

## Neighbourhood Planning Team

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**From:** Turner, Andrew  
**Sent:** 07 February 2019 16:05  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Withington Group Regulation 16 resubmission neighbourhood development plan consultation

### RE: Withington Group Regulation 16 draft Neighbourhood Development Plan

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

#### Withington

- It is my understanding that planning permission has been granted to the following proposed sites indicated on the 'Withington Proposals Map' :

*'Policy P1 – Allocated Residential Development'* ( Land adjacent to Whitestone Baptist Chapel & Land on the south side of the A4103 at Whitestone) identified in yellow.

*'Policy P1- Approved Residential Development'* indicated in a greyish/green shade.

#### Westside

The *'Allocated Residential Development'* –Policy *'P3'* indicated in yellow on the *'West Side –Proposed Settlement Boundaries'* map is described in the NDP as a *'cluster of mostly redundant farm buildings allocated for residential development'*

- Regarding the possible reusing of redundant farm buildings, I would add the following;

Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development

- The allocated site also appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

#### General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

# Herefordshire.gov.uk

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Andrew Turner  
Technical Officer (Air, Land & Water Protection)  
Economy and Place Directorate,  
Herefordshire Council  
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**From:** Neighbourhood Planning Team  
**Sent:** 17 December 2018 11:00  
**Subject:** Withington Group Regulation 16 resubmission neighbourhood development plan consultation

Dear Consultee,

Withington Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:  
[https://www.herefordshire.gov.uk/directory\\_record/3122/withington\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3122/withington_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 17 December 2018 to 11 February 2019.

## Neighbourhood Planning Team

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**From:** Emma Thomas <clerk@bartestreewithlugwardinegroup-pc.gov.uk>  
**Sent:** 09 January 2019 11:28  
**To:** Neighbourhood Planning Team  
**Subject:** Withington NDP - Regulation 16 Comment

Hi

Bartestree with Lugwardine Parish Council would like to make the following comment:

- Paragraph 4.1, line 8 should have the word "in" or "on" contained within it.
- There is mention of 1 settlement boundary when in fact there are two.

Kind regards

Emma Thomas  
Clerk to BwLGPC

## Neighbourhood Planning Team

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**From:** Norman Ryan <Ryan.Norman@dwrcymru.com>  
**Sent:** 23 January 2019 14:51  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Withington Group Regulation 16 resubmission neighbourhood development plan consultation

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for consulting Welsh Water.

It does not appear that Welsh Water were consulted on the Regulation 14 consultation. However, given that there are no "allocations" without planning consent within the Neighbourhood Plan, we do not have anything specific to add.

If you require any further information then please let me know.

Kind regards,



**Ryan Norman**

**Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**

Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrcymru.com](http://www.dwrcymru.com)

*We will respond to your email as soon as possible but you should allow up to 10 working days to receive a response. For most of the services we offer we set out the timescales that we work to on our Developer Services section of our website. Just follow this link <http://www.dwrcymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

*If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#).*

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**From:** Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]  
**Sent:** 17 December 2018 11:00  
**Subject:** Withington Group Regulation 16 resubmission neighbourhood development plan consultation

\*\*\*\*\* External Mail \*\*\*\*\*

Dear Consultee,

Withington Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3122/withington\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3122/withington_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 17 December 2018 to 11 February 2019.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

By email only to: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Withington Group Neighbourhood Plan (WGNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

### **Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WGNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) The making of a neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*

### **Revised National Planning Policy Framework**

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24<sup>th</sup> January 2019. Given the date of this

consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

### **National Planning Policy Framework (2012) and Planning Practice Guidance**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the WGNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

### **Relationship to Local Plan**

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted development plan relevant to the preparation of the Withington Group Neighbourhood Plan area, and the development plan which the WGNP will be tested against is the Herefordshire Core Strategy (HCS). This document was adopted in October 2015 and sets out the visions, objectives, spatial strategy and overarching policies to guide development in the Herefordshire from 2011 – 2031.

Policy SS2 sets out a minimum requirement of 16,500 homes that will be delivered over the plan period. There is a reliance on rural settlements including Withington to contribute 5,300 new homes that will be delivered through either neighbourhood planning or the emerging Rural Areas and Site Allocations Development Plan Document (RASA DPD). Policy RA1 of the HCS identifies an indicative housing growth target of 18% for the Hereford Rural HMA, inclusive of the Withington Group of parishes. Policy SS3 determines that where housing completions fall below the annual requirement this could lead to one of the following mechanisms being introduced;

- a partial review of the Local Plan,
- preparation of new Development Plan Documents or
- utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land.

With this in mind and given that Herefordshire Council cannot demonstrate a 5-year supply, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the WGNP from conflicting with future development proposals should they be required.

### **Neighbourhood Plan Policies**

This section highlights the key issues that Gladman would like to raise with regards to the content of the WGPNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of modifications that would enable the plan to meet the basic conditions.

### **Policy P1 – Allocated Sites in Withington**

Gladman would like to raise the same issue with policy P1 that we did at the Regulation 14 consultation stage. Planning commitments should not be referenced as allocations, the policy should be revised, and the sites identified as 'approved residential developments'.

To meet the basic conditions neighbourhood plan policies should be deliverable. If these permissions were to lapse there would be no certainty that these allocations would come forward in the plan period. In this scenario it would be the responsibility of the Local Planning Authority to assess the cause of under-delivery and identify actions to increase delivery in future years. This is particularly relevant to the proposed care home site which has seen a considerable period pass since the grant of outline consent with no indication that it is likely to come forward any time soon.

### **Policy P2 – Withington Settlement Boundary.**

Gladman would object to the use of a settlement boundary if this would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead. The use of a settlement boundary to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework.

As stated in our Regulation 14 response, Gladman suggest that wording should be added to this policy to state that development adjacent to the settlement boundary would also be considered. This amendment would accord with the Framework in allowing flexibility for the WGPNP to respond to changes in the future such as the Council having to identify further sites for residential development. It would also ensure that the policy aligns with HCS Policy RA2 which states sustainable housing growth will be supported in or adjacent to those settlements identified for growth.

### **Policy P4 – Housing Layout and Design**

Whilst noting the intentions of policy P4, Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit sustainable development coming forwards. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not comprised by overly restrictive criteria. Regard should be had to paragraph 60 of the previous Framework which states;

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*

### **Policy P6 – Local Green Spaces**

Policy P6 seeks to designate seven identified sites as Local Green Space. The previous Framework is explicit in stating at paragraph 77 that 'Local Green Space designation will not be appropriate for most green areas or

open space'. With this in mind, it is imperative that the plan makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used:

- *Where the green space is in reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *Where the green area concerned is local in character and is not an extensive tract of land.*

Whilst some evidence to support the designations is contained within 'Background Paper No 2' Gladman do not consider that the document is proportionate or robust enough to support all seven designations. We suggest that the Parish Council revisit this policy and ensure that sufficient evidence is provided to demonstrate consistency with the requirements of the Framework.

## **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the WGNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a). The plan does not conform with national policy and guidance.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Andrew Collis  
Gladman Developments Ltd.



Historic England

WEST MIDLANDS OFFICE

Mrs Sophie Glover

Direct Dial: 0121 625 6887

Our ref: PL00448582

14 January 2019

Dear Mrs Glover

**WITHINGTON GROUP PARISHES NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION**

Thank you for the invitation to comment on the above Submission Neighbourhood Plan.

Our previous comments on the Regulation 14 Plan remain entirely relevant, that is: *"Historic England is supportive of both the content of the document and the vision and objectives set out in it.*

*We commend the approach taken in the Plan to the historic environment of the Parish which we feel is suitably proportionate. We are particularly supportive of the emphasis placed upon the conservation of local distinctiveness and variations in local character through good design".*

Overall we feel that it is a well-considered, concise and fit for purpose Plan constituting a positive example of community led planning.

I hope you find this advice helpful.

Yours sincerely,

Peter Boland  
Historic Places Advisor  
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870  
HistoricEngland.org.uk



## Neighbourhood Planning Team

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**From:** David Hunter-Miller <clerk@holmershelwick.co.uk>  
**Sent:** 15 January 2019 12:37  
**To:** Neighbourhood Planning Team  
**Subject:** Re: Withington Group Regulation 16 resubmission neighbourhood development plan consultation

Dear James,

Holmer and Shelwick Parish Council considered this at their meeting 14/01/19 and were in unanimous support of Withington Group Parish Council's proposed Neighbourhood Development Plan.

