

## Withington Group Neighbourhood Development Plan

### Withington Group PC response to representations made at Regulation 16 Stage March 2019

Representation by:	Summary	Group Parish Council Response
Historic England	Generally supportive comments	Noted with thanks
Natural England	No specific comments	noted
Welsh Water	“Nothing specific to add”	noted
National Grid	No record of apparatus which might be affected	Noted
Herefordshire Council: Air, Land and Water Protection	Policy P3 allows for potential development of “mostly redundant farm buildings...” and hence expresses concern that “potentially contaminated substances” may be present on site. Likewise notes that historic orchard sites may have a history of agricultural spraying resulting in a “legacy of contamination”.	These are site specific issues that would normally be assessed as part of the normal development management process when planning applications are submitted. They do not represent objections to the allocation in principle. The points are noted and will help to inform PC comments should planning applications come forward on these allocations.
Herefordshire Council: Strategic Planning	<p>“The plan is in general conformity with the Core Strategy. However, a suggested alteration of wording to Policy P3 is proposed. The Core Strategy takes a positive approach to new development and would not seek to propose any definitive “caps” on numbers of dwellings.”</p> <p>(This is explained further in Appendix 1)</p>	<p>The observation that “the plan is in general conformity with the Core Strategy” is noted and welcomed.</p> <p>The point about the proposed limitation of up to three dwellings in Policy P3 (which applies solely to Westhide and Preston Wynne) is a reflection on the nature of those two specific settlements where only quite small sites could be developed and, should they be developed, more intensive urban forms of development would be out of character. This point was raised at Regulation 14 stage and the reasoning behind it explained in the Consultation Statement (one of the submission documents). A characteristic of these two small settlements is that of frontage development whereby sites with narrow frontages do not have a long “tail” of development behind them. The PC has a strong preference for retaining an upper limit in these circumstances for these two small settlements, especially as this would not appear to have any strategic consequences for delivering the Core</p>

		Strategy. Notwithstanding the above reasoning, should the Examiner consider that a cap cannot be used, it is important to ensure the character of the two settlements is protected by retaining the general form of frontage development, avoiding development in depth.
Herefordshire Council: Environmental Health and Trading Standards	No further comments	noted
Gladman Developments	Summary of objections:  1) Policy P1: specifically objects to existing permissions being identified as allocations.	This point was canvassed at Regulation 14 stage and is covered in the Consultation Statement submitted at Regulation 16 stage. The Parish Council, as plan-making body, has no control over when, if ever, such permissions will be developed and has no aspiration for the LPA to revoke the relevant permissions. Thus, they remain as commitments and identifying them as allocations is an entirely sensible means of ensuring that residents and would-be developers are fully aware of these sites as potential sites for house building. They have to be included in the LPA's assessment of the supply of land for housebuilding and the NDP must take account of them. They should remain as allocations.
Gladman developments (continued)	2) Policy P2 – objection to the defining of Settlement Boundaries in principle	Settlement Boundaries (SB) are a tried and tested means of preventing “urban sprawl” into the countryside surrounding towns and villages. The SB policy is, in principle, entirely consistent with the Core Strategy – and the NDP is the established planning mechanism for defining SBs where appropriate. This approach is consistent with that used by most other NDPs in the County and accords with Herefordshire Council’s Local Plan/Core Strategy paragraph 4.8.23. Where sites suitable for development adjoin the historic SB for Withington in particular the SB has been revised in the light of extensive consultation and publicity. (See consultation statement). Simply permitting undefined sites to be developed outside the SB where they “touch” the boundary at some point would take away the point of having the SB clearly defined in the first place.

		Note also that, very importantly, the defined SBs in the Plan have been drawn up taking into account the overall need for land for housebuilding as required by the Core Strategy as well as the site specific characteristics in each case. The SBs have been drawn up in consultation with the local community and allow for flexibility <i>within</i> them to accommodate future local housing needs during the plan period.
Gladman Homes (continued)	3) Policy P4 Housing layout and design.	It is noted that no specific objection to any part of the policy has been submitted, and no issue raised that was not considered at an earlier stage in the plan preparation. Policy P4 has been drawn up in consultation with the local community and is specific to the circumstances of the settlements in this NDP.
Gladman Homes (continued)	4) Policy P6 – Local Green Spaces.	No new issue is raised in this objection. The assessments of Local Green Spaces has been carried out in accordance with the guidance in the National Planning Policy Framework and has resulted in only selected areas being identified which are those felt by the local community to be the most important. The Consultation Statement provides the details. Note that, very importantly, the selection and definition of the Local Green Spaces has taken full account of the development needs appropriate to the NDP to ensure compliance with the Core Strategy.
Paul Smith (on behalf of Rachel Leake)	Summary of objections: 1) Background Paper No 2 – the selection and definition of Local Green Spaces.	The same arguments apply as in the objection from Gladman Homes above. The approach taken is fully consistent with both the National Planning Policy Framework and the Core Strategy.
Paul Smith (on behalf of Rachel Leake) (continued)	2) Detailed paragraph by paragraph analysis to support the above objection – specifically in respect of Duke Street: “The Mintons”.	As explained above – this raises no new issues that were not considered in drafting the submission version of the NDP – the arguments being fully set out in the Consultation Statement and Background Papers. There is, however, new information to which the objector refers in Appendix 2. The LPA granted planning permission for two dwellings, planning application reference 182818 on 4 <sup>th</sup> December 2018. The site concerned fronts onto Veldo Lane and is at the southern edge of the Local Green Space, with residential development adjoining and opposite. The LPA’s Historic

