



Ms Heather Carlisle
Development Management
Planning Services
Herefordshire Council
Plough Lane
HR4 0LE

ELECTRONIC SUBMISSION ONLY

12th January 2021

Dear Ms Carlisle,

Our ref: SL 19004 Upton Crews

Address: Land to the south of Upton Crews, Herefordshire, HR9 7UF

Development: Erection of 5 no. dwellings and associated works

Introduction

This application is made on behalf of Mrs Joan Townsend for a development comprising the erection of 5 no. dwellings and associated works at Land to the south of Upton Crews, Herefordshire.

In addition to this letter, the application is supported by:

- Plans, elevations and 3D visuals (Ian Singleton);
- Landscape and Visual Assessment (Carly Tinkler);
- Ecological Assessment (Star Ecology);
- Arboricultural survey (Jerry Ross);
- Transport Statement (hub Transport Planning Ltd); and
- Drainage design and statement (Cotswold Transport Planning Ltd).

The Planning Statement for the previous application is also submitted as an appendix to this letter for reference purposes.

Background and scheme evolution

A similar scheme at the site was refused planning permission under reference P191972/F for one reason; that adequate drainage arrangements were not demonstrated. The officer confirmed that the application was policy compliant in all other respects.

This application proposes an amended drainage scheme to address the RfR and which has been designed in concert with the Council's Drainage Engineer. The application is the same in all other respects.

Given the similarity of the schemes, this letter focusses on explaining how the single reason for refusal is overcome. A summary of other matters is presented in tabular format at the conclusion of the letter. We refer the reader to the Planning Statement for the previous application for a detailed description of the site and proposal and for a detailed discussion of all planning matters save drainage.

The Site and proposal

The site is the northernmost part of a larger, irregular triangularly shaped field which is to the immediate south of the settlement of Upton Crews. The Site is not subject to environmental designation and is distant from such features. It is within Flood Zone 1.

The development proposal is for 5 no. dwellings and associated works. The scheme is landscape-led and follows a synergic and iterative design process which included Council officers. The scheme includes 3 no. 3-bed dwellings, and 2 no. 4-bed dwellings, access via Manor House Road (U70002), and a comprehensive landscape and biodiversity enhancement strategy.

The drainage strategy

As mentioned, the only amendment to the scheme is the drainage strategy to address the Reason for Refusal on application P191972/F which was predicated on advice by BBLP and reads as follows:

The proposal has not adequately demonstrated it mitigates impacts upon drainage, surface water drainage or pollution control. The surface water soakaways are unlikely to operate adequately in their present form. The drainage fields would not operate adequately as the proposed drainage soakaway fields are designed to dissipate water through the base of the field, the presence of the clay will hinder this as it's a steeply sloping, hence it is likely that treated effluent may re-surface downhill of the drainage fields. Furthermore, the soakaway test was not done correctly, and an Environment Agency permit would be required as such the proposal is contrary to Herefordshire Core Strategy policies SD3 and SD4.

In response, the applicant instructed a second drainage engineer to review the matter. The appointed engineer, Cotswold Transport Planning, engaged with BBLP to ensure that the amended drainage solution would meet with their approval. The proposed drainage scheme is explained in full in the accompanying technical note. The technical note confirms that Welsh Water undertook infiltration tests at the site and the results can be used for designing the drainage scheme for this site. That matter was agreed with BBLP. The note then explains that surface water will drain to an infiltration basin to the south-west of the site and which is designed to accommodate storm water for the 100-year event plus 40% for climate change. Foul water will be treated by package treatment plan which discharges to a drainage field to the south-west of the site.

Core Strategy **Policy SD3** is referenced by the reason for Refusal. The policy is titled Sustainable Water Management and Water Resources and requires measures for sustainable water management to be an integral element of new development to reduce flood risk. Furthermore, the policy confirms the SuDS hierarchy which prefers that surface water is discharged directly to the ground by infiltration if ground conditions allow.

The accompanying technical note confirms that ground conditions are appropriate for infiltration and thus, surface water will be discharged to the ground in accordance with Policy SD3. Further, as surface water management accords with the SuDS hierarchy and that there would be no increase to surface water run off at the site taking into account the 1 in 100-year event plus 40% for climate change, the scheme would not result in greater runoff.

Policy SD4 is also referenced by the reason for refusal. The policy relates to foul water drainage in the context of river water quality and requires that in the first instance, developments seek to connect to the existing mains wastewater infrastructure network. Where such a connection is not practical, Policy SD4 prefers that foul water is treated by a package treatment plant which discharges to a watercourse or soakaway.

There is no mains apparatus in the locality. This is confirmed by Welsh Water. Accordingly, an on-site solution is required. In accordance with the hierarchy expressed by Policy SD4, the application proposes the use of a package treatment plant discharging to ground. The drainage field has an area of 370 m² which will adequately serve the proposed development based on the number of bedrooms proposed.

For these reasons, we consider that the drainage matters raised by the Council in refusing the previous application are now addresses.

Summary of other planning matters

As the Reason for Refusal relating to drainage was the only matter not adequately addressed by the previous application and that no other matters have presented themselves in the meantime, there is no reason why the application shouldn't succeed. We offer the following summary of other matters.

Planning matter	Response
Development Plan Policies for supply of housing	<p>The Development Plan is the Core Strategy only. Policy RA2 confirms that new housing should be located within or adjacent to identified settlements. Table 4.15 confirms that Upton Crews is an identified settlement to which new housing development will be directed. The site is clearly adjacent to the settlement sharing its northern boundary with the village. The site therefore has a location which complies with housing policies in the development plan.</p> <p>The Council agreed this matter in their officer report.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
NDP	<p>There is no NDP for the Neighbourhood Area within which the site is located, even in draft form.</p> <p>The Council agreed this matter in their officer report.</p> <p>There has been no update in respect of the NDP since the previous application was refused.</p>
Housing Land Supply	<p>The Council's latest published position is that it can demonstrate 3.69 years of land for housing. That is significantly less than the 5 years required by the Framework.</p> <p>The Council's Housing Land Supply has worsened by c. 0.4 years since the previous application was determined. Weight to the provision of housing should therefore be even greater here.</p>
Landscape and visual impact	<p>The application is accompanied by an LVA. The LVA explains that as a consequence of appropriate site selection and an iterative, landscape led design, the development proposal will appear as an appropriate addition to the settlement both from within the settlement itself and as viewed from the countryside beyond. Accordingly, the character, appearance and setting of the settlement would be upheld and the intrinsic beauty of the countryside beyond is recognised. The proposed development thus accords with the policies SS6, LD1, LD3, SD1 and RA2(3) of the Core Strategy and the Framework insofar as they relate to landscape matters.</p> <p>The Council agreed this matter in their officer report and in the Landscape Officer's comments.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>

Design	<p>The proposal is representative of good design for its aesthetic quality and demonstrably positive response to the site context which together, will help to raise architectural standards generally. The scheme causes no amenity issues and also delivers a truly sustainable build. In this context, the scheme is considered to make an efficient use of land also. The proposal therefore complies with Core Strategy Policies SS7, SD1 and RA2(1).</p> <p>The Council agreed this matter in their officer report.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
Housing Mix	<p>The proposal includes 3 no. 3-bed dwellings and 2 no. 4-bed dwellings. There is significant need for 3+ bedroom dwellings within the Ross Rural HMA and across the county and market analysis indicates that 3 and 4 bedroom dwellings are in demand in this area. Thus the mix is appropriate and responds to the identified needs of the local community whereby the proposal complies with the Core Strategy Policies H3 and RA2(4) and the provisions of the Framework.</p> <p>The Council agreed this matter in their officer report.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
Transport	<p>The accompanying Transport Statement by hub Transport Planning Ltd demonstrates that access design and the internal layout accords with the Council's Highways Design Guide and that proposed vehicle movements can be accommodated by the road network. The application complies with Core Strategy Policies SS4 and MT1 and chapter 4 of the NPPF, having particular regard for paragraph 109.</p> <p>The Council agreed this matter in their officer report and in the Area Engineer's comments.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
Biodiversity	<p>The site is not subject to ecological designation. The extended phase one ecological survey demonstrates that the development proposal would protect priority species and their habitats. Opportunities for enhancement and restoration have been identified. The proposal is therefore compliant with Core Strategy Policy LD2 and paragraph 118 of the NPPF.</p> <p>The Council agreed this matter in their officer report and in the Ecologist's comments.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
Planning obligations	<p>As the proposal is for ten dwellings or less, Policy H1 does not require the delivery of affordable housing or other planning obligations at the site.</p>

	<p>The Council agreed this matter in their officer report.</p> <p>There has been no change in policy or circumstance which might affect this conclusion.</p>
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As can be seen from the above, the proposed development complies with the Development Plan in all respects, a matter which, save for drainage matters, was previously agreed by the Council.