Kind regards,

Mr David Hunter-Miller Bsc(Hons), PSLCC, MCIHT  
Clerk to Holmer and Shelwick Parish Council  
07513 122918  
holmershelwick.co.uk

Holmer and Shelwick Parish Council treats personal data in accordance with the General Data Protection Regulation.

Further information on our data privacy arrangements can be found on our website:  
[holmershelwick.co.uk/policies-and-procedures](http://holmershelwick.co.uk/policies-and-procedures)

On 17-Dec-18 11:00 AM, Neighbourhood Planning Team wrote:

Dear Consultee,

Withington Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3122/withington\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3122/withington_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 17 December 2018 to 11 February 2019.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

**Herefordshire.gov.uk**

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**James Latham**  
**Technical Support Officer**  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane

17 December 2018

Dear Sir / Madam

## **Withington Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

### **About National Grid**

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

### **Specific Comments**

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High-Pressure apparatus.

**National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.**

### **Key resources / contacts**

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>



## **Electricity distribution**

The electricity distribution operator in Herefordshire Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins  
Consultant Town Planner

[n.grid@woodplc.com](mailto:n.grid@woodplc.com)

Wood E&I Solutions UK Ltd  
Gables House  
Kenilworth Road  
Leamington Spa  
Warwickshire  
CV32 6JX

Spencer Jefferies  
Development Liaison Officer, National Grid

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully

[via email]

**Hannah Lorna Bevins**  
**Consultant Town Planner**

cc. Spencer Jefferies, National Grid

Date: 11 February 2019  
Our ref: 269299  
Your ref: Withington Group Neighbourhood Plan



Mr J Latham  
Technical Support Officer  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
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HR4 0LE

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T 0300 060 3900

**BY EMAIL ONLY**

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

Dear Mr Latham

**Withington Group Regulation 16 resubmission Neighbourhood Development Plan**

Thank you for your consultation on the above dated 17 December 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

**Natural England does not have any specific comments on this draft neighbourhood plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours sincerely

Victoria Kirkham  
Consultations Team

## Neighbourhood Planning Team

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**From:** Paul Smith <paulsmithplanning@outlook.com>  
**Sent:** 06 February 2019 13:57  
**To:** Neighbourhood Planning Team  
**Cc:**  
**Subject:** Representations on Regulation 16 Withington NDP by Rachel Leake  
**Attachments:** Leake Withington Objections to Regulation 16 Draft Withington NDP Feb 2019.docx; Appendix 1 NDP Background-Paper-No.-2-Green-Spaces.pdf; Appendix 2A the Mintons site layout.pdf; Appendix 2B the Mintons Conservation Officer comments.pdf; Appendix 3 Veldo Lane approved site plan.pdf; Appendix 3 Veldo Lane decision notice.pdf; Appendix 4 proposed reinstatement of Stone House Farm in Settlement Boundary.pdf; Appendix 5 Withington Settlement Boundary UDP Plan 2007.pdf

Dear Sirs,

Re: Representations on Regulation 16 Withington NDP by Rachel Leake

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Please find attached representations on the Reg. 16 NDP together with five appendices.

Please acknowledge receipt.

Paul Smith MRTPI

# Paul Smith Associates

Chartered Town and Country Planners

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Neighbourhood Planning Team,  
Planning Services,  
Herefordshire Council,  
PO Box 4,  
Hereford  
HR1 2ZB

My Ref: PMS/H/Lea/19/01

6 February 2019

Dear Sirs,

## **Objections to Reg. 16 Draft Withington Neighbourhood Development Plan**

I write on behalf of local resident, Ms. Rachel Leake of ADDRESS REDACTED.

Ms Leake raised objections to the Regulation 14 Draft of the NDP. These objections were to the proposed exclusion of parts of fields in her ownership from the draft settlement boundary under draft Policy P2 and the designation of her land as part of the proposed 'Duke Street (Strategic Gap) 'Local Green Space' (LGS) under draft Policy P6 (6).

In response, the NDP in its Consultation Statement states that the land in question is 'greenfield', and there is no need for the site to come forward as land for housing. It lies within the setting of the church and conservation area, it is greatly valued by the local community as Green Space and meets all relevant criteria of the NPPF and that a Background Paper justifying the designations of all proposed 'Local Green Spaces' be published.

The NDP subsequently published 'Background Paper No. 2 – 'Analysis of Candidate Local Green Spaces' (see **Appendix 1**). The fact that the Background Paper was published post- designation of the Local Green Spaces renders it a justification for the designation not an objective exercise in identifying, confirming and rejecting candidate Local Green Spaces based upon sound criteria. With regard to the 'Duke Street' LGS, it is telling that the NDP justification in Background Paper No. 2 for its designation relates almost entirely to the field to the west of Duke Street not to the land to the east of this road.

It should also be noted that the NDP in its Consultation Statement asserts that the LGS is "greatly valued" rather than it being "special .....and holding a particularly local significance..." for a particular environmental reason (see paragraph 77 of the NPPF 2012 which remains material.

### **Objection to Designation of Duke Street (Strategic Gap) Local Green Space (Policy P6).**

The 'Duke Street' LGS extends between Stonehouse Farm to the north to a irregularly-shaped field to the south-west on the other side of Duke Street. It is important to note that the 'Duke Street' LGS comprises three parcels of land disparate in character, appearance, function and designation: the school; the field to the north of the school (both of which lie within the conservation area) and the irregularly- shaped field ("the Field") to the south-west on the opposite of Duke Street beyond the conservation area.

Therefore, the generalised, sweeping attributes ascribed to this proposed LGS by the NDP do not apply to each of the three components of the LGS and therefore should be disaggregated. To include all three components of the LGS, the NDP must demonstrate that each component of the LGS meets the criteria of paragraph 77 of the NPPF 2012 which were as follows.

### Proximity to the Community it Serves

Background Paper 2 of the NDP states: *“The agricultural fields and school playing fields provide a very important break between two historic areas of Withington and Duke Street, and protect the views of Withington Conservation Area and important listed buildings”*

The objector accepts that all of the proposed LGS is close to the community but only the school grounds and field to the north which includes a public footpath ‘serve’ the community in that it allows public access and that they lie within the conservation area. From these two components of the LGS, a view of the northern part of the conservation area is possible but not so much of the church and other listed buildings.

In contrast, The Field west of Duke Street does not fulfil any public function. It does not incorporate a public footpath, provide the community with a view of heritage assets and it lies beyond the designated conservation area. Whilst private views exist of The Field including from several listed buildings and a restricted passing view from a short section of Duke Street, there are little or no public views of heritage assets over The Field.

In terms of a ‘break’ in development, the school and field to the north do not intervene between built development. The Field does intervene between arms of development to the north and south although a break is more apparent on a plan than from public vantage points. The western and south-western site boundaries of The Field are marked by tall hedgerows and most of the eastern Duke Street frontage is visually well-contained by a retaining wall and hedgerow.

### Demonstrably Special

The NDP does not quote the Paragraph 177 in full. The NDP must demonstrate the LGS is both special to a local community and holds a particular significance for environmental reasons.

Background Paper 2 of the NDP states: *“It provides an important green space in the fabric of the village and is part of the setting of the parish church of St. Peter, a Grade II\* listed building. It is visible when approach from the north and is required to be retained to prevent the visual coalescence of two historic areas”*

The NDP excludes the field to the north of the school and The Field from the settlement boundary. It is therefore incorrect to refer to these components of the LGS as lying “in the fabric of the village”. None of the LGS lies within the setting of the church with intervening buildings and grounds including the school.

In terms of visibility from the north, there are no views of the school and adjoining field from the north other than the public footpath to the immediate north of the school. In relation to The Field, it is not apparent from the north other than at the bend in Duke Street.

It is important to note that under this heading the NDP cites views of The Field from the north and does not assert other views from Duke Street exist of the Field.

The Field was purposively excluded from the conservation area by the Council when it was designated. This contradicts the NDP’s assertion that The Field is ‘demonstrably special’.