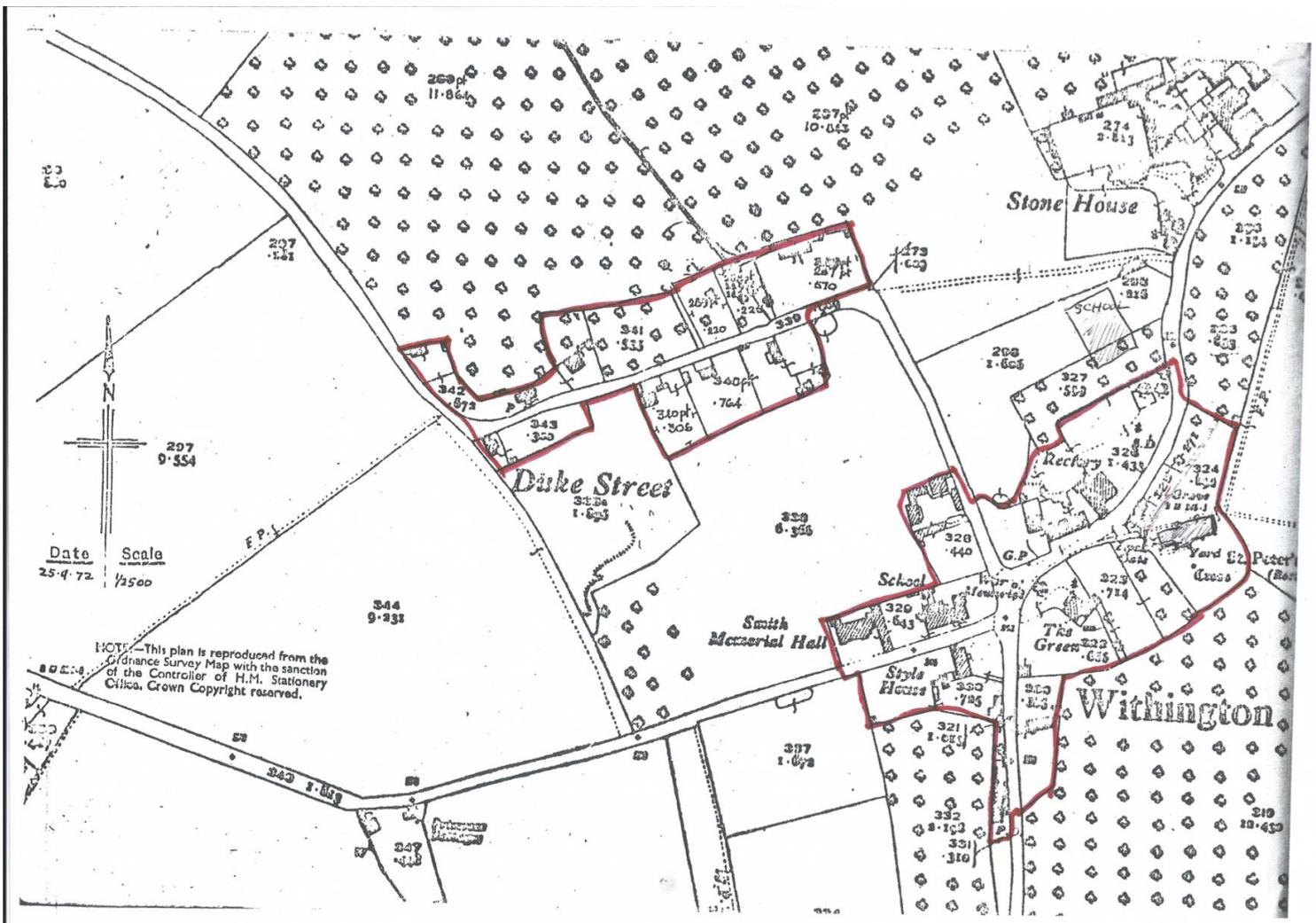
		<p>Buildings Officer did, in fact, object to the application on account of its negative effect on adjacent and nearby heritage assets. However, it has to be accepted that the responsible planning officer, in granting planning permission, made a balanced judgement taking into account that the NDP had not reached Regulation 16 stage at that point and the adverse effect on heritage interests was not, in his opinion, <i>significantly</i> negative. The applicant for that application (who is also the objector to the NDP) has followed that planning permission up with a new application (reference 190008) for two more dwellings on the next section of the Local Green Space which, if developed, would result in a gradually extending ribbon of development along the southern frontage of the Local Green Space. This later application has not yet been determined (February 2019) – however, it does demonstrate that this Local Green Space is especially vulnerable to erosion from a succession of seemingly modest planning applications that will cumulatively irretrievably damage the Local Green Space and do so on a greenfield site that does not need to be developed to meet the LPA’s house building targets for Withington.</p> <p>(There is a further complication with both the recently approved application on Veldo Lane and the current outstanding one in that the applicant does not own all the land required for development – and so the implementation of either or both of these sites cannot be guaranteed in any event).</p> <p>See also the plan below showing the historic significance of this “green gap” between the historic groups of houses in Duke Street and Withington village. This demonstrates the historic significance of this Local Green Space and underlines its importance to the local community as expressed in the various consultation responses during the NDP preparation.</p> <p>In the light of all the above arguments the preservation of this locally significant site as Local Green Space as shown in the submitted</p>
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		NDP is both fully justified and especially important to the local community.
Paul Smith (on behalf of Rachel Leake) (continued)	3) Policy P2 Settlement Boundary	This objection also relates to the exclusion of Stonehouse Farm from the Settlement Boundary. The background to this is the same throughout the NDP, thus: Withington in particular has significantly exceeded the housebuilding targets required by the Core Strategy – see page, 10 table 1 of the NDP. In these circumstances there is no need to identify new land for housing, especially where such land is not previously developed land. Stonehouse Farm is a group of predominantly agricultural buildings separated from the main body of the village by open fields, the school and parts of the Conservation Area. There is no logic to including this land in the Settlement Boundary unless there is a specific need for this greenfield site to be developed. No new information has been provided to justify extending the Settlement Boundary in this way.
Paul Smith (on behalf of Rachel Leake) (continued)	4) Addendum: reference to appeal decision 8 <sup>th</sup> February 2018, APP/W1850/W/18?3208215	This appeal decision was received two days before the end of the Regulation 16 consultation period and is thus new information since the submission of the NDP and supporting documents. The site lies within the same Local Green Space as discussed in the objections above, in particular it concerns the eastern frontage of the Local Green Space (known as “The Mintons”) to Duke Street. The Inspector noted that existence of the Draft NDP but as it had not reached the conclusion of the Regulation 16 stage he accorded it little weight. He focussed principally on Core Strategy Policy RA2, the character and appearance of the area, highway safety and living conditions of nearby residents. It is significant that the Inspector paid no regard (or at least did not mention in his decision letter) the current housing land supply as it directly affects Withington. Having missed this fundamental point he then went on to consider site specific characteristics – seemingly oblivious of the fact that this is a greenfield site in a locality of <i>over-supply</i> of land for housing. In other words, the Inspector paid no regard to the overall strategy