The proposal also delivers the following planning benefits:

- Delivery of policy compliant housing in the context of a housing land supply deficit – NPPF para 73, Core Strategy Policies SS2, SS3, RA2;
- That the proposal is development of a small site – NPPF para 68;
- Delivery of net biodiversity enhancement – NPPF para 170 and Core Strategy policy LD2;
- Provision of significant landscape enhancement – Core Strategy policy LD2; and
- Good countryside access being adjacent to the footpath network.

Conclusion

An application for a similar scheme at the site was refused for one reason; that drainage wasn't adequately provided for. The application was acceptable in all other respects. The drainage matter is now addressed. Further, there have been no changes in policy or circumstances since the determining of the previous application which might negatively affect consideration of this development. Accordingly, it must be the case that the proposal now accords with the Development Plan for reasons set out in the table above.

Accordingly, as the application proposal complies with the Development Plan and without other material considerations indicating to the contrary, S38(6) of the Act, supported by paragraph 11. c) of Framework, requires that planning permission is granted without delay.

We hope you can agree the matter but please do let us know if you need further information.

Yours faithfully,

Matt Tompkins

Director

Appendix 1 – Planning Statement for application P191972/F



T O M P K I N S T H O M A S

Planning Design and Access Statement



Land to the south of Upton Crews

Herefordshire

HR9 7UF

May 2019

Client	Mrs Joan Townsend
Project	5 no. dwellings at Upton Crews
Document status	Issue
Our Reference	SL 19004
Date	May 2019

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E Executive Summary

- I. This application proposes the erection of 5 dwellings and associated works on land to the south of Upton Crews. The application has been designed through a truly iterative and landscape led approach. This has informed the quantum of development, layout, architecture and landscaping.
- II. The submission of the application follows pre-application discussions with the Council where the parameters for developing the site were established with the case officer and, in more detail, with the landscape officer.
- III. The site is immediately adjacent Upton Crews, a settlement which the Core Strategy identifies for growth. Absent an NDP for the area, the principle of development is in accordance with the development plan.
- IV. The development of 5 dwellings comprises 2 no. 4-bed and 3 no. 3-bed dwellings which would provide for housing need in the area as set out in the LHMA. The mix also ensures an appropriate response to the environmental constraints of the site and market sensitivities.
- V. The submission is accompanied by a detailed LVA which posits that landscape harm is minimised through appropriate site selection and a truly landscape-led and iterative design process. Resultantly, the scheme is one which responds positively to the prevailing characteristics of the area in a landscape that objectively has a medium to low sensitivity. The scheme would also deliver significant landscape enhancements including the planting of native hedgerows with hedgerow oaks, the creation of new woodland with glades, and the establishment of a small traditional orchard. Accordingly, the scheme has an acceptable impact on the landscape.
- VI. The site is not subject to ecological designation and the development would not harm priority species or their habitats. The planting of hedgerow, hedgerow trees, grassland and woodland amount to substantial biodiversity enhancement at the site.
- VII. The site is accessed directly off Manor House Road, an unclassified road which links the centre of Upton Crews with the B4221. There is ample visibility at the site access onto Manor House Road without the need to remove or affect the roadside oak trees. There is sufficient capacity on the highway network to accommodate the traffic movements associated with the

development.

- VIII. The development's foul waste will be dealt with by three treatment plants; individual treatment plants for the three detached dwellings and a shared treatment plant for the terrace of three dwellings. The treatment plants will discharge to drainage fields within the wider site. Surface water will drain to soakaways within the wider site. Infiltration testing demonstrates that this is a viable method of drainage.
- IX. The scheme comes with other planning benefits including being a small-medium site, the development of which is preferred by the Framework; the provision of large amounts of good quality public open space; good access to the open countryside for proposed residents and the usual economic and social benefits associated with residential development in sustainable locations.
- X. Overall, the scheme is one which is located in accordance with the Development Plan's strategy for sustainable residential growth in rural areas, being adjacent to an identified settlement. The scheme impacts positively on the character and appearance of the area and causes no technical harm. There is, therefore, no conflict with the Development Plan. Planning permission should therefore be granted without delay.

1. Introduction

1.1 Statement brief

1.1.1 This Planning Design and Access Statement is prepared by Tompkins Thomas Planning on behalf of Mrs Joan Townsend ('the applicant') in support of her full planning application for the erection of 5 no. dwellings and associated works on land to the south of Upton Crews.

1.1.2 This statement should be read in conjunction with the following plans and reports which accompany the application:

- Plans, elevations and 3D visuals (Ian Singleton);
- Landscape and Visual Assessment (Carly Tinkler);
- Ecological Assessment (Star Ecology);
- Arboricultural survey (Jerry Ross);
- Transport Statement (hub Transport Planning Ltd); and
- Schematic Drainage Design and Percolation Calculations (Phil Warren Land and Building Surveys).

2. The site and it's context

2.1 Site location

- 2.1.1 The application site ('the Site' from hereon) is located at Upton Crews, a rural settlement identified for growth in the Herefordshire Local Plan – Core Strategy ('Core Strategy'). Upton Crews sits centrally within the parish of Upton Bishop in south-east Herefordshire. Crow Hill is the only other settlement in the parish identified for growth by the Core Strategy.
- 2.1.2 Upton Crews comprises a collection of buildings, largely in residential and agricultural use, at the junction of Manor House Road, Mullhampton Road and the C1266. There are c. 20 dwellings within the village and tend to have a stone, render or red-brick finish. The village appears well-wooded in the landscape due to many mature trees growing in hedgerows and in the gardens. The area has an overarching rural, predominantly agricultural character with an undulating countryside setting and an irregular field pattern.
- 2.1.3 Upton Crews is 4km northeast of Ross-on-Wye, 17.5km south-east of Hereford and 19km north-west of Gloucester. Junction 3 of the M50 is 2.5km to the south-east which provides direct onwards travel to Ross-on-Wye and Tewkesbury and connects with the M5 which carries traffic between Birmingham and the southwest of the country.
- 2.1.4 The closest facilities are located at Crow Hill which is 500 metres to the west of Upton Crews. Crow Hill provides a public house (The Moody Cow), a village hall, some rural employment opportunities and a good rural bus service to Ross-on-Wye and Gloucester – running approximately 10 times each weekday.