In terms of coalescence, Council officers have accepted the erection of two dwellings fronting Duke Street with the proposed LGS would not have an adverse effect including any alleged coalescence of the village or affect in terms of settlement setting or pattern of development (for site plan – see **Appendix 2**).

Further, the recent grant of planning permission for two dwellings along the southern boundary of The Field contradicts the NDP that in its entirety it justifies designation as part of the LGS (for site plan – see **Appendix 3**).

The NDP has failed to demonstrate the proposed LGS is demonstrably special and holds a particular local significance particularly with regard to The Field. The objector would have expected that if The Field was “demonstrably special” its

proposed designation would have attracted substantial support during the Regulation 14 consultation period which it did not.

### Local in Character

Background Paper 2 of the NDP states: *It is a significant local feature of Withington with houses to north and south and is thereby part of the essential fabric and historic character of the village.*

The exclusion of The Field and the field to the north of the school from the settlement boundary contradicts the NDP's assertion that they form part of the essential fabric of the village. The recent grant of planning permission for two dwellings along the southern boundary of The Field contradicts the NDP that in its entirety must be designated as part of the LGS (see **Appendix 3**).

Neither The Field nor the field to the north of the school comprise any landscape feature. Nor does The Field form part of the wider landscape or the setting of the village as it is contained visually by modern houses along Duke Street.

In designating the Withington Conservation Area, the Council purposively excluded all of The Field. This contradicts the NDP's assertion that The Field is part of the historic character of the village at least to the extent that it is such importance to justify it being designated part of a LGS.

### Not an Extensive Tract of Land

Background Paper 2 of the NDP states:

*"The area of Green Space is the minimum required to maintain the separation of Duke Street from the historic core of Withington to the south and keep the overall setting of St. Peter's church in the historic core of the village".*

Clearly, the first part of this justification relates solely to The Field. It fails to demonstrate why all of The Field must be designated a LGS for this purpose when the Council has recently accepted the encroachment of The Field on its eastern and southern boundary would not harm the local landscape, the settlement pattern or its setting (see **Appendices 2 and 3**).

Neither The Field nor the land to the north of the school form part of the setting of the church. There is little, or no, inter-visibility between the proposed LGS and the church except the middle and western sectors of The Field. The NDP fails to demonstrate that the LGS status is necessary to “keep the overall setting” of the church when the setting of listed buildings are protected in any event by legislation, national planning policy and guidance.

#### General comments on the Proposed LGS designation

A mainstay of the NDP's justification for the designation of this LGS is the assertion that it all lies within the setting of the church. This assertion is not based upon an objective assessment of that setting and does not differentiate between the components of the proposed LGS. No cognisance is paid to the low degree of inter-visibility between the proposed LGS and the church due to the buildings, their grounds and trees that intervene between the two.

Nor does the NDP recognise that the setting of listed buildings is protected in any event under legislation, national planning policy and guidance. Further Policy P2 which seeks to restrict development beyond the settlement boundaries would achieve the same objective as the LGS in relation to The Field. Therefore, a LGS designation is unnecessary to achieve the NDP's main objectives for this proposed LGS designation.

Policy P6 'Local Green Spaces' (6) refers to the proposed Duke Street LGS as a 'Strategic Gap'. This indicates the purpose of the Duke Street LGS goes beyond the parameters set out of Local Green Spaces in national planning policy paragraph 77.

Reference in paragraph 4.26 of the NDP to The Field being important to the local community is not reflected in the responses to the Regulation 14 consultation document. The absence of a specific name for The Field and its exclusion from the conservation area does not point towards it being an important public and historic resource.

### **Draft Settlement Boundary (Policy P2 of the NDP)**

The draft settlement boundaries should be amended to incorporate all sites which have been granted planning permission. Specifically, the site for which outline planning permission has been granted for two houses fronting Veldo Lane should be included with the settlement boundary (see **Appendix 3**). For the same reason, the site for which planning permission is currently sought under planning appeal should be included within the settlement boundary should a current planning appeal succeed (see **Appendix 2**).

Further, the northern section of the draft settlement boundary incorrectly excludes Stonehouse Farm. The farm includes the farmhouse and its residential curtilage which adjoins the school and its playing fields. The farm group is an integral part of the village as demonstrated by it forming part of its conservation area. The inclusion of the farmhouse, its residential curtilage and adjoining buildings and agricultural bungalow would be entirely consistent with the designation of the settlement boundary elsewhere at the village (see **Appendix 4** for proposed extension of the settlement boundary cross-hatched).

Paragraph 4.5 of the NDP states that its settlement boundary was inherited from that of a previous development plan (the Herefordshire Unitary Development Plan (UDP) – see **Appendix 5**) and that the NDP is an opportunity to review that boundary.

On pages 14 to 16 inclusive of the NDP, a detailed justification for changes to the original UDP settlement boundaries is provided. However, the NDP is silent on why Stonehouse Farm and its residential curtilage have been specifically excluded from the settlement boundary. Nor is the objector aware of any logical planning reason

why this exclusion is justified. There has occurred no change of planning considerations since the adoption of the UDP in 2007.

The UDP included the whole of Stonehouse Farm within the settlement boundary recognising it as an integral part of this village.

Further, the exclusion of the Field from the settlement boundary is unjustified. It clearly lies within the village net and the NDP accepts that it forms part of the essential fabric of the village. The Council has approved housing schemes upon The Field (see Appendices 2 and 3) on the grounds that its current development plan policy supports new housing on The Field as it adjoins the settlement boundary.

## **Conclusions**

The following amendments to the NDP should be made to meet the objector's points:

- The proposed 'Duke Street' Local Green Space should be omitted;
- Failing this, The Field (to the west of Duke Street) should be omitted from the LGS and;
- Stonehouse Farm, its residential curtilage, buildings and agricultural workers bungalow should be included within the settlement boundary in accordance with Appendix 4 to these representations.

I do not consider that the Regulation 16 draft of the NDP passes all the 'Basic Conditions'. The proposed designation of the Duke Street (Strategic Gap) Local Green Space does not have regard to national planning policy.

Paragraph 77 of the NPPF published in 2012 remains material and requires, amongst other things, that a green area "...is demonstrably special to a local community and holds a particular local significance, for example because of its

*beauty, historic significance, recreational value (including as a playing field) tranquillity or richness of its wildlife.”*

The NDP has failed to demonstrate that the Duke Street LGS in its entirety and The Field west of Duke Street in particular is special to the local community and holds a particular local significance. The Field is not notable or designated for its natural beauty or historical significance having been excluded from the Conservation Area. There has never been public access to The Field and the NDP does not claim it has a recreational value, tranquillity or a richness in wildlife terms.

The assertion that the Field is important to the setting of the church is unfounded. Although the Field does lie in the setting of the conservation area, that consideration is addressed in any event under legislation and national planning policy. The setting is not so sensitive as to prevent the Council's Conservation Officer to raise no objection to the proposed erection of two dwellings on Duke Street road frontage of the field (see **Appendix 2**).

The principle objective of the proposed designation of the Duke Street LGS is to prevent development upon it and the creation of a 'strategic gap' which goes beyond scope of the Local Green Space designation as envisaged in national planning policy.

Please take these comments into account in the formulation of the NDP.

Yours faithfully,

*Paul Smith*

Paul Smith MRTPI

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Principal: Paul M. Smith B.A.(Hons.), B.Sc.(Hons.), Dip. DesBltEnvvt., MRTPI  
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Tel.No. (01432) 264 439  
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## Withington Group Neighbourhood Development Plan

### Background Paper No. 2–Analysis of Candidate Local Green Spaces.

#### Background

The Withington Group Parish Council has resolved to prepare a Neighbourhood Development Plan (NDP). As part of the consideration of issues important to the local community an analysis of potential “Local Green Spaces” has been undertaken. The NPPF paragraph 76 encourages such an approach in order to protect valued “Green Spaces” and to ensure that development land required as part of the planning process does not detract from them or their role. National Guidance sets out that such designations should be used only where “Green Space” is:

- Reasonably close to the community it serves
- Where it is demonstrably special to the local community
- When it is local in character, and
- Not an extensive tract of land.

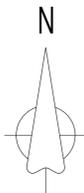
The NDP distinguishes between amenity green space and recreational green space as they have different uses – but the principles of protection should apply to both.

