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**To:** Thomas, Edward

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**Subject:** Land adjacent to Williams Mead, Bartestree LPA ref: 132536/F

Afternoon Ed,

Having analysed the recent appeal decisions in relation to Home Farm, Belmont (Inspectorate reference: APP/W1850/A/13/2192461) it was thought beneficial to examine the application on land adjacent to Williams Mead, Bartestree (LPA reference: 132536/F).

Firstly it is noted that the Inspector is in agreement with our assertion that applications of this nature can have a substantial positive impact upon the social aspect of sustainable development. This is on the basis that Herefordshire Council has a significant shortfall in housing land supply and that *"this weighs considerably in favour of granting permission"* (IR paragraph 27).

Furthermore, and an issue not examined by the Inspector in the Home Farm appeal, is the positive contribution that our application would make to resolving affordable housing need within Bartestree. An affordable housing need survey undertaken by Herefordshire Council (March 2010) identified that 31 households were in need of affordable accommodation in the next three years. It is important to note that no new affordable housing has been delivered in this area since the publication of the affordable housing needs survey. Accordingly this affordable housing need still remains unmet. From discussions with Herefordshire Council's Housing Needs and Development team it is understood that over time the need for affordable housing only increases and as such, due to a constant undersupply of affordable housing, it is anticipated that even greater affordable housing need has arisen. On this basis, the application in Bartestree provides further social benefits to delivering sustainable development.

The Home Farm appeal was dismissed on landscape character impact and heritage concerns. Accordingly, both these issues in relation to the Bartestree application have also been re-examined and appraised against the IR on Home Farm. With regard to landscape character typology, it is noted that the application site is situated within a different typology as compared to the Home Farm appeal site (Bartestree is principal settled farmland whereas Home Farm was wooded estatelands). The Inspector notes that the Home Farm site is also situated within open parkland that forms part of the unregistered Belmont House Park and Garden (IR paragraph 28).

Of importance to note is that large country houses set in parkland and ornamental grounds is a characteristic of wooded estatelands. In determining the appeal, the Inspector noted that the existing site made a positive contribution to this important characteristic of the landscape type. The Inspector stated that the site *"makes a significant contribution to the character of the area and is an integral part of this wider parkland setting..."* (IR paragraph 30). The Inspector concluded that in allowing development of this site within such a landscape typology *"would have a marked adverse effect upon the character and appearance of the area"*.

In examining the Council's SPG on wooded estate lands, it is clear in the character description that trees and hedgerows are *"important in defining the scale and providing the structure to the landscape. Ornamental grounds and parkland associated with large estates [such as Belmont House Park and Garden] can be a noticeable feature in the landscape. Groups of mature ornamental trees planted in parks or gardens are often significant visual landmarks"*. These characteristics have been identified within the Inspector (IR paragraph 31) and accordingly through the proposed development of Home Farm, these important characteristics would have been lost. The Inspector clearly apportioned significant weight to the detrimental impact upon the landscape typology and considered that this outweighed the benefits of the proposal.

In examining the application adjacent to Williams Mead, it is important to note that the application site in Bartestree is located within principal settled farmland. As the Inspector's methodology demonstrated, it is firstly necessary to examine the characteristics of such a landscape type. The SPG states that hedgerows used as field boundaries are a primary characteristic for principal settled farmland estates. In this regard it is important to analyse the content of the boundary materials plan submitted with this application. This plan shows that the existing hedgerow bordering the Ledbury Road is to be maintained where possible except for the imposition of a new access point. Furthermore the boundary materials plan details significant enhancement to the site's northern boundary. Currently there is no hedgerow along this aspect of the site but rather a series of post and wire fencing. Accordingly the site does not conform to the key characteristic of its landscape typology in that there is no northern hedgerow to define the field boundary. However, the application proposes the inclusion of hedgerow planting along this boundary edge. Such a measure enhances this boundary edge as advocated by the management guidelines within the SPG. Furthermore the boundary treatment plan identifies tree planting on site. This too is in accordance with the SPG which states *"Additional tree planting in the vicinity of settlement would also be appropriate and would assist in emphasising the domestic quality of the landscape"*. The application is fully compliant with such requirements.

In terms of guiding new development, the SPG also raises significant points. It is noted that the SPG states that *"additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement"*. There are two key aspects that need to be examined when appraising this application against such a statement; firstly the size of the development and secondly the character of this aspect of the settlement.