2.2 The site

- 2.2.1 The site is the northernmost part of a larger, irregular triangularly shaped field which is bounded by existing residential development to the north, an unclassified road (Manor House Road) to the east, agricultural land to the south and a footpath and bridleway to the west. A very short part of the site's southern boundary touches the east-west running B4221.
- 2.2.2 The site slopes steadily from Manor House Road (northeast) to the B4221 (southwest). The AOD level of the Site is c. 900mm above the Manor House Road and 1 metre above the bridleway and footpath. Its east and west boundaries are native species hedgerow. There is

significant hedgerow tree planting, mainly oaks. The northern boundary is a mixture of fencing and predominantly ornamental vegetation. The site's southern boundary is presently open to the remaining part of the wider field. Its line has been determined by landscape assessment.

2.3 Local designations

- 2.3.1 The site is not subject to environmental designation. The site is 2.5km east of the Wye Valley AONB and 3km from the closest SAM. The Linton Conservation Area is 2km to the southeast of the site and the closest listed building is the Grade I listed Church of St John the Baptist some 420 metres to the north-east. The River Wye SAC is 4km away.
- 2.3.2 The site is within in Flood Zone 1 according to Environment Agency mapping, which has the lowest probability of fluvial flooding. There are no known surface water drainage issues at the site.
- 2.3.3 A footpath (UB13) and bridleway (UB27) run along the site's eastern boundary on the opposite side of the hedge and ultimately link the site to the centre of the village and to the wider footpath network including the Herefordshire Trail which is c. 500m to the northwest.

2.4 Planning history

- 2.4.1 There is no formal planning history to the site

3. The Development Proposal

3.1 The application scheme

3.1.1 The application seeks full planning for a development which is described as follows:

The erection of 5 no. dwellings and associated works.

3.1.2 The development proposal has been designed through a truly iterative, landscape led approach which is described in full in the accompanying LVA and also in the 'pre-application advice' sub-chapter below. A design statement is included in the LVA at paragraph 3.4.1.

3.1.3 The scheme has an informal courtyard arrangement of dwellings set behind the parking 'barn' and is shown at figure 1 below. Such a layout responds to and respects the character of the lane and the wider area.

Figure 1: Snapshot of proposed layout (drq no. 18.0051 AP01)



3.1.4 The dwellings would be clad in a local stone under a slate roof having simple and traditional

profiles with low eaves and ridge heights. The 3D imagery submitted in support of the application demonstrates the appropriateness of the design for the site's edge of settlement location and provides an appropriate transition between the urban character of the village to the north and the more rural character with imposing manor houses of the countryside to the south and east. A 3D image of the development as viewed from the lane (View 1 as referenced on the accompanying Image Location Plan) is shown below.

Figure 2: 3D imagery (view 1) showing the proposal as viewed from Manor House Road



3.1.5 The scheme proposes the following mix of dwelling sizes:

- 3 no 3-bed dwellings; and
- 2 no 4-bed dwellings.

3.1.6 Access to the site would be via Manor House Road (U70002). The access is designed to standards set out in the Herefordshire Council Design Guide. Provision of the access necessitates the removal of a short section of hedgerow but avoids any impact on existing hedgerow oaks.

3.1.7 The scheme also provides a comprehensive landscaping scheme which is shown on the Landscape Strategy Plan at Appendix 8 of the LVA a snapshot of which is show overleaf. The landscaping scheme comprises, most notably, the planting of large swathes of woodland to the west of the site noting that woodland planting is appropriate for the landscape character type. A new orchard is also proposed and is again an appropriate form of planting for the area. The scheme also includes large amounts of informal open spaces and private footpaths which allow residents access to many parts of the village as well as the PRoW network which in turn provides access to the countryside. Existing hedgerows would be 'gapped up' and strengthened, whilst there is extensive new hedgerow planting to the site's internal and peripheral boundaries.

Figure 2: Snapshot of Landscape Strategy Plan (without annotations)



3.1.8 The scheme is accompanied by a schematic drainage strategy supported by calculations based on trial pits. The scheme proposed that foul sewage is dealt with by Package Treatment Plants discharging to drainage fields. The two detached dwellings benefit from their own PTP's whilst

the terrace of three dwellings drain to a common PTP. For surface water, each dwelling drains into a soakaway. Surface water created by the shared access roads drain to a common soakaway.

- 3.1.9 A tree survey accompanies the submission and confirms that the development, including access, would avoid the removal of important trees or encroachment into their RPA's.

3.2 Scheme evolution

Early thoughts and the development's inception

- 3.2.1 The applicant, through their land agent, engaged Hunter Page Planning Ltd, a planning consultant, to review the potential for the Site's development. The land agent understood that the Site was adjacent to an identified settlement for growth whereby it might have potential for residential development. The applicant made clear that the approach to developing the site should be appropriate for and make a positive contribution to the character of the settlement and its surroundings.
- 3.2.2 The planning agent expressed the view that the principle of development was acceptable in their professional view, but that given the rural disposition of the site, that a truly landscape lead approach should be considered. This was agreed and Carly Tinkler – Landscape, Environmental and Colour Consultancy and The Studio (architects) were engaged to inform an appropriate development approach.
- 3.2.3 A site meeting was held in April 2018 at which the landscape consultant confirmed that the site was capable of accommodating a sensitively designed development and that there was also opportunity for the development to elicit environmental benefits. A landscape led iterative approach was agreed. It was also agreed that Herefordshire Council would be engaged via their pre-application advice service.

Pre-application advice

- 3.2.4 The applicant submitted a pre-application advice request to Herefordshire Council in May 2018. The submission was initially supported by a brief description of the applicant's aspirations for the site and a location plan showing the approximate application site. Baseline studies were being undertaken by the landscape consultant in the meantime.

3.2.5 Herefordshire Council's initial response was issued on 14th June 2018 and agreed the principle of development at the site. However, the following points were also raised:

- The use of land was potentially inefficient;
- The southern boundary to the site appeared arbitrary; and
- Landscaping and design would be crucial to the acceptability of the site.

3.2.6 The officer also suggested that further pre-application advice was sought once plans had been progressed. Acting on that advice and once the baseline studies were complete and an indicative preliminary sketch layout was prepared, the planning agent contacted the case officer to arrange to meet. A date in July 2018 was agreed.

3.2.7 Initially, it was intended to present the information to the case officer and landscape officer on site. However, at the case officer's request, plans were sent prior to the meeting to allow the officers time to familiarise themselves with the plans. The case officer misunderstood the submission which was clearly labelled as 'schematic' for a finalised scheme. It was stated that his advice had been 'disregarded' in terms of a landscape led approach and effective use of land and on that basis refused to meet the following day.

3.2.8 In response, the applicant's agent sought to clarify the submission and address the issues raised. For clarity, that response is provided below.

[The submissions] is an early iteration, a sketch plan based on a landscape assessment which looks to provide what is most appropriate for the area. It is provided to allow for meaningful conversation on site and is certainly not set in stone at this point. Indeed, we would really welcome a discussion about the base line and the strategy for development. That would be easiest on site.

The intention for the meeting was to start to agree / disagree areas so that we could work towards a commonality from a design perspective i.e. get the massing, site layout right which we feel is important on this edge of settlement location. We felt mix was something that might be considered once the design parameters were sorted.

The number of dwellings is predicated on the landscape advice received to date (it hasn't been arbitrarily arrived at) but if you feel the site could accommodate more, then

this would be another point to discuss on site.

I appreciate that you are agreeable to the principle of development here but it seems as though there is some disagreement on the factors, or an understanding of those factors, which would really benefit from on site discussion. I should therefore be grateful if you would reconsider the need to meet on site.

