

## Economy, Communities and Corporate Directorate

Director: Geoff Hughes

Mr Barton  
Bruton Knowles  
Bisley House  
Green Farm Business Park  
Bristol Road  
Gloucester  
GL2 4LY

Our Ref: 143731/CE  
Please ask for: Mr A Banks  
Direct Line / Extension: 01432 383085  
E-mail: abanks@herefordshire.gov.uk

20 April 2015

Dear Mr Barton

**SITE:** Land north of Church Stile Farm, Cradley, Malvern, Worcestershire,  
**DESCRIPTION:** Pre-application advice request for 32 residential units (including 7 affordable dwellings) and a community shop/cafe/meeting space.  
**APPLICATION NO:** 143731/CE  
**APPLICATION TYPE:** Pre App Advice

I refer to your pre-application advice request received on 15 December 2014 and our subsequent meetings on site on 12<sup>th</sup> February and 23<sup>rd</sup> March. This letter is intended as a summary of those meetings and of the the internal consultation responses received from the Council's Landscape Officer, Historic Buildings Officer and Highways Engineer. I have also attached a copy of a Draft Heads of Terms Agreement which sets out the contributions that are likely to be requested, should your client decide to make a planning application. Finally, the letter also sets out the documents that will be required to support any planning application.

### Principle of development

As you are aware, Herefordshire is not currently meeting the requirements of the National Planning Policy Framework (the NPPF) to provide a five year housing land supply. The housing policies of the Herefordshire Unitary Development Plan (the UDP) are out of date and consequently the Council has resolved to approve a number of applications for residential development that are consistent with the presumption in favour of sustainable development as outlined in the NPPF, but fall beyond the settlement boundaries defined by the UDP.

Cradley is identified in the Herefordshire Unitary Development Plan (the UDP) as a main village (policy H4) and is defined by a settlement boundary that is drawn quite tightly around its built environs. It is also identified in the emerging Core Strategy (CS) as a sustainable village that is appropriate for proportionate growth. However, the CS is not presently sufficiently advanced for significant weight to be attached to its policies for the purpose of decision-making. It has been through an Examination in Public (EIP) in February of this year and proposed modifications have been published and are currently out for further consultation. The policies in the CS will assume greater weight as this process continues. In the short term, the weight that can be attached to its housing policies will depend upon the outcome of the latest round of consultation. However, it is hoped that the plan will be adopted in the summer of 2015.

You are also aware that the Parish Council has designated a Neighbourhood Plan Area and although this is not sufficiently far advanced to attract weight, emerging CS policies require demonstration that housing proposals have evolved with some evidence of community consultation – see draft policy RA2. I know from our meetings that your client has been keenly involved in the Neighbourhood Planning process in Cradley and that the site to which this enquiry relates, including the provision of community facilities to include a shop/café/meeting space is one of its key objectives, but that there is a continuing debate about the location of such facilities. Depending upon the timing of any application it is possible that the local policy position become will clearer.

The advent of RA2 and the Neighbourhood Plan in particular is likely to crystalize the intended approach to the delivery of housing in the county's villages and the indicative proportionate growth target of 14%. We have already witnessed other villages where applications have been submitted that appear to run contrary to emerging Neighbourhood Plans and seek to exploit the lack of housing land. This has led to concern in some villages that embryonic Neighbourhood Plans are being ignored. This is understandable, but this has tended to result in refusals at planning committee and the inevitable planning by appeal. It is clear that this is something that weighs heavily locally and although officers have not hitherto necessarily had the policy at their disposal to resist proposals in light of the housing land supply deficit, this may change as the CS and draft policy RA2 in particular, begins to attract weight.

### **Landscape impacts and effect upon the setting of the Malvern Hills AONB**

As you will recall from our meetings, the principle concern is the potential effect that the development will have in landscape terms. The site is located at the northern entrance to the village and is visible from a considerable distance along the lane from the north. It is within the Malvern Hills AONB boundary and is also visible from other public vantage points.