In terms of size then it is important to note the work undertaken by Herefordshire Council in advancing their Core Strategy. The latest iteration of the document (as approved by full Council 19 July 2013) advocates 117 new units across Bartestree / Lugwardine by 2031. In preparing such plans, Local Planning Authorities must do so with the objective of achieving sustainable development (as required s39 of Planning and Compulsory Purchase Act 2004). Accordingly it must be the view of Herefordshire Council that the delivery of 117 units in this location is sustainable otherwise this would provide a significant legal flaw in the soundness of the Core Strategy. The application only seeks to provide 42.7% of the total housing requirement for this settlement. Therefore the application's scale of development is not disproportionate in size.

Secondly it is important to analyse the character of the settlement. The character of the built form of this aspect of Bartestree is strongly defined by the modern red brick built form of the residential properties to Williams Mead. The development seeks to incorporate a mix of building materials that takes inspiration from this development. Therefore this proportionate development is not out of character with the defining aspect of this area of Bartestree.

While the above positive contribution in further defining the characteristics of this area has been identified; it is also necessary to note the definition of this landscape typology within the SPG. The SPG states that *“This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses”*. As identified, the current field pattern does not accord with the existing character of this landscape type by virtue of the existing northern boundary treatment of this site. The imposition of a new hedgerow along this edge aids the definition of the field pattern, fully in accordance with the defined character of this landscape.

Further to the above, and within the management guidelines and environmental mitigation section of the SPG, it states that *“New Development should remain at a low density with most housing associated with existing hamlets and villages”*. It is noted that the existing UDP identifies the settlement of Bartestree as a main village and that this allocation is again advanced in the emerging Core Strategy with Bartestree again considered an appropriate rural settlement of growth. As such the development is associated with an existing settlement considered sustainable to accommodate further growth. Furthermore the Core Strategy advocates a density range of 30 -50 dph. As outlined in the supporting documentation, the application proposes a lower density to reflect the area’s characteristics and the fact this application site is on an edge of a rural settlement. As such the development proposal is in accordance with the mitigation guidelines of the SPG.

While noting the comments submitted by the landscape officer in relation to this application it is also important to analyse previous landscape comments by the officer in relation to the site’s inclusion within the Council’s Strategic Housing Land Availability Assessment. The site was appraised from all relevant internal departments of Herefordshire Council for its ability to accommodate growth. The Council’s SHLAA ultimately concludes that the site has only minor constraints to growth. In accordance with the Council’s interim protocol adopted on the basis of a lack of 5 year housing land supply, the site and application is compliant with the Council’s proactive method in reducing their housing supply shortfall.

Within the IR of the Home Farm appeal, the Inspector apportioned weight to the impact upon the setting of an important heritage asset. The Inspector noted that the development of Home Farm would adversely affect the landscape character. This landscape character positively contributes to the wider setting of important heritage assets. In contrast to this application, the site is not within a defined heritage asset albeit it is accepted that a Listed Building is situated within the adjacent land parcel.

Comments from the Council’s Heritage Officer have been reviewed and discussed since the original submission of the application. The Council’s Heritage Officer’s comments can be divided into two aspects.

Firstly the officer considers that the development of this site would lead to the amalgamation of Bartestree and Lugwardine. The officer states *“The scheme proposed would occupy the one remaining clear and undeveloped area between the village of Bartestree and that of Lugwardine. Both villages have tended to expand by ribbon development along the main road initially and then by infilling the relatively large spaces between village buildings. In this way the two villages have managed to remain separate despite growing significantly in size. The particular field under consideration is effectively the “greenbelt” restricting the merging of the two settlements”*. The reference to Green Belt land is considered highly inappropriate as Green Belt has significant planning connotations. For clarification the site is not Green Belt. Furthermore no policy is present within the UDP or emerging Core Strategy

that designates the site as an important 'gap' between Lugwardine and Bartestree. Furthermore, there are further vacant fields to the west of the application site that provide a buffer between the two settlements. This issue has been discussed with the application case officer who has confirmed that these fields further west provide a more noticeable gap between the two settlements. As such it is considered that the conservation officer's comments in this regard are flawed.

What should also be noted is that the above issue was not highlighted in the SHLAA appraisal of the application site. Should the above have been considered of strategic importance then it should have been identified within the SHLAA. The Hunston Properties Limited High Court Appeal decision in St Albans is important in this aspect. The Court decided that it was not within the remit of the planning application or appeal process to determine issues in relation to an emerging plan. To look to refuse this application on the basis that it would merge the two settlements would be determining the validity (or lack of) the Council's emerging Core Strategy evidence base and ultimately determining a strategic issue.

