

# AGENDA

## Planning Committee

Date: **Wednesday 19 February 2014**

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Time: **10.00 am**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Tim Brown, Democratic Services Officer**

Tel: 01432 260239

Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Planning Committee**

## **Membership**

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor BA Durkin**

**Councillor PA Andrews**

**Councillor AN Bridges**

**Councillor EMK Chave**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor RC Hunt**

**Councillor Brig P Jones CBE**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor FM Norman**

**Councillor J Norris**

**Councillor GR Swinford**

**Councillor PJ Watts**

**Councillor DB Wilcox**

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 29 January 2014.</p>	5 - 12
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	13 - 14
7.	<p><b>132321/F THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE</b></p> <p>Erection of 12 new dwellings (6 of which are affordable housing).</p>	15 - 26
8.	<p><b>132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY</b></p> <p>Change of use from C3 dwelling to D1 dental surgery.</p>	27 - 34
9.	<p><b>P133115/F LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA</b></p> <p>Demolition of redundant buildings and erection of 3 no. dwellings, new access and driveways.</p>	35 - 44
10.	<p><b>P132962/F LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA</b></p> <p>Proposed erection of 3 detached dwellings, new access, driveway and garage.</p>	45 - 54
11.	<p><b>132624/O LAND OFF CHURCH WAY, HOLMER, HEREFORD</b></p> <p>Erection of up to 13 no. residential dwellings along with associated vehicular and pedestrian access, internal access roads, car parking including garaging, landscaping including realignment of existing hedgerow, drainage and other associated works.</p>	55 - 72
12.	<p><b>132374/O LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE</b></p> <p>Proposed erection of 15 nos. dwellings.</p>	73 - 86

**13. DATE OF NEXT MEETING**

Date of next site inspection – 11 March 2014

Date of next meeting – 12 March 2014



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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### **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 January 2014 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, MAF Hubbard, JG Lester, RI Matthews, FM Norman, J Norris, J Stone and GR Swinford

**120. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JW Hope MBE, RC Hunt, Brigadier P Jones CBE, PJ Watts and DB Wilcox.

The Chairman welcomed Councillors EMK Chave and J Norris as new members of the Committee.

**121. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor J Stone attended the meeting as a substitute member for Councillor JW Hope MBE.

**122. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**123. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 8 January 2014 be approved as a correct record and signed by the Chairman, subject to Minute numbers 112 and 116 being amended to reflect that Councillor AN Bridges had declared an interest in relation to agenda item 8 – Land at Mill Street , Leominster, not agenda item 7.

**124. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**125. APPEALS**

The Planning Committee noted the report.

In relation to application 122747/0 – land at Home Farm, Belmont, Hereford, the Development Manager confirmed that the appeal had determined that the Council did not have the required five year supply of housing. The Chairman stated that he would arrange for information to be provided to Members on the matter. He also agreed to review the detail provided in the report on appeals and consider if it would be useful to

include information on whether an appeal related to an application determined under delegated powers or by the Planning Committee.

**126. 132230/O LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. She noted that if the Committee had concerns about visibility at the access, as indicated at the site visit, a condition could be imposed providing for this matter to be resolved in consultation with the local ward member.

In accordance with the criteria for public speaking, Mr P Burridge, Vice-Chairman of Credenhill Parish Council spoke in opposition to the Scheme. Mr C Lewis, a resident, spoke in objection. Mr A Murphy, the Applicant's agent spoke in support. In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RI Matthews, the local ward member, spoke on the application.

He commented on a number of issues including:

- The access was unsuitable. Permission had previously been granted for an agricultural access only, subject to conditions. There were 7 entrances on that stretch of the A480 and the traffic was heavy with almost 6,000 vehicles recorded over a 24 hour period. There was a busy pedestrian crossing. The location of the bus stop was also very dangerous. Drivers did not have a good view. There was a sharp drop and a sharp bend. Road safety in this location was a longstanding concern with representations having been made by the Parish Council over a number of years for a bus pull in place and signage.
- He referred to an e-mail from a Council engineer which he said described the access as sensitive and indicated that development of the site would add to an existing problem.
- No one was totally opposed to development although there would be a loss of privacy and an impact on the existing listed buildings.
- The Heads of Terms appended to the report had not been discussed with him as local ward member or with the Parish Council
- He had written confirmation that a landowner would be prepared to sell land for a bus layby.
- He urged that the application be refused or deferred for further consideration of the highway safety issues.

The debate opened and the following principal points were made:

- It was proposed that consideration of the application should be deferred to permit further consideration of a solution to the concerns about the safety of the access to the site. The local ward member and the Parish Council should be involved in these discussions.
- The Committee needed to be mindful of how a Planning Inspector would view the application if the Committee refused permission and an appeal was lodged. With regard to the access the Transportation Manager had stated that standard visibility was to be provided in accordance with the Manual for Streets. It also could not be argued that the development was an over intensification. There were developments in the vicinity that were of a higher intensification.



- The report stated that the five year Personal Injury Accident history recorded that there had been only one injury accident at the location. It was asked why the local experience, as presented to the Committee, that there had been a number of accidents, was so at odds with the official record. In reply the Development Manager stated that the local accounts were not being dismissed but unfortunately for some reason the official record differed and this created a difficulty. It was suggested that local incidents may not have been reported accounting for the discrepancy.
- The boundary wall fronting the A480 was characteristic of the County and should be retained, or rebuilt further back from the road.
- Clarification was sought on the assessment of the site in the context of the Strategic Housing Land Availability Assessment. The Development Manager commented that in strategic terms the site was considered to have high constraints, given the access issues and the heritage impact. However, this did not preclude consideration of development of the site. Officers considered the development acceptable having weighed in the balance whether the development was significantly or demonstrably harmful against the presumption in the National Policy Planning Framework in favour of sustainable development.
- The Development Manager confirmed that if the Committee were to defer consideration of the application the applicant would have grounds to appeal on the basis of non-determination. He emphasised that it was fundamental that in considering the application the Committee could only consider relatively minor changes within the area outlined in the application. It could not stray into discussion of the scope for negotiations with another landowner outside the application site. That would necessitate a different application.
- Proposals both for accepting the recommendation and refusing the application were made but not seconded.
- A number of members expressed concern about road safety and were of the view that there was scope for an improved solution.
- It was suggested that further information and reassurance was needed in response to the concerns expressed in the letters of objection about a lack of sewerage capacity.

The Principal Planning Officer commented that one of the reasons the application had taken time to process was the detailed discussion that had already taken place on highway safety issues. Paragraph 32 of the NPPF stated that, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Officers did not consider that the impact of the scheme was severe or represented significant and demonstrable harm.

The Legal Officer reiterated the comments of the Officers in relation to policy considerations and the possibility of an appeal. A lot of discussion had clearly already taken place on the application and there must be a question over how much would be gained by further discussion. If the Committee were minded to refuse the application reasons would need to be advanced with evidence in support.

The local ward member was given the opportunity to close the debate. He reiterated that the highway safety issues were of great concern but he believed there was scope for further discussion.

**RESOLVED: That consideration of the application be deferred to a future meeting to allow for further information to be provided.**

**127. 132701/F AMBERLEY HEIGHTS, SUTTON-ST-NICHOLAS, HEREFORD, HR1 3BS**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr J Ashcroft, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member, spoke on the application.

She commented on a number of issues including:

- There were several clusters of houses in the vicinity. The proposed dwelling was not isolated. There were close links with both Marden and Sutton St Nicholas.
- She highlighted paragraph 4.3 of the report setting out the Housing Team's view that the application was for someone in housing need, who could not purchase a suitable dwelling on the open market. In addition there were no suitable affordable housing properties available.
- The applicant's son had specific medical needs. He was a local person and a local support network of family and friends was available to him.
- Marden Parish Council supported the application.
- Seven letters of support had been received and no letters of objection.
- The development would not have any visual or landscape harm. The access was good.
- The Scheme was in accordance with paragraphs 5.5, 14 and 5.5.17 of the Unitary Development Plan and paragraph 22 of the National Planning Policy Framework.

She invited the Committee to support the application.

The debate opened and the following principal points were made:

- That the application should be supported, subject to a S106 agreement to ensure that property remained affordable housing in perpetuity.
- Policies supported the development.
- The circumstances were exceptional and the development was sustainable and supported by UDP policies H6, H10 and H13.
- The application was finely balanced in planning policy terms. However, the property would not be isolated. It was sustainable. The report acknowledged the Council did not have the required 5 year housing land supply. Applying the test in the NPPF, the benefit of the development outweighed the harm.
- The Committee was not responsible for supporting social care matters and policies dictated that the application should be refused on the grounds identified by officers in the report.

The Development Manager commented that sustainability was a subjective matter. The NPPF required consideration to be given to three aspects: the economic, social and environmental dimensions of sustainable development. The application had social benefits, some marginal economic benefits and limited environmental impact. It was therefore possible to argue in this case, on balance, that the benefits of the application outweighed the material disbenefits. It was essential, however, that if planning

permission were to be granted that this was conditional upon a S106 agreement to ensure that property remained affordable housing in perpetuity.

The local ward member was given the opportunity to close the debate and reiterated her support for the application.

**RESOLVED: That planning permission be granted subject to a S106 agreement being agreed to ensure that the property remained affordable housing in perpetuity and officers named in the scheme of delegation be authorised to finalise the conditions.**

## **INFORMATIVE**

**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 considered the location of the development but subsequently determined to grant planning permission based upon the weight attached to the social and economic role of sustainable development and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

(The meeting adjourned between 11.55 am and 12.05pm)

### **128. 132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY**

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Parsons, the applicant spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, spoke on the application.

Councillor Seldon highlighted paragraph 6.7 of the report, the proximity of the development to a shop and to the Queen Elizabeth Humanities College, and the additional traffic the development would generate. He considered that the application should be refused on the grounds of highway safety.

Councillor Lester commented on a number of aspects including:

- Bromyard and Winslow Town Council had objected to the proposal on highway safety grounds. He too had concerns about highway safety.
- The proposal would entail some loss of amenity for the residents of the Hatton Park cul-de-sac because of the additional vehicle movements.
- He welcomed the aspiration to enhance services which the application involved.

The debate opened. Concern was expressed about the highway safety issues and a proposal was made that a site visit should be undertaken.

**RESOLVED: That consideration of the application be deferred for a site visit and consideration at a future meeting.**

**129. 132830/F THE CO-OPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HR4 9LT**

The Development Manager gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors PA Andrews and EMK Chave, two of the three local ward members, spoke on the application.

Councillor Andrews commented that the principal concern related to the amenity of residents if taxis queued in the lay by and on the roadside. She had been assured that this would not occur and on that basis supported the application.

Councillor Chave also doubted that there would be a difficulty caused by taxis and supported the application on that basis.

**RESOLVED: That planning permission be granted subject to the following conditions:**

- 1. C01 – Time limit**
- 2. C07 – Development in accordance with approved plans**
- 3. The use of the taxi office shall be restricted to the telephone based booking of taxis and for the radio controlled co-ordination of taxi driver employed by the Hereford Rank Taxi Association and for no other purpose.**

**Reason: To maintain control over the nature of the use and to minimise the risk of unacceptable vehicular activity in the vicinity of the premises in the interests of both highway safety and residential amenity in accordance with Policies DR2 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework**

**INFORMATIVE:**

- 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.**

**130. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Committee Updates**

The meeting ended at 12.34 pm

**CHAIRMAN**

# PLANNING COMMITTEE

Date: 29 JANUARY 2014

## Schedule of Committee Updates/Additional Representations

**Note:** The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

### SCHEDULE OF COMMITTEE UPDATES

<b>1</b>	<b>P132230/O - SITE FOR ERECTION OF NINE HOUSES AND ASSOCIATED DEVELOPMENT AT LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ</b>  <b>For: Mr Griffiths per Stansgate Planning LLP, 9 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, Warwickshire, CV37 9NP</b>
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#### ADDITIONAL REPRESENTATIONS

One additional letter has been received from Mr and Mrs Stewart who reiterate their previous comments.