- 3.2.9 It was confirmed, via the case officer's manager, that the pre-application site meeting would take place.
- 3.2.10 The meeting took place on site. The landscape officer agreed the baseline position but said that in terms of settlement pattern, she would defer to the case officer as this wasn't a matter for her. The case officer considered that the site had potential to accommodate more than the four dwellings presently proposed and that appropriate mix was essential. The applicant's design team engaged and noted the points made and agreed to make the requested amendments to the proposed layout. The case officer promised a written response within 2 working weeks of the site visit.
- 3.2.11 The case officer's response hadn't arrived by mid-August 2018 so the planning agent contacted the case officer for an update whose response was to state that the landscape officer was on leave and that a response would be provided in September.
- 3.2.12 By October 2018 no response had been received. The planning agent chased again but no response was forthcoming. Accordingly, as the matters were largely landscape related, the landscape consultant contacted the landscape officer directly forwarding her meeting notes which included a suggested strategy for addressing the comments. The landscape officer responded to the effect that the landscape items listed were correct and that the email would be forwarded to the case officer for his response also.
- 3.2.13 Unfortunately to date, the case officer's response has not been forthcoming. In November 2018 it was decided that the design team should progress with the development of the scheme on the basis of responses received from the Council to date and the design team's written notes of the site meeting (which the landscape officer subsequently agreed as being accurate).
- 3.2.14 At this point Ecology, Arboriculture, Drainage and Transport consultants became more deeply involved whilst the LVA was also progressed. The scheme evolved iteratively to ensure that

access and drainage requirements were met without harm to Trees or their RPZ's. The scheme was also designed to minimise harm to biodiversity habitats and to provide biodiversity enhancement features across the site.

4. Planning Policy

4.1 Legislative context

- 4.1.1 Section 38 of the Planning and Compulsory Purchase Order 2004 ('the Act' from hereon) explains that the Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise (S38(6)).
- 4.1.2 The Development Plan is; the regional strategy for the region, adopted development plan documents, and neighbourhood development plans made in relation to that area (S38(3)).
- 4.1.3 A neighbourhood development plan will become a part of the statutory development plan once the plan has been approved by referendum i.e. before the relevant Local Planning Authority has formally made the plan (S38(3A)). The neighbourhood development plan will cease to be a part of the Development Plan if the LPA resolves not to make the plan (S38(3B)).
- 4.1.4 In this case, the statutory Development Plan for the area comprises the **Herefordshire Local Plan – Core Strategy** ('Core Strategy') only. There is no regional strategy or Neighbourhood Development Plan, even in draft form. The application's accordance with the Core Strategy is explained at Subchapter 3.3.
- 4.1.5 The **National Planning Policy Framework** ('NPPF' or 'Framework') declares itself an important material consideration for all planning applications in England. Given its pertinence to the application of Development Plan policies in Herefordshire and its implications for decision taking, the Framework is explained in detail at subchapter 3.3.

4.2 The Herefordshire Local Plan – Core Strategy

- 4.2.1 As explained above, the Core Strategy is the sole component of the Development Plan in this case. An application's compliance with the Core Strategy means that planning permission should be granted.
- 4.2.2 The Core Strategy sets out a vision for the area for the period 2011 to 2031. The principal role of the Core Strategy is to deliver the spatial planning strategy for Herefordshire based on the needs of the area and its local characteristics.

Sustainable Development

- 4.2.3 **Policy SS1** confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It explains that planning applications which accord with the policies in the Core Strategy will be approved, unless material considerations indicate otherwise. The policy also imports an equivalent test to that laid out at paragraph 11 of the Framework (albeit understandably couched in terms more akin to paragraph 14 of the NPPF (2012) given its date of adoption) for scenarios where relevant policies are out-of-date.

Housing

- 4.2.4 As required by the Framework, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. **Policy SS2** confirms that Hereford, with the market towns in the tier below, is the focus for new housing development. In the rural areas new housing development will be acceptable *“where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”*
- 4.2.5 **Policy SS3** acknowledges that the Council are required to demonstrate a five-year supply of housing land. It sets out the actions which the LPA will undertake in the event that housing completions fall below the trajectory set out in Appendix 4 of the Core Strategy. The Council cannot presently demonstrate a Framework compliant supply of deliverable housing sites as explained at subchapter 3.3 and there is no indication that the actions listed under Policy SS3 have been, or are being, undertaken.
- 4.2.6 **Policy RA1** is a detailed policy which begins to define how the spatial development strategy applies to housing outside of Hereford and the market towns. It explains that 5,300 homes should be provided throughout 221 identified rural settlements over the plan period. It divides the County into seven Housing Market Areas (HMAs) which have differing residential needs. The application site is within the Ross-on-Wye HMA. The table attached to CS Policy RA1 confirms the indicative growth target for rural settlements within the Ross-on-Wye HMA as 14% of existing stock (compared to a 2011 baseline).
- 4.2.7 At a local level, the Site is within Upton Bishop Neighbourhood Area as defined under the Neighbourhood Planning (General) Regulations 2012. Importing the 14% HMA indicative

minimum growth rate gives a minimum 'target' of 38 dwellings for the Neighbourhood Area between 2011 and 2031. At the Council's most recent count, there has been 12 completions and 0 commitments during the plan period leaving a residual minimum target of 26 dwellings, to which the proposed development would contribute 5 dwellings.

- 4.2.8 In referring to figures 4.14 and 4.15 (Core Strategy p. 109), Upton Crews is identified as a sustainable settlement. It is therefore reasonable to assume that a proportion of the minimum number residual dwellings to be provided within Neighbourhood Area over the plan period will be directed to Upton Crews.
- 4.2.9 Policy RA1 also imparts that local evidence and environmental factors will determine the appropriate scale of development.
- 4.2.10 **Policy RA2** advises how individual development proposals at identified rural settlements should be considered. A thread running through RA2 is the requirement for development proposals to be within or adjacent to the main built up part of an identified settlement. Otherwise RA2's main direction is that, when made, relevant NDPs will determine the precise location of housing within each settlement.
- 4.2.11 Paragraph 4.8.23 of the postscript to Policy RA2 is relevant here in so much as it advises that in the period leading up to the definition of settlement boundaries in NDP's, applications for residential development at settlements in figures 4.14 and 4.15 will be assessed against their relationship to the main built up form of the settlement. In this case, absent a made (or sufficiently advanced) NDP, this can reasonably be construed as the test for the principle of residential development.
- 4.2.12 Policy RA2 goes on to list detailed criteria for development proposals in rural settlements. It requires that proposals reflect the size, role and function of each settlement; are of a high quality which positively impact on the site setting; include a range of housing which caters for local need i.e. size and types; and makes full use of brownfield land where possible.
- 4.2.13 **Policy H1** states that sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm will be expected to provide 40% affordable housing in the 'Ledbury, Ross and Rural Hinterlands'.
- 4.2.14 **Policy H3** seeks to ensure an appropriate range and mix of housing having reference to the Local

Market Housing Assessment ('LHMA'). For larger sites of more than 50 dwellings, it requires that particular regard is given to ensuring an appropriate housing mix. The implication here is that there is a greater degree of flexibility in terms of housing mix particularly for smaller sites such as this where other factors, such as site viability and landscape character, influence the design approach. This is in accord with the Framework which explains that there is oft a balancing act to be struck between the effective use of land and assimilating with a site's setting.

Environmental

- 4.2.15 **Policy SS6** is the strategic policy which sets out the Core Strategy's approach to development in terms of environmental quality and local distinctiveness. It refers to the enhancement of environmental assets that contribute towards the county's distinctiveness; its settlement pattern, landscape, biodiversity and heritage assets; especially those with specific environmental designation (of which there are none relevant to this case).
- 4.2.16 **Policy LD1** requires that development proposals demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature of the proposal and site selection to ensure that the setting of settlements and designated areas are protected. It refers to designated areas (again, which are not affected by this proposal) and also the incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings.
- 4.2.17 **Policy LD2** requires the retention and protection of nature conservation sites and habitats and species in accordance with their status. Opportunities for enhancement and restoration should also be taken where practicable.
- 4.2.18 **Policy LD4** requires that development proposals affecting heritage assets and the wider historic environment should, inter alia:
- protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible; and
 - where opportunities exist, contribute to the character and local distinctiveness of the

townscape or wider environment, especially within conservation areas.