The areas around Cradley, including the site to which your enquiry relates, are described in the Councils Landscape Character Assessment as Principal Timbered Farmlands. These are rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale, wooded, agricultural appearance characterised by filtered views through densely scattered hedgerow trees. These are complex landscapes made up of a mosaic of small to medium sized fields, irregularly shaped woodlands and winding lanes. The key element of these landscapes is the strong unifying presence of tree cover in the guise of woodlands, hedgerow trees, and linear tree cover associated with streams and watercourses. The combined presence of these tree cover components creates the fundamental sense of scale and enclosure, together with the filtered views that are distinctive in this landscape. The settlement pattern in such areas is typically dispersed with frequent roadside dwellings and farmsteads set amongst winding lanes.

The proposal would be particularly visible from the northern approach to the village along the C1162 road that runs through it. 20<sup>th</sup> century residential development is predominant on the northern side of the road (Buryfields and The Leys), while development on the south side (to the east of your site), is characterised by wayside dwellings set within large curtilages, more reflective of the landscape character type as described above. During our meeting of 23<sup>rd</sup> March in particular, both the Council's Landscape Officer and Paul Esrich from the Malvern Hills AONB Partnership, raised concerns about the scheme. Their view is that the proposal to create a development in depth would be at odds with this pattern of development and would be detrimental to the character and appearance of the AONB, contrary to Policies DR1, H13 and LA1 of the UDP. I am also aware that the Neighbourhood Plan group have commissioned a landscape analysis to support the development of their plan and that it considers that the site has low capacity for residential development as a result of the landscape constraints.

## **Effect on the setting of the conservation area and listed farmhouse**

As well as being within the Malvern Hills AONB, the western boundary of the site is also immediately adjacent to the Cradley Conservation Area. Any scheme would be assessed against Policy HBA6 of the UDP, which relates to new development within the conservation area, but does also enable assessment of views into and out of such an area. The Historic Buildings Officers view is that the scheme would not provide an enhancement to the area, as the housing density and pattern of development would be out of character in what is a prominent location, and therefore the proposal would be contrary to Policy HBA6.

At present the site is used as grazing land as part of Church Stile Farm, which is located further to the south. The farmhouse is a Grade II listed timber-framed building dating from the 17<sup>th</sup> century. The access to the farmhouse extends from the listed building to the junction of Vinesend Lane and dissects the land to which your enquiry relates. The potential impact of any development would need to be assessed against Policy HBA4 of the UDP which relates to the setting of listed buildings.

The Council's Historic Buildings Officer has commented that Church Stile Farmhouse is located in a relatively isolated position but is still visible from a number of public vantage points. She is of the view that the proposals would be likely to have a detrimental impact on the approach and setting of the listed building as it would introduce new development into its foreground and would see a shared access for the two components.

In addition to Church Stile Farmhouse, Buryfields Cottage, just to the north west of the site, is also grade II listed. Historically the cottage was the last building in the village, however over the years it has been surrounded by 20<sup>th</sup> century development which has impacted on the setting. The proposed development would further affect the setting by moving the edge of Cradley village further to the east, thereby detaching the cottage further from the original rural setting. At present there is a vestige of connection between the rural landscape and the cottage, which would be considerably eroded by development on the proposed site.

## **Highway matters**

The site has a narrow road frontage onto the C1162. The original plan submitted was based upon an assumption that the point of access for the farm onto Vinesend Lane would be retained, with a new access for the development to the west onto the C1162. I understand from our last meeting that this may change and that the scheme and Church Stile Farm could be served by a single access onto the C1162. This is considered to be acceptable in principle from a highway perspective. The site lies within a 30mph zone and an access on the outside of the bend should afford appropriate visibility in both directions. However, given the sites proximity to the village primary school I would anticipate that any proposal may give rise to objections from some local residents about pedestrian safety and the introduction of additional vehicular movements in the locality. In order to attempt to allay concerns in this regard I would recommend the completion of a Transport Statement to assess such impacts. I would also suggest that it includes a seven day speed survey to show the actual speed of traffic along the road and to demonstrate that the appropriate splays can be provided. Given the village location, I would anticipate that the Council would be prepared to accept the reduced splays suggested in Manual for Streets.

