Land – adjacent

Appraisal:

Policy Context and Principle of Development

Section 38 (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.”

In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Almeley Neighbourhood Development Plan. The latter was made part of the statutory development plan in early July 2019. The National Planning Policy Framework (NPPF) is also a significant material consideration.

A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

The presumption in favour of sustainable development and how this should be applied to planning decisions is discussed in more detail at paragraph 11 of the NPPF. At 11 (d), the framework states that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.

The matter of housing land supply has been the subject of particular scrutiny and it has been consistently concluded that the Council is not able to demonstrate a 5 year supply of housing land. The most recent supply statement (published July 2019) outlines that the supply position in Herefordshire stands at 4.05 years. This is a fall from the previous years supply of 4.55 years and the presumption in favour of sustainable development as set out at Paragraph 11 d) of the Framework is therefore fully engaged.

Notwithstanding this, the absence of a 5 year housing land supply does not render policies related to the supply of a housing an irrelevance for the purposes of decision taking. Indeed, recent case law (Suffolk Coast DC v Hopkins Homes [2016 – EWVA Civ 168]) has reinforced that it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. In this case, given that the shortfall in supply is relatively low (19%) and the development plan policies relevant to housing supply are in general conformity with the NPPF in terms of guiding development to the most sustainable locations, it is considered that the relevant policies of the CS continue to attract significant weight.

Moreover, it is pertinent here that the Almeley NDP has recently been made and therefore it forms part of the statutory development plan alongside the CS. At paragraph 14, the NPPF advises that where the positive presumption at 11 d) applies to applications involving the supply of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply;

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the last three years.

In relation to criteria a), c) and d), the neighbourhood plan is less two years old; the county level housing land supply exceeds three years (4.05); and the authority's housing delivery over the last three years exceeds 45% (74%). In relation to criterion b), the plan sets out policies to meet the parish's housing need by retaining existing commitment sites within its settlement boundary, allocating specific sites for development, and making a small allowance for windfall across the plan period. Whilst the plan therefore does not allocate sites to meet the entirety of its need, the reliance on windfall makes up only a small proportion of the overall need (~18%) and this allowance is based on robust evidence of past trends within the parish. It is therefore considered that criterion b) is also satisfied and Paragraph 14 is fully engaged. The advice received from the Neighbourhood Planning Manager supports this view. Paragraph 14 hence directs that the adverse impact of allowing development which conflicts with the Almeley NDP likely to significantly and demonstrably outweigh the benefits.

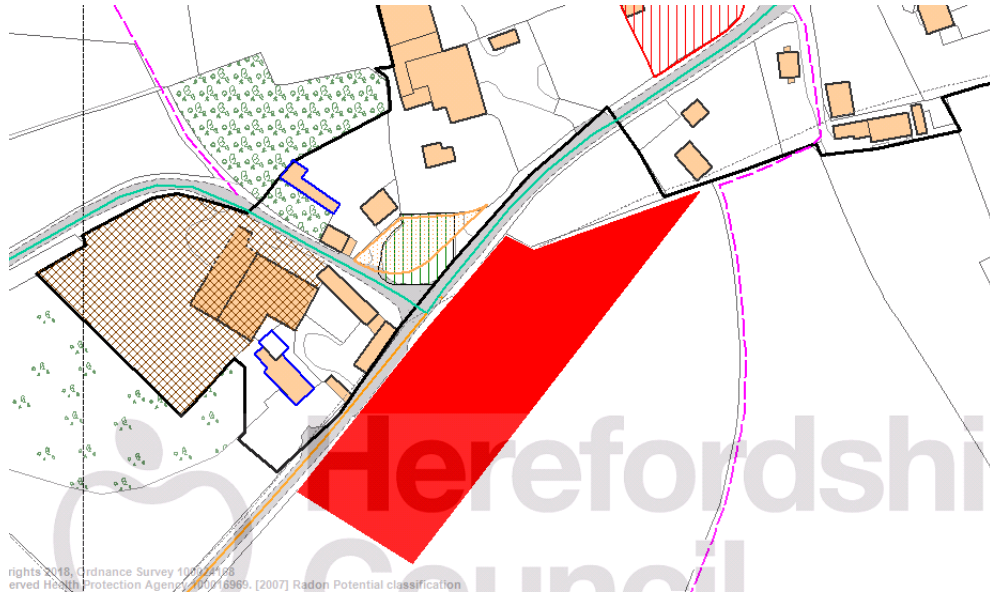
Core Strategy policy RA1 sets out the general approach to housing in the rural areas and states that 5,300 new dwelling will be provided across Housing Market Areas (HMAs). The application site in this instance lies within the Kington HMA, which has an indicative growth target of 12% (equivalent to delivering 317 new homes across the plan period). For the parish of Almeley, this equates to providing a minimum of 33 new dwellings over the period to 2031.

