

LUSTON GROUP NEIGHBOURHOOD PLAN

Submission Draft Version

Examiner's Questions

**Responses by Luston Group Parish Council and Herefordshire
Council**

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Luston Group Neighbourhood Plan Examiner's Questions

1. How is it intended that Policy LG1 (b) is to be interpreted when considering a new development proposal? It is not a matter that can be enforced through a planning condition.

Parish Council Response: Suggest change to... b) Uses existing services and facilities where it is practical and reasonable to do so, and is capable of being connected to essential infrastructure services with capacity.

2. Policy LG1 (g) is considered to be unclear. Would the QB confirm that the following wording is acceptable: "Housing development should not be located where existing agricultural or commercial uses would have unacceptable adverse impact on residential amenity." This criterion would mean that criterion f) of Policy LG6 was unnecessary.

Parish Council Response: Suggested amendment by examiner captures the meaning intended in the submission draft. With reference to suggestion re: criterion f) of Policy LG6 see also LG7 e).

3. Instead of the term "vice versa" in Policy LG1 (g) it is suggested that a new criterion should be added: "Agricultural and commercial buildings or uses that are likely to give rise to noise or other pollution shall not be located where they would have an unacceptable adverse impact on existing or proposed residential development."

Parish Council Response: Suggested amendment by examiner captures the meaning intended in the submission draft.

4. Policy LG2 refers to the "designated area". Is this the neighbourhood plan area?

Parish Council Response: Yes.

5. Policy LG3 (d) refers to locally significant views. However, Map 2 only shows one view point. Would the QB confirm this is correct.

Parish Council Response: Yes.

6. Policy LG6 Would you confirm which NP site the appeal decision at Lustonbury relates to.

Parish Council Response: 136/213 – please see map on page 28.

7. Paragraph 5.3.13 states that a range of housing sizes is required. However, the allocations shown in Policy LG6 indicate 5 or fewer houses on each site which will result in very low-density development which usually equates to large detached homes. Would the QB explain the rationale for the number of dwellings on each site,

particularly the two largest sites? Would the QB comment on how it is proposed that the plan provides for smaller houses and affordable homes as set out in Policies LG6 and LG7. Has any evidence been collected of the type, size and tenure of homes required locally? Is there evidence of a local housing need for affordable housing in the plan area?

Parish Council Response: Clear majority of local people responding to Question 5 of the questionnaire wanted housing developments to be no larger than 3-5 properties. This is the rationale for limiting development to a maximum of 5 properties, including on the larger sites.

Regarding 136/214 Herefordshire Council's neighbourhood planning team agreed with members of the steering group, at a meeting held after Regulation 14, that a planning condition should be imposed to develop A, B, and C sites separately over several years allowing open spaces to be left between them. Luston Group Parish Council understands that planning permission can be provided for all three groups, but with a condition imposed for development in three stages over several years. If this was the case, then it would mean the requirement for affordable housing provision could apply as the total number of properties in the application would be 12. Currently, there is no evidence of a specific need for affordable housing. When the need arises, this will be facilitated by LG6 (h) and delivered on any or all of the sites. It is worth noting that there is a large reservoir of properties to rent in the designated Neighbourhood Plan Area.

In addition, Herefordshire Council has granted planning permission for 136/220 (151584 Land adjacent to Brick House - https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151584&search-term=E04000821&search-service=parish&search-source=Parish&search-item=Luston), which provides a commitment of 7 properties which are on a small site. Luston Group Parish Council believes this commitment provides scope for lower density housing elsewhere.

Question 6 of the questionnaire asked people about the size of houses they would like to see, and 5 of the properties given planning permission on 136/220 (151584 Land adjacent to Brick House) are in line with the finding that 2-3 bedroom properties are wanted. The scale of the properties, and density of the development should mean the properties will be relatively affordable open market housing.

Herefordshire Council undertook a housing needs survey in 2009 - https://www.herefordshire.gov.uk/downloads/file/4965/luston_area_2009.

8. Table 1 in paragraph 5.3.7 sets a guideline housing requirement of 23 dwellings. Three have subsequently been allowed on appeal so this equates to 20 dwellings. The table in Policy LG6 shows 35 dwellings. If sites 136/212 and 136/214 were developed at a density of say 25 dwellings to the hectare this would result in an additional 28 dwellings. Would the LPA comment on whether this scale of

development accords with the CS policy that the village should accommodate “proportionate housing development”.

