

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Titley and District Group Neighbourhood Area
Parish Council	Titley and District Group Parish Council
Draft Consultation period (Reg14)	3 December 2018 to 28 January 2019
Submission consultation period (Reg16)	21 May to 2 July 2019

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

External Consultation Responses	
Historic England	<p>Historic England is generally supportive of both the content of the document and the vision and objectives set out in it.</p> <p>We commend the fact that the Plan has an extremely sound evidence base that includes reference to the Herefordshire Council Historic Environment Record and County Landscape Character Assessment.</p> <p>The emphasis on the conservation of local distinctiveness and variations in local character through good design including through adherence to clear Design Principles evidenced through the Design and Access Policy (TG15) and the protection of historic farmsteads, landscape character and locally significant views is to be applauded.</p> <p>In conclusion, the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate but very thorough approach to the historic environment of the Parish.</p>
Coal Authority	No specific comments to make.
Welsh Water	No further comment to make at this time.

National Grid	No record of apparatus within the Neighbourhood Plan area.
Environment Agency	In the absence of specific sites allocated within areas of fluvial flooding, not offer a bespoke comment at this time.
Herefordshire Council Responses	
Development Management	<p data-bbox="699 450 874 479"><u>Contents Page</u></p> <ul data-bbox="746 510 1401 573" style="list-style-type: none"> • Each individual policy should be listed in the contents page for ease of reference. <p data-bbox="699 604 1177 633"><u>TG2 – Housing needs and requirements</u></p> <ul data-bbox="746 665 1401 913" style="list-style-type: none"> • Points 2 and 3 could be combined for greater clarity • The plan relies on completions, commitments and some allocations to meet its housing needs. However, the plan does not identify the completion and commitment sites as part of its allocations. It should consider allocating these sites to ensure the plan satisfies 14 (b) of the NPPF when made. <p data-bbox="699 945 1018 974"><u>TG4 – Land at Titley Farm</u></p> <ul data-bbox="746 1005 1401 1659" style="list-style-type: none"> • Allocation for approximately 6 units • The way the site has been divided for housing and 'green space' seems quite arbitrary. The new housing would appear isolated with undeveloped land on all side and out of keeping with the surrounding pattern of development. • The desire to create a 'frontage' with dwellings orientated to address the village street scene is good but will likely be difficult to achieve on account of the size and shape of the area allocated for housing. • The policy defines that only 0.175ha of the site will be assigned for housing. This leads to a density equivalent to of ~35 units per hectare. This is much higher than the rest of the village and particularly at odds with the site's immediate setting; which is low density and has very open feel. • Overall it is considered it would be difficult to achieve an acceptable form of development within the parameters set by the policy. <p data-bbox="699 1691 1114 1720"><u>TG5 – Titley Settlement Boundary</u></p> <ul data-bbox="746 1751 1401 1935" style="list-style-type: none"> • Boundary is quite tightly drawn. Would question whether a windfall allowance of 16 is achievable given limited opportunities for infilling. • Also unclear why there is a very narrow separation between the boundaries to the north-east and south-west parts of the village. <p data-bbox="699 1966 1082 1995"><u>TG6 – Land opposite Old Court</u></p>

	<ul style="list-style-type: none"> • This is an aspirational policy which may prove difficult to deliver. To place a policy requirement on a scheme for 5 units to provide a large area of community open space and village car park is quite onerous. Also setting the threshold that only 25% of the site can be used for dwellings, gardens, garages, parking and access arrangements is very prescriptive and it will likely be difficult to produce a scheme that meets other design requirements whilst keeping to these parameters. • The requirement to position dwellings to the rear of the site would be at odds with the linear pattern of wayside development that defines the rest of the village <p><u>TG7 – Staunton settlement boundary</u></p> <ul style="list-style-type: none"> • As with Titley, the boundary is quite tightly drawn. Would question whether a windfall allowance of 16 is achievable given limited opportunities for infilling. • Also unclear why the boundary fragments the small area to the west of the village near Jacob's Oak into a separate boundary.
Herefordshire Council – Conservation – Building Conservation	No comments to make
Herefordshire Council – Air, Land & Water Protection	<p><u>Policy TG4: Land at Titley Farm</u></p> <p>Regarding sites with a historic agricultural use, I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p> <p><u>Policy TG6: Land opposite Old Court Cottage/Newton, Staunton-on-Arrow</u></p> <p>The NDP indicates that the site is currently being used as an orchard. 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</p> <p><u>Policy TG7:</u></p> <p><u>1.Land west of Jacobs Oak</u></p> <p>A review of Ordnance survey historical plans indicate that the proposed development is adjacent to a former saw mill (south of the site) It is possible that unforeseen contamination may be present at the above mentioned site. Consideration should</p>