		<p>for the distribution of land for housing in the area covered by the Core Strategy. This is especially important. The Core Strategy seeks to distribute new development, especially housing, throughout the various sub-areas of the County. If one settlement receives an unplanned excess of housing development then that will inevitably lead to other equally deserving areas being under provided in order to main the overall strategic balance of development. That is why the Core Strategy sets out different targets for the various sub-areas within the County of Herefordshire in the context of the whole. The overall strategic balance needs to be maintained to achieve the overall aims and objectives of the Core Strategy. Whilst Inspectors on Section 78 planning appeals may look purely at an individual site, in the case of a Parish Council drawing up an NDP account must be taken of the overall strategic picture set out in the Local Plan/Core Strategy. In this case, in the light of the evidence of <i>over</i>-supply of land for housing in Withington, there is no basis for releasing further greenfield sites for development (especially given both the Framework and Core Strategy objectives of giving priority to Previously Developed Land even where need is proven). In this case the erosion of the Local Green Space through “nibbling” frontage plots two at a time is especially concerning to the local community and unjustified in the context of housing land supply. Thus, notwithstanding this very recent planning appeal decision, it is especially important that this local green space be preserved as greenfield land with significant local value and strategic relevance in terms of the overall housing land supply as set out in the Core Strategy. Its release for development would, thereby, put the NDP into non-compliance with the Core Strategy.</p>
Russell Pryce	Suggests amendment to supporting text (paragraph 4.3) to policy P1 to accurately reflect the planning permission for the site.	Agreed

Holmer and Shelwick Parish Council	Unanimous support	Noted with thanks
Bartestree with Lugwardine Parish Council	Paragraph 4.1 has a word missing.  "There is a reference to 1 settlement boundary when in fact there are two"	Agreed – the sentence beginning "However, there is a key difference between Withington which is the list of ..." should read "... Withington which is <i>in</i> the list of.. "  Not clear which text this relates to.

Historic map of Withington and Duke Street



Notes prepared by:  
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2<sup>nd</sup> March 2019