Following the site visit the applicant's agent has provided a plan identifying the proposed and existing positions of the wall that fronts the A480 and made the following suggestions / comments in respect of options for this boundary as follows:

1. The wall remains intact. The Transportation Manager accepts a 70m visibility splay (as existing).
2. Wall reduced in height to 600mm
3. Wall demolished and new 1.2m tall post and rail fence erected (with hedge behind). This is better for the root structure.
4. Wall demolished and new 1.2m tall wall erected 1m away.

#### NO CHANGE TO RECOMMENDATION

<b>2</b>	<p><b>132701/F - PROPOSED ERECTION OF LOW COST MARKET BUNGALOW FOR REGISTERED DISABLED PERSON AT AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS</b></p> <p><b>For: Mr Ashcroft per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</b></p>
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**OFFICER COMMENTS**

An appeal (2207787) on the land immediately adjacent to the site for the temporary stationing of a mobile home in connection with an established rural business was dismissed last week. Whilst the focus of this was on the functional need for a dwelling, the issue of sustainability was also considered. The inspector concluded:

***“Sustainable location for development***

...19. Notwithstanding the proximity of the Amberley Arms, most local services are some distance from the appeal site. I accept that the main nearby villages of Sutton St Nicholas and Marden provide a fairly wide range of services for a rural area, including a number of shops, post office, schools, further public houses, churches and village halls. I note also that, from a bus stop adjacent to the site, there is an hourly service between Hereford and Leominster.

However, I agree with the Council’s view that the villages are on the cusp of acceptable walking distance from the site and that the routes are not ideal for pedestrians, being for the most part along unlit lanes with no footway.

20. Overall, therefore, I have concerns as to whether the proposal would represent a sustainable form of development, with particular regard to accessibility by a choice of modes of transport and relationship to local services and amenities.

The relatively isolated location and restricted access to services indicate conflict with the objectives of the Framework, particularly paragraph 55, and UDP Policies S1 and S2, which aim to promote sustainable forms of development...”

**NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not an executive decision

### **Recommendation**

That the report be noted

### **APPEALS RECEIVED**

#### **Enforcement Notice 133551/ENF**

- The appeal was received on 17 January 2014
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr K Sanghera
- The site is located at Land at, Benhall Court, Wilton, Ross-on-Wye, Herefordshire, HR9 6AD
- The breach of planning control alleged in this notice is:  
Without planning permission, change of use of the land to use for vehicle hire including associated laying of hardstand area, the siting of a portable building use as an ancillary office and the erection of a wash/service bay building.
- The requirements of the notice are:
  - 1) Cease the use of the land for the purposes of the operation of a vehicle hire enterprise and remove all of the motor vehicles associated with the unauthorized use from the land.
  - 2) Demolish the wash/service bay building and remove all resultant materials from the land.
  - 3) Remove the portable office building from the land.
- The appeal is to be heard by Written Representations

**Case Officer: Mr R Close on 01432 261803**

## APPEALS DETERMINED

### Application 130516/F

- The appeal was received on 25 September 2013
  - The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
  - The appeal was brought by Firlands Developments Ltd
  - The site is located at Land adj Dragon Wyck, Bosbury Road, Cradley, Malvern, WR13 5LT
  - The development proposed was Replacement of existing bungalow and erection of 7 no. new dwellings
- The main issues are: - The effect of the proposed development on:-
- The character and appearance of the area, with regard to the hedge on the northern boundary and landscaping;
  - the biodiversity of the area;
  - the provision of transportation, education and open space / recreation facilities in the district.

#### **Decision:**

- The application was Refused under Delegated Powers on 20 June 2013
- The appeal was Allowed on 30 January 2014

**Case Officer: Mr M Tansley on 01432 261815**

### Application 130996/FH

- The appeal was received on 5 November 2013
  - The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
  - The appeal was brought by Mr A Cledwyn-Davies
  - The site is located at The Granary, Middleton On The Hill, Little Hereford, Herefordshire, SY8 4BE
  - The development proposed was Single storey side extension
- The main issues were: the effect of the proposed development on the character and appearance of The Granary itself (which the Council refer to as a locally important building), and on the setting of the Middleton Farmhouse and its adjacent summerhouse, which are both Grade II listed.

#### **Decision:**

- The application was Refused under Delegated Powers on 2 July 2013
- The appeal was Allowed on 27 January 2014
- An Application for the award of Costs, made by the Appellant against the Council, was refused.

**Case Officer: Mr A Banks on 01432 383085**

### Application 131999/F

- The appeal was received on 27 November 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Whilding
- The site is located at Mobile Home at The Amberley Arms, Sutton St Nicholas, Hereford, Herefordshire, HR1 3BX
- The development proposed was temporary stationing of a mobile home in connection with an established rural business.

The main issues were: whether there is an essential need, which would justify the proposed temporary mobile home as an exception to local and national planning policies which generally seek to restrict development of isolated new dwellings in the countryside; and whether the proposal would represent a sustainable form of development, with particular regard to accessibility by a choice of modes of transport and relationship to local services and amenities.

#### **Decision:**

- The application was Refused under Delegated Powers on 7 October 2013
- The appeal was Dismissed on 24 January 2014

**Case Officer: Ms K Gibbons on 01432 261781**

If Members wish to see the full text of decision letters copies can be provided.





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>132321/F - ERECTION OF 12 NEW DWELLINGS. (6 OF WHICH ARE AFFORDABLE HOUSING) AT THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE</b>  <b>For: Colwall Properties Ltd per Jamieson Associates, 30 Eign Gate, Hereford, HR4 0AB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132321">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132321</a>

**Date Received: 21 August 2013**

**Ward: Hope End**

**Grid Ref: 375243,242062**

**Expiry Date: 9 December 2013**

Local Members: Councillors CNH Attwood and AW Johnson

## **1. Site Description and Proposal**

- 1.1 The site is located at the south-western end of Brookmill Close at Colwall. The site has an area of some 0.679 hectare. The area includes the land opposite numbers 15 – 21 Brookmill Close north-west of the railway line and part of a field further to the south-west. Beyond the south-western boundary of the site is the remaining part of the field. Through this field runs an important public footpath linking Colwall with the Malvern Hills. To the north-west of the site, in the Brook House complex are three listed buildings, two Grade 2\* and one Grade 2.
- 1.2 A brook, known as Evendine Brook, runs through the site.
- 1.3 The proposal is to erect twelve houses, six of which would be affordable.
- 1.4 The affordable housing would be sited on the south-eastern side of Brookmill Close (opposite numbers 15 – 21 Brookmill Close). There would be two blocks of houses. There would be a gap of 7.5 metres between the blocks. There would be two one bedroomed flats, two two-bedroomed houses and two three-bedroomed houses. In total these six dwellinghouses would have ten parking spaces. The buildings would be two storeys high with gable ends and front projecting gables. The buildings would be brick built with concrete tiled roofs. Four of the dwellings would be for social rent and two would be intermediate tenure/shared ownership.
- 1.5 Brookmill Close would be extended in a south-westerly direction with a bridge constructed over the brook and six four bedroomed two storey detached houses built on the other side. These houses would be spaciouly arranged with their ridge lines at ninety degrees to the road. These buildings would be a combination of render and larch timber with interlocking slates. These six houses would have a total of eighteen car parking spaces (six being accommodated within garages).
- 1.6 The important trees besides the brook would be retained.

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Further information on the subject of this report is available from Mr R Close on 01432 261803

- 1.7 Draft Heads of Terms in relation to a Section 106 Agreement have been deposited that would secure:-
- a) £13,314 towards off site playing facilities;
  - b) £4,908 towards sporting facilities;
  - c) £23,601 towards sustainable transport contributions;
  - d) £53,208 towards educational infrastructure;
  - e) £30,000 towards flood alleviation for Brookmill Close;
  - f) £720 towards the waste & recycling facilities;
  - g) The affordable housing; and
  - h) The requisite 2% monitoring charge.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007:

#### Strategy

S1 – Sustainable Development

#### Development Requirements

- S2 - Development Requirements
- DR1 – Design
- DR2 - Land use and activity
- DR3 – Movement
- DR4 – Environment
- DR5 – Planning Obligations
- DR7 – Flood Risk
- DR13 – Noise

#### Housing

- S3 – Housing
- H4 – Main Villages – Settlement Boundaries
- H7 – Housing in the countryside outside settlements
- H9 – Affordable Housing
- H10 – Rural exception housing
- H13 – Sustainable residential design
- H15 – Density

#### Natural and Historic Heritage

- S7 – Natural and Historic Heritage
- HBA4 – Setting of Listed Buildings
- LA1 – Area of Outstanding Natural Beauty
- LA5 – Protection of trees and hedgerows
- LA6 – Landscaping Scheme

### 2.2 Emerging Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS6 – Addressing Climate Change
- SD1 – Sustainable Design & Energy Efficiency
- ID1 – Infrastructure Delivery

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Further information on the subject of this report is available from Mr R Close on 01432 261803

- SS2 – Delivering New Homes
- SS3 – Releasing land for residential development
- RA2 – Herefordshire Villages
- RA3 – Herefordshire’s Countryside
- H1 – Affordable Housing
- H2 – Rural exception sites
- H3 – Ensuring an appropriate range and mix of housing
- OS1 – Requirements for open space, sports and recreational facilities
- OS2 – Meeting open space, sports and recreation needs
- LD1 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- LD4 – Historic environment and heritage assets

Minimal weight is attached to the Core Strategy policies as it is at an early stage in the process towards full adoption.

### 2.3 National Planning Policy Framework (NPPF)

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1 N122556/F – Erection of 14 no. dwellings including 8 no. affordable homes – Withdrawn.

## 4. Consultation Summary

### Statutory Consultees

4.1 Severn Trent Water – No objection.

### Internal Consultees

4.2 Education: The financial contributions are acceptable.

4.3 Strategic Housing: Support the application. There remains a demonstrated need for affordable housing in Colwall.

4.4 Parks and Countryside: No Objection.

4.5 Transportation Manager: No Objection.

4.6 Conservation Manager: (Landscape): No Objection.

4.7 Conservation Manager (Planning Ecologist): No Objection.

4.8 Conservation Manager: (Historic Buildings): No Objection.

4.9 Environmental Health Manager: No Objection.

## 5. Representations

5.1 Colwall Parish Council object on the following summarised grounds:

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Further information on the subject of this report is available from Mr R Close on 01432 261803

- a) The proposed development provides more than 35% affordable housing and as such is in conflict with Policy H9 of the UDP;
- b) The open market homes are all four bedroomed;
- c) The proposed development lies outside the settlement boundary and would harm the Area of Outstanding Natural Beauty contrary to policies H4 and LA1 of the UDP;
- d) The open market housing are of an inappropriate design contrary to policy DR1 of the UDP;
- e) Concerns with regard flooding. The proposal conflicts with policy DR7 of the UDP;
- f) Concerns as to the inadequate width of Brookmill Close;
- g) The layout suggests that there could be further development at a future date.