#### The Candidate Sites

<b>Local Green Space</b>	<b>Proximity to the Community it serves</b>	<b>Demonstrably Special</b>	<b>Local In Character</b>	<b>Not an extensive tract of land</b>
Withington Fields and Copse	This site is adjacent to the built up area of Withington itself and within the proposed Settlement Boundary	These are the only playing fields available to the community and have been provided by public investment in the past and may also do in the future. In addition to the playing fields there are a children’s play area and adult exercise area. The northern projection (The Coppice) is effectively a tree belt that provides a significant buffer between the housing land on one side and agricultural land on the other.	Whilst there is public access to the playing fields/area they cater primarily for local usage rather than county-wide strategic use. The Coppice also provides a public footpath path completing a circular route	The playing fields are the minimum needed to achieve their purpose – the section beside The Coppice is likewise the minimum needed to achieve its landscape and access purposes.
Withies Close	It is an integral part of the housing scheme	It is the only amenity green space within this housing development	It is an integral part of the housing development	It is physically small but publicly accessible green space within the development

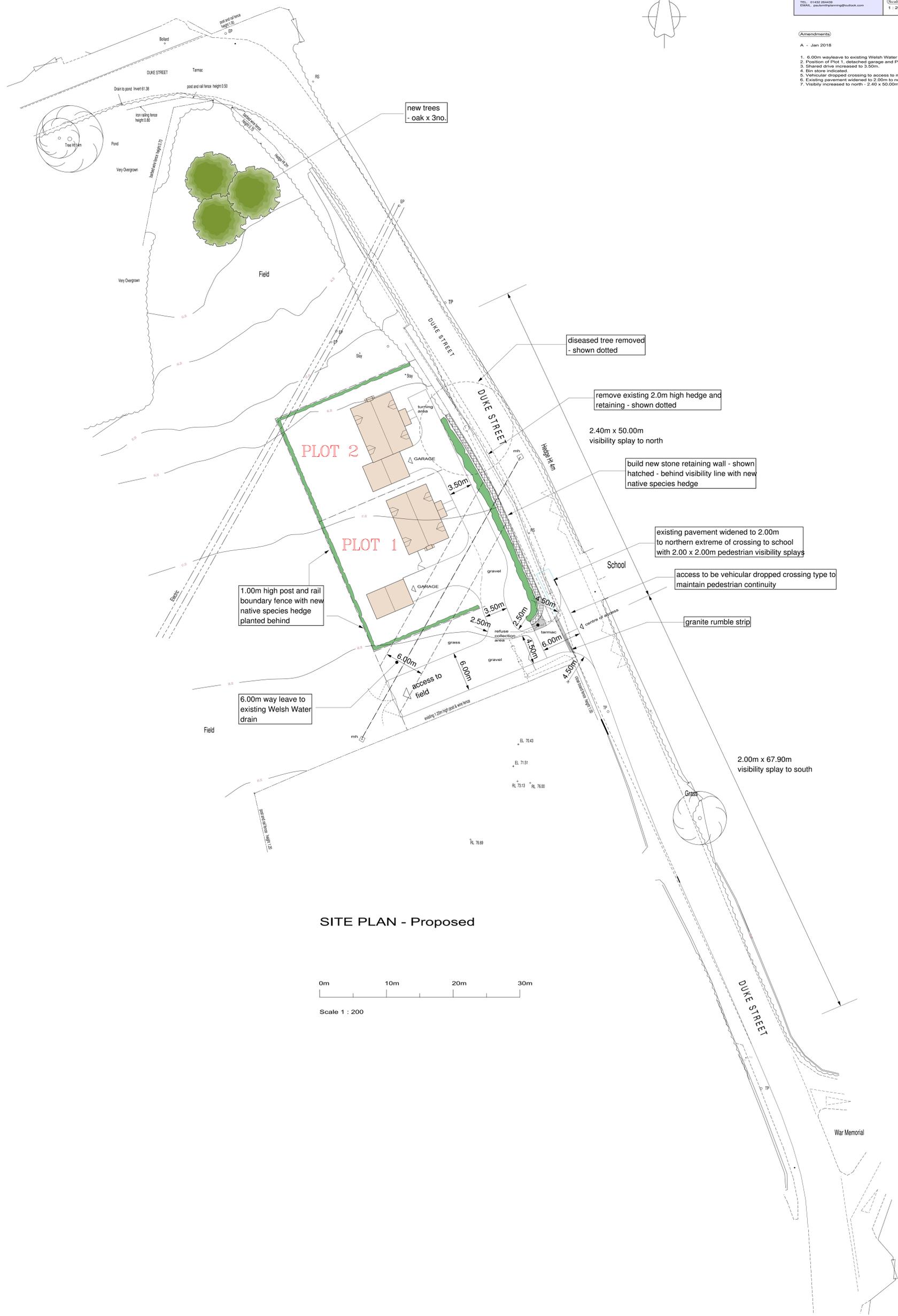
Vine Tree Close	It is an integral part of the housing scheme	It is the only amenity green space within this housing development	The trees and green space are a prominent feature within the housing area. The space acts as a 'village green'.	It is physically small but a very conspicuous green space and an essential part of the character of Vine Tree Close
Springfield Close	It is an integral part of the housing scheme with the houses arranged around this mini village green	It is the only amenity green space within this housing development	It is an integral part of the housing development	It is physically small being a small but publicly accessible green space within the development
Hill View Avenue	It is an integral part of the housing scheme with houses arranged around three sides, the fourth side being Withies Road. It includes a small children's play area.	It is the only amenity green space within this housing development – but is also a green space on the main street through the village.	It is an integral part of the housing development	It is physically small being a small but publicly accessible green space within the development
Duke Street (Historic name of settlement)	These agricultural fields and school playing fields provide a very important break between two historic areas of Withington and Duke Street, and protect the views of Withington Conservation Area and important listed buildings	It provides an important green space in the fabric of the village and is part of the setting of the parish church of St Peter, a grade II* listed building. It is visible when approaching from the north and is required to be retained to prevent the visual coalescence of two historic areas.	It is a significant local feature of Withington with houses to north and south and is thereby part of the essential fabric and historic character of the village.	The area of Green Space is the minimum required to maintain the separation of Duke Street from the historic core of Withington to the south and keep open the overall setting of St Peter's church in the historic core of the village
Land north side of C1131	This agricultural field provides an important break in the built up frontage in Westhide	It is an important open space in the fabric of the village	This open space is local to Westhide providing open views to the church and surrounding historic properties	This open space should be retained to maintain the sporadic nature of development in Westhide.
Land around St Peters Church	The cemetery and car park around the church are	It is a special place in the heart of the village	This area is local to St Peters	This area should be retained as an important

	important elements in protecting the setting of this listed building			part of the church setting.
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**Amendments**

- A - Jan 2018
- 6.00m wayleave to existing Welsh Water drain shown.
  - Position of Plot 1, detached garage and Plot 2 moved to be outside area of wayleave.
  - Shared drive increased to 3.50m.
  - Bin store indicated.
  - Vehicular dropped crossing to access to maintain pedestrian continuity.
  - Existing pavement widened to 2.00m to northern extreme of crossing to school.
  - Visibility increased to north - 2.40 x 50.00m.



**SITE PLAN - Proposed**



**From:** Knight, Matthew  
**Sent:** 25 June 2018 16:36  
**To:** Withers, Simon <Simon.Withers@herefordshire.gov.uk>  
**Subject:** 174487 - the Mintons, Duke Street, Withington

Dear Simon,

Further to previous comments on this application I can now withdraw my previous objections as the proposals would not cause harm to the setting of the Conservation Area (a non-statutory planning consideration)

I have been out to site and looked at the issue of ground levels.

Previous comments were to: *“Recommend approval subject to amendments and with conditions.. .... We would request that the design is amended to reduce the widths of the plots, allow for a single property or a terrace of 2 and each property has an individual access off the road to provide an active frontage. Reason: to preserve or enhance the character and appearance of the Conservation Area.”*

The proposed buildings have been set further back on their plot and the overall width of plot reduced.

(These comments should be read in conjunction with previous comments on the application.)

We would recommend the same conditions as before.