- 4.2.19 The applicability of this policy to the subject case is limited in so much as the development proposal doesn't affect the setting of nearby heritage assets.

Design

- 4.2.20 **Policy SD1** refers to sustainable design and energy efficiency confirming that development proposals should create sustainable, well integrated environments for all members of the community. Proposals should also safeguard neighbouring residential amenity whilst making efficient use of land taking into account the local context and site characteristics, echoing the advice of paragraph 122 of the Framework.
- 4.2.21 **Policy SD3**, titled Sustainable Water Management and Water Resources, requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk. Furthermore, this policy encourages development proposals to help conserve and enhance watercourses and riverside habitats.
- 4.2.22 **Policy SD4** relates to foul water drainage in the context of river water quality and requires that in the first instance, developments seek to connect to the existing mains wastewater infrastructure network. Where such a connection is not practical, Policy SD4 prefers that foul water is treated by a package treatment plant which discharges to a watercourse or soakaway.

Transport and Movement

- 4.2.23 **Policy SS4** seeks to reduce the need to travel and reduce the harmful impacts from traffic growth, promote active travel and improve quality of life by locating significant new development where access to employment, shopping, education, health, recreation, leisure and other services are, or could be made available by walking, cycling or public transport.
- 4.2.24 **Policy MT1** seeks to ensure that proposals promote integrated transport connections, reduce reliance on the private car, maintain highway safety, protect existing footpaths and ensure that any traffic impacts associated with the new development can be absorbed by the existing highway network.

4.3 The National Planning Policy Framework (2019)

4.3.1 The NPPF (2019) was published in February 2019. It is the second revision of the National Planning Policy Framework and replaces the original NPPF (2012). The NPPF sets out the Government's planning policies for England and how these should be applied. It confirms that it does not supplant the statutory Development Plan, but it, and its policies are a significant material consideration when determining planning applications (**paragraphs 2 & 212**).

4.3.2 The NPPF post-dates the Core Strategy by over three years. **Paragraph 213** confirms that whilst existing policies aren't out of date simply because they were adopted prior to the publication of the NPPF, the closer the policies in the Development Plan are to the to the policies in the NPPF, the greater the weight they may be given.

Chapter 2 – Achieving sustainable development

4.3.3 **Paragraph 8** explains that achieving sustainable development is a notion comprised of three overarching objectives which are interdependent of each other, but which need to be pursued in mutually supportive ways:

- The 'economic objective' challenges planning to help build a strong, responsive and competitive economy, by ensuring that *"sufficient land of the right types is available in the right places and at the right time to support economic growth."*
- The 'social objective' refers to the necessity to support strong, vibrant communities by ensuring *"...a sufficient number and range of homes can be provided to meet the needs of present and future generations..."*.
- The 'environmental objective' seeks the protection, and where possible enhancement of, the natural, built and historic environment.

4.3.4 The courts have clarified that fulfilment of all three objectives (or roles as they were formerly called) is a rare occurrence and not a prerequisite of achieving planning permission. In handing down his judgement in the case of *Muller Property Group v SSCLG*¹, Mr Justice Gilbart explains that:

¹ Muller Property Group v Secretary of State for Communities and Local Government [2016] EWHC 3323 (Admin) (19 December 2016)

38. ... But it is not intended to suggest that any development must achieve those attributes jointly and simultaneously. Such an expectation would be bound to end in disappointment.

4.3.5 And in the case of *Cheshire East v SSCLG*², Mr Justice Jay sets out in his judgement that:

19. Although there may be cases where sustainable development “jointly and simultaneously” achieves economic, social and environmental gains (as per the optimistic language of paragraph 8 of the NPPF), I have already said that it must be obvious that in most situations there will be somewhat of a trade-off between competing desiderata...

4.3.6 **Paragraph 10** explains that to ensure that sustainable development is positively pursued, there is a presumption in favour of sustainable development which is at the heart of the Framework.

4.3.7 **Paragraph 11** is the cornerstone of decision taking. It explains that the presumption in favour of sustainable development means, for decision-taking, that development which accords with an up-to-date development plan should be approved without delay (**11 c**) and in cases where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of the following applies (**11 d**):

- 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 (often referred to as ‘the tilted planning balance’).

4.3.8 Thus, in the context of an under-supply of housing land, as persists in Herefordshire, the ‘tilted test’ prescribed above is applicable and planning permission should be granted unless adverse impacts *significantly* and *demonstrably* outweigh the benefits.

4.3.9 **Paragraph 14** acts to clarify the position in respect of made Neighbourhood Development Plans. It explains that in situations where the tilted planning balance applies, “*the adverse impact of*

² Cheshire East Borough Council Vs Secretary of State for Communities and Local Government and Renew Land Developments Ltd [2016] Ewhc 571

allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits” on the proviso that the requirements of four explicit criteria are met. Paragraph 14 has no bearing on this case as there is no NDP for Upton Crews.

Chapter 5 – Delivering a sufficient supply of homes

- 4.3.10 **Paragraph 59** explains that the Government’s objective of significantly boosting the supply of homes requires that *“a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- 4.3.11 **Paragraph 68** explains the important contribution that small and medium sized sites can make to meeting the housing requirement of an area, noting that smaller sites are often built-out relatively quickly. A ‘small and medium site’ is not larger than 1 hectare in area. It incentivises such development by, inter alia, requiring 10% of an LPA’s housing requirement to be delivered on such sites and for windfall sites to be supported to ensure the use of suitable sites in existing settlement. The policy goes so far as to encourage the subdivision of sites to help speed up the delivery of homes.
- 4.3.12 **Paragraph 73** sets out that LPA’s should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Core Strategy is less than 5 years old whereby the five-year housing land supply is assessed against the housing requirement of the strategic policies.
- 4.3.13 The policy goes on to explain that the supply of specific deliverable sites, *“should in addition include a buffer (moved forward from later in the plan period)”*. That buffer should be:
- a) 5% to ensure choice and competition in the market for land;
 - b) 10% where the LPA has demonstrated five-year supply through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year;
 - c) 20% where there has been significant under delivery of housing over the previous three years.

- 4.3.14 **Paragraph 74** explains that a five-year housing land supply can be demonstrated where it has been established in a recently allocated plan or through an annual position statement which has been produced through engagement with developers and been considered by the Secretary of State.
- 4.3.15 The Core Strategy was adopted in October 2015 and would've only been 'recently adopted' for the purposes of paragraphs 73 and 74 until 31st October 2016. Herefordshire Council does not have an annual position of the type identified at Paragraph 74. Furthermore, the Council has persistently failed to deliver requisite amounts of housing. Accordingly, requisite buffer for assessing housing land supply is 20% as set out under 73 c). Further, the provisions of paragraph 74 do not apply.
- 4.3.16 On the above basis, Herefordshire Council's most recent published housing land supply position is 4.55 years, as set out in the AMR (October 2018).
- 4.3.17 As the housing policies of the Core Strategy are failing to deliver the amount of housing required by the NPPF, they are in conflict and are therefore out-of-date. It is uncontroversial to state that housing policies are 'important policies' for this application whereby the provisions of paragraph 11 d) apply.
- 4.3.18 **Paragraphs 75 and 76** explain the housing delivery test, the results of which are published every November by the Government. The first set of results were published in February 2019 and confirm that Herefordshire's Housing Delivery is 74% reinforcing that the LPA is a 20% authority.