5.2 Twelve local residents (occupiers of 4, 8, 19, 23, 26, 27, 29, 31, 32 Brookmill Close, 'Matchings' Redland Drive, 'Oaklands', Walwyn Road, 1 Station Cottages) object to the proposed development on the following summarised grounds:-

- The site lies outside of the defined settlement boundary;
- The proposal would exacerbate flooding at Brookmill Close;
- The proposal would prevent the corrective action needed to resolve the flooding in Brookmill Close;
- Detrimental to important view out of village;
- Brookmill Close as a road is inadequate to serve the proposed development;
- Until the Neighbourhood Plan is completed all new development should remain in the current settlement boundary;
- The proposed dwellings may suffer from flooding (especially Plots 7 and 12); and
- The two flats are out of character

5.3 Six letters of support have been received (Flat 3 58 Wyche Road, 48 Wyche Road, 'Chevenham'. 46 The Crescent, 1A Rothwell Road, Malvern, 'Dewhurst Cottage' Walwyn Road) on the following summarised grounds:-

- The proposal would provide much needed social and open market housing;
- The field does not flood and will never flood

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

### Principle of the Development

6.1 Colwall is defined in the Herefordshire Unitary Development Plan as a main settlement. Whilst the application site lies outside of the defined settlement boundary it physically adjoins it.

6.2 In terms of the affordable housing element of the proposal there is a demonstrated need for such housing. The site adjoins the settlement boundary and it is considered that it could reasonably be regarded as a "rural exception site" under the auspices of policy H10 of the Herefordshire Unitary Development Plan 2007. The land upon which the affordable housing would be sited is of no real landscape merit and it is logical to develop housing on this parcel of land between those at opposite numbers 15 – 21 Brookmill Close and the railway line.

6.3 With regard the proposed open market housing, policies in the Herefordshire Unitary Development Plan 2007 do not support such housing development. However, the Local Planning Authority does not have a five year housing land supply. This is evident from the Council's most recent annual monitoring report and also the recent appeal decision relating to "Home Farm", Belmont, Hereford (Ref: S122747/O). The Central Government Guidance on this matter is clear. In paragraph 49 of the National Planning Policy Framework (NPPF) it states that:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply"

6.4 Since it became evident that the Local Planning Authority has a shortfall in its housing land supply the Council has adopted a position of looking favourably upon appropriate sites outside but adjacent to Hereford, the market towns and the main settlements (i.e. those listed in policy H4 of the Herefordshire Unitary Development Plan 2007). Colwall is one of those main settlements listed in policy H4.

6.5 In this case it is considered that the proposed site of the open market housing is appropriate as significantly it would not encroach further onto the field than the existing south-western boundary line of Brook House. It is considered that further encroachment into this open undeveloped area would not have been acceptable as it is an important strategic gap between the two distinct elements of Colwall and provides an important undeveloped space when walking along public footpath CW29 from Walwyn Road to the Malvern Hills.

6.6 As a consequence, it is considered that there is no objection to the proposed development. Nevertheless, the detail needs to be appropriate.

#### Landscape

6.7 The site is located within the Malvern Hills Area of Outstanding Beauty. However, as stated above the site in question is not considered to be of such landscape significance that it should be kept clear of built development.

6.8 The proposal ensures the retention of the trees on-site that are considered to be worthy and capable of retention. In addition, a native hedgerow is proposed to be planted along the south-western boundary adjacent to the retained field. The planting of a hedgerow in that location is welcomed as it would create a natural boundary separating the development from the retained important undeveloped land. It would also create an important new wildlife corridor.

#### Design

6.9 The proposed affordable housing exhibits a traditional character with brick detailing that lifts the appearance. The simple but bold form and detailing would create a strong character. In many respects the design of this affordable housing is considered to be better than the existing housing opposite at numbers 15-21 Brookmill Close.

6.10 The six open market houses take a contemporary character. As this cluster would form the end of the cul-de-sac it is considered appropriate that it has a different appearance. These dwellings are low in density with generous gaps between buildings.

#### Setting of Listed Buildings

6.11 Given the existing housing along Brookmill Close and the mature trees and vegetation which line the boundaries of these listed buildings, it is not considered that the proposed development would detrimentally affect the setting of the listed buildings.

### Railway Noise

- 6.12 The site is bounded by the railway to the south-east. The railway hereabouts is on a raised embankment. As a consequence the impact of railway noise has been professionally assessed. That assessment reveals that the future occupiers of the proposed dwellinghouses would not suffer an undue level of noise.

### Ecology

- 6.13 The existence of Great Crested Newts has been established. The Planning Ecologist is satisfied that the proposal would not have an adverse impact. Furthermore the Planning Ecologist is satisfied with the proposed mitigation and bio-diversity enhancement measures for the site.

### Transportation / Sustainability

- 6.14 The site is located close to the village within reasonable walking distance of a range of shops, services and the railway station. The existence of the railway station effectively makes Colwall the most sustainable village in Herefordshire.
- 6.15 The access of Brookmill Close on Walwyn Road is considered to be satisfactory in terms of visibility splays. The design / width of Brookmill Close itself is considered to be satisfactory. The proposed design of the extended road together with the car parking provision accords with the requisite standards. As such, there are no transportation objections to the proposed development/

### Flooding

- 6.16 The final matter to be addressed is that of flooding which is the matter that has attracted most comment locally. Prior to assessing this matter in detail, a few facts need to be established:-

- a) Despite a watercourse passing through the application site, the application site is not identified on the Environment Agency indicative flood risk maps as being subject to flooding; and
- b) That section of Brookmill Close that progresses in a south-easterly direction from Walwyn Road to number 10 Brookmill Close is the subject of "flash flooding". The water flows down to Walwyn Road. Walwyn Road also floods on occasions.

In other words the application site does not flood but the road leading to it (i.e. Brookmill Close) does on occasions flood as does Walwyn Road.

- 6.17 Crucially it should be noted that the application site does not contribute towards the surface water flooding of Brookmill Close. An analysis of the area reveals that flows come through the access bridge in the Network Rail embankment east of number 10 Brookmill Close (not the application site). The flows have historically emanated from:-

- a) the Evendine Brook coming out of bank on the other side of the railway line (south-eastern side) and flowing directly to the access bridge; and
- b) A culvert under the Network Rail embankment which was blocked and hence high flow levels in the Linden Brook cannot be diverted before reaching the Network Rail access bridge. *Network Rail has now cleared this upstream culvert that comes out at Chevenham Close. The reinstated flow brought down debris that was blocking the culvert at Chevenham Corner. This culvert has now been cleared.*

- 6.18 With regard the proposed development itself, a Flood Risk Assessment has been prepared and submitted to demonstrate due consideration to the possible flood extents associated with

the Evendine Brook and to investigate recorded flood incidents. The submitted Flood Risk Assessment is supported by hydraulic modelling of the brook. The modelling includes an appropriate allowance for climate change of 20% peak river flow.

- 6.19 Modelling indicates that the development is located outside of the mapped flood extents of the 1 in 100 year event and, predominantly the 1 in 1000 year event. Further detail is required of the precise design of the proposed road bridge across the brook to ensure that the bridge would not impede river or flood flows during an extreme event and that it will provide safe access and egress during the 1 in 100 year plus climate change event, a condition is recommended ensuring that the soffit of the bridge be at a minimum of 118.3 m AOD.
- 6.20 In terms of surface water drainage it is proposed that a Sustainable Urban Drainage Strategy be adopted whereby in a 1 in 100 year event no more than 5 litres per second would enter Evendine Brook from either side. This is considered to be satisfactory and would not create an undue flood risk.
- 6.21 Despite all of the above demonstrating that the application site does not contribute to the existing flooding events in Brookmill Close and that the proposed development would not exacerbate the existing problem, it is accepted that in the event of floods the future residents of the proposed houses would be affected by the pre-existing problem (flooding of the road that leads to the proposed development). To help rectify that matter the applicant is offering £30,000 towards alleviation of this problem. Such an amount would assist in addressing the issue and should certainly assist in obtaining additional monies from the Environment Agency as funding for such flood alleviation schemes is on the basis of a benefit ratio cost assessment. .

### Conclusions

- 6.22 Given the above, it is concluded that the proposed affordable housing is acceptable in policy terms and the proposed open market housing is acceptable given the shortfall in the Council's five year housing land supply and the sustainability of the location. It is considered that the proposal would not harm the landscape or bio-diversity. The design is considered to be of a high standard. The matter of flooding is satisfactorily addressed.

## **RECOMMENDATION**

**Subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms Full Planning Permission BE GRANTED subject to the following conditions:-**

- 1. A01 Time limit for commencement (full permission)**
- 2. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning authority for their written approval:**
  - **A full written schedule and samples of all external materials.**
  - **Written details of all surfacing materials in relation to the vehicular means of access, driveways, vehicle turning / manoeuvring areas vehicle parking areas and pedestrian pathways.**

**The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.**

**Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and H13 of the Herefordshire Unitary Development Plan 2007.**

3. **B01 Development in accordance with the approved plans**
4. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:**
- **Full details of the precise bridge design over the Evendine Brook ensuring that the soffit of the bridge is at a minimum of 118.3 m AOD (above ordnance datum)**
  - **A detailed surface water management strategy that demonstrates consideration of the use of a Sustainable Urban Drainage Strategy (SUDS) for both infiltration and attenuation of post development flows. Such a strategy must be informed by an assessment of groundwater levels and likely groundwater movements together with on- site infiltration testing. The detailed surface water management strategy must demonstrate attenuation of post-development surface water run-off via a SUDS management train such that no more than 5 litres per second shall enter Evendine Brook from either side**

**The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.**

**Reason: To ensure compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.**

5. **All of the recommendations set out in Sections 4, 5, 6, 7 and 8 of Appendix 3: Working Statement and Summary Recommendations of the ecologist's report dated 13th March 2013 shall be followed in relation to the identified reptiles and amphibians. In addition, all recommendations specified in Appendix 3; Target notes (for the landscaping scheme) for biodiversity enhancement shall be followed in full.**

**Reasons: to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (and amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.**

**To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

6. **An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.**

**Reasons: to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (and amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.**

**To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

7. **Prior to commencement of the development hereby permitted all existing trees shown to be retained upon the approved drawings shall be protected by fencing of in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local**



**Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.**

**Reason: To safeguard the trees upon the site that are of amenity value in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.**

- 8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the development or the first occupation of the entire development (whichever is the sooner). Any trees or plants which within a period of five years of their planting die are removed or become seriously damaged or diseased shall be replaced in the next plantings season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.**

- 9. Prior to commencement of the development hereby permitted full written details of all proposed boundary treatments (i.e. fences, gates, walls or other means of enclosure) for each of the twelve plots shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments for each dwelling shall be fully implemented prior to the first occupation of the dwelling upon that plot and thereafter maintained as such. Notwithstanding the provisions of Class A of Part2 of Schedule 2 of Article3 of the General Permitted Development Order 1995, no other boundary treatments shall be erected without the express consent of the Local Planning Authority.**

**Reason: To ensure a satisfactory appearance to the development in accordance with Policies DRI, HI3 and LA1of the Herefordshire Unitary Development Plan 2007.**

**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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats including nesting birds. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.**
- 3. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.**
- 4. HN05 Works within the highway**

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Further information on the subject of this report is available from Mr R Close on 01432 261803