CS policy RA2 goes on to state that within the county's rural areas housing growth will be directed to existing settlements in order to support sustainable patterns of development. The policy identifies the settlements where housing growth is considered to be appropriate at Figures 4.14 and 4.15. The village of Woonton is identified in Figure 4.15 as a smaller 'other' settlement where proportionate housing growth is acceptable. The policy sets the also sets the expectation that, where appropriate, settlement boundaries or reasonable alternatives for the identified settlements will be defined by either Neighbourhood Development Plans or Rural Areas Sites Allocations DPD.

The status of Woonton as a settlement for proportionate growth is reflected in the policies of the recently adopted NDP. The approach to meeting the Parish's housing needs is set out in Chapter 8 and policy ALM11 deals with Woonton specifically. The policy states that new

housing will be restricted to sensitive infilling with the settlement boundary; sites already granted planning permission; and a site allocated for housing through policy ALM12.

The settlement boundary defined for the village is denoted by the thick black line shown on the map below. The location of the current proposal site in relation to the boundary is highlighted in red. It can be seen that the proposal site lies outside of the settlement boundary and hence the principle of the development is not supported by policy ALM11 of the NDP.



Being outside of an identified settlement, the proposal subsequently falls to be considered under CS policy RA3. This policy states that in locations outside of identified settlements new housing development will be limited to proposals which satisfy one or more of a number of special criteria. The proposal in this instance however does not satisfy any of the listed criteria, and hence the principle of development is not supported by policy RA3 either.

The location of the proposed site outside of the identified settlement boundary creates a clear conflict with policy ALM11 of the NDP and the principle of the development is hence not supported. Paragraph 14 of the NPPF also directs that, despite the county wide shortfall in the housing land supply, the adverse impacts of allowing a proposal which conflicts with an NDP in this manner is likely to significantly and demonstrably outweigh the benefits of the development.

Notwithstanding this 'in principle' issue, other matters relevant to the determination of the application are considered below.

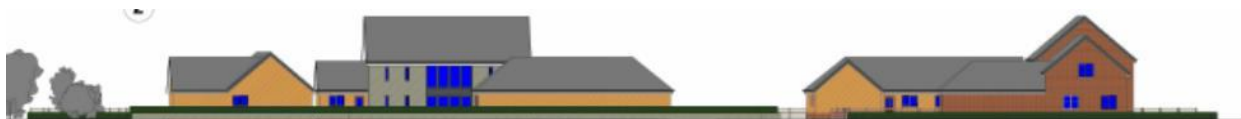
Scheme Details: Design, Character and Appearance

In relation to smaller identified settlements such as Woonton, CS policy RA2 requires that proposals pay particular attention to the form, layout, character and setting of the site and its location in that settlement. Further design advice is set out by CS policy SD1, and LD1 requires that proposals are positively influenced by the character of the local landscape and townscape. Policy ALM1 of the NDP also sets out a number of sustainable development

principles which give the highest priority to retaining the parish's rural character by requiring development to fit sensitively into the landscape and maintain the dispersed pattern of roadside dwellings. This is further reinforced by landscape protection policy ALM2, which amongst other things requires that landscape views from the parish to the Black Mountains are protected. Further design requirements are found in policies ALM5 and ALM6.

The settlement of Woonton is characterised by relatively loose knit development which extends outwards from a centre focused around the junction of the A480 and the C1079, and is made up of combination of residential properties, converted farmsteads and smallholdings. Buildings are of varying ages and styles, and as a whole it is not considered that the village has a strongly prevailing architectural typology or character. In the context of the immediate site, this is adjoined immediately to the north east by a modern two storey red brick dwelling whilst older traditional properties are found to the north west on the opposite side of the highway across Pool Common.