Chapter 8 – Promoting Healthy Communities

- 4.3.19 **Paragraph 91** says that planning decisions should aim to achieve healthy, inclusive and safe places. Developments should seek to promote social interaction by, among other things, the use of clear and legible pedestrian routes, and high-quality public space which encourage the active and continual use of public areas. Enabling healthy lifestyles through the provision of safe and accessible green infrastructure is also encouraged.
- 4.3.20 **Paragraph 96** identifies that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Chapter 9 – Promoting Sustainable Transport

- 4.3.21 **Paragraph 103** requires that the planning system actively manages patterns of growth to, inter alia, promote walking, cycling and public transport use and to avoid the environmental impacts of traffic generation. It also requires that significant development should be focussed on locations which are or can be made sustainable. The policy recognises that opportunities for public transport will vary from urban to rural areas.
- 4.3.22 **Paragraph 108** requires development proposals to provide safe and suitable access to the site for all users.
- 4.3.23 **Paragraph 109** which advises that, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Chapter 11 – Making effective use of land

- 4.3.24 Making effective use of land is a new chapter in the NPPF which emphasises the Governments enthusiasm to secure effective use of land to help meet the need for homes whilst safeguarding the environment and ensuring safe and healthy living conditions. As set out under **Paragraph 117**.
- 4.3.25 **Paragraph 122** advises that appropriate densities will be informed by the need for housing, local market conditions, the availability of infrastructure and the desirability of maintaining the character of the area and creating safe and attractive places.
- 4.3.26 **Paragraph 123** emphasises the need to seek appropriate densities where there is a shortage of housing land, as is the case here

Chapter 12 – Achieving well designed places

- 4.3.27 **Paragraph 124** explains that achieving good design is fundamental to the planning process and is a key aspect of sustainable development.
- 4.3.28 **Paragraph 127** explains that planning decisions should ensure that developments:
- Function well and add to the quality of the area;

- Are visually attractive as a result of good architecture;
- Are sympathetic to local character and history;
- Establish or maintain a strong sense of place;
- Optimise the site potential in terms of amount and mix of dwellings; and
- Create places that are safe.

4.3.29 **Paragraph 131** sets out that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area, where they fit with the overall form and layout of their surroundings.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

4.3.30 **Paragraph 155** of the Framework seeks to direct development away from the areas at highest risk of flooding.

Chapter 15 – Conserving and enhancing the natural environment

4.3.31 **Paragraph 170** explains that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic beauty of the countryside including the benefits of trees and woodland, and minimising impacts on and providing net gains for biodiversity. It also refers to valued landscapes, pollution and contaminated land, matters which do not affect this application.

4.3.32 **Paragraph 175** requires that planning permission is refused where significant harm to biodiversity resulting from a development cannot be avoided, mitigated or compensated, in that order of preference. As there is no harm to biodiversity, the provisions of paragraph 175 are not engaged.

5. Assessment

5.1 Identified planning matters

5.1.1 Having considered the Site and the proposed development in the context of planning policy, it is our view that the planning matters relevant to this application are:

- Site Location and Accessibility;
- Landscape and Visual Impact embracing Design;
- Housing Mix;
- Brownfield Land;
- Transportation and Movement;
- Biodiversity;
- Flood Risk and Drainage;
- Countryside Access; and
- Planning obligations.

5.2 Site location and accessibility

5.2.1 The Core Strategy explains, via RA2, that residential development will be supported on sites which are within or adjacent to the main built up part of rural settlements listed at figures 4.14 or 4.15. Where there is no NDP for the area, as is the case here, that is the test for the principle of development.

5.2.2 Upton Crews is listed at figure 4.15. The main built up part of Upton Crews is focussed on the junction of Manor House Road, Mullhampton Road and the C1266. The site is immediately adjacent to the southern extent of this main built up part of the settlement. The site therefore has a location which complies with the locational requirements of Core Strategy Policy RA2 and, by extension, the strategy for residential development set out by policies SS2 and RA1.

5.2.3 Although the site isn't major development, it is at a location which is sustainable as objectively

confirmed by the LPA who have identified Upton Crews as a settlement at which housing development is supported in principle. Upton Crews is included in the Core Strategy as a settlement for residential growth on the proviso that such development will support the surrounding rural community and the services and facilities at nearby villages, including Crow Hill. That is in accord with the provisions of paragraph 78 of the Framework. It is accepted that there will be some use of the car, but not more than envisaged by paragraph 103 when acknowledging the lesser amount of public transport of offer in rural locations.

- 5.2.4 Nonetheless, given the proximity of the site (and Upton Crews) to Crow Hill, and that the two are linked by quiet rural lanes, there is opportunity for safe pedestrian movement from the site to some services and facilities.

5.3 Landscape and Visual Impact

- 5.3.1 As the application proposal is the result of a truly iterative, landscape led approach, the matters of design and landscape are, to a certain extent, indivisible. Accordingly, they are discussed in tandem in this chapter.
- 5.3.2 Policy SS6 seeks development which contributes to the county's distinctiveness, its settlement pattern and landscape. Policy LD1 expects a development to be positively influenced by landscape and townscape to ensure that the setting of settlements is preserved. Policy RA2 (3) requires development scheme's to be appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting. Policy SD1 requires that the local character and distinctiveness is maintained and enhanced. The Framework requires good design and that development proposals recognise the intrinsic beauty of the countryside.
- 5.3.3 The application is accompanied by a detailed LVA which fully explains the site and its context, the baseline studies of landscape character and visual amenity and the effects of the development proposal on the aforementioned. The LVA also explains the detailed and iterative process undertaken to minimise harm and maximise environmental benefits. The application is also accompanied by a Design Statement which explains the proposed design and how it has evolved to maximise the development's positive impacts on its context and rural design generally. The content of these documents is not repeated here, but their main themes are explained in the context of planning policy.
- 5.3.4 Upton Crews is a small village by policy definition and the amount of development proposed is

informed by the size and role of the village having regard for its character and setting. The initial proposal presented to the Council at the pre-application stage was for four dwellings, but the case officer felt that the site could, and should accommodate more. However, both the landscape architect and the architect felt that this would make the development too dense and clustered in relation to its surrounding context, so the architect's new scheme was based on five dwellings.

- 5.3.5 The developable part of the site is 0.4 hectares in area whereby the provision of five dwellings thereon allows for a moderate development density (12.5 dwellings per hectare) providing opportunity for development to reflect the spacious settlement pattern whilst making effective use of land in accordance with the Framework. The provision of five dwellings is a quantum of development which would not unduly impact on the role of functioning of the settlement in itself and continues the 'organic' evolution which defines its character today.
- 5.3.6 The development proposal is born from an iterative and landscape led process. The design and layout have been amended throughout to reflect the evolving understanding of the site and its context. For example, the ridge heights of the dwellings have been constantly revisited and readjusted to minimise the development's theoretical visibility and to ensure that the development doesn't 'break the skyline' from vantage points as requested by the Council's landscape officer.
- 5.3.7 The LVA exhibits an extensive analysis of the settlement pattern of Upton Crews and the general village-scape. This has led to a development design which protects the defining characteristics of the area and enhances the setting of this part of the village.
- 5.3.8 The LVA also explains that the opportunities to restore and enhance locally important landscape features have been identified and acted on. In particular, a new native hedge with escaping oak is to be planted to the new southern boundary of the site. In terms of character, this would be a more locally-appropriate settlement boundary than the existing urbanised southern boundary to the village. Gapping up of the existing roadside hedgerow, planting a new woodland and providing public access to the woodland and grassland are other sizeable landscape enhancement measures.
- 5.3.9 The LVA concludes succinctly as follows:

9.31 Whilst the scheme would give rise to some harm to character and appearance, this

is an inevitable consequence of developing any greenfield site. However in this case, the level of harm is minimised through appropriate site selection and a truly landscape-led and iterative design process, which has resulted in a scheme which responds positively to the prevailing characteristics of the area; importantly, in a landscape that the studies have objectively categorised as being of medium to low sensitivity.