Kind regards

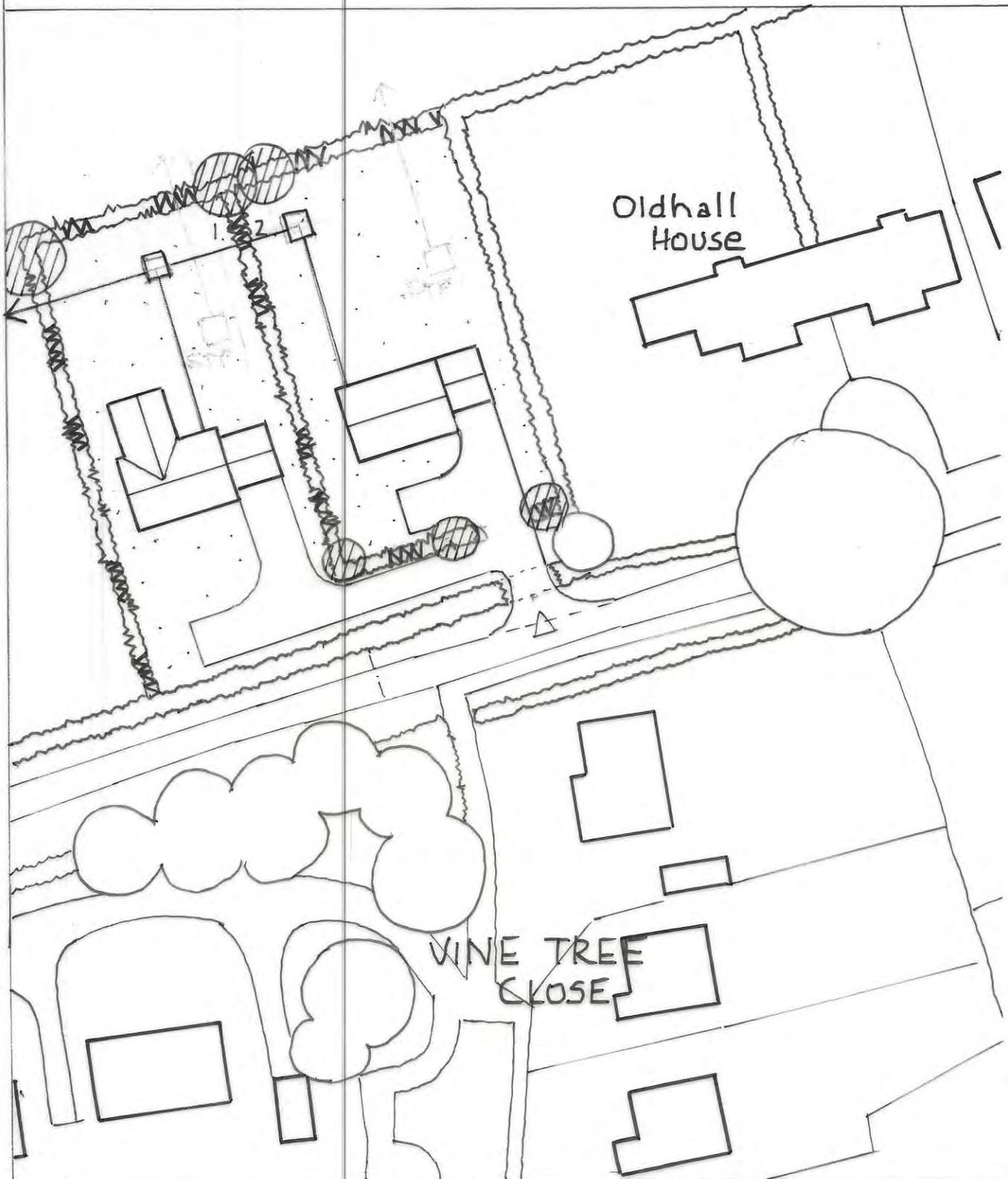
Matthew

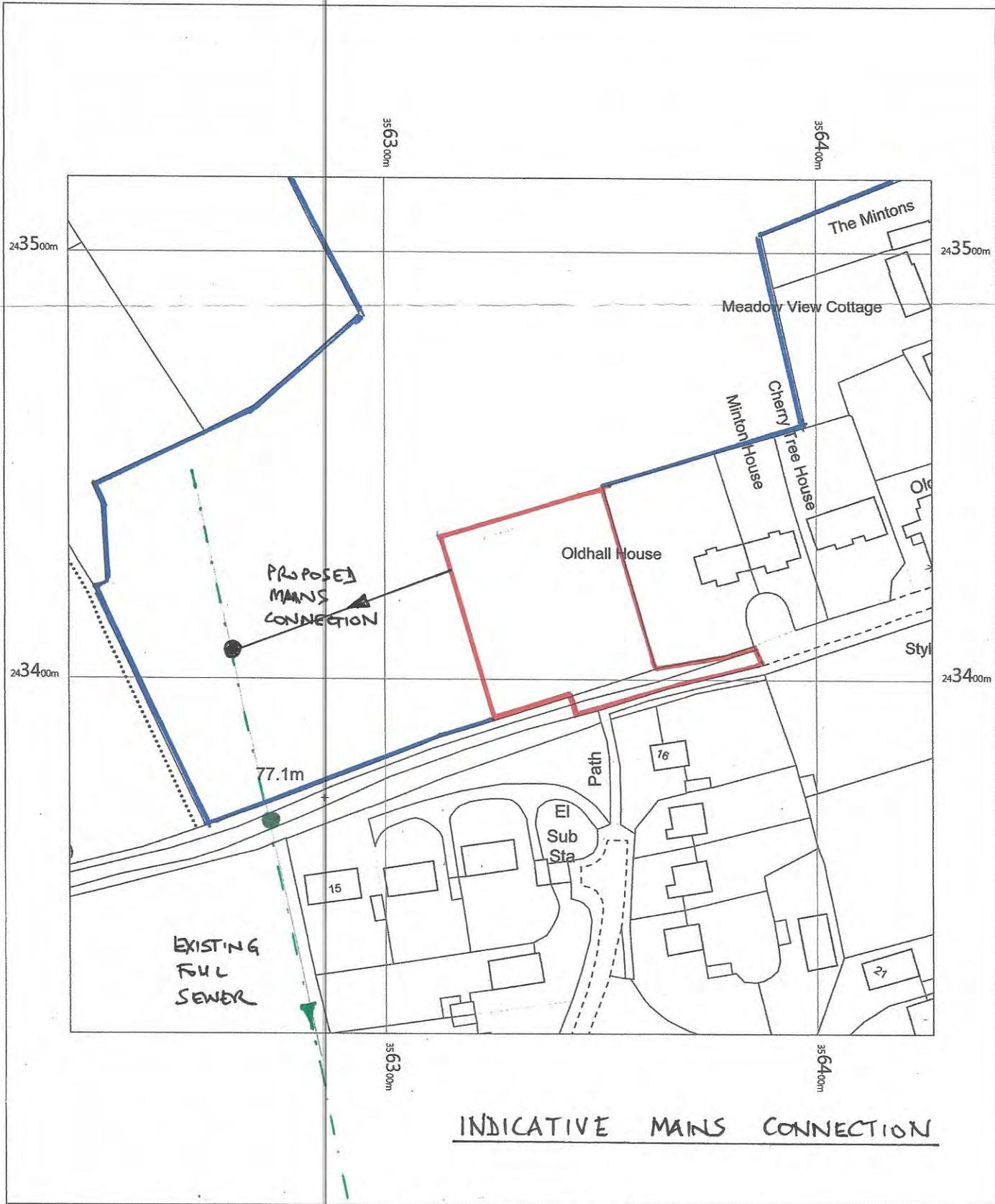
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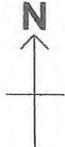
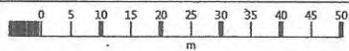
**Matthew Knight**  
Principal Building Conservation Officer  
01432 260321  
[matthew.knight@herefordshire.gov.uk](mailto:matthew.knight@herefordshire.gov.uk)

Plough Lane  
Hereford  
HR4 0LE





INDICATIVE MAINS CONNECTION



OS MasterMap 1250/2500/10000 scale  
 Tuesday, July 17, 2018, ID: HMC-00727580  
 www.themapcentre.com

1:1250 scale print at A4, Centre: 356327 E, 243417 N

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# OUTLINE PLANNING PERMISSION

**Applicant:**  
Ms Rachel Leake

**Agent:**  
Mr Paul Smith  
Paul Smith Associates  
1a Mill Street  
Hereford  
Herefordshire  
HR1 2NX

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Date of Application: 17 August 2018

Application No: 182818

Grid Ref:356351:243417

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## Proposed development:

**SITE:** Field West of Oldhall House, Veldo Lane, Withington, HR1 3QA  
**DESCRIPTION:** Site for the erection of two cottages with garaging. Construction of new vehicular access and associated works

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that OUTLINE PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
  
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.  
  