**5. HN04 Private apparatus within highway**

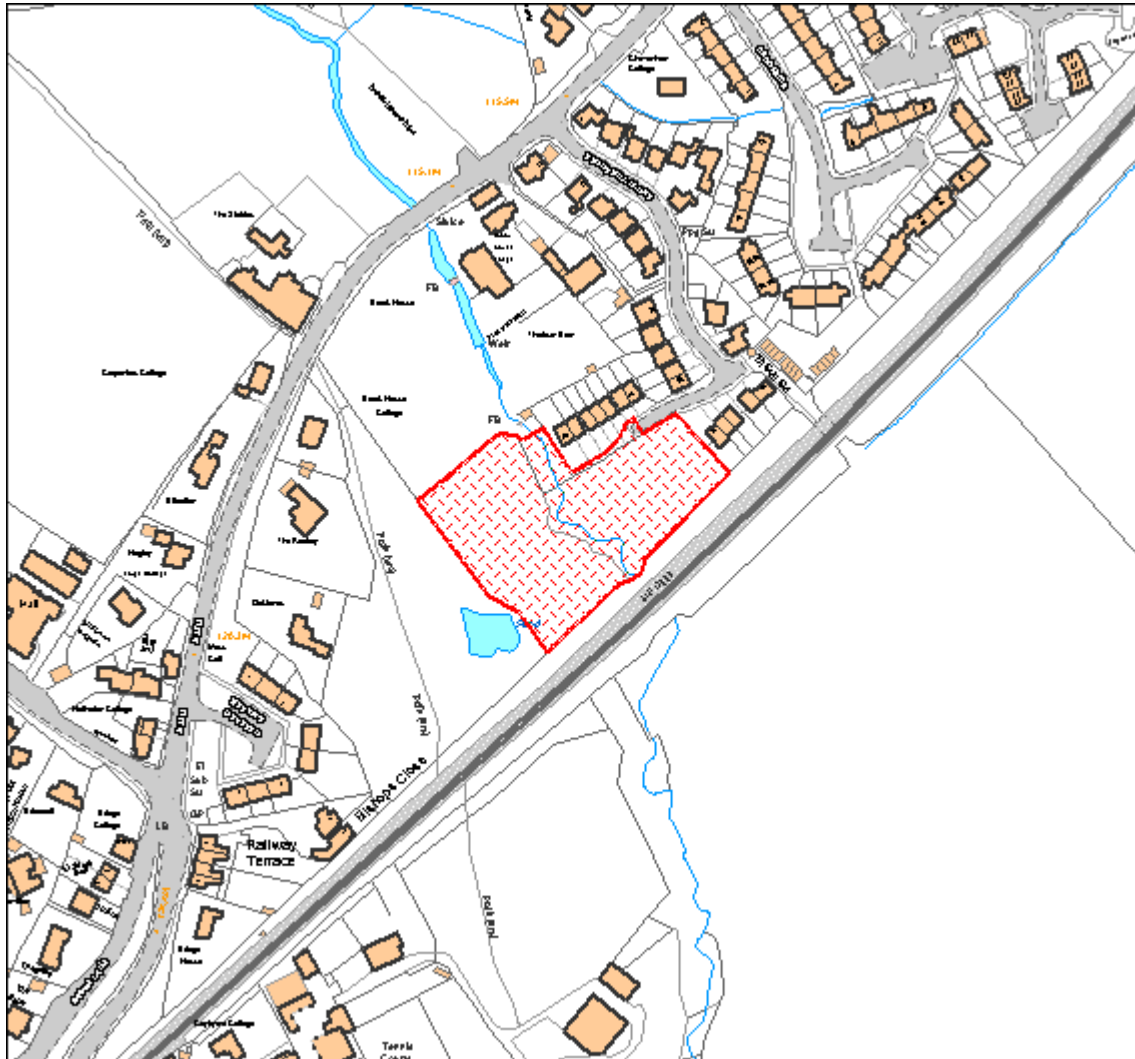
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 132321/F

**SITE ADDRESS :** THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr R Close on 01432 261803





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>132588/F - CHANGE OF USE FROM C3 DWELLING TO D1 DENTAL SURGERY AT 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY</b>  <b>For: Mr R Parsons per Mr Leonard Vidler, Linton Design, 5a Old Road, Bromyard, Herefordshire, HR7 4BQ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132588">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132588</a>

**Date Received: 18 September 2013    Ward: Bromyard    Grid Ref: 364694,254338**

**Expiry Date: 13 November 2013**

Local Members: Councillors JG Lester and A Seldon

#### **i. Introduction**

This application was deferred at the Planning Committee of 29 January 2014 for a site visit to be undertaken, below is the previous report.

#### **1. Site Description and Proposal**

- 1.1 1 Hatton Park is a modest bungalow occupying a corner plot located to the south-west of the junction between an unadopted road known as Hatton Park and the A44. The dwelling is set back approximately 15 metres from the edge of the A44 and 10 metres from Hatton Park. A modestly proportioned garden is located in front of the dwelling.
- 1.2 The locality is primarily residential in character with a fairly dense provision of dwellings further along the A44 and Hatton Park. A newsagents and hairdressers are directly to the east of the site on the opposite junction of Hatton Park and the A44.
- 1.3 Access to the application site is directly off Hatton Park, 20 metres from the junction with the A44 and opposite the 2 metre high boundary fence of 2 Hatton Park. 2 Hatton Park is set back from the road approximately 15 metres from the vehicular access to 1 Hatton Park and 22 metres from the dwelling itself.
- 1.4 The proposal is for a change of use of the building from residential (C3) to a dental surgery (D1). The only physical alteration to the building would be the replacement of a garage door with a window on the north elevation. A car park for 10 cars would be located in front of the building within the existing garden area. The front hedgerow would be removed and replaced slightly further from the roadside to increase visibility.

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

## **2. Policies**

### **2.1 National Planning Policy Framework**

Chapters 1, 2, 4, and 8 are referred to throughout this report and are of particular relevance.

### **2.2 Herefordshire Unitary Development Plan(HUDP)**

S1	-	Sustainable design
DR1	-	Design
DR2	-	Land use activity
DR3	-	Movement
CF5	-	New community facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### **2.4 Herefordshire Local Plan Core Strategy**

SS1	-	Presumption in favour of sustainable development
SS6	-	Environmental and local distinctiveness
BY1	-	Development in Bromyard
MT1	-	Traffic management highway safety and promoting travel
LD1	-	Landscape and townscape
SC1	-	Social and community facilities

2.5 The Core Strategy has recently been approved by Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

## **3. Planning History**

3.1 None relevant

## **4. Consultation Summary**

4.1 The Transportation Manager was consulted. A joint site visit was undertaken with the case officer and three written responses were received. The initial response was a no objection but with a concern for visibility in an easterly direction along the A44 at its junction with Hatton Park. It was, however, considered that there was scope to provide requisite visibility splays of 2.4 by 60 metres. Since then, amended plans have been submitted with visibility increased through the setting back of the front hedgerow (plan). The Transportation Manager is content that the visibility splays as proposed are now adequate.

4.2 Economic Development were consulted but no response has been received from the Regeneration Manager

## **5. Representations**

5.1 Bromyard Town Council resolved not to support the application on the grounds that "the access onto the A44 is dangerous and the area around the Top Shop is already heavily congested."

5.2 12 letters of objection were received from third parties. The key issues raised were:

- The change of use would inject commercial aspects and related traffic into a residential area along a narrow, private, unadopted road.
- There are already huge traffic / access problems at the junction of Hatton Park and the main road (A44) with all the traffic coming and going from the shop car park and traffic entering and exiting Hatton Park itself. A dental practice will mean there will be a very large increase in traffic using this junction and Hatton Park itself.
- The increase in traffic will lead to an increase in noise and increase danger to pedestrians using Hatton Park, not an insignificant issue bearing in mind the aging population who live in Hatton Park and there being no pavements on which to walk.
- The ability for residents or visitors to park on Hatton Park will be impeded with patients and staff using this area to park their cars if the dental car park is full.
- Changing the use of 1 Hatton Park from residential to commercial use will have a negative impact on the value of properties.
- Allowing this application may well open the floodgates for other requests to be made to change the use of residential properties in the road.
- Hatton Park is a residential road and not for commercial access.
- If permission is granted for change of use there will be an increase in danger for children playing in the road.
- Environmental damage through the removal of trees and hedgerows.
- An increase in noise from increased traffic levels.
- The storage of drugs on the premises may attract undesirables.

5.3 2 letters of support were received from third parties. The key issues raised were:

- Dentists are full in the area and there is a long wait for appointments.
- The dentist would be closer to the homes and school of the supporters
- Good asset to the town to have a local dentist
- Sited close to public transport links

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The application seeks permission for the change of use of an existing dwelling to a dental surgery. Development for new community facilities, which includes the provision of services relating to health needs, is chiefly considered against UDP Policy CF5 which requires such development to reflect the character of the locality whilst being located within the settlement which it would serve. Regard is also had for the amenity of neighbouring residents and highways safety.

6.2 The dwelling is of no particular aesthetic merit though it contributes well enough to the make up of the street scenes along the A44 and Hatton Park. It is within an established residential area, although a newsagents and hairdressers are directly to the north-east of the site. The only physical change to the building itself is the replacement of a garage door with a window on the north elevation, though it is proposed to provide a relatively large area of hardstanding within the front garden of 1 Hatton Park to form a car park. The scheme includes a proposal to re-site the hedgerow further into the site to aid with visibility along the A44 (discussed in detail in paragraph 6.7 of this report). It is my opinion that views of the area to the fore of the building would be marginally less as a result of the proposed development given that the hedgerow would be on slightly higher ground and as such, the impact of the hardstanding lessened.

Notwithstanding that, a number of buildings along the A44 have a similar area of hardstanding between the building and the highways edge including the newsagents and hairdressers immediately to the west of the site and a number of dwellings to the east. As such the provision of hardstanding itself would not in my opinion be out of keeping with the site context. The greatest impact on the townscape would be the increased volume of cars being parked between the dwelling and the principal view point along the A44. This would result in a modest impact on the physical character of the locality notwithstanding the provision of a hedgerow.

- 6.3 There is no policy which guards against the loss of a residential unit in this location although a D1 use is not inherently harmonious with the residential use of the surrounding area. Subsequently, as stipulated by criterion 3 of policy CF5, an analysis of the impact on the amenity and privacy of neighbouring residents is required. The applicant has confirmed that the premises would be open from 9-5.30, Monday to Friday and approximately 25 vehicles will access the site per day generating approximately 50 trips per day during the stated opening hours. Currently the site as a residential unit would be accessed by 2 cars, generating approximately 7 trips per day. Although noise arising from extra traffic may be noticeable to some residents this would not in my opinion be of a level which would unduly impact on amenity, particularly given the limited hours of operation.
- 6.4 Furthermore, 1 Hatton Park is located at the northern end of the lane, close to the junction with the A44. As such, vehicles looking to access the dental surgery would only travel past 1 dwelling on Hatton Park, namely no.2, which benefits from a tall boundary fence. There is sufficient room at this end of the lane for two cars to pass each other.
- 6.5 There is ample space within the proposed car park for vehicles to enter and leave in a forward gear and parking is provided for up to 10 vehicles. The provision of 10 parking spaces for a dental surgery with two consultation rooms is considered to be acceptable. No more than 5 members of staff would be at the site at anyone time and thus no less than 5 parking spaces would be available for clients, eliminating the need for parking on Hatton Park itself in relation to the use of the proposed dental surgery.
- 6.6 In my opinion the key issue is the potential for development to impede highways safety. Access to the site is off Hatton Park, a narrow unadopted lane which feeds off the A44. The highways concern relates specifically to poor visibility splays at the junction of Hatton Park and the A44. Currently visibility along the A44 is approximately 6 metres to the east, although it is adequate in a westerly direction. Given the aforementioned increase in vehicle numbers using this junction, the existing access is unacceptable and would in my opinion have serious implications for the acceptability of this proposal given the associated increase of traffic movements.
- 6.7 The site occupies a corner plot which fronts on to the A44 and Hatton Park and the hedgerow which limits visibility from this junction is within the identified application site. Having discussed the matter with the Transportation Manager there was considered to be scope to achieve satisfactory visibility splays along the A44 to the east through the removal or alteration of boundary treatments within the application site. This was communicated to the agent who has submitted plans to realign the hedgerow to increase visibility at a point 2.4 metres from the A44 at a height of 0.6 metres. The visibility splay in a easterly direction of the resultant scheme would be approximately 26 metres. Although still not to minimum requirements as set out in manual for streets, which for a 30 mph limited zone is 43 metres, the resultant splays would represent a vast improvement of the current 6 metre splay. The benefits of the improved visibility would not be limited to users of the proposed Dental Surgery. Safer egress on to the A44 from Hatton Park would be provided for all residents along Hatton Park. On balance and having fully considered the Transportation Manager's initial response, proposed visibility splays from the junction of Hatton Park with the A44 are considered to outweigh the intensification of the use of the this junction.