Secondly the conservation officer has concern over the impact of the development upon the setting of a Listed Building. As the case officer is aware, significant effort has gone into the design of the scheme. Original plans included an element of public open space to the site's western aspect of its frontage. One reason for this inclusion was that it ensured a continued vision of the Listed Building when travelling west towards Hereford along the Ledbury Road. However as the case officer is aware, the inclusion of the public open space was considered unnecessary (email from Case Officer 25<sup>th</sup> October 2013). It was considered that the removal of the public open space would improve the design and layout of the proposed development as the officer considered that the north west corner of the site was too congested. The removal of the public open space would provide for a more spacious built form. These comments from the case officer were recommended after receipt of the initial views of the Conservation Officer i.e. the application officer was aware of the Heritage concerns but did not consider that they were of such importance in the shaping of the new design and layout. Therefore to refuse this application on the grounds of impact upon the setting of the Listed Building would be considered unreasonable behaviour by the Council.

Based on the above, the concerns upon the setting of Listed Building as identified in the Home Farm appeal are not applicable to the application.

#### Planning Balance:

While the planning balance has been examined in the planning statement submitted with the application, it is important to re-analyse its content in light of the Inspector's comments in relation to Home Farm.

As advocated by the Inspector, the shortfall in housing land supply weighs considerably in favour of granting permission. Furthermore, and as previously highlighted, this application positively contributes to the meeting the defined affordable housing need for Bartestree which has gone unmet for 4 years. Therefore there is a substantial positive contribution to the social aspect of achieving sustainable development. The importance of meeting the housing land supply is further extended by the fact that the Home Farm appeal was dismissed. This therefore demonstrates that sites that accord with the Council's interim protocol are even more important to come forward

for development to both improve the housing land supply position but also to reduce development pressures on more sensitive sites.

Further to the above, the NPPF identifies that the social aspect of sustainable development is not limited to providing new homes but it is also about providing such homes in locations with a high level of existing services. Herefordshire Council's own evidence base to the Core Strategy identifies that Bartestree is a sustainable location for growth by virtue of the presence of a number of key day to day services including, but not limited to, local education facilities, convenience retail opportunities and the close proximity to a strategic employment location. It is noted that objections to the application state the lack of a doctors surgery results in the settlement being unsustainable. However in response, a doctor's surgery is not considered by Herefordshire Council as a key criteria in that it does not perform a day-to-day requirement on existing and future residents.

The above paragraph links into the environmental aspect of sustainable development as advocated by the NPPF which states that development should minimise pollution, the prudent use of resources and support a move towards a low carbon economy. What is important to note is that the close proximity to a number of services reduces the reliance on private motorised transport. Accordingly this development positively contributes to such key aspects of the environmental role of sustainable development.

In focusing on the landscape aspect advocated by the Inspector in the Home Farm appeal, the above paragraphs have highlighted that not only does the application site not accord with the key principles of its landscape typology but also that the development can enhance the landscapes key characteristics. Furthermore the content of paragraph 113 of the NPPF is also important in the planning balance. The NPPF states that *"Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance"*. As the site does not accord with the key characteristics of the SPG, and by virtue of it not being an international, national or local site of environmental importance, then very limited weight can be apportioned to its protection. It is important to note that the Home Farm site was situated within a historic park and garden which is an important designation and was a key material consideration in the appeal dismissal. Such an issue is not applicable to the Bartestree application as the site does not fall within such a designation.

Based on the above, it is therefore noted that the site makes little contribution to its wider landscape typology. In the hierarchical classification it is thus the least sensitive to change through new development. Such a point is highlighted in the site's SHLAA classification. Notwithstanding the above, the scheme does promote enhancement to the key characteristic of the landscape type by introducing appropriate new planting within a landscape defined as domestic in nature.

Further to the above, the development has positive economic contributions that have been highlighted with the submitted planning statement that accompanied the planning application. In summary the economic aspects are twofold. Firstly, employment will be created through the construction of the new properties. Secondly the development will provide family accommodation, increasing the localities workforce. The availability of an established working age population is a key pull factor for future employment growth. Given the site's proximity to both the Whitestone Business Park and the Rotherwas Enterprise Zone, the proposal will positively contribute to attracting inward investment.

In summary the scheme provides substantial positives to both the social and economic role of sustainable development. While the application would result in the loss of a green field, the site itself provides extremely limited environmental benefits by virtue of the fact that it does not contribute to the existing landscape typology (unlike the Home Farm site). Alongside the above, the site is not classified in any level of the hierarchical structure of environmental sites and its therefore afforded least protection. As the proposed development seeks to incorporate and enhance aspects of the key characteristics of the landscape typology as advocated by the SPG, the development proposal is considered neutral in terms of its environmental aspect of sustainable development.

Paragraph 14 of the NPPF states that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”*. What the above paragraphs, in conjunction with the supporting documentation of the planning application, highlight is that any adverse impacts of the development do not significantly and demonstrably outweigh the benefits. Accordingly it is respectfully requested that planning permission is granted.

Regards,

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