## **Affordable housing provision**

The Council's Housing Officer has also reviewed your pre application advice request and advises that the suggested mix does not reflect the needs of the area. Recent data regarding the housing need

and demand for both affordable and market housing within Herefordshire is represented in the Herefordshire Local Housing Market Assessment (LHMA). Cradley lies within the Ledbury Housing Market Area.

The LMHA demonstrates that there is a requirement to provide a mix of 1, 2, 3 and 4+ accommodation for both affordable and open market housing, with the greatest need being 2 and 3 bed accommodation. The submitted affordable housing proposal is below the 35% requirement set out in the UDP. On this basis a total of 11 units would need to be allocated for affordable housing with a split of 55% social rent and 45% intermediate tenure.

The Housing Officer suggests that the affordable units that would be required are as follows:

- 2x1 bed,
- 2x2 bed and;
- 2x3 beds for social rent
- 3x2 beds and;
- 2x3 beds for intermediate tenure.

### **Public open space and play area provision**

It is noted that no public open space or play provision is to be provided on site. In this instance this is considered to be acceptable as Cradley is well catered for with two existing play and recreation areas. This includes a neighbourhood play area at Chapel Lane (some distance away in the other part of the village) and a smaller play area at Buryfields, opposite the proposed development site. In accordance with the Play Facilities Study and Investment Plan both require investment to provide up-to date equipment and to improve the local offer particularly for older children. Chapel Lane provides play for infants and juniors and has a mixture of play equipment some of which is old and in need of replacement. Although the equipment at Buryfields is in good condition it only provides play for juniors. The play area is however of sufficient size to provide a better play area for all ages.

Accordingly, in lieu of any on-site provision and in accordance with the Council's Planning Obligations Supplementary Planning Document (SPD), an off-site contribution would be sought towards improving the play offer in the village and to be spent in consultation with the Parish Council on priorities at the time of receiving the contribution.

### **Public footpath**

The Council's Public Rights of Way Officer has commented on your original plan and has advised that the actual line of the footpath is not as shown on your plan. I have attached a separate plan to show the actual line of the footpath. On the basis of your original submission the route of the footpath would be obstructed and on Public Rights of Way would object if this remains the case. I appreciate that the layout of the proposal is likely to change and clearly the presence of the footpath is a constraint that should be taken into account.

### **Summary and Conclusions**

The Council cannot meet the current five year housing land supply requirements as required by the NPPF. The test is whether the proposal meets the three roles of sustainable development as outlined by paragraph 14 of the NPPF – social, economic and environmental.

Cradley has a range of local services and is a sustainable settlement. The site is well related to the school and is also well within walking distance of the village hall and church. Your enquiry is based on an assumption that the development would provide a new village shop/café/meeting room and your plans also indicates that some affordable housing would be provided, although the seven units shown

on your original plan would fall short of the 35% requirement of current UDP policy and those in the emerging CS. I am assuming that you would seek to secure a greater proportion of open market housing on the basis that the scheme provides other facilities through the shop/café/meeting room and that affordable housing should be off set against this. This is a matter to be discussed in a Planning Statement in support of any application, but in my view is not an unreasonable approach to take.

The provision of affordable housing and new facilities, together with contributions towards education and highway infrastructure improvements through the completion of a Section 106 Agreement would, in my view, meet the social role of sustainable development. The proposal would also meet the economic role through the creation of new jobs in the shop and café, together with providing support for the construction sector during the course of development should planning permission be granted.