- 6.8 A number of issues were raised in letters of objection from third parties. The previous paragraphs discuss concerns regarding highways safety, residential amenity and impact on the character of the locality. The Local Planning Authority are unable to consider implications for property values or the possibility that the approval of this application may encourage others to apply for development elsewhere along the lane. Hatton Park is an unadopted road and the rights of potential staff or clients of the proposed dental surgery to use this road is a civil matter and not for consideration in the determination process.
- 6.9 To conclude, I consider the proposal to be suitably located in relation to the settlement which it serves having no undue detrimental implications for the amenity of neighbouring residences. Highway safety concerns, specifically relating to the egress on to the A44, are suitably addressed with the resiting of the roadside boundary hedgerow. Although there would be a modest negative impact on the townscape due to the parking of cars to the fore of the dwelling, I do not consider this concern to hold sufficient weight as to warrant a refusal. As such, the proposal accords with HUDP policies S1, DR1, DR3 and CF5 and the NPPF, with chapters 2, 4 and 8 being of particular relevance.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The change of use shall not commence until visibility at the junction between the A44 and Hatton Park has been improved through the resiting of the front boundary hedgerow in accordance with the detail provided on drawing no. 1712-2 rev. b. Nothing shall be planted, erected and/or allowed to grow on the area of land which would be forward of the hedgerow.**

**Reason: To ensure that visibility is acceptable from Hatton Park along the A44 in an easterly direction and in the interests of highways safety as required by Policy DR3 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 4. H14 Turning and parking: change of use - domestic**
- 5. F02 Restriction on hours of delivery**
- 6. I16 Restriction of hours during construction**

**Informative:**

- 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

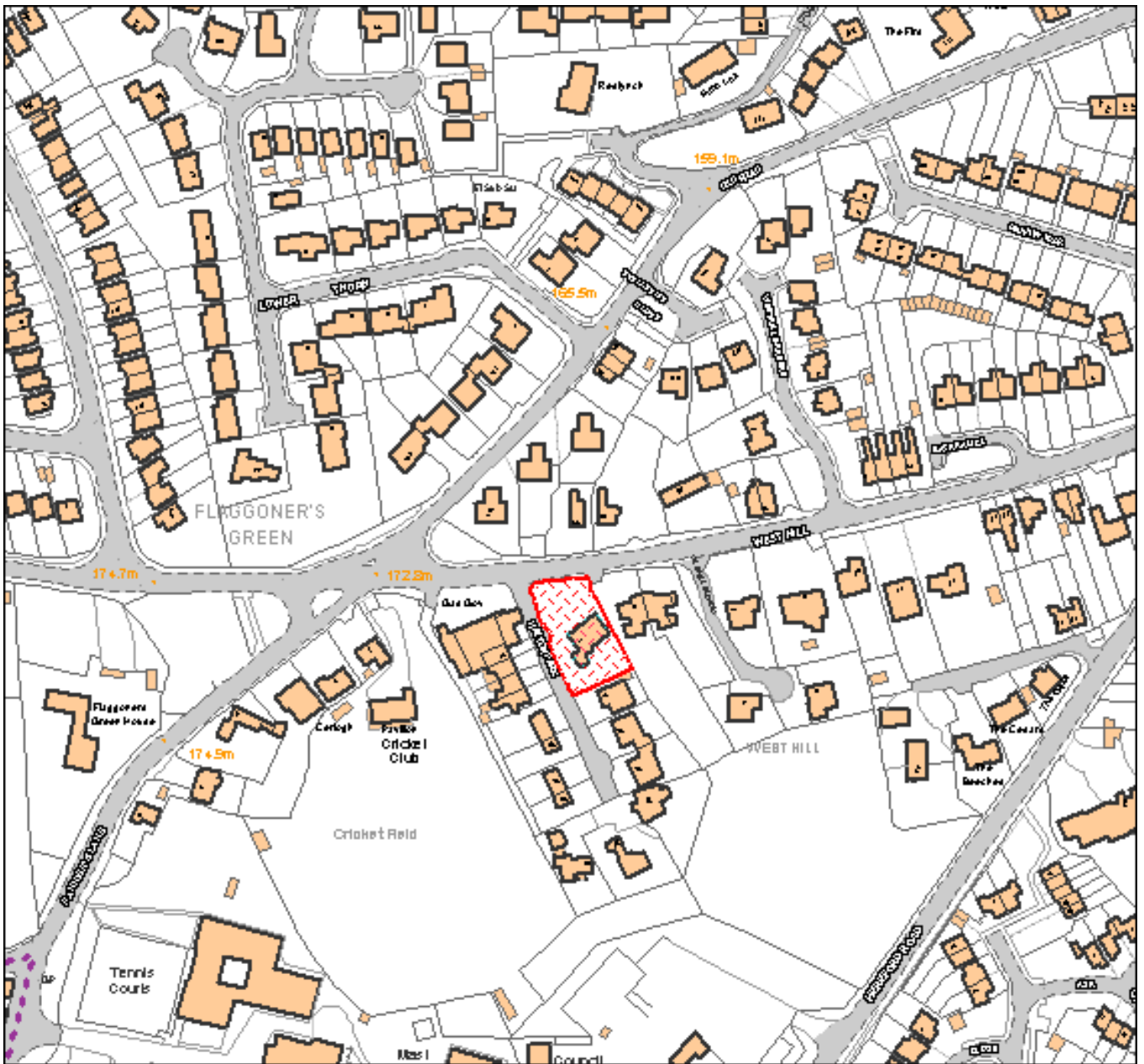
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132588/F

**SITE ADDRESS :** 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>P133115/F - DEMOLITION OF REDUNDANT BUILDINGS AND ERECTION OF 3 NO. DWELLINGS, NEW ACCESS AND DRIVEWAYS AT LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA</b>  <b>For: Mr Reynolds per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133115">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133115</a>

**Date Received: 6 November 2013**      **Ward: Hagley**      **Grid Ref: 356559,241231**  
**Expiry Date: 8 January 2014**  
 Local Members: Councillor DW Greenow

## 1. Site Description and Proposal

- 1.1 Planning permission is sought for the residential development of a site on the eastern side of Longworth Lane, in Bartestree. It lies in between 'The Gateway Centre' (a children's nursery/pre-school) and a range of residential barn conversions. The site is located towards the southeast of the core of the village. It is some 100 metres to the south of the junction of Longworth Lane and the A438, Ledbury to Hereford Road. There is residential development on the opposite side of the road, known as Malvern View.
- 1.2 Currently the 0.12 hectare site is occupied by three former hop pickers' accommodation buildings and an open sided Dutch barn, which it is proposed to demolish. They are timber and metal clad single storey buildings and one occupies the front of the site, providing a built up roadside frontage. The majority of the site is rectangular, some 47.5 metres by 27 metres, however it narrows significantly towards the eastern section to a width of between 7.5 and 6 metres for a length of 50 metres. The roadside frontage is some 27.5 metres wide. A 2 metre high brick wall demarks the southern boundary, to the barn conversions, whilst the remaining boundaries have fencing.
- 1.3 A single access is proposed off Longworth Lane, located at the northern end of the roadside boundary to serve the three new detached properties. A Design and Access Statement, Ecology Assessment Report and Initial Assessment Bat Survey Report have been submitted with the application. Amended plans have been submitted in respect of all three plots. These revisions include the resiting of the dwelling on Plot 1 further to the south, the provision of a single storey attached store to the side elevation and brick elevations rather than rendered, a change of house design on Plot 2 and modifications to the fenestration on Plot 3. The re-consultation period expires on 15<sup>th</sup> February 2014, after

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

the production of this report. Any comments received will be provided in the Committee Update.

- 1.4 Plot 1 would front Longworth Lane. A three bedroomed, double fronted, 'L' shaped dwelling is proposed on this plot. Amended plans have been submitted to incorporate an attached store. The principal elevation would be 13.4 metres in width, including the single storey element and 7.1 metres in height. The first floor accommodation would be partly within the roof void and three lucarnes (dormer windows) are proposed to the principal elevation, with rooflights included in the rear elevation, to facilitate this. As amended the property would have brick elevations, to match the existing roadside boundary wall and plain roof tiles. It would comprise a lounge, kitchen/dining room, study, utility room, sunroom, W.C and store at ground floor with three bedrooms (one with an ensuite bathroom and dressing room) and a bathroom over.
- 1.5 The proposed dwelling on Plot 2, the middle plot, would face north and would be similar to plot 1. It would have dormer windows to the front elevation and rooflights to the rear. The three bedroomed property would be predominantly brick, but would include a single storey element to the side elevation that would be timber boarded. Slates are proposed for the roof. At ground floor it would provide a lounge, study, W.C/shower room, kitchen/dining room, utility room and sunroom, with three bedrooms (one with an ensuite bathroom) and a bathroom above.
- 1.6 An 'L' shaped property is proposed on Plot 3 and it would face west. It would have three bedrooms (one with ensuite bathroom) and a bathroom at first floor, with a lounge, kitchen/diner, utility room, sunroom, W.C and single garage below. Amended plans have been provided to include high level windows in the rear elevation and alterations to the windows to the gable ends. The elevations would be primarily brick, with timber boarding to the upper part of the gable ends and the single storey forward projecting element. As for Plot 2, slate is proposed for the roof.
- 1.7 A brick wall is proposed to the roadside boundary, which would reduce in height from 1.9 metres to 1.1 metres, lining up with the right-hand side of the principal elevation of the property. This wall would have a curved line at the point of the visibility splay, returning and terminating at a brick pier opposite another at the end of the proposed 1.2 metre northern boundary wall. The wall would be punctuated by a 0.9 metre gap to provide a pedestrian access to the front door of the property. The access would be tarmacked and the driveways and parking areas are proposed to be finished with gravel. Visibility splays of 60 metres, from a 2.4 metre set back, are achievable in either direction.
- 1.8 The narrow strip of land towards the east of the site would include a single, gravelled track, with a grassed area to the south, parallel to it. This would provide access to the field to the east.

## **2. Policies**

### **2.1 National Planning Policy Framework**

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 4	-	Promoting sustainable transport
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 11	–	Conserving and enhancing the natural environment
Decision-taking		

## 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

## 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
ID1	-	Infrastructure delivery

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

## 3. **Planning History**

3.1 CE2004/2837/0 – Demolition of buildings and proposed site for residential development – refused 11.3.2005, Appeal withdrawn 22.9.2005

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water: No objection, standard conditions recommended regarding foul water and surface water discharge.

### Internal Council Advice

- 4.2 The Transportation Manager makes the following comments: No objection. Conditions and informatives recommended.
- 4.3 The Conservation Manager (Ecology) makes the following comments: I have read the ecological survey by HEC dated October 2013 and the Bat Survey report by Arbtech dated September 2013 and would broadly agree with their findings. The site would appear to offer a limited ecological potential and could be enhanced by this development through a habitat enhancement plan.

The National Planning Policy Framework 2012 states that *“The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”*. It goes on to state that *“when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity”* and *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. If this application is approved, I recommend the inclusion of a non-standard condition. With regards a Habitat Regulations Assessment the development proposes connecting to the mains and presents no necessity for an HRA report.

- 4.4 The Environmental Health Manager (Contaminated Land) has advised that records indicate that some landfilling was undertaken in the vicinity of the proposal. Due to the proximity of the proposal and sensitivity of development, a condition is recommended to any planning approval. This will demonstrate that any risk from the nearby landfill has been suitably considered and assessed.