	<p>be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.</p> <p><u>2. Land east of the Old Vicarage.</u></p> <p>A review of Ordnance survey historical plans indicate there have been no previous historic potentially contaminative uses at the proposed development site.</p>
Herefordshire Council – Strategic Planning	<p>The plan's policies are in general conformity, very few changes to the plan since Regulation 14.</p> <p>Full details are contained within Appendix 1.</p>
Herefordshire Council – Environmental Health and Trading Standards	<p>No observations with regard to this Neighbourhood Plan.</p>
Other Responses	
Tompkins Thomas consultation response on behalf of Mrs Angela Vaughan	<p>Paragraph 5.9 of the draft NDP describes the site and explains its exclusion from the settlement boundary as follows.</p> <p><i>Land with outline planning permission for five dwellings at Balance Farm, Eywood Lane is excluded from the settlement boundary. Development of this greenfield site would not respect the overall linear character of the settlement pattern based around the B4355 and would be contrary to the Neighbourhood Development Plan. There are also concerns about the ability of the local highway network to absorb the traffic impacts of development without adversely affecting the safe and efficient flow of traffic, particularly with regards to the substandard visibility available at the junction of Eywood Lane and the B4355 and the intensification of its use which the development would give rise to.</i></p> <p>Firstly, the description of the site is misleading. The site is not a Greenfield Site. 'Neighbourhood Planning Guidance Note 18: Glossary of planning terms' defines a Greenfield Site as, "Land where there has been no previous development, often in agricultural use", a definition which is uncontroversial and in accord with the dictionary definition. Whilst the site presently has an agricultural use, it is developed insofar as it accommodates significant amounts of hardstanding and a large, modern agricultural building. To clarify, the applicant doesn't contend that the site is Brownfield Land given its agricultural use, but it is certainly not Greenfield Land; it is not a binary situation.</p> <p>The description at paragraph 5.9 goes on to allege that the site's development wouldn't accord with the prevailing settlement pattern and expresses concern for its impact on the safety of the highway. However, these matters are already decided. In granting Outline Planning Permission, the Council confirmed that the development of the site</p>

	<p>would be acceptable including its settlement pattern and impact on highway safety.</p> <p>The site has a location which is clearly 'within or adjacent' to the main built up part of Titley and benefits from Outline Planning Permission for five dwellings. Furthermore, the NDP acknowledges the outline permission as a commitment in its assessment of housing requirement. However, the settlement boundary has been drawn to exclude the site.</p> <p>Firstly, this is directly discordant with the Council's 'Neighbourhood Planning Guidance Note 20: Guide to settlement boundaries' which advises that settlement boundaries should, <i>"include sites that have received planning permission within the settlement boundary."</i></p> <p>NPGN 20 also advises that the lead advantage of having a settlement boundary is that it provides certainty as, <i>"with a 'black line' being plotted on a plan it is easy to identify the 'settlement' from 'open countryside'."</i> Contrarily, the NDP, as drafted, provides large amounts of uncertainty. The site is excluded from the settlement boundary inferring that it has an 'open countryside' location, yet it has a planning permission for five dwellings which, when built out, will palpably form a part of the settlement. It is misleading to suggest that the site is open countryside in the knowledge that its development is impending.</p> <p>A further point is that the NDP is contradictory inasmuch as its housing figures rely on the 'commitment' of five dwellings at the site yet provides no support for its development.</p> <p>In summary, the site at Balance Farm benefits from outline planning permission whereby five dwellings will be delivered on the site. Being within or adjacent to the main built up part of Titley, the settlement boundary must be amended to include the site to provide certainty and consistency to the plan in accordance with Herefordshire Council's Neighbourhood Planning Guidance Notes. The description of the site should also be amended accurately reflect its existing condition and that it is a commitment for five dwellings. The NDP must accept that the site benefits from outline planning permission, despite any misgivings for the site's suitability.</p>
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Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Officer appraisal

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15.

No major concerns have been raised from internal nor external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive.

External responses from technical bodies such as Historic England, Natural England, National Grid, Coal Authority, Environment Agency and Welsh Water have raised no objection to the Regulation 16 draft plan.

There was one external response, which highlights a discrepancy where the plan acknowledges that the site is a commitment for five dwellings but has not allocated or included it within the settlement boundary for Titley. This is contrary to Herefordshire Council's series of Guidance Notes for neighbourhood planning.

This issues would not prevent the plan being recommended for examination where the outstanding objections can be reviewed.

Assistant Director's comments

Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

The decision to progress to appoint an examiner for the above neighbourhood plan has been Approved.

A handwritten signature in black ink, appearing to read 'Richard Gabb', with a large, stylized flourish above it.

Richard Gabb

Programme Director – Housing and Growth

Date: 8.7.2019.

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Titley- Regulation 16 submission version

Date: 28/05/19

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
TG1- Sustainable Development	SS1	Y	
TG2- Housing Needs and Requirements	SS2; RA2; RA3; RA4; RA5	Y	
TG3- Rural Exception Housing	SS2; H1; H2	Y	
TG4- Land at Titley Farm	SS1; SS2	Y	
TG5- Titley Settlement Boundary	SS2; RA2	N	The exclusion of the Balance Barns planning permission site from the settlement does not make sense. Outline planning permission has already been granted (P160851/O), determined in accordance with the existing adopted Core Strategy. It is recommended that this site is therefore included within the boundary.
TG6- Land opposite Old Court Cottage/Newton, Staunton-on-Arrow	SS2; RA2	Y	
TG7- Small sites at Staunton-on-Arrow	N/A	Y	
TG8- Staunton-on-Arrow settlement boundary	SS2; RA2	Y	
TG9- Economic Development in Titley Group	SS5; RA5; RA6; E1; E3; E4	Y	
TG10- Infrastructure	SS1; SS5; E3	Y	The policy appears to be covering 2 quite different types of infrastructure provision in broadband and sustainable transport. Logically, it is considered that these are perhaps better contained within

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			their own separate policies.
TG11- Renewable Energy	SS7; SD2	Y	
TG12- Community Facilities	SS1; SC1	Y	
TG13- Natural Environment	SS6; LD1; LD2; LD3; SD3; SD4	Y	Important views and features of interest are quite a subjective matter, particularly for the purposes of determining planning applications. It would give the policy greater clarity if these were defined and/or listed, either in the policy or supporting text.
TG14- Historic Environment	SS6; LD4	Y	
TG15- Design and Access	SS1; SS4; SS6; SS7; MT1; SD1; SD2;	Y	