Parish Council Response: Of the housing sites allocated, 136/213 and 136/220 have been granted planning permission for 3 and 7 houses respectively.

The local planning authority (LPA), Herefordshire Council has been asked to comment on this question. For its part, Luston Group Parish Council believes strongly that the development of sites 136/212 and 136/214 should adhere to the numbers in the submission draft, which is 12 and 5 properties respectively. These are potential development sites. They have been identified because they have the capacity within the settlement boundary to meet Core Strategy requirements.

It is the policy of this Plan to promote a spatial strategy of mixed, low density development (LG6 (d)) which equates to a potential of around 35 dwellings. However, not all of these sites may be developed but it will be possible to achieve a build of over 20 dwellings by 2031.

Herefordshire Council Response: The proportional growth target for the parish of Luston is 55 dwellings between 2011 and 2031. As at April 2016, 12 are recorded as built and 15 are committed by a planning permission leaving a residual figure of 28.

The Luston NDP has sought to provide this residual figure by both allocations and a windfall proportion. It should be noted that the Core Strategy indicates the proportional growth figures are indicative and should not be seen as maximums/caps.

9. Would the QB provide the assessment of sites referred to in paragraph 5.3.10. Representations have been received citing concerns about the impact of the development on the local road network. It would be helpful if the Highways Dept could comment on the concerns raised. Would the QB confirm that suitable access arrangements can be provided at the sites proposed, particularly for the two larger sites should they be developed at a density of say 25 dwellings per hectare.

Parish Council Response: The full housing assessment document has been provided to the examiner in an earlier response, and can be found at: <http://lustonparishes.gov.uk/wp-content/uploads/2017/05/Site-assessments.pdf>. Highways did not comment on the Regulation 14 public consultation undertaken by Luston Group Parish Council, which was taken to mean there are no concerns taking into account the small-scale of development highlighted in the plan. In view of this and our own assessment of the existing site accesses we believe that these can be arranged to comply with Highways regulations.

Herefordshire Council Response: The Transportation section have been consulted on this issue and we are awaiting their response.

10. Would the QB confirm that they have evidence from landowners / developers that all the sites are available and deliverable for development within the plan period.

Parish Council Response: The two landowners who between them own the remaining sites without planning permission (sites 136/212, 136/214, 136/221 and 136/223), are aware of the neighbourhood development plan and have verbally expressed their interest in developing the sites.

11. A representation objects to the housing allocation opposite Upper Court Barns. Which site does this refer to?

Parish Council Response: This is site 136/213, which recently gained planning permission for three dwellings on appeal.

12. If it were not necessary to allocate all the sites, would the QB comment on which sites are the priorities for allocation in the plan. In particular would they comment on the merits of sites 136/221 and 136/223 which are located well outside the existing core of the village and lack public footpath access.

Parish Council Response: Each of the sites has its own merits (see site assessment document). All have a good access, are generally level and well-drained and are contiguous with the existing settlement.

Other sites considered were problematic and were dismissed.

Three of the potential sites have access to existing paved footpaths (136/214A, 136/214B, 136/220).

LG14 proposes that two new paved footpaths are established. These will eventually pass the frontages of the remaining sites with the exception of 136/214C which will be connected by footpath to the other two sites which will connect onto Townsend Park.

It is proposed that any new development will contribute towards the establishment of new or extended footpaths, at least along their frontages.

Sites 136/221 and 136/223 will simply be at the beginning and end of the built form of this linear village.

It should be noted that none of the hamlets within the neighbourhood plan area have footpaths and that this is a characteristic of the settlements.

13. The Plan does not define settlement boundaries for Ashton, Eyton and Moreton. Policy LG7 proposes that new housing development should be on sites contiguous with the existing built form. How does the QB propose that Policy LG7 be interpreted consistently by decision makers in view of the loosely built form of these settlements?

Parish Council Response: At no time have we been advised or required to define the boundaries of these hamlets, nor does the community find a need to do so, since each hamlet clearly extends between a name sign at each end.

Clause LG 7(a) introduces the control factor. "Existing Built Form" is where a number of dwellings and other buildings create a recognisable settlement. The group may be close or loosely arranged, there may be as few as 4 in a cluster or a continuous stretch of many.