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.  
  
Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.
- 4 Plans and particulars of the reserved matters referred to above relating to the scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development hereby approved shall be carried out strictly in accordance with the Amended O/S MasterMap 1:1250 scale Site Location Plan and PMS/01 Revision A received by the local planning authority, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6 With the exception of any site clearance and groundwork no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate and makes allowance for protection from surface water (300m minimum above ground level) and so as to comply with Policies SD1 and SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8 Before any other works hereby approved are commenced, the access into the application site shall be so constructed that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2 metres from and parallel to the nearside edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 Prior to the first occupation of either of the dwellings hereby approved space shall be laid out within its curtilage for 3 cars to be parked and for a vehicle to turn so that it may enter and leave the application site in a forward gear. The parking area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of domestic vehicles.

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10 The soft landscaping scheme approved under condition 3 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

The landscaping plan shall include a hedgerow management plan to protect the visibility on to the lane.

Reason: In order to maintain the visual amenities of the area and to protect the visibility splay and to conform with Policies LD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 All foul water from the development hereby approved shall discharge through a connection to the local Mains Sewer network; and surface water managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

- 12 The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended in the submitted ecology report by Wilder Ecology dated July 2018 shall be implemented in full as stated and hereafter maintained unless otherwise approved in writing by the local planning authority.

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

- 13 Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy.

- 14 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment to accord with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15 The reserved matters application (this meaning the first reserved matters application) shall include a detailed scheme for the disposal of surface water, that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features, to serve the development hereby permitted. No development shall commence until the submitted details have been approved in writing by the local planning authority and the approved scheme shall be fully implemented prior to the occupation of the dwelling to which it relates. The scheme shall include, but not be limited to:

- 1) infiltration testing results for surface water in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- 2) A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change
- 3) sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change; 4) Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Informatives:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Planning Services  
PO Box 4  
Hereford  
HR4 0XH



**SIMON WITHERS**  
**DEVELOPMENT MANAGER**

Date: 4 December 2018

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

**Please note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.**

#### NOTES

##### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

##### **Right to Challenge the Decision of the High Court**

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

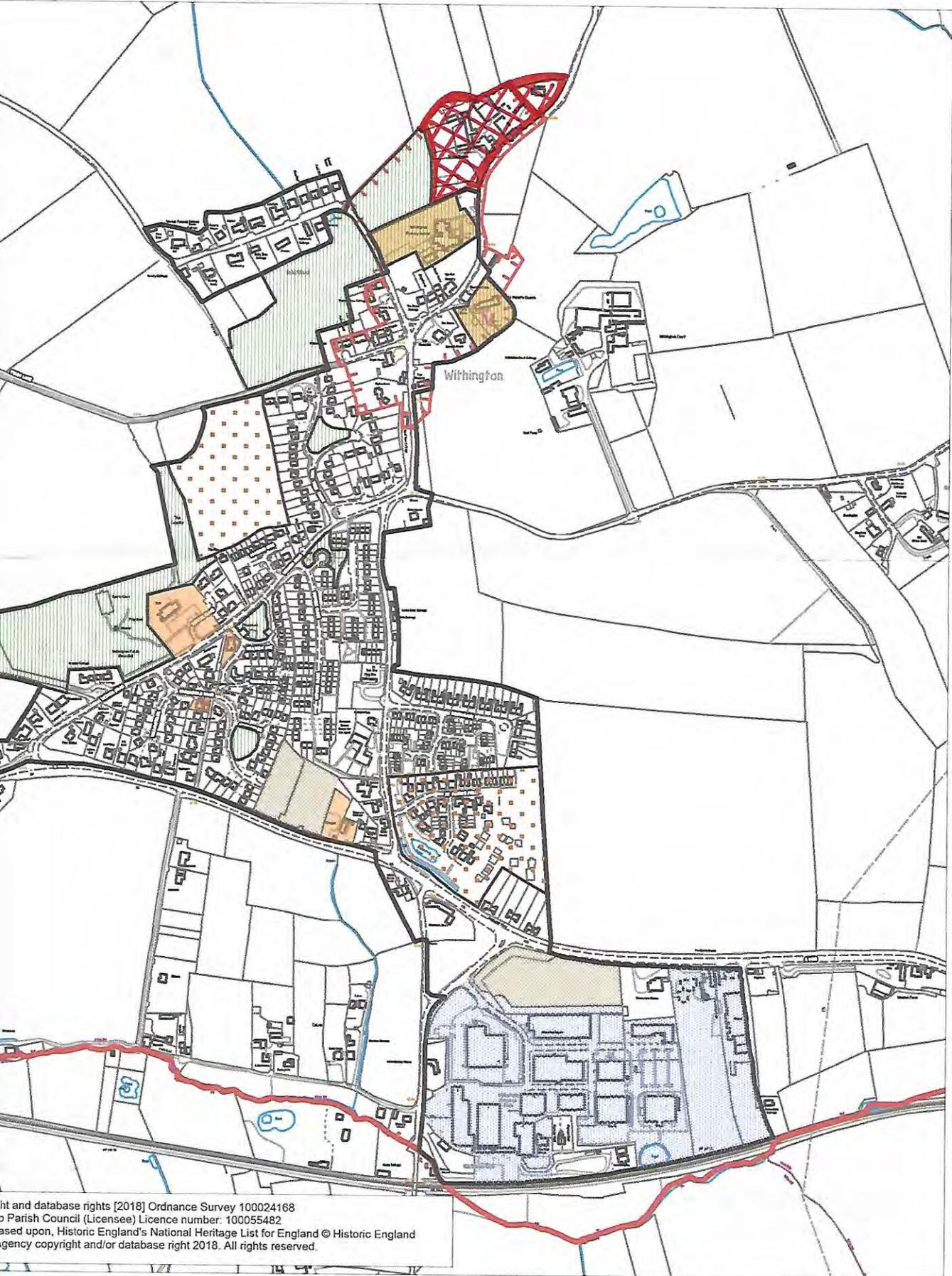
The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



