

# Paul Smith Associates

Chartered Town and Country Planners

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Planning Registration,  
Planning Services,  
Herefordshire Council,  
Council Offices,  
Plough Lane, Hereford. HR4 0LE

My ref: PMS/H/Smith/20/01

25 March 2020

Dear Sirs,

**Re: Proposed Erection of Up to 89 Dwellings (35% Affordable Housing),  
Construction of New Vehicular Access and Associated Works.  
Land Adjacent Hawthorn Rise, Peterchurch. HR2 0RQ**

I attach an outline application for the above proposed development with all matters reserved except details of the proposed vehicular access. The application site comprises a T-shaped area of agricultural land that extends from the main village road between the primary school to the west and Hawthorn Rise and Crossways housing estates to the east. Uphill to the north-eastern, a public footpath traverses linking the Crossways estate with Bazeley Lane to the west that descends to the village centre to the south.

The application site does not lie within an area of flood risk, a designated landscape, a conservation area, its setting or that of a listed building.

## The Proposal

The proposal entails the erection of up to 89 dwellings, 35% of which would be affordable housing, and the creation of a single vehicular access off Hawthorn Rise using its current junction with the main village road.

The submitted Illustrative Site Layout Plan shows the main distributor road extending northwards through the site with culs-de-sac extending to serve houses on the site margins. The alignment of the distributor road is dictated by the overhead power lines that cross the site.

### Planning History

A significant material consideration is the recent planning history surrounding this site and relevant planning policy. Outline planning permission was granted in June 2017 for the same description of development as currently proposed (Council reference: 132707). This permission included the construction of a new vehicular access off Hawthorn Rise. Although not a formal part of this permission, an Illustrative Site layout plan was submitted demonstrating how the proposed development could be designed.

This earlier application also included a Planning, Design and Access Statement, a Flood Risk and Drainage Assessment, a Transport Statement, an Ecological Assessment and an Archaeological Assessment. The original reports, or amended versions, are re-submitted with the current application.

Application 132707 was considered initially against policies of the Herefordshire Unitary Development Plan 2007. Towards the end of what was a lengthy application process, the previous application was considered under the policies of the Core Strategy informed by the Council's lack of a five-year supply of deliverable housing sites.

During the determination of the 2017 application, the formulation of the Peterchurch Neighbourhood Development Plan progressed. The NDP was adopted or 'made' in July 2017 shortly after outline planning permission was granted. Therefore, the only change in development plan planning policy since the grant of the 2017 permission has been the adoption of the Peterchurch NDP as part of the development plan.

Since the grant of the 2017 permission, the applicant has marketed the site as building land but has been unsuccessful in attracting a buyer. The 2017 permission remains extant until June. The purpose of the current application is to perpetuate this

permission to enable the landowner to continue his marketing campaign to realise his proposal.

### Development Plan Policies

In relation to Peterchurch, the development plan comprises the Herefordshire Core Strategy and the Neighbourhood Development Plan.

In the light of the Council's persistent and serious shortfall in its supply of deliverable housing sites, the most important development plan planning policies to the determination of the current proposal are 'out of date' under paragraph 11 and Footnote 7 of the National Planning Policy Framework. Amongst other things, this reduces the weight that can be attributed to these policies in decision making.

### *Herefordshire Local Plan Core Strategy 2011 - 2031*

Policy RA2 supports new housing in or adjacent rural settlements including Peterchurch subject to detailed criteria. This criteria includes that the design and layout should reflect the size, role and function of the settlement, that they entail high quality sustainable scheme appropriate to their context, and they deliver the size, type, tenure and range of housing required in the settlement.

Policy LD1 requires development to demonstrate that character of the landscape and townscape has influenced the design, scale, nature, protection and enhancement of settlement settings.

Policy MT1 requires the local highway network to be able to absorb the traffic impacts of the proposal with a safe site entrance and exit being provided.

Policy ID1 states that where necessary, developer contributions towards infrastructure through Section 106 legal agreements will be secured.

## *Peterchurch Neighbourhood Development Plan 2011 – 2031 (NDP)*

The most relevant policies to the current planning application are illustrated on the NDP Policies Map of Peterchurch.

Most of the application site is identified as a 'Proposed Housing Site' under NDP Policy P1. Land to the immediate north-west of the application site is allocated as a 'Proposed New Recreation Area' under NDP Policy P1. NDP Policy P7/1, amongst other things, requires vehicular access to this recreation area to be provided via the application site. Further, the whole of the allocated housing site, the proposed new recreation area and adjoining land lie within the Peterchurch Settlement Boundary.

NDP Policy P1 is as follows:

*“New housing will be allowed within the settlement boundary shown on the Peterchurch Village Policies Map (Appendix 1). The site at Hawthorn Rise is allocated for residential and associated recreation space as identified on the Policies Map”.*

Therefore, the principle of residential development on the application site, first established with the grant of outline permission in 2017, has been reinforced by NDP Policy P1. The Justification for Policy P1 explains that all development will need to comply with policies in this Plan, the Core Strategy and any relevant policies regarding the detail.

Further, the illustrative site layout includes a road layout that would provide vehicular access to the full length of the new recreation area, if required.

Therefore, the principle of proposed development would accord fully with NDP Policy P1 which supports new housing on the land allocated as a 'Proposed Housing Site' or within the defined Settlement Boundary and with Policy P7/1 by ensuring that a vehicular access to the whole length of the allocated new recreation area.

## Consideration of the Proposal

This description of development is the same to that for which planning permission was granted in 2017 under the same Core Strategy policies as exist today. Since the previous grant of planning permission, the Peterchurch NDP has become part of the development plan.

NDP Policy P1 supports new housing upon an allocated housing site and within the settlement boundary both of which apply to the application site. Therefore, the principle of the proposed development is supported in the development plan. Further, provision is made for a vehicular access to the entire length of the allocated recreational area in accordance with NDP Policy 7/1.

The proposed development, as illustrated on the submitted site layout plan, is nearly identical to that approved in 2017. The Core Strategy policy has not changed in the interim and the NDP strengthens policy support for this proposal. I am unaware of any change in circumstances in the interim relating to the application site or the local highway network. Given this, there remain sound planning reasons to grant outline permission for the proposed development. The proposal would constitute 'sustainable' development by virtue of it being in full accord with the development plan.

Irrespective of this, the Council's serious and persistent shortfall in its supply of deliverable housing sites engages the 'tilted' Planning Balance under national planning policy. The effects of proposed development, which were previously accepted by the Council, would not 'significantly and demonstrably' outweigh its substantial benefits. These benefits include the provision of up to 29 affordable housing, a contribution to the local economy and support of local community facilities. Therefore, the proposed development would pass the 'tilted' balance confirming it constitutes 'sustainable' development as defined under national planning policy.

## Conclusions

This description of development is the same to that approved in 2017 under the same Core Strategy policy. The subsequent adoption of the Peterchurch NDP strengthens relevant policy support for this proposal. Consequently, the proposal would accord fully with the development plan and constitute 'sustainable' development advocated under national planning policy.

Irrespective of this, the Council's serious and significant shortfall in its housing supply engages the 'tilted' planning balance under national planning policy. Under the 'tilted' balance, planning permission should be granted unless the adverse effects of the proposal would 'significantly and demonstrably' outweigh the benefits. I have demonstrated the effects of the proposal would not outweigh its substantial benefits. Therefore, the proposal's status as 'sustainable' development is confirmed.

For these reasons, I ask that conditional outline planning permission be granted for this proposal.

Yours sincerely,

*Paul Smith*

Paul Smith MRTPI

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