The site in this case is reasonably well related to the existing built up form of the settlement and would be read as a continuation of the existing cluster of development around Pool Common. The common is an attractive feature of the village and its value to the community is manifested by its designation as a Local Green Space through Policy ALM4. The policy states that development which would result in the loss of these sites will not be permitted, and development on the sites will be resisted unless they are related to the retention, management or enhancement of the green space. The proposal in this case however would be outside of the designated area on the opposite side of the highway, and hence the development would not have any direct impact upon the site which would lead to conflict with ALM4. Considered as change within the setting of the common, it is acknowledged that the scheme would introduce new built form to the south east which would reduce its openness to an extent. However, it is not considered that this would be inherently harmful to the character or visual amenity of the area. The scheme has been designed in a manner which reduces the mass of buildings within the streetscene and maintains frontage gaps which allow for views through the site from the common to the open countryside beyond as can be seen in the street scene plans below. A hedgerow frontage would also be maintained (through translocation) onto the highway to the north west of the site, and the orientation of the dwellings would serve to reinforce the role of the common as focal point within the settlement. New coppice and orchard planting is also proposed to the north east and south west end of the site respectively, which will serve a visual buffer for neighbouring dwellings and break up the built mass of the development when approaching the settlement from the south on Logaston Road. It would also contribute to enhancing tree cover and local ecological networks in accordance with ALM2 c) and e). Full details of these measures would be secured by condition.



The comment from the Parish Council relating to the protection of views towards the Black Mountains is noted; however it is not considered the proposal leads to any conflict with ALM1 a) and ALM2 d) in this sense. The relationship of the site and prominent public realm areas,

such as the highway or Pool Common, means that principal views across the site are directed to the south east towards Yazor. Any views from these public areas towards the the Black Mountains are gained along Logaston Road to the south, and these would be maintained by the proposal.

The advice received from the Council's Landscape Officer supports the view that the development would not lead to any significant adverse impact upon the character of the landscape. It is therefore considered that no conflict with policies LD1, ALM1 or ALM2 arises.

In terms of the units themselves, the design takes direction from vernacular agricultural buildings and farmsteads which are abundant in this area of the county. The layout plan shows the dwellings to be laid out in a courtyard style around a shared access, which is considered to be appropriate to the site's rural setting and ensures the scheme is not unduly suburban in character. Each unit is also of a unique design, and a range of styles, heights and forms have been utilised which are again reflective of the agricultural vernacular and would ensure the development is not overly uniform in appearance. In terms of scale and massing, the dwellings are again varied in this sense but as a whole would be commensurate with existing development in the surrounding area. The palette of external materials, to include natural stone, timber boarding, brickwork and slate, are also appropriate to the context of the site. Should permission be granted it would be appropriate to attach a condition would be attached to remove permitted development rights to ensure that future alterations and additions can be controlled and the distinctive character of the scheme maintained. Overall, it is considered that these design of the scheme is appropriate to the locality and no conflict with SD1, LD1, AML5 or ALM6.

With regards to the type of housing proposed, the CS and NDP both require that schemes respond to local needs in terms of the size, type, tenure and range of housing that is proposed. This is reflected by CS policy H3, which requires that residential developments should provide a range and mix of housing units which contribute to the creation of balanced and inclusive communities. The proposal here is for three x 3 bedroom units and two x 4 bedroom units. This is broadly in line with the greatest areas of need in the Kington HMA identified by the Local Housing Requirement Study 2012 (56% three beds and 20% 4 beds). It is therefore considered the proposal would accord with RA2 and H3 in this respect.

Impact on Heritage Assets

The application site in this case is identified as being within the setting of two Grade II listed properties, namely Woonton Farm and Poole House. Accordingly, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of relevance when considering the application. This places a duty upon the Local Planning Authority when considering development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

In this respect, the advice set out at paragraph 193 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 194 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 195, it states that where substantial harm is

identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The main development plan policies of relevance to heritage assets are LD4 and ALM3. The policies broadly require that development proposals affecting heritage assets and the wider historic environment should protect, conserve, and where possible enhance heritage assets and their settings.

In this case the designated heritage assets potentially affected by the proposal are Woonton Farmhouse and Poole House, both of which are listed at Grade II. Woonton Farmhouse is found approximately 20m to the north west of the site on the opposite side of Logaston Road. Poole House is found approximately 30m to the north on the opposite side of the C1079, and fronts onto the open area of grassland of Pool Common. The photos below show both of these assets in context:



Woonton Farmhouse



Pool Cottage

Considering first Woonton Farmhouse, this forms part of a cluster of agricultural related development occupying a corner plot at the junction of the C1079 and Logaston Road. The immediate setting of the building is read as being the associated farm complex, however in a wider context the open fields to the south east (upon which the proposal site is located) also contribute to its edge of village setting. The separation of the farmhouse and the proposal site by Logaston Road, other built form and vegetation however is such that it is not considered that this setting would be fundamentally or detrimentally altered as result of the proposed development. The most recent advice received from the Council's Historic Building's Officer confirms that the potential for harm to the setting of the listed building is negligible.