The built form refers to the total settlement, not part of it, unless it is in two distinct localities (eg Richards Castle).

“Contiguous with” is defined as “adjacent to”, or “next to”. The converse is “in isolation or distant”.

Contiguous development must be next to at least one existing dwelling. Infill or continuation in any direction are possible. The Conversion of redundant ancillary buildings is included.

Development in the hamlets should be proportionate to the size of the settlement.

14. Should Policy LG7 also refer to infill development, conversions of rural buildings and other forms of rural housing that are acceptable exceptionally under Core Strategy Policy RA3?

Parish Council Response: See response to Q13 above, penultimate paragraph.

15. Has the QB identified the priorities for infrastructure that are required for the delivery of the allocated development? Policy LG8 identifies a number of possible infrastructure improvements that will be sought. Policy LG14 sets out specific priority infrastructure requirements. Would the QB define those that are necessary to deliver the new development and those that are aspirational. Would the QB confirm which are considered to be deliverable through developer contributions and CIL.

Parish Council Response: It is anticipated that the small-scale developments will not all happen at once. Therefore, the impact on existing infrastructure should be minimal.

Apart from the contributions towards paved footpaths and good accesses onto existing roads, none of the infrastructure improvements mentioned are intended to depend for delivery on the developments.

Some of the infrastructure improvements in LG14 have already been realised or have been initiated. These are:

S.I.D.s already in place and operating.

Village Gates have been applied for.

A speed limit through Moreton has been applied for.

The footpath projects from Luston to Cawley Hall and to Quarry Farm Shop have been aspirational for some time. Some of the new developments may kick start the schemes. Funding from developers and other sources could help to establish them before 2031.

16. Would the QB comment on whether the proposals in Policy LG9 will be deliverable through development proposals bearing in mind the type and scale of development that is allocated in the plan and others that are likely to come forward in the plan area.

Parish Council Response: Under the current guidelines for developer funding, the only development likely to result in such funding is the potential three phase development of 136/214, and only if the subject of a single planning application. However, it is intended that developers and landowners will be asked to contribute towards such matters.

Therefore, the proposals in Policy LG9 either will be achieved via planning applications which include 'windfall infrastructure' included within the application, or which might be funded by Section 106 funds should a developer receive planning permission for a three-phase development of 136/214.

17. Has any work been undertaken to identify potential pedestrian/cycleway routes? Are those in Policy LG14 deliverable?

Parish Council Response: Yes, but not without considerable funding. Establishing footpaths in stages may be the way forward. With contributions from developers, landowners, the precept, and other agencies the pedestrian/ cycleway routes could be realised over time.

18. Policy LG12 includes 3 sites that are described as "common". They are all sites in the countryside and would therefore be subject to the countryside policies which only permit development in exceptional circumstances. What is the rationale for seeking this additional protection on these areas. How does the status of the areas as "common land" affect the prospect of development on them?

Parish Council Response: The commons highlighted under Policy LG12 are registered commons, and so are protected from being developed. The policy is intended to refer to developments in proximity to the common land to protect their setting.

19. Are there any employment sites within the plan area that are safeguarded under CS Policy E2 as "best" and "good"?

Parish Council Response: Herefordshire Council is best placed to advise on this. The QB is unaware of any such employment sites.

Herefordshire Council Response: There are no employment sites within the Luston Group area indicated currently within the Employment Land Study as 'best' or 'good'.

20. Has an assessment of Local Green Space against the NPPF criteria been carried out other than that in Table 4?

Parish Council Response: No.

21. How is the plan area served by public transport? Is it realistic to require that any replacement community facilities are accessible by public transport as set out in Policy LG13 a). Should some flexibility be introduced into this element of the policy?

Parish Council Response: The B4361 through Luston is served by the 490 bus service, which is one of the key services in north Herefordshire. It runs six days per week on a regular basis and can be used to access the two local towns of Leominster and Ludlow as well as connect to Hereford (the timetable is available at: http://www.travelinemidlands.co.uk/wmtis/TTB/CEN_EFA02__00003eab_TP.pdf).

In addition, there is a market bus every Friday which passes through Ashton, Moreton, Eye, and Luston to Leominster and back.

Policy LG13 a): After consideration it may not be realistic to impose this as a condition, however each development is subject to a sustainability assessment.