The potential conflict is with respect to the environmental role. The proposal will introduce a pattern of development that is at odds with that in the locality; particularly on the southern side of the C1162. The views expressed by the Council's Landscape and Historic Buildings Officers is that this will be detrimental to the setting of the Malvern Hills AONB and the conservation area respectively. At this stage I would concur with their views. With particular regard to the AONB I would draw your attention to paragraphs 115 and 116 of the NPPF. In the context of Cradley, I would consider the proposal to represent a major development. The NPPF is quite clear that planning permission should be refused for such developments in designated areas unless there are exceptional circumstances and that it can be demonstrated that granting of permission would be in the public interest. Although I have alluded to them above, it will be for you to demonstrate that the grant of permission would be in the public interest.

In light of the sites close proximity to the conservation area, its relationship with listed buildings, and that it falls within the Malvern Hills AONB, I would expect a fully detailed application to be submitted rather than in outline and I know from our discussions that this is your intention. I would also suggest that, prior to the submission of an application you make a formal submission to request a Screening Opinion to determine whether the proposal constitutes EIA development.

The attached Draft Heads of Terms is based on the requirements of the SPD. I have not made any reference to any mechanism for the provision of the shop/café/meeting room but would suggest that this ought to be covered by any eventual Section 106 Agreement, should planning permission be granted. Your client seemed to have some clear ideas about this when we met and I am content to leave it with you to suggest an appropriate form of words to be included in the heads of terms.

If your client decides to submit an application I would suggest that they include the following documents:

- Design & Access Statement
- Planning Statement
- Tree and Hedgerow survey to boundaries in accordance with BS5837:2012
- Landscape and Visual Impact Assessment
- Landscape Proposals and Management Plan
- Flood Risk Assessment and Drainage Strategy
- Ecological Survey
- Heritage Assessment
- Transport Statement
- Topographical Survey
- Draft Heads of Terms Agreement

This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application.

I trust that this is of some assistance

Yours sincerely,

**MR A BANKS**  
**PRINCIPAL PLANNING OFFICER**

# DRAFT HEADS OF TERMS

## Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Pre-Application Response – 143731/CE

Proposed residential development comprising 32 dwellings (including 7 affordable dwellings) and a community shop/café/meeting space on land to the north of Church Stile Farm, Cradley

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

<b>£2,845.00</b>	(index linked) for a 2 bedroom apartment open market unit
<b>£4,900.00</b>	(index linked) for a 2/3 bedroom open market unit
<b>£8,955.00</b>	(index linked) for a 4+ bedroom open market unit

The contribution will provide enhanced educational infrastructure at Cradley Primary School, St Josephs RC Primary School, John Masefield Secondary School, St Marys RC High School, Early Years, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

<b>£2,458.00</b>	(index linked) for a 2 bedroom open market unit
<b>£3,690.00</b>	(index linked) for a 3 bedroom open market unit
<b>£4,917.00</b>	(index linked) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

**£695** (index linked) for a 2 bedroom open market unit  
**£1,640** (index linked) for a 3 bedroom open market unit  
**£2,219** (index linked) for a 4+ bedroom open market unit

To provide an off-site contribution for the improvement of the existing play areas in Cradley in consultation with the parish council. The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council that 35% of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

(I anticipate that your client will want to negotiate the percentage of affordable housing to be provided on the basis that they are providing other local facilities that are in the community interest, but in accordance with policy 35% has to be the Council’s starting point).

5. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

6. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

6.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

6.2 satisfy the requirements of paragraphs 7 & 8 of this schedule

7. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

7.1 a local connection with the parish of Cradley and Storrige

7.2 in the event there being no person having a local connection to the parish of Cradley and Storrige a person with a connection to the adjacent parishes;

- 7.3 in the event of there being no person with a local connection to the above parishes any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 7.1 above.
8. For the purposes of sub-paragraph 6.1 and 6.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 8.1 is or in the past was normally resident there; or
  - 8.2 is employed there; or
  - 8.3 has a family association there; or
  - 8.4 a proven need to give support to or receive support from family members; or because of special circumstances;
9. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
10. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
11. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
12. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.