9.32 The scheme would also deliver various landscape enhancements, including the planting of native hedgerows with hedgerow oak, the creation of new native woodland with glades, and the establishment of a small traditional orchard. These would be managed to provide a variety of new habitats for flora and fauna, in an area which currently has limited ecological value.

9.33 The LVA concluded that the proposed scheme could make a positive contribution to landscape character, visual amenity, local distinctives and sense of place, so long as the quality of the design and construction is carefully controlled.

5.3.10 In summary, as a consequence of appropriate site selection and an iterative, landscape led design, the development proposal will appear as an appropriate addition to the settlement both from within the settlement itself and as viewed from the countryside beyond. The proposal is representative of good design for its aesthetic quality and demonstrably positive response to the site context which together, will help to raise architectural standards generally. In this context, the scheme is considered to make an efficient use of land. Accordingly, the character, appearance and setting of the settlement would be upheld and the intrinsic beauty of the countryside beyond is recognised. The proposed development thus accords with the landscape, design and distinctiveness policies of the Core Strategy and the Framework.

5.4 Housing Mix

5.4.1 Policy RA2(4) and Policy H3 require that proposals have an appropriate mix of open market dwellings, specifically referencing need expressed in the LHMA. Upton Crews is within the Ross Housing Market Area ('HMA'). The LHMA splits the Ross HMA in two; one for the rural part of the HMA (Ross Rural) and one for the town of Ross (Ross Urban). Upton Crews is in the Ross Rural HMA. Table 72 sets out the estimated size and type of market dwellings required over the plan period.

Type/size	Ross Urban		Ross Rural		Ross HMA	
	Number	%	Number	%	Number	%
1 bedroom	29	5.3%	51	7.4%	80	6.5%
2 bedroom	135	25.0%	168	24.3%	303	24.7%
3 bedroom	267	49.5%	436	63.2%	703	57.2%
4+ bedroom	109	20.1%	35	5.1%	144	11.7%
Total	540	100.0%	690	100.0%	1,230	100.0%
Houses	521	96.5%	653	94.7%	1,174	95.5%
Flats	19	3.5%	36	5.3%	55	4.5%
Total	540	100.0%	690	100.0%	1,230	100.0%

- 5.4.2 It is clear from the above table that there is most need for 3-bedroom dwellings in the Ross Rural HMA whilst there remains some need for 4-bedroom dwellings.
- 5.4.3 The LHMA also explains at paragraph 6.114 that, across the county, it is estimated that the significant majority (74%) of market housing should be family sized (3+ bedrooms).
- 5.4.4 Nonetheless, paragraph 1.36 of the LHMA is quite clear that, with regards market housing size and mix, *“planning and housing policies should not be overly prescriptive regarding the mix of housing required, as in most senses the market is best placed to consider what homes will sell.”*
- 5.4.5 On that basis, a marketing analysis has been undertaken by the applicant and their land agent who have established that there is significant demand for 3 and 4 bedroom dwellings in the area.
- 5.4.6 The character of the area is also an important consideration in determining the appropriate size of dwellings. As set out elsewhere in this statement, Upton Crews is characterised by more spaciouly set dwellings whilst the site itself demands a landscape led approach as confirmed by the case officer for the pre-application advice. This has informed the density of the development and also the size of dwellings proposed.
- 5.4.7 From the foregoing assessment, it is apparent that there is significant need for 3+ bedroom dwellings within the Ross Rural HMA and across the county; that marketing analysis indicates that 3 and 4 bedroom dwellings are in demand in this area; and that detached dwellings are appropriate for the character of the area. On that basis, the following housing mix is proposed:
- 2 no. 4-bed dwellings; and
 - 3 no. 3-bed dwellings.

- 5.4.8 This mix is appropriate and responds to the identified needs of the local community whilst bearing in mind that Policy H3 explicitly denounces slavish adherence to the percentages set out in the LHMA, particularly for small sites such as this which provide for less than 50 units. The proposal therefore complies with the requirements of Core Strategy Policies H3 and RA2(4) and the provisions of the Framework.

5.5 Brownfield Land

- 5.5.1 Policy RA2(2) requires that locations make best and full use of suitable brownfield sites wherever possible. It is accepted that the use of brownfield land is preferred, though the scheme's green field nature does not count against its acceptability. Further, whilst the policy does not require a sequential test per se, it is notable that there does not appear to be a quantum of available brownfield land to provide for the housing numbers required in the Parish. There is no conflict with Policy RA2(2).

5.6 Small Site Development

- 5.6.1 The developable part of the site is 0.4 hectares in size whereby it is a 'small-medium site' as defined by the Framework. The development of small-medium sites is preferred by the Framework for their propensity for being developed quickly, as set out at paragraph 68. This is a particularly pertinent benefit of the scheme here given that Herefordshire Council has an undersupply of housing land which is largely due to slow delivery rates on strategic sites. Moreover, analysis of the Council's Annual Monitoring Report – Appendix B – Housing Land Supply, indicates the degree to which the Council is *reliant* on small-scale sites as a key contributor to housing land supply.

5.7 Transport and Movement

- 5.7.1 The accompanying Transport Statement by hub Transport Planning Ltd assesses the impact of the development proposal on the surrounding highway network and explains access arrangements. The layout, in tandem with the Transport Statement, demonstrates how the proposed development might provide car parking.
- 5.7.2 It is demonstrated that there is ample visibility at the site access on to the highway in accordance with Manual for Streets 2 and having regard for the 24/7 ATC undertaken adjacent to the site access during term time. The amount of traffic generated by the development would

be easily accommodated on the highway network.

5.7.3 The internal layout accords with the Council's Highways Design Guide. The total level of parking proposed is in accordance with the requirements of Manual for Streets and the Herefordshire Council Design Guide. Cycle parking will be provided within the curtilage of each dwelling and can be secured by planning condition.

5.7.4 It is thus demonstrated that the proposed quantum of development and the access detail would not have a severe impact on the highway. The application is thus in compliance with Core Strategy Policies SS4 and MT1 and chapter 4 of the NPPF, having particular regard for paragraph 109.

5.8 Biodiversity

5.8.1 The site is not subject to ecological designation. The extended phase one ecological survey demonstrates that the development proposal would protect priority species and their habitats. Opportunities for enhancement and restoration have been identified which the applicant expects to be secured by planning condition. Biodiversity enhancement which would be delivered by the scheme include:

- Bat boxes;
- Bird boxes;
- Hedgehog boxes;
- The gapping up of existing hedgerow;
- New hedgerow planting; and
- Extensive woodland planting;

5.8.2 The proposal is therefore compliant with Core Strategy Policy LD2 and paragraph 118 of the NPPF. Indeed, we would contend that the amount and size of enhancement measures which the scheme would deliver is significantly more than is required by policy whereby it is a significant planning benefit; not merely mitigation or compensation

5.9 Flood Risk and Drainage

- 5.9.1 The site lies within Flood Zone 1 according to EA mapping, which has a less than a 1 in 1000 year chance of flooding each year and represents the land least susceptible to flooding. In principle, NPPF prefers the development of land in Flood Zone 1. For clarity, the site is less than 1 hectare and it hasn't been identified as having critical drainage problems by the EA whereby there is no requirement for site specific FRA as set out at footnote 50.
- 5.9.2 The accompanying *Schematic Drainage Scheme* proposes a drainage strategy predicated on advice from the Environment Agency and Welsh Water. The drainage strategy involves the implementation of SUDS for managing the disposal of surface water run-off from the development site being directed to soakaways. The strategy and supporting calculations ensure that surface water arising from the developed site would be managed in a sustainable manner and would leave the site at no greater rate than that associated with a green field.
- 5.9.3 In terms of foul drainage, there are no public sewers in the area. Connection to mains drainage is therefore not practicable for this site. In accordance with the drainage hierarchy set out at Core Strategy Policy SD4, foul effluent will therefore be treated at on-site package treatment plants which discharge to soakaways. The two detached dwellings benefit from individual treatment plants whilst the terrace of three dwellings discharge to a single shared treatment plant. Each treatment plant has a drainage field which is located within the wide site.
- 5.9.4 The drainage strategy, underpinned by percolation tests, demonstrates that the ground is appropriate for soakaway via a drainage field. Thus, the development is conclusively shown to; be appropriately safe for its lifetime taking account of the vulnerability of its users, not increase flood risk elsewhere, and reduce flood risk overall in compliance with Core Strategy Policy SD3.

