

Brockhampton Group Parish Draft Neighbourhood Plan

Regulation 14 – Comments received 12 October to 7 December 2020

Please find attached additional comments from a number of Herefordshire Council service providers to the Draft Brockhampton Group Parish Neighbourhood Plan. If you have any queries regarding the comments or issues raised below, please contact the Neighbourhood Planning team in the first instance.

Herefordshire Council Internal Consultees

Neighbourhood Planning

Overall the plan is a well written and well researched plan. It is clear to see that the policies have taken into account the views of the local community and have carried out various consultations. It is clear that the plan takes a positive approach towards identifying settlement boundaries and allocation of housing in line with the Core Strategy.

Development Management

Herefordshire Council Development Management – Economy and Place Directorate
Comments on Brockhampton Group NDP – Regulation 14 Consultation

Comments made by:

Andrew Banks (Development Manager – North Team)
Josh Bailey (Senior Planning Officer – North Team)
Matthew Neilson (Planning Officer – North Team)

General

The contents page is welcomed (page 1), which makes the document easy to work with. A potential suggestion of whether to include a summary of all NDP policies at the end of the document. A good reference/example is the Cradley NDP which summarises all policies at the end.

BROCK1 (Sustainable Development)

A general all-round policy.
No comments to offer

BROCK2 (Landscape Character)

Would like to highlight, as a positive that reference has been made to the Landscape types and Landscape Character Assessment, identifying those important elements. Some specific examples as part of the supporting text, in describing the landscape character types, provides a localised understanding for officers.

To strengthen the policy, it may be of benefit to identify those 'important views, vista and panoramas', which the parish has particular consideration for. We would refer to examples from the emerging Stretton Grandison Group NDP and Ashperton NDP, both which have taken photos/mapped out, to identify those specific important protected views which are important or is it simply a general policy of landscape views and vistas, that would be consistent with Policy LD1 of the Herefordshire Core Strategy.

BROCK3 (Biodiversity)

Again, this is quite a general policy and not too dissimilar to Herefordshire Core Strategy Policy LD2.

BROCK4 (Design)

The omission of compliance with Building Regulations should be considered. It would be regarded that this should be a given for any development that comes forward.

A suggestion to re-phrase point 4 to say that "new housing should aim to be carbon neutral", not simply ideally. The definition of 'Carbon neutral' as defined by the UK Department of Energy and Climate Change and in most cases, this would be unattainable on the scale we are usually working on and also, the claim of carbon neutrality can only be established after the development has been completed and the carbon output demonstrated. So to have it put as an 'aim' is far more achievable and more importantly, can be demonstrated through the use of energy efficient materials etc. but to say that a development should 'ideally' be neutral is something that one can realistically quantify at the application stage.

A question was raised at whether this policy is this solely aimed at new housing development? If so, the policy title should be amended to that effect.

If that is the case, would it be feasible to consider introducing a separate householder policy for extensions/outbuildings, which is probably going to account for most of the applications received during the Plan period across the Neighbourhood Area.

BROCK5 (Housing delivery), BROCK6 (Housing site allocations) and BROCK7 (settlement boundaries)

It was discussed to compile these policies together as they all-interrelate.

It is understandable why the NDP has sought to define settlement boundaries, in accordance with requirements of the NPPF to define housing allocations. In terms of land use planning perspective, both settlements are 'identified' but actually it may not seem appropriate to identify settlement boundaries around dispersed settlements which have evolved over time. Particularly attention is drawn to Bringsty which has drawn four settlement boundaries, to be considered as one.

This would appear to be in direct conflict with the other NDP policies, particularly landscape, as character is referenced, particularly dispersed character, which is an

intrinsic feature of the area. It does not lend itself well to defining a clear settlement boundary, as gives a focus to development which is absent at this time.

In reference to the Linton settlement boundary:

- Why has the Linton Trading Estate been included within the settlement boundary?
- Why is the traveller site also within the settlement boundary as Council would consider under Policy RA3 (Herefordshire's countryside)H4 (Traveller Sites)
- Would it be worthwhile rounding the settlement boundary off to immediate south at Linton Court, as appears to be a triangular parcel of vacant land otherwise.
- There are reservations, particularly from highways standpoint, as to the deliverability of both identified allocated sites, particularly the Linton site at Malvern Road. The Bannut also has considered biodiversity/arboicultural interest.
- May be worthwhile seeking to appreciate that windfall is going to deliver a lot of the proportionate housing growth for the area.
- Little was made in reference to the Brockhampton Estate potentially delivering further windfall through conversion.

BROCK8 (Housing mix)

Nothing to offer, again noting that there is an over-supply for 4+ bedroomed dwellings in the Bromyard Rural Housing Market Area and identifying a focus for scale and need.