## 5. Representations

- 5.1 Bartestree and Lugwardine Group Parish Council make the following comments: Support. Reservations regarding the hedgerows and roadway.

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

- 6.1 The main issues to be considered are the principle of the development, the acceptability of demolition of the existing buildings, impact upon the character and appearance of the area and amenities of neighbouring properties, highway safety and ecology.

- 6.2 The application seeks planning permission for the erection of 3 dwellings on land outside, but on the opposite site of the road to a main village's settlement boundary (Policy H4 of the UDP). As defined in the UDP the settlement boundary runs along the western side of Longworth Lane, opposite the site. Therefore, in terms of the UDP the site lies in open



countryside. As the scheme is for open market houses it fails to comply with the specified exceptions in policy H7 and consequently the principle of development is contrary to this policy. In terms of the Draft Core Strategy, Bartestree is identified as a village for proportionate housing development where further growth is directed. However policy RA1 has been contested and in light of this it is considered that it cannot be afforded significant weight at this time.

- 6.3 This application, in common with many considered by Planning Committee recently, is submitted against the backdrop of the Council's published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.4 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA). The application site was not included in the SHLAA because it was considered that it would not yield 5 or more dwellings. At the end of 2013 the Bartestree Neighbourhood Development Plan Steering Group reviewed the SHLAA and included the site in the low/minor constrained sites. The stated reason being that a planning application had been submitted for three dwellings.
- 6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide clarification of the level of supply that he considered currently exists, the decision does provide a clear indication that the Council currently cannot demonstrate a 5-year housing land supply. An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included when calculating the County's land supply is being produced and will be available by the end of March 2014.
- 6.6 Notwithstanding this, it remains the case that for the purposes of housing delivery the relevant policies of the UDP must be considered out of date. As such, and in accordance with paragraph 14 of the NPPF, the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that, in the context of a housing land supply deficit, there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 Notwithstanding the out of date nature of the housing land supply policies, there remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the

conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.

- 6.9 As well as consideration of the principle the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly it should be assessed if the development would represent sustainable development. The NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependent. As such they should be sought jointly and simultaneously.
- 6.10 In broad terms the application site is considered to represent a sustainable location for development with access to local services, such as a shop, public house, primary school, nursery and village hall/sports fields and public transport providing a reasonable service to access wider services, facilities and employment opportunities in both Hereford and Ledbury. The bus stop is some 110 metres from the site. There is a footpath to the north of the site, along the eastern side of Longworth Lane between the neighbouring nursery site and the A438. Opposite the site, on the western side of the road there is a footpath to the south of number 4, Malvern View, and another to the north of the access into Malvern View however these are not linked. As a result pedestrians, for short stretches, have to walk on the carriageway. The submitted scheme proposes a section of footpath on the western side of Longworth Lane, linking the existing footpaths, thus providing safer pedestrian access to the village for both occupiers of the proposed dwellings and also existing local residents. As the application site is located within relatively easy access of facilities and services, which would be enhanced through the provision of the linking footpaths, it is considered sustainable in terms of its location and 'in principle' should be supported.
- 6.11 The previous refusal of outline planning permission on the site for residential development is a material planning consideration. Permission was refused on the basis that the site was outside the settlement boundary. This planning history, whilst being a material planning consideration, does not set a precedent preventing development of the site at this time. By virtue of the lack of a deliverable housing land supply and the requirements of the NPPF there has been a significant change in planning policy, such that this planning history is outweighed.
- 6.12 In respect of the acceptability of the demolition of the existing buildings, it is considered that they are not of architectural or historic merit, such that they should be retained for these reasons. With regards the habitat credentials of the buildings, following an Initial Assessment Bat Survey and Phase I Ecological Assessment, it has been established that they have limited habitat value, with no evidence found of bats or birds utilising them. Ivy growing on the buildings may provide valuable nesting sites and on site observations were only of transitory visits. A bat box is proposed to be attached to each property together with soft landscaping including apple trees (Herefordshire Redstreak). In terms of this consideration it is opined that the scheme would result in a net gain in on site biodiversity. The Environmental Health Manager has advised that there is evidence of landfill in the local area. By virtue of this and the sensitivity of the proposed use, for human occupation, it is considered reasonable and necessary to impose a condition requiring a desktop study to be undertaken and any remedial action carried out prior to the commencement of development.
- 6.13 The NPPF and the UDP seek to promote or reinforce local distinctiveness and decisions should aim to ensure that proposals should reflect the identity of local surroundings and materials, amongst other things. The proposed dwellings have been designed and orientated to reflect development within the area, in particular the barn conversions to the south. Plot 1 is to be orientated to face the road and of brick construction. The proportions of the buildings would be in keeping with the development within the vicinity. The brick built boundary wall to the roadside would tie in with the existing wall to the south. The properties have been designed to minimise the impact upon neighbouring properties, in particular to the barn conversions to the south. Plot 1 has no windows in the side gable facing 'The Stables'. All

three dwellings proposed would only have rooflights in the rear elevation roofslopes, thus reducing the potential for overlooking of the gardens of the neighbouring properties. An existing 1.8 metre high fence is to be retained along the southern side boundary. It is considered that the scheme achieves satisfactory living conditions between the three plots. No representations have been received from local residents.

- 6.14 A single access is proposed onto Longworth Lane, providing adequate visibility in either direction. The proposed new footway would link the existing sections, resulting in a continuous footway along the western side of Longworth Lane. This would improve the pedestrian connectivity of the site to the village's facilities and public transport. It would therefore accord with the NPPF requirement to provide safe and accessible developments. Moreover, it would improve the current situation for existing residents in the locality. Cycle racks/stores are proposed to be provided for each property, within the stores/garage or garden. This would encourage and facilitate future occupants' use of other means of transport to the private car and is supported.
- 6.15 In accordance with the Council's temporary suspension for financial contributions for developments of 5 or less dwellings, the applicant has requested that if permission is granted the time limit for the commencement of development is reduced to one year and no financial contributions are made. As this accords with the temporary suspension and would also expedite the provision of much needed housing, this is considered to be acceptable.
- 6.16 In conclusion the proposal is considered to be acceptable in principle, being a site that would provide sustainable development. In accordance with paragraph 14 of the NPPF it is considered that permission should be granted, as there are no identified adverse impacts that would significantly or demonstrably outweigh the benefits.

## **RECOMMENDATION**

**That Planning Permission be granted subject to the following conditons:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. F07 Domestic use only of garage**
- 5. F08 No conversion of garage to habitable accommodation**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G12 Hedgerow planting**
- 9. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.  
An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**
- 10. H03 Visibility splays**

11. H13 Access, turning area and parking
12. H27 Parking for site operatives
13. The approved secure and covered cycle storage (Asgard Design Cycle Storage Lockers – Plot 2 and Wall mounted cycle storage for plots 1 and 3) shall be installed/provided and made available for use prior to the first occupation of the dwelling to which it relates.

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, the northerly section of new footpath indicated on drawing BR9B shall be provided in accordance with a specification that has first been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with details so approved.

**Reason:** To improve the sustainability of the site by facilitating pedestrian access to the local services, facilities and public transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. 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.

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.

**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.

**Reason:** To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

**INFORMATIVES:**

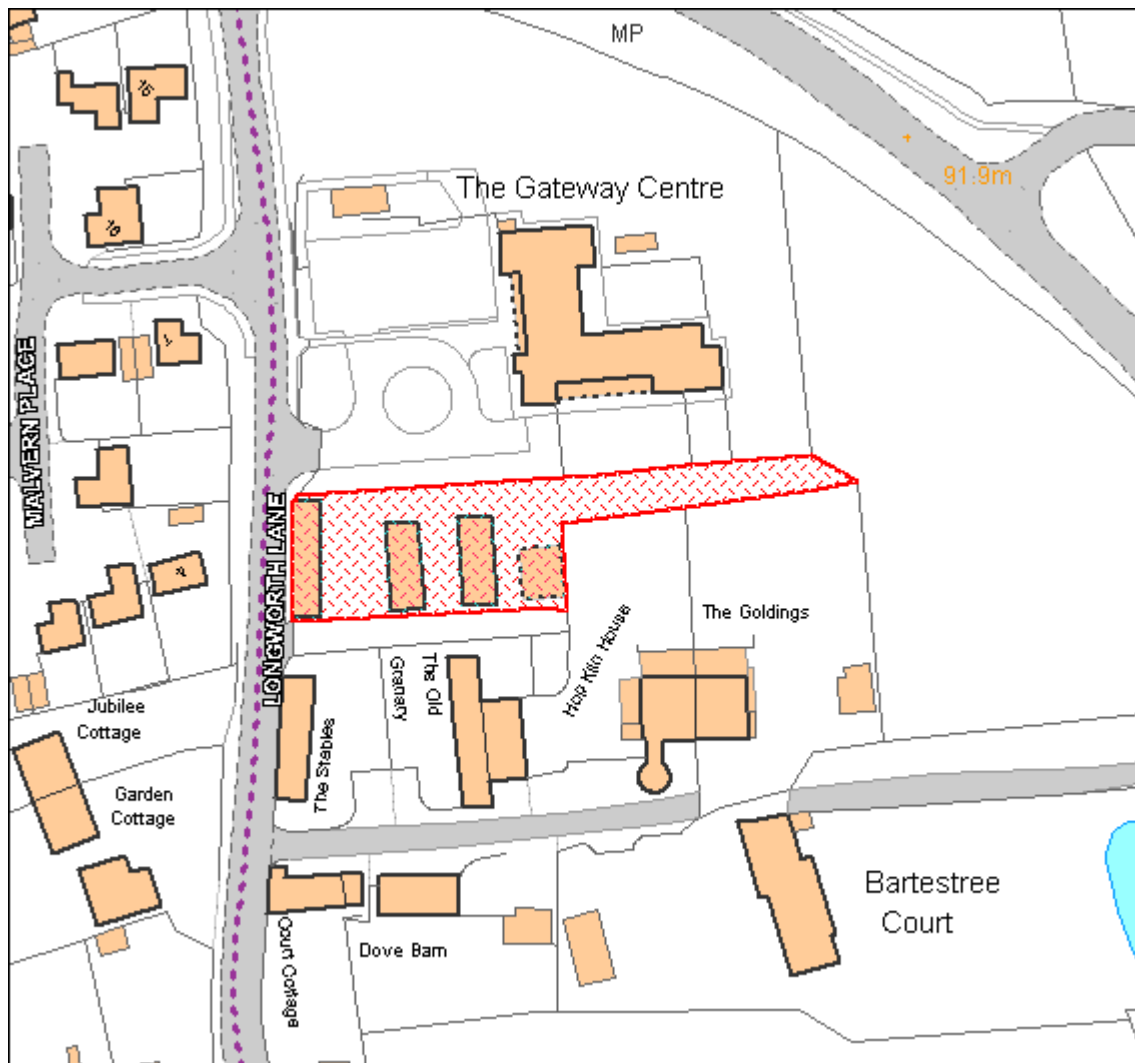
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN05 Works within the highway

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 133115/F

**SITE ADDRESS :** LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P132962/F - PROPOSED ERECTION OF 3 DETACHED DWELLINGS, NEW ACCESS, DRIVEWAY AND GARAGE AT LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA</b></p> <p><b>For: Messrs D Forrest, L Hansford &amp; B Reynolds per DA Forrest Architectural Services, Court Cottage, Bartestree, Hereford, HR1 4DA</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132962">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132962</a>