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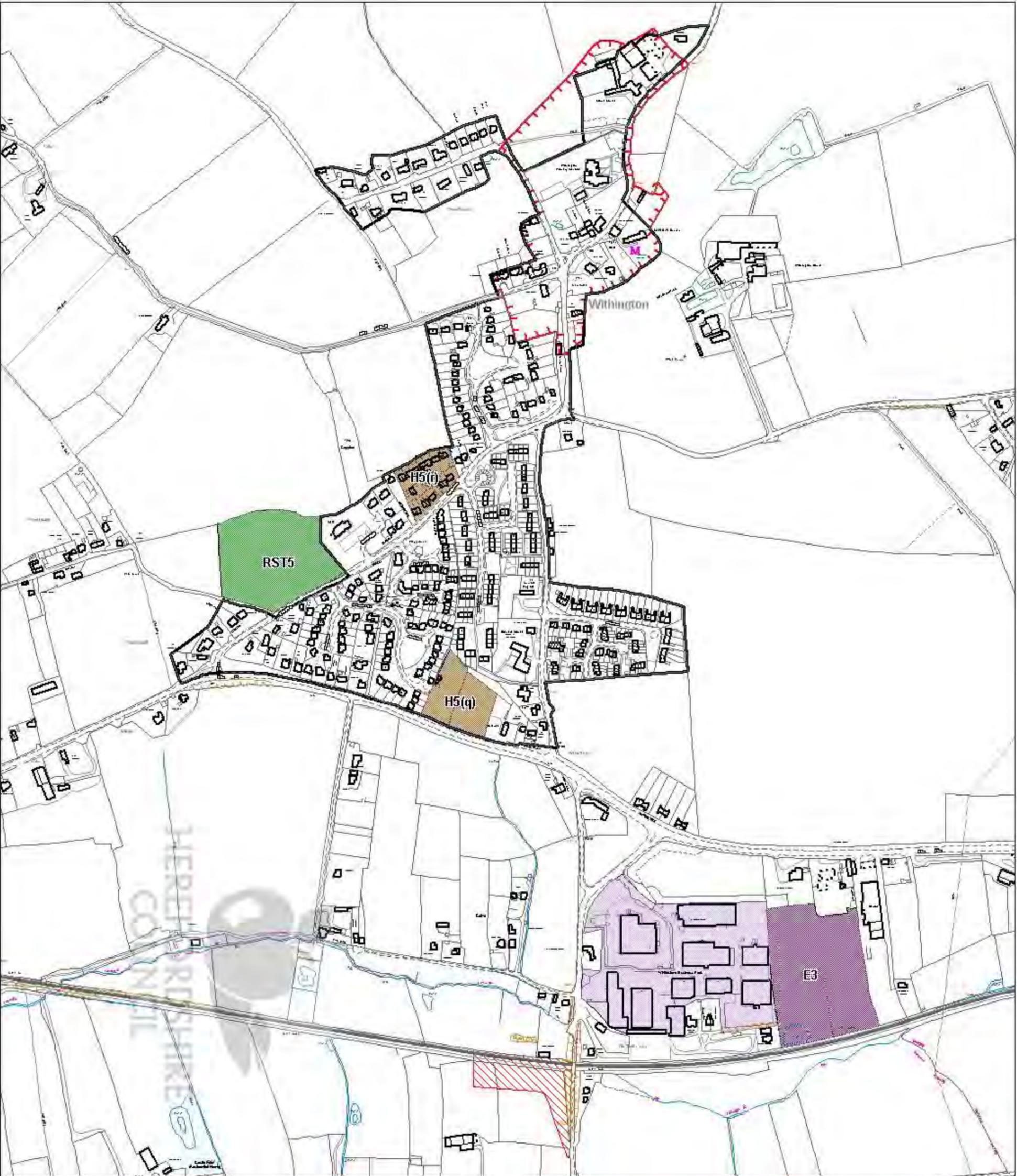
Withington  
 Settlement Boundary (P2)  
 Scheduled Ancient  
 Monuments  
 Local Green Space (P6)  
 Withington Group

-  Proposed Housing Site (P1)
-  Protected Community Facilities (P16)
-  Safeguarded Employment Site (P12)
-  Conservation Area

# Withington Policies Map

Scale 1:4,000





**Inset Map 46**

**Withington**

-  Settlement Boundary (H4)
-  Proposed Housing Site (H5)
-  Employment Proposal (E3)
-  Safeguarding Employment Land (E5)
-  Public Transport Facilities (T1)
-  Conservation Area (HB/A6)
-  Scheduled Ancient Monument (SAM) (ARCH3)
-  Proposed Open Space (RST5)

The Written Statement contains general policies relating to the area covered by this map



**Herefordshire Unitary Development Plan**

March 2007

Scale 1:5000

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# Paul Smith Associates

Chartered Town and Country Planners

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Neighbourhood Planning Team,  
Planning Services,  
Herefordshire Council,  
PO Box 4,  
Hereford  
HR1 2ZB

My Ref: PMS/H/Lea/19/02

11 February 2019

Dear Sirs,

## **Objections to Reg. 16 Draft Withington Neighbourhood Development Plan**

I have recently submitted representations on the Reg. 16 Draft Neighbourhood Development Plan (NDP).

Subsequently, a planning appeal for two dwellings on land fronting Duke Street has been allowed (see attached for copy of the appeal decision). This proposal was referred to as 'Appendix 2' in my earlier representations.

I believe that this decision has the following significant ramifications for the NDP:

- It requires that the draft settlement boundary of the NDP is enlarged to include the appeal site; and
- It seriously undermines the justification for the field within which the appeal site lies (referred to in my earlier representations as 'The Field') to be designated as part of the proposed 'Duke Street (Strategic Gap)' Local Green Space under draft Policy P6 of the NDP.

In allowing the appeal proposal, the inspector did not consider the resultant reduction in the undeveloped gap between housing to the north and south acted acted a bar to development. Nor did not Inspector identify The Field as possessing any special quality in visual, historic or functional terms contrary to the assertions made by objectors to the appeal proposal. Nor did the inspector consider the development of appeal site for houses adjoining the Conservation Area justified an objection on visual or historic grounds.

Had The Field been of such strategic gap and visual/historic or functional importance in its undeveloped site justifying its designation as part of a Local Green Space for the reasons given in the NDP, I would have expected the Planning Inspector to conclude that some harm would have been caused by the appeal proposal. The fact that he did not supports my contention that the proposed designation of The Field as part of a Local Green Space is wholly unjustified.

I ask that this representation be treated as an addendum to my previous representations dated 6 February.

Yours faithfully,

*Paul Smith*

Paul Smith MRTPI

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Principal: Paul M. Smith B.A.(Hons.), B.Sc.(Hons.), Dip. DesBltEnvt., MRTPI  
1A Mill Street, Hereford. HR1 2NX  
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E-mail:paulsmithplanning@outlook.com



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## Appeal Decision

Site visit made on 16 January 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2019

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Appeal Ref: APP/W1850/W/18/3208215

### **Land adj 'The Mintons', Duke Street, Withington, Herefordshire, HR1 3QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms Rachel Leake against Herefordshire Council.
  - The application Ref 174487/F is dated 22 November 2017.
  - The development proposed is erection of two cottages and garaging. Construction of associated works and modification of existing vehicular access.
- 

#### Decision

1. The appeal is allowed and planning permission is granted for erection of two cottages and garaging. Construction of associated works and modification of existing vehicular access at Land adj **'The Mintons', Duke Street, Withington, Herefordshire, HR1 3QD** in accordance with the terms of the application, Ref 174487/F, dated 22 November 2017, subject to the conditions in the attached schedule.

#### Procedural Matters

2. The appeal is the result of the Council failing to determine the application within the prescribed period. In their evidence, the Council has indicated that had they made a decision on the application, it would have been to grant planning permission. However, there are a number of outstanding objections to the proposal from interested parties. I have therefore assessed the appeal on the basis of the evidence that I have before me.

#### Main Issue

3. From the evidence before me, I consider that the main issues to be:
  - i) Whether the appeal site is a suitable location for housing development, having regard to local and national policy;
  - ii) The effect of the proposal on the character and appearance of the surrounding area, with particular reference to the setting of the adjacent Withington Conservation Area (CA);
  - iii) The effect of the proposal on highway safety; and
  - iv) The effect of the proposal on the living conditions of the occupants of The Mintons.

## Reasons

### *Location*

4. The Withington Group Neighbourhood Development Plan (WGNDP) is currently in a draft form and is due for further consultation imminently. Policy P2 of the Draft WGNDP relates to the Withington Settlement Boundary and does not include the appeal site. Accordingly, the draft document advises that the site should be regarded as open countryside. However, the WGNDP is still in a draft stage and has not yet been adopted. Moreover, from the evidence that I have before me, there is an outstanding objection in relation to the omission of the appeal site from the settlement boundary.
5. In light of the draft state of the document and the outstanding objection, I attach very limited weight to the emerging plan. Accordingly, the proposal must be determined in accordance with the development plan, unless material considerations indicate otherwise.
6. The adopted local plan for the area is the Herefordshire Local Plan Core Strategy 2011 - 2031 (2015) (CS). Policy RA2 of the CS states that housing growth will be supported in or adjacent to settlements that are identified within the CS. Withington is identified as a settlement which will be a focus for proportionate housing development although no settlement boundary is provided.
7. The appeal site forms part of an open field that is located adjacent to The Mintons. The field is an area of open space between the development found to the south of the appeal site, and the housing further along Duke Street as it turns the corner to the west. Although it is currently undeveloped, the site is located between and adjacent to existing development. It is therefore experienced as part of the broader settlement of Withington rather than a separate and distinct parcel of land. Consequently, the proposed dwellings would appear as a logical addition to the dispersed built form of the settlement.
8. I therefore conclude that the appeal site is a suitable location for residential development. Accordingly, the proposal complies with Policy RA2 of the CS which supports housing growth in or adjacent to identified settlements.