With regards to Poole House, this building is primarily experienced from the C1079 when travelling between Woonton and Almeley and occupies a more prominent position within the settlement than the farmhouse. Its setting is largely characterised by its orientation onto Poole Common, which creates an open feel to the fore of the dwelling in a manner which is redolent of a traditional village green. The views to the countryside beyond this to the south east also contribute further to this sense of openness and reinforce the dwelling's rural setting at the edge of the village. It is therefore considered that the proposal would lead to a degree of harm by introducing new built form within the vistas which form part of Poole House's setting and reducing this sense of openness. However, it is also considered that this harm would be mitigated to an extent by the distance of the site from the listed building and the relatively low height of the proposed dwellings. The amended site layout would also ensure that opportunities for views of open countryside through the site from Poole House remain. It is therefore considered that the harm to the setting of the listed building would be less than substantial, with the advice of the Council's Historic Buildings Officer confirming that this harm would lie at the lower end of the less than substantial spectrum.

In accordance with paragraph 196 of the Framework, the identified harm should be weighed against the public benefits of the development.

Residential Amenity

Policy SD1 requires that development proposals safeguard residential amenity for existing and proposed residents. This accords with the Core Planning Principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings. In this case the proposed site layout is of a relatively low density, and the degree of separation from existing dwellings is sufficient to ensure that no adverse amenity impacts would occur in terms of overlooking, overshadowing or overbearing. The design and layout of the scheme itself also does not give rise to any concerns in these terms for future occupiers of the proposed dwellings. Adequate areas of private external amenity space are provided to serve each property, and further shared areas would be available off the courtyard to the fore of the site. No conflict with SD1 or the NPPF is therefore identified with regards to safeguarding residential amenity.

Highways Matters

Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space. Similar principles are found in policy ALM15 of the NDP, and both policies are reflective of Chapter 9 of the NPPF. Of particular relevance is Paragraph 109, which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highways safety, or the residual cumulative impacts on the road network would be severe.

The scheme as originally submitted raised a number of concerns in terms of highways safety, principally with regards to the proposal for two access points on either side of the junction between the C1079 and Logaston Road and the absence of a seven day ATC speed survey of the adjacent highway to confirm traffic speeds and inform the requisite visibility splays. The Transportation Manager was consequently not supportive of the scheme initially and further information and design revisions were requested.

An ATC speed and traffic count survey was undertaken at both of the originally proposed access points, which led to revisions to the scheme in favour of a single point of access to the south of the site onto Logaston Road. The survey results confirmed the 85th percentile traffic speeds at this location to be 24.2mph southbound and 23.8mph northbound. The Council's Transportation Manager advises that these speeds would necessitate visibility splays of 2.4m x 33m to be provided in each direction based upon the standards of MfS2 and the Council's Highways Design Guide, and the amended plans confirm that the achievable visibility would exceed these requirements following the translocation of the existing hedgerow along the site frontage. The Transportation Manager consequently offers no objections subject to conditions.

In terms of pedestrian connectivity, the revised access arrangements also include the provision of a small length of footpath from the site onto Logaston Road towards its junction with the C1079. The Transportation Manager has requested that this footpath is extended along the highways land forming the site frontage to provide a greater area of refuge for pedestrians to walk towards the bus stop at the centre of Woonton to the north east. This is considered reasonable and justified, and could be secured by condition.

The internal layout of the site provides adequate parking for each of the dwellings in a shared courtyard style arrangement. Adequate manoeuvring space is also available to ensure vehicles, including larger service vehicles, are able to enter and leave the site in a forward gear.

In summary, Officers are satisfied that the scheme would ensure safe access arrangements are provided and that the proposal can be accommodated by the existing road network. No conflict with MT1 or ALM15 would occur.

Ecology/Biodiversity

The proposal site is currently grassland with an established mature hedgerow occupying the roadside boundary. The application is supported by an Ecological Report, which includes consideration of the impacts and a subsequent method statement for translocation of the roadside hedgerow. The Council's Planning Ecologist has considered the information submitted and confirms the report is appropriate to ensure compliance with relevant development plan policies (LD2, LD3, ALM1 and ALM2) subject to the relevant protection, mitigation measures and working methods being secured by condition. A condition is also recommended to secure a scheme of ecological enhancement to ensure net gains to biodiversity are delivered in accordance with policies LD2 and ALM2.