5.10 Residential amenity

- 5.10.1 The layout is designed to ensure sufficient distance between the proposed dwellings and the neighbouring dwelling to the north of the site and preclude overlooking and overshadowing internally. The scheme therefore safeguards the amenity of neighbouring residents and generates good levels of residential amenity for future occupiers of the development by providing appropriate amenity space and separation from adjoining properties. The proposal accords with Core Strategy Policy SD1.

5.11 Countryside Access

5.11.1 The site offers good access to the network of public rights of way in the area. Footpath UB13 and bridleway UB27 which run along the Site's western boundary. These public rights of way provide access to the wider countryside and, notably, the Herefordshire Trail which is just 500 metres to the north of the site. As such, the scheme responds directly to paragraphs 91 and 96 of the Framework, thereby promoting healthy communities.

5.12 Planning Obligations and Affordable Housing

5.12.1 Policy H1 requires the provision of affordable housing on developments where more than 10 dwellings are being provided and where the combined gross floor space is more than 1000sqm. The development proposal is for less than 11 dwellings.

5.12.2 It is understood that the Council have adopted a similar approach with regards the provision of planning obligations and the requirement for planning obligations is aligned to the trigger points in Policy H1 i.e. where a development proposal is for more than 10 dwellings and would have a combined gross floor space of more than 1000sqm. A review of recent planning approvals for schemes of less than 11 dwellings indicates that this remains the Council's approach.

5.12.3 As the development proposal is for less than 11 dwellings, there is no policy requirement to provide planning obligations including affordable housing in this instance.

6. Should Planning Permission be Granted?

- 6.1.1 Now that the salient planning matters have been examined, it is necessary to consider whether planning permission should be granted. The starting point in making that determination is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that such a determination is made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.1.2 The Development Plan for the area is the Core Strategy. The proposal has been explained in the context of the Core Strategy. Importantly, it is established that the site is adjacent to the main built up part of Upton Crews, a settlement which is identified for growth by Policy RA2 of the Core Strategy. As there is no made Neighbourhood Development Plan for the area, the development proposal thus has a location which complies with the provisions of the Development Plan.
- 6.1.3 It is also established that there is no conflict with any other policies of the Core Strategy having particular regard for those relating to landscape, highway safety, biodiversity, residential amenity, design and drainage. Indeed, the development proposal exhibits positive landscape and biodiversity impacts largely due to the iterative landscape led approach to the site's development. Accordingly, there is no conflict with the Development Plan.
- 6.1.4 Section 38(6) of the Act also requires consideration of other material planning factors. The Framework is one such consideration and this statement has explained its relevance to this application. Of note is paragraph 11 which sets out a presumption in favour of sustainable development as a golden thread running through both plan-making and decision-taking. For decision taking this means, in the first instance, proposals that accord with the development plan should be approved without delay. As it has already been established that the scheme accords with the development plan, the Framework supports the Development Plan's direction that planning permission should be granted.
- 6.1.5 **Accordingly, as the application proposal complies with the Development Plan and without material considerations indicating to the contrary, S38(6) of the Act, supported by paragraph 11. c) of Framework, requires that planning permission is granted without delay.**
- 6.1.6 Nonetheless and for the sake of clarity, if a decision taker was to establish that paragraph 11. d) ii) of the Framework was the appropriate mechanism by which this application should be

determined, the following table demonstrates that the only adverse impacts of the scheme are the loss of a greenfield site and the loss of a small amount of hedgerow. However, the significant landscape enhancements proposed compensate for this modest harm whereby, in the round, the scheme doesn't harm the landscape. The scheme also comprises economic, social, ecology and countryside access benefit. Therefore, the modest adverse impacts patently do not outweigh the sizeable benefits of the scheme. In this scenario too, planning permission should be granted.

Table 1: The impacts of the development

Role of sustainable development	Factor and scale of impact	Explanation
Social	Impact of housing: Significant Benefit	<p>The scheme would provide housing in an area where residential development is required and directed by the Development Plan. The development would help to meet the objectively assessed need for the area providing people with the houses they need. The provision of new houses provides choice for the market place and, in increasing supply, will help to minimise house prices.</p> <p>The 'small sized' site is such that it would be built out quickly providing housing in the immediacy.</p> <p>The mix of housing is appropriate for the area and includes 1 ½ storey dwellings suitable for those of limited mobility.</p> <p>The social benefits accrued will be augmented given the Council's inability to demonstrate a Framework compliant supply of housing land. For these reasons, moderate weight should be afforded to the social benefit of providing 5</p>

		houses.
	Neighbouring residential amenity: Neutral	The development proposal would not unduly impact on the privacy, outlook and overshadowing of neighbouring dwellings.
	Countryside access and open space: Limited benefit	The site offers good access to the network of public rights of way in the area which in turn provide access to the wider countryside. The scheme therefor helps to promote health communities in the manner encouraged by paragraphs 91 and 96 of the Framework.
Economic	Impact of housing: Limited benefit	The development would aid the economy both in terms of the extra disposable income of prospective residents and through the short-term employment of the construction trade. The new homes bonus from which the Council would benefit as a result of the development is also an economic benefit of the scheme.
Environmental	Landscape Impact: Neutral	<p>The development proposal has been designed by a truly iterative process as to inform the most appropriate response to the site and its context. Whilst there is harm associated with the development of a greenfield site and a short section of hedgerow removal for the site access, this is inevitable of any development of a greenfield site. The site is categorised as having medium to low sensitivity to change.</p> <p>Visual harm is minimal and limited to nearby visual receptors. The layout and design of the development respond positively to the site</p>

		<p>setting.</p> <p>The scheme also exhibits substantial landscape enhancement including largescale woodland planting which responds to the local character, gapping up existing hedgerows and new hedgerow planting.</p> <p>When landscape enhancements are factored in, we posit that the scheme's holistic landscape impact is a neutral one.</p>
	Impact on Biodiversity: Moderate benefit	The development proposal would protect priority species and their habitats. Significant opportunities for enhancement and restoration have been identified including woodland planting, strengthening existing hedgerow, the planting of new hedgerow and the erection of boxes providing habitat for fauna, which when delivered will be a moderate benefit of the development.
	Drainage and Flood Risk: Neutral	The scheme is in Flood Zone 1 which has the lowest annual probability of flooding. The development has been designed to ensure that greenfield runoff rates will be achieved, such that there is no increased risk of flooding to third parties allowing for climate change. As such, the development has a neutral impact in this regard.
	Heritage Impact: Neutral	The scheme is located where there would be no harm to heritage assets resulting in a neutral impact.

	<p>Movement and Highway Safety:</p> <p>Neutral</p>	<p>The development proposal has safe pedestrian and vehicular access and does not impact on the free flow of traffic on the network. There is, therefore, a neutral impact in this regard.</p>
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