BROCK9 (Social and community facilities)

A question as to why the school has been included is not defined as why in terms of development.

As a point of suggestion, it is advised to make specific reference to marketing for 12 months as a community use, particularly for the public houses within the policy. Don't rely specifically on Policy SC1 as the Core Strategy is likely to be imminently reviewed.

BROCK10 (Linton Trading Estate)

It was advised to take note of the updated Use Classes Order 2020 will have updated the use classes of the site. Particularly, that Class B1 has been superseded by Class E (commercial, business and service uses) It is noted that there some lack of infrastructure at the estate.

Could clarification be provided as to interpretation of the policy and that any change of use should follow Policy E2 of the Core Strategy.

BROCK11 (Small-scale employment development)

The only point of suggestion here as to why the inclusion of extension to existing dwellings needed to enable home working. This can simply be considered as an extension and this would not amount to a material change of use.

May be of caution to note paragraphs 83 and 84 of the NPPF. Planning policies should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the

scope for access on foot, by cycling or by public transport). Policies should also enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings

BROCK12 (Agricultural and forestry development)

It was encouraging to see a policy of this nature is included, no further comments.

BROCK13 (Tourism and leisure)

Again, good to see a policy of this nature coming forward, no further comments.

Areas to Work on

From reading through the document, we offer the following that should be considered when progressing further with the NDP in terms of additions which do not appear to have been considered in detail:

Should there be a specific full householders/extensions policy, particularly when the majority of applications across the neighbourhood area are going to encompass this application type? A specific policy for renewables?

Whether a specific policy should account for heritage/historic environment? It is important to appreciate that there a considerable amount of heritage assets across the neighbourhood area, including in and around the Brockhampton Estate.

In closing, encourage to discuss with the Council's Neighbourhood Plans team for the settlement boundaries for both Linton and Bringsty, in terms of how they are drawn but moreover, their actual deliverability, when assessing against particularly the landscape policies for the NDP. There are concerns that Malvern Road (Linton allocated site) has highway issues and are these allocated sites, particularly in terms of scale, which would jeopardise the dispersed settlement of Linton and particularly, Bringsty.

Strategic Planning

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Brockhampton Group- Regulation 14 consultation draft

Date: 13/11/20

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
BROCK1- Sustainable Development	SS1; SS5; SS6; RA2; RA6; SC1; LD1; LD2;	Y	
BROCK2- Landscape Character	SS6; LD1	Y	
BROCK3- Biodiversity	SS6; LD2	Y	
BROCK4- Design	MT1; SD1	Y	The policy, though in general conformity with its equivalent in

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			the Core Strategy, does little to supplement it or frame it into a localised context that addresses issues unique to the neighbourhood area. Given that the county-wide equivalent already covers this issue to a similar level of detail, it could be questioned as to whether this policy's inclusion is necessary.
BROCK5- Housing Delivery	RA2	Y	
BROCK6- Housing Allocations	RA2	Y	
BROCK7- Settlement Boundaries	RA2	Y	
BROCK8- Housing Mix	H3	Y	
BROCK9- Social and Community Facilities	SC1		
BROCK10- Linton Trading Estate	SS5; RA6; E2	Y	
BROCK11- Small-scale Employment Development	SS5; RA5; RA6; E3	Y	
BROCK12- Agricultural and Forestry Development	RA5; RA6	Y	
BROCK13- Tourism and Leisure	SS5; RA6; E4	Y	

Other comments/conformity issues: N/A Plan is in general conformity.

Landscape / Archaeology/ conservation

No comments received

Strategic Housing

No comments received

Economic Development

No comments received

Natural England

No comments received

Historic England

No comments received

Environmental Health

Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new residential development or any new commercial or industrial development. Please note that we have no observations with regard to this Neighbourhood Plan.

Environment Agency

No comments received

Parks and Countryside

No comments received

Education

No comments received

Transportation and Highways

No comments received

Air, Land and Water Protection

Having reviewed Ordnance survey historical plans, I would advise the following, regarding the proposed 'Housing site allocations (policy BROCK6)' indicated in brown on the plans titled; 'Plan 5: Bringsty village policies' and 'Plan 6: Linton village policies' :

Land at The Bannut, Bringsty (Plan 5)

A review of Ordnance survey historical plans indicate the site has historically been 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

Land west of Malvern Road, Linton (Plan 6)

Our records suggest that the proposed development is located within 250 metres of former landfill site (Washcroft Farm). The site's potentially contaminative use would therefore require consideration prior to any development.

Any future redevelopment of the site would be considered by the Planning Services Division of the Council however, if consulted it is likely this division would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be

fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

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.

Waste

No comments received

Welsh Water