### *Character and appearance*

9. **The Council's historic advisor states that the** significance of the CA derives from the scattered and dispersed built form of the settlement which is centred on the Church and Rectory, as well as the number of small farmsteads and vernacular houses. From what I observed on site, I would agree with this analysis. The appeal site is located adjacent to the CA but it is not within it.
10. The proposed development was amended during its assessment to overcome **the concerns of the Council's Principal Building Conservation Manager. The** amendments included the narrowing of the plots and their setting further into the site. As a consequence to these amendments, the Council now raises no objection to the proposal from a conservation perspective.
11. The proposal would introduce 2 new dwellings of a traditional appearance that would be faced in render sat on a brick plinth. Although brick and stone are the predominant materials in the CA, I observed on my site visit that buildings faced in render also form part of its composition. The buildings would exhibit a

similar architectural appearance. However, due to their staggered layout on the site, differing porch details and the use of detached and linked garages, the scale, form, and footprint of the houses would complement the existing dispersed built form of the surrounding area. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. It also would not harm the setting of the adjacent CA. Due to this lack of harm there is no need to weigh the proposal against any public benefits as required by the National Planning Policy Framework.

12. Consequently, the proposal would accord with Policy LD4 of the CS which requires development proposals to protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance.

#### *Highway safety*

13. Duke Street at this point is narrow and beyond the appeal site, heading in a northerly direction, there are no footpaths. Access to the site would be shared with access to the fields beyond the site. Visibility to the south would be provided by a 2 metre set back from the back edge of the highway. This would **be less than usually required by the Council's Highways Design Guide but the Council's Highway advisor confirms that the dimension would be suitable** due to the scale of the development and the good approach visibility.
14. I note the concerns from the Parish Council on this point. However, I have been provided with no substantive evidence that the proposal would give rise to highway safety concerns or that there are existing concerns along this stretch of road. Instead, from the evidence that I do have before me, and from what I observed on my site visit, the proposal would provide suitable visibility. It would also increase the width of the pavement which would be of benefit to pedestrians waiting to use the school pedestrian entrance that is located opposite the site.
15. I therefore conclude that the proposal would not harm highway safety. Consequently, it would accord with Policy MT1 of the CS which requires developments to be designed and laid out to achieve safe entrance and exit.

#### *Living conditions*

16. The proposal would retain the existing access to the field which would separate The Mintons from the proposed new dwellings. The separation distance would ensure that the proposed dwellings would not compromise the existing daylight and sunlight levels received by this property. It would also ensure that the new dwellings would not harm the existing outlook. Plot 1 would also have a blank side elevation and therefore The Mintons would not lose privacy as a result of the proposal.
17. I therefore conclude that the proposal would not harm the living conditions of The Mintons. Consequently, the proposal would accord with Policy SD1 of the CS which requires development to safeguard residential amenity for existing residents.

#### Other Matters and Conditions

18. My attention has been drawn to an application to the south of the appeal site however since the submission of this appeal, that application has now been

approved. I have little evidence in relation to that approval but from the evidence that I do have before me, I am satisfied that the two sites are materially different in their location. This proposal has therefore had no bearing on the assessment of the scheme subject to the appeal.

19. Due to the success of the appeal, conditions are necessary in the interests of precision and clarity to set out the time period for the commencement of development as well as to list the approved drawing numbers. Conditions 3, 4 and 5 are necessary due to the sensitive location of the site adjacent to the CA and conditions 6, 7, 8, and 9 are necessary in the interests of highway safety. Finally, a condition is imposed in relation to water usage to ensure that water resources are managed in a sustainable manner.

#### Conclusion

20. For the reasons identified above, the appeal is allowed and planning permission is granted.

*Martin Chandler*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 842-01B; 842-02A; 842-03B; 842-04A; 842-05A; 842-06.
- 3) With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No works in relation to the new stone retaining wall shall take place until a sample panel has been viewed on site and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings are occupied and shall be carried out in accordance with the approved details.
- 5) With the exception of any site clearance and groundwork, no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include the following:
  - a) Plans at a scale of 1:200 or 1:500 showing the layout of the proposed tree, hedge and shrub planting and grass areas
  - b) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.
- 6) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.0 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 50 metres to the north and 67.9 metres to the south along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and /or allowed to grow on the triangular area so formed which would obstruct the visibility described above.
- 7) Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the first occupation of the dwellings hereby approved, the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the private driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works.
- 9) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the details to be submitted to and

approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

- 10) Prior to the first occupation of the development, a scheme demonstrating measures for the efficient use of water as per the option technical standards contained within Policy SD3 shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

## Neighbourhood Planning Team

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**From:** Donotreply  
**Sent:** 08 February 2019 17:13  
**To:** Neighbourhood Planning Team  
**Subject:** A comment on a proposed Neighbourhood Area was submitted

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	Unit 5 Westwood Industrial Estate Pontrilas
Postcode	HR2 0EL
First name	Russell
Last name	Pryce
Which plan are you commenting on?	Withington Group
Comment type	Comment
Your comments	We welcome the amendments to policy P1 (Withington allocation) to reflect the C3 use class extant outline planning permission that applies to the site on the south side of the A4103 at Whitestone. However, a minor correction is required to the pre-amble text, which has not been updated to reflect the amendment to the policy. At 4.3, it still refers to the site being allocated for residential care. This requires amendment to refer to the site being allocated for age restricted residential.

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

272593 /

Withington Parish

Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

	Air Quality		Minerals and Waste
	Contaminated Land		Petroleum/Explosives
	Landfill		Gypsies and Travellers
	Noise		Lighting
	Other nuisances		Anti Social Behaviour
	Licensing Issues		Water Supply
	Industrial Pollution		Foul Drainage
	Refuse		

Please can you respond by ..

**Comments**

From a noise and nuisance perspective our department has no further comments to make with regard to this neighbourhood plan.

Signed: Susannah Burrage

Date: 30 January 2019

**Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment**

From Herefordshire Council Strategic Planning Team

Name of NDP: Withington Group- Regulation 16 submission draft

Date: 10/01/19

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
P1- Allocated Sites in Withington	SS2; RA2	Y	
P2- Withington Settlement Boundary	RA2; RA3	Y	
P3- Westhide and Preston Wynne	RA2	Y/N	<p>A suggested alteration of wording 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>Without a clear basis, setting an uppermost limit on infill developments of 3 houses would not fully align with this approach.</p> <p>It is suggested that the wording is adjusted to “small-scale infill sites”.</p> <p>The likelihood is, given their size, such infill sites would not yield developments much larger than the limits currently suggested in any case. However, taking a slightly more flexible approach as suggested would ensure full conformity with the approach taken in the Core Strategy.</p>
P4- Local Distinctiveness- Housing Layout and	SS6; LD1	Y	Criterion d- From a development management point of view, this may not be easy to interpret or

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Design			enforce in practice.  Would this apply to all types of garage elements (including self-contained within a front courtyard/garden), or just those adjacent to the main dwelling house?
P5- Affordable Housing	SS2; H1	Y	
P6- Green Spaces	SS6; LD3; OS3	Y	
P7- Transport and Traffic	SS4; MT1	Y	
P8- Conserving Historic Character	SS6; LD4	Y	
P9- Herefordshire and Gloucestershire Canal	SS6; E4; LD4	Y	
P10- Broadband	N/A	Y	Typographical error? First sentence presumed to mean: <i>"Improvements to broadband <del>and</del> are welcomed..."</i>
P11- Telecommunications- Mobile Phone Coverage	N/A	Y	Same as above.
P12- Employment	SS5; RA6; E3	Y	
P13- Agriculture and Tourism	SS5; RA6; E4	Y	The policy text seems to do little to supplement or add any localised context to the equivalent Core Strategy policies. It would therefore be open to question whether its inclusion is strictly necessary.

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
P14- Polytunnels	N/A	Y	
P15- Renewable Energy	SS7; SD2	Y	
P16- Social and Community Facilities	SS1; SC1	Y	It could be suggested that some of these criteria, C and F noted in particular, could be sought under the traffic and travel policy rather than as community facilities.
P17- Minimising Flood Risk in Withington Marsh	SS7; SD3	Y	Developments should also be subject to the sequential and, if necessary, exception tests set out in the NPPF where required. Regard should also be had to the latest Strategic Flood Risk Assessment (SFRA) for Herefordshire.