**Date Received: 22 October 2013**

**Ward: Hagley**

**Grid Ref: 356553,241117**

**Expiry Date: 29 January 2014**

Local Member: Councillor DW Greenow

- 1.1 The application site lies on the eastern side of Longworth Lane opposite its junction with Hagley Park, to the southeast of the village of Bartestree. It is some 214 metres to the south of the junction of Longworth Lane and the A438, Ledbury to Hereford road. Residential development lies to the north and west, with a mixed residential/commercial plant yard use (October House) to the south. Bartestree Court, a Grade II listed building, lies some 21 metres to the northeast of the site.
- 1.2 Presently the 0.119 hectare site comprises a paddock and it is essentially rectangular, but tapers towards the eastern section. The roadside frontage is some 26 metres wide and the rear section reduces to a width of 16.5 metres. It is some 85 metres in depth. Levels are relatively flat within the site, but fall away gradually towards the eastern part. The boundaries are demarked by stock proof fencing, with the exception of the northern boundary which has a conifer hedgerow along it.
- 1.3 It is proposed to erect three detached, one and a half storey dwellings, which would all be served by a single access off Longworth Lane located at the southern end of the roadside boundary. Plot 1 would face Longworth Lane and would provide a double fronted, 'L' shaped dwelling, with a detached open fronted, double carport/garage to the rear. The principal elevation would be 12.5 metres in width and 7.25 metres in height. The first floor accommodation would be partly within the roof void and three lucarnes (dormer windows) are proposed to the principal elevation, with a further three in the rear/side elevation, to facilitate this. The property would have a brick plinth, timber shiplap boarding to the principal, side and rear elevations, with render to the rear projection and plain roof tiles. It would comprise a kitchen/dining room, study, living room, sunroom and W.C at ground floor with four bedrooms (one with an ensuite bathroom) and a bathroom over. The property on plot 2, the middle plot, would face south and would be similar to plot 1, but would have an

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

attached open fronted car port, three bedrooms at first floor and brick elevations, including a plinth. The dwelling on plot 3, which would face west, would be sited in the eastern part of the site. The principal elevation would have a gable end to the right-hand side, a projecting open sided porch and two dormer windows. It would be some 13 metres wide by a maximum depth of 12.5 metres, which would include the porch and single storey sunroom to the rear. It would be the largest of the three properties, having five bedrooms (two with ensuite bathrooms) and a bathroom at first floor, with a lounge/dining room, kitchen/diner, utility room, study, sunroom and W.C at ground floor. It would also have a detached open fronted, double garage to the northwest of the property. Similarly to Plot 2, it would have brick elevations and plain tiled roof. All three properties would have chimneys and painted timber fenestration, fascias and soffits. The porches, garage and carports would have exposed oak supports to their principal elevation.

- 1.4 A timber post and rail fence is proposed to form the boundary with Longworth Lane, with a native hedgerow planted to the rear. Additional soft landscaping is proposed to the northern and southern boundaries, and within each plot. Hedgerows are proposed between each of the plots, with a temporary wicker fence provided initially. A 3 metre deep conservation area is proposed to the rear of plot 3 and would incorporate a shallow rainwater overspill pool to provide a seasonal wetland area. Gravel driveways and parking areas are proposed and the visibility splay would be some 60 metres in each direction, from a 2.4 metre set back. A Design and Access Statement and Ecology Assessment Report have been submitted with the application.

## 2. Policies

### 2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 4	-	Promoting sustainable transport
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 11	–	Conserving and enhancing the natural environment
Section 12	–	Conserving and enhancing the historic environment
Decision-taking		

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA4	-	Setting of Listed Buildings
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA6	-	Landscaping schemes

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536



- NC1 - Biodiversity and development
- NC6 - Biodiversity Action Plan priority habitats and species
- NC7 - Compensation for loss of biodiversity

### 2.3 Herefordshire Local Plan – Draft Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Addressing climate change
- RA1 - Rural housing strategy
- RA2 - Herefordshire's villages
- H3 - Ensuring an appropriate range and mix of housing
- OS1 - Requirement for open space, sports and recreation facilities
- OS2 - Meeting open space, sports and recreation needs
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Local distinctiveness
- LD2 - Landscape and townscape
- LD3 - Biodiversity and geodiversity
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- ID1 - Infrastructure delivery

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

## 3. **Planning History**

3.1 None.

## 4. **Consultation Summary**

### Statutory Consultees

4.1 Welsh Water: No objection, standard conditions recommended regarding foul water and surface water discharge.

### Internal Council Advice

4.2 The Transportation Manager makes the following comments: Proposal is acceptable as shown on amended plans, except for omission of covered and secure cycle storage. Recommend approval with conditions and informatives.

4.3 The Conservation Manager (Ecology) makes the following comments:

I have read the ecological report by HEC dated 15/10/13 and broadly support its content and recommendations. There are two old records of great crested in the vicinity and it is not clear if these relate to ponds near the site. However, the report points out that a pond beyond the site curtilage has carp and so I agree that it is unlikely that there is a breeding population. I believe that the risk of great crested newts being on the site is very low and can be covered through an informative to the applicant should they be encountered. I support the proposals for habitat enhancement in the report.

The National Planning Policy Framework 2012 states that “*The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*”. It goes on to state that “*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*” and “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.

## **5. Representations**

- 5.1 Bartestree and Lugwardine Group Parish Council make the following comments: Support.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## **6. Officer's Appraisal**

- 6.1 The main issues to be considered are the principle of the development, impact upon the character and appearance of the area and amenities of neighbouring properties, impact upon the setting of the listed building, highway safety and ecology.
- 6.2 The application seeks planning permission for the erection of 3 dwellings on land outside, but on the opposite side of the road to a main village's settlement boundary (Policy H4 of the UDP). As defined in the UDP the settlement boundary runs along the western side of Longworth Lane, opposite the site, before returning and running along the southern boundary of the properties in Hagley Park, some 35 metres beyond the application site. Therefore, in terms of the UDP the site lies in open countryside. As the scheme is for open market houses it fails to comply with the specified exceptions in policy H7 and consequently the principle of development is contrary to this policy. In terms of the Draft Core Strategy, Bartestree is identified as a village for proportionate housing development where further growth is directed. However policy RA1 has been contested and in light of this it is considered that it cannot be afforded significant weight at this time.
- 6.3 This application, in common with many considered by Planning Committee recently, is submitted against the backdrop of the Council's published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.4 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA). At the end of 2013 the Bartestree Neighbourhood Development Plan Steering Group reviewed the SHLAA and downgraded the site's original assessment from significant constraints to low/minor. This was stated to be because the impact of any development of the site upon the setting of the Grade II listed building had been improved by virtue of the improved northern boundary treatment.
- 6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could

demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide clarification of the level of supply that he considered currently exists, the decision does provide a clear indication that the Council currently cannot demonstrate a 5-year housing land supply. An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included when calculating the County's land supply is being produced and will be available by the end of March 2014.

- 6.6 Notwithstanding this, it remains the case that for the purposes of housing delivery the relevant policies of the UDP must be considered out of date. As such, and in accordance with paragraph 14 of the NPPF, the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that, in the context of a housing land supply deficit, there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 Notwithstanding the out of date nature of the housing land supply policies, there remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.
- 6.9 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly it should be assessed if the development would represent sustainable development. The NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependant. As such they should be sought jointly and simultaneously.
- 6.10 In broad terms the application site is considered to represent a sustainable location for development with access to local services, such as a shop, public house, primary school, nursery and village hall/sports fields and public transport providing a reasonable service to access wider services, facilities and employment opportunities in both Hereford and Ledbury. The bus stop is some 245 metres from the site. Whilst there are sections of footpath along Longworth Lane between the application site and the A438, these are not continuous. As a result pedestrians, for short stretches, have to walk on the carriageway. The submitted scheme proposes two sections of footpaths on the western side of Longworth Lane, linking the existing footpaths, thus providing safer pedestrian access to the village for both occupiers of the proposed dwellings and also existing local residents, in particular Hagley Park. As the application site is located within relatively easy access of facilities and services, which would be enhanced through the provision of the linking footpaths, it is considered sustainable in terms of its location and 'in principle' should be supported.
- 6.11 The NPPF and the UDP seek to promote or reinforce local distinctiveness and decisions should aim to ensure that proposals should reflect the identity of local surroundings and

materials, amongst other things. Although the site was identified in the SHLAA as being capable of accommodating 5 or more houses, it is considered that given the density of surrounding development, the proposal for 3 would be compatible and in keeping with the locality. The proposed dwellings have been designed and orientated to reflect development within the area, with Plot 1 orientated to face the road and timberboarded to reflect the nearby barn conversions. The proportions of the buildings would be in keeping with the development within the vicinity. The landscaping to the roadside, post and rail fence with native hedgerow planted behind, would be entirely appropriate with the site's edge of settlement location. With regards the impact upon neighbouring properties, these are all at some distance, with the exception of October House and the garage that serves Court Cottage. The dwelling proposed for plot 3 would be sited to the north of October House and both properties face west. Given their orientation, siting and exclusion of first floor windows in the side elevation, it is considered that the proposed dwelling (Plot 3) would not adversely affect the living conditions of occupiers of October House. Similarly, due to the siting of the proposed dwelling on Plot 1 and its distance to Court Cottage, with a garage in between, the proposal would not adversely affect occupants amenity.

- 6.12 Chapter 12 of the NPPF and policy HBA4 of the UDP set out the considerations for the impact of proposals on the setting of listed buildings, which constitute a heritage asset. The UDP stipulates that adverse impacts upon the setting of a listed building will not be permitted, whilst the NPPF states that harm should be weighed against the public benefits of the proposal. The impact of views towards the listed building was given as a significant constraint in the SHLAA, however the Neighbourhood Development Plan Steering Group have subsequently reduced this to a low/minor constraint, due to the increased maturity/height of the boundary treatment. Given the distance between the site and the listed building, their orientation and the intervening land, I am satisfied that the proposal would not adversely affect the setting of the listed building.
- 6.13 A single access is proposed onto Longworth Lane, providing adequate visibility in either direction. The proposed new footways would link the existing sections, resulting in a continuous footway along the western side of Longworth Lane. This would greatly improve the pedestrian connectivity of the site to the village's facilities and public transport. It would therefore accord with the NPPF requirement to provide safe and accessible developments. Moreover, it would improve the current situation for existing residents in the locality. Cycle racks/storage are proposed to be provided for each property, within the garage/gardens. This would encourage and facilitate future occupants' use of other means of transport to the private car and is supported.
- 6.14 The application is supported by a Phase 1 Ecological Assessment (September 2013). This concludes that the site is of low ecological interest, a view broadly agreed with by the Council's Ecologist. Existing native hedgerows are to be retained and incorporated into a Landscape Management Plan. Additionally, bird boxes and traditional orchard trees, such as Herefordshire Redstreak, are to be provided. Old records exist of Great Crested Newts in the vicinity, but it is unclear if these relate to the ponds near to the site. The Ecologist is of the opinion that the risk of Great Crested Newts on the site is very low. Accordingly this can be covered by an informative note to the applicant, should they be encountered. The habitat enhancement proposed fulfils the requirements of both the NPPF and the UDP.
- 6.15 In accordance with the Council's temporary suspension for financial contributions for developments of 5 or less dwellings, the applicant has requested that if permission is granted the time limit for the commencement of development is reduced to one year and no financial contributions are made. As this accords with the temporary suspension and would also expedite the provision of much needed housing, this is considered to be acceptable.
- 6.16 In conclusion the proposal is considered to be acceptable in principle, being a site that would provide sustainable development. In accordance with paragraph 14 of the NPPF it is

considered that permission should be granted, as there are no identified adverse impacts that would significantly or demonstrably outweigh the benefits.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) REDUCED TO ONE YEAR**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F07 Domestic use only of garage**
5. **F08 No conversion of garage to habitable accommodation**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme – implementation**
8. **G12 Hedgerow planting**
9. **The recommendations set out in Section 4.1 and 4.3 of the ecologist's report dated 15/10/13 concerning hedge planting, fruit tree establishment and bird boxes should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement plan noting planting and erection of boxes should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

### **Reasons:**

**To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

10. **H03 Visibility splays (2.4m x 60m)**
11. **H13 Access, turning area and parking**
12. **H27 Parking for site operatives**
13. **The approved secure and covered cycle storage (Asgard Design Cycle Storage Lockers – Plots 1 and 2 and Wall mounted cycle storage for plot 3) shall be installed/provided and made available for use prior to the first occupation of the dwelling to which it relates.**

**Reason: To ensure that there is adequate provision for secure cycle**

accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, both of the new footpaths indicated on drawing FHR4.A shall be provided in accordance with a specification that has first been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with details so approved.