The scheme proposes the use of individual package treatment plants to serve each dwelling with outfall discharging to a spreader field. The Planning Ecologist confirms that subject to these measures being secured by condition he is satisfied the proposal would have no 'Likely Significant Effects' on relevant SSSI/ SAC designated sites in the wider area. Natural England have also confirmed they have no objections to the scheme in relation to Habitats Regulations.

Drainage

To manage foul water the scheme proposes the use of individual package treatment plants with outfall discharging to a spreader field / soakaway system. In the absence of a mains sewer proximal to the site, this is considered to be an acceptable solution which would accord with the hierarchical approach set out in CS policy SD4. Surface water from the development will be managed through the use of soakaways. This is an acceptable method in principle which would accord with CS policy SD3. Infiltration tests have been conducted at the site to ascertain the suitability of ground conditions, and the results confirm that this method of disposal is viable.

The Council's Land Drainage consultants have reviewed the proposed arrangements and confirm they have no objections subject to a fully detailed drainage scheme being secured

through planning conditions. On this basis, no conflict with policies SD3, SD4 or ALM17 has been identified.

Planning Balance and Conclusions

The application is to be considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 of the National Planning Policy Framework. In light of the identified shortfall in the Council's five year housing land supply, Paragraph 11 d) directs that planning permission should be granted unless;

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

The policies referred to at point i) are set out at Footnote 6 of the NPPF, and this includes policies relating to designated heritage assets. In this case, harm has been identified to the setting of a designated heritage asset in the form of the Grade II listed Poole House. This harm however is considered to be relatively minor and at the lower end of the less than substantial spectrum. It is not therefore considered that the harm alone provides a clear reason for refusing the development. Rather, paragraph 196 directs that the harm should be weighed against the public benefits of the proposal.

In terms of benefits, the proposals would make a contribution to the local housing stock and help to address the shortfall in the counties housing land supply. However, given that the policies of the recently adopted NDP already make provision to meet the parish's housing needs, the weight that can be attributed to this benefit is limited. The development would also bring about economic benefits in terms of the construction phase and additional local expenditure upon occupation. However, given the relatively small scale of the development this benefit is again limited.

In terms of adverse impacts, the proposal would lead to a minor degree of harm to the designated heritage asset of Poole House by introducing new built form into the open countryside vistas to the south east which form part of its edge-of-settlement setting. This leads to tension with policies LD4 and ALM3.

Crucially however, the application site is located outside of the settlement boundary defined for Woonton by policy ALM11 of the Almeley NDP. The scheme would hence be in direct conflict with the development plan, which is a significant harm weighing against the proposal. Moreover, Paragraph 14 of the Framework advises that where the presumption set out at Paragraph 11 applies to proposals involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided a number of criteria apply. The criteria are all considered to be applicable in this case, and consequently Paragraph 14 is fully engaged.

The NPPF is clear in its requirement that the planning system should be genuinely plan-led. In this case, the proposal is in direct conflict with the recently made NDP on account of the site's location outside of the defined settlement boundary for Woonton. In light of Paragraph

14 of the NPPF, it is considered that the adverse impacts of allowing the development in conflict with the NDP would significantly and demonstrably outweigh the benefits. The proposal is hence not representative of sustainable development and it is recommended the application be refused for the reasons set out below.

RECOMMENDATION: **PERMIT** ☐ **REFUSE** ☒

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

1. The proposal site is outside of the settlement boundary for Woonton and is hence contrary to policy ALM11 of the recently made Almeley Neighbourhood Development Plan, and the proposal does not satisfy any of the circumstances which would allow for new residential development outside of the settlement to be supported by policy RA3 of the Herefordshire Local Plan Core Strategy.
2. The proposal would lead to harm to the setting of the Grade II listed heritage asset of Poole House without any public benefits which would outweigh the harm caused. The application is hence contrary to policy LD4 of the Herefordshire Local Plan Core Strategy, Policy ALM3 of the Almeley Neighbourhood Development Plan and Chapter 16 of the National Planning Policy Framework.

Informatives

1. IP3

Signed: A. M. L. Dated: 23rd August 2019

TEAM LEADER'S COMMENTS:

DECISION: **PERMIT** ☐ **REFUSE** ☒

Signed: AB Dated: 6/9/19