**Reason:** To improve the sustainability of the site by facilitating pedestrian access to the local services, facilities and public transport in accordance with Policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system

**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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C – General
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN05 Works within the highway

Decision: .....

Notes: .....

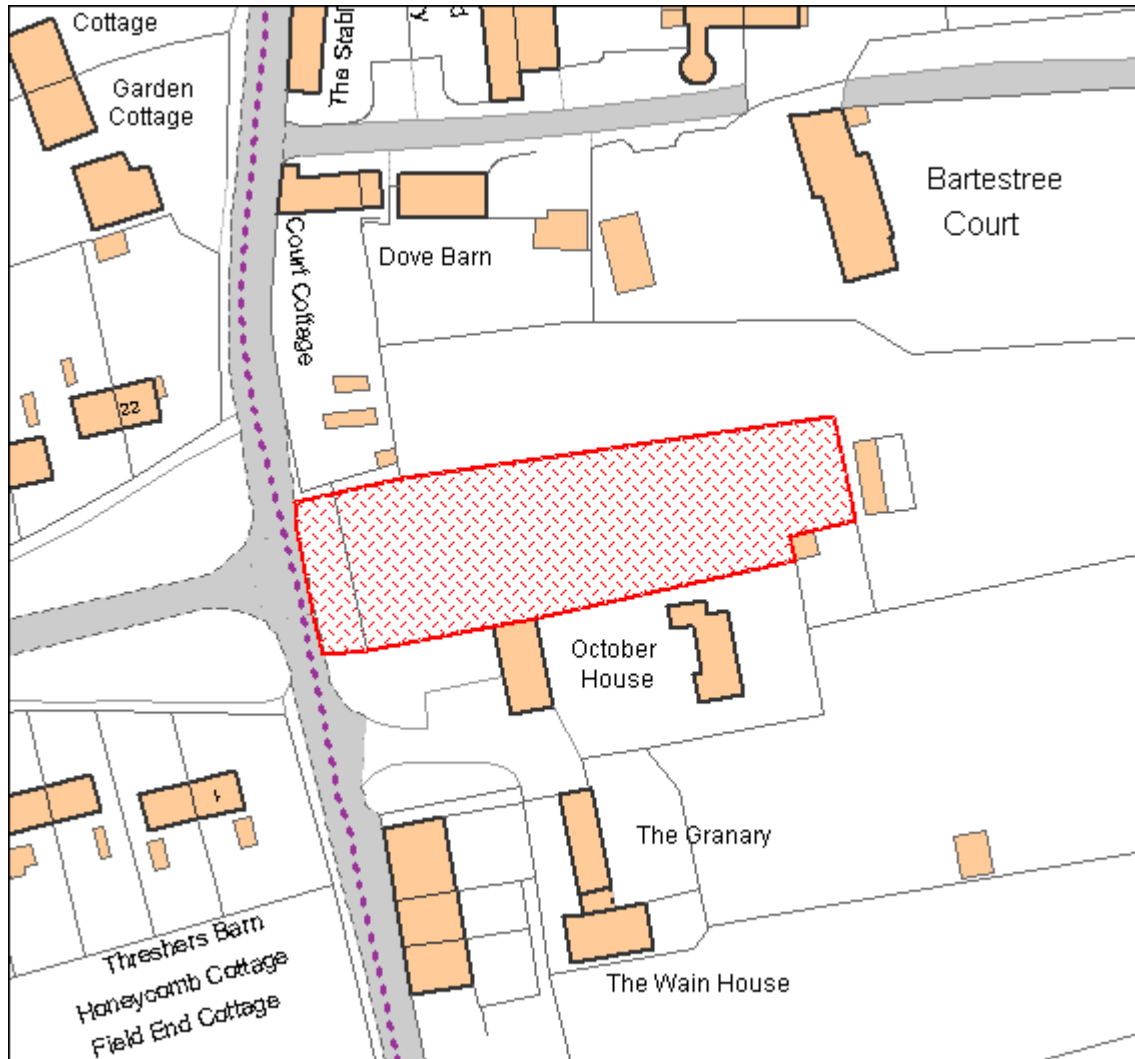
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**Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536



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**APPLICATION NO:** P132962/F

**SITE ADDRESS:** LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>132624/O - ERECTION OF UP TO 13 NO. RESIDENTIAL DWELLINGS ALONG WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL ACCESS ROADS, CAR PARKING INCLUDING GARAGING, LANDSCAPING INCLUDING REALIGNMENT OF EXISTING HEDGEROW, DRAINAGE AND OTHER ASSOCIATED WORKS. AT LAND OFF CHURCH WAY, HOLMER, HEREFORD,</b></p> <p><b>For: Mr Hankins per Pegasus Group, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132624">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132624</a>

**Date Received: 20 September 2013**      **Ward: Burghill, Holmer and Lyde**      **Grid Ref: 350642,242332**

**Expiry Date: 20 December 2013**  
Local Members: Councillor SJ Robertson

## **1. Site Description and Proposal**

- 1.1 The application site lies immediately to the north of Church Way, an unclassified highway that connects with the A49 just north of the 'Starting Gate' roundabout in the north of the city. The site is rectangular in shape and 0.49 hectares in size. Its boundaries are formed by mature landscape hedgerows to the north, south and west. The A49 lies immediately to the west, open fields to the north, a residential property (Roselofts) to the east and the dwellings that front Church Way to the south.
- 1.2 The proposal is an outline application for up to 13 dwellings that would comprise a range of house sizes, including family housing. This would equate to a density of approximately 26 houses per hectare. The application includes a very detailed design and access statement that fully assesses the site and its context and provides indicative layouts, design and planting / landscaping plans in addition to the Planning Statement, Ecology Appraisal, Transport Statement, Landscape and Visual Impact Assessment that informed the development proposals. A Heads of Terms was also provided and is appended to this report.
- 1.3 The application reserves the matters of Appearance, Landscaping, Layout and Scale for future consideration with only Access being considered in full as part of this application. Access to the site is in a position some 91m from the junction of the A49. Revised plans were received in January 2014 following discussions about concerns raised by the Transportation Manager and local residents. These plans detail the localised widening of Church Way to a minimum 4.5m

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

to address inconsistency in the width of the road where this narrows slightly. This plan is also accompanied by a landscape concept plan that shows the entire hedgerow to be translocated to improve forward visibility along Church Way when gaining access from the A49.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 11	–	Conserving and enhancing the natural environment

### 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA4	-	Setting of Listed Buildings
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees. Woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

### 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- ID1 - Infrastructure delivery

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### 3. Planning History

- 3.1 121013 - Erection of 9 bungalows (sheltered housing) and access road – Refused 12 October 2012.
- 3.2 CW2002/0306/G - Removal of Section 52 Agreement restricting new dwelling or mobile Home (attached to SH890240PF) – Approved – 28<sup>th</sup> November 2002.

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 Welsh Water recommend that conditions and advisory notes be attached to any planning permission.
- 4.2 The Highways Agency makes the following comments:

The Highways Agency responded to a previous planning application (ref: 121013/F) offering no objection for nine dwellings on this site, but asked that a direct field access to the A49 be closed off as part of the development. This application was subsequently refused by the Council.

The safety record in the vicinity of the existing Church Way junction is good and given the size and nature of the development, there is unlikely to be any impact on the operation of the A49.

The latest plans show the retention of the field access off the A49 just north of the junction. This access would be made redundant by the proposed development, we therefore require this to be closed off.

With regard to drainage, the proposal intends to implement sustainable drainage measures to deal with surface water run-off. As the existing topography of the site falls towards the north-west corner and the A49, the Highways Agency seeks consultation during reserved matters on details of the proposed drainage regime.

The proposed layout of the site may lead to the erection of dwellings close to the western boundary of the site, adjacent to the A49. The A49 is a busy route and may lead to a breach in noise and/or air quality thresholds. As referred to in para. 45 - 48 of DfT Circular 02/2013, developers must ensure the environmental implications of their proposals satisfy the requirements of the consenting authorities. Consequently, I would suggest the your Council raise the issue of noise and air quality, ensuring that the developer has/will adequately consider such impacts.

Accordingly, the Highways Agency has no objection to the proposals, subject to the closure of the existing field access. Please find attached a TR110 form confirming our response. We look forward to receiving information regarding site drainage at reserved matters stage.

## Internal Consultation Responses

4.3 The Transportation Manager initially commented on the proposed development as follows:

Recommends that the proposal is unacceptable for the following reasons:-

It is noted that access is for consideration under this application, with all other matters reserved.

The application proposes on Drawing H450/04 access junction arrangements including the widening of Church Way to 5.5m (scaled) and provision of a 2.0m footway along the north side of Church Way, with earthworks beyond the proposed footway requiring removal of the full length of hedge. That drawing also does not continue to A49 junction, or show where the proposed widening and footway is to end. This junction proposal is at conflict with the Indicative Landscape Strategy drawing H0363\_10\_A which only shows hedge relocation along the proposed visibility splay of 40m. Insufficient and conflicting detail has been provided in respect of the access proposals.

Church Way suffers from on street parking, often reducing the road to a single lane on the northern side for much of the length of the site. Whilst the proposed 2.4m x 40m visibility splays would be likely to suffice for stopping sight distances with the current width of Church Way and the traffic calming provided by parked vehicles, the restricted visibility of 40m with the hedge remaining may result in drivers being unable to see to A49 junction beyond the parked vehicles before emerging and to pull out in conflict with oncoming vehicles. I would add that widening of Church Way as indicated may result in increased speeds and potentially its desirability as a "rat run", and would also potentially result in drivers trying to achieve two-way working past the parked vehicles. A Section 38/278 Agreement would be required in respect of the adoptable road and for any alterations to Church Way

Whilst the submitted layout is indicative, I would comment that the proposed private drive to Plots 1 to 5 is too close to the site access junction and could potentially involve sharp braking as vehicles leave Church Way. The private drive arrangement proposed will also result in lengthy refuse carry distances. The road at 5.5m is wider than we would normally seek for this number of properties, which would be 4.8m. Parking for 4 bed properties should be two spaces plus garage.

4.4 Following the receipt of amended plans the Transportation Manager now comments as follows:

Details shown on Drawing H450/05 Proposed Access Arrangements and Minor Localised Carriageway Widening of Church Way and H. 0363\_10\_B Landscape Strategy (subject to bank regarding as necessary to accommodate widening and visibility splay) are acceptable.

Recommendation is for approval subject to conditions as previously advised CAB(2.4x40m) CAE CAH (dwellings) CAJ CAL CAQ CAR CAT CAY (construction traffic) via Church Way to/from A49, CAZ and CB2 with informatives I05 and I45

4.5 The Conservation Manager (Historic Buildings) makes the following comments:

This application site was the subject of a previous rejected application for 9 single-storey sheltered housing units last year. This application shows that a more extensive analysis of the site and its surroundings has been carried out though it is only for an Outline Consent with all matters reserved except the access.

In terms of the local historic environment there are several listed buildings to the north-west and north-east of the site. To the north-west the Church of St Bartholomew is grade I and its

detached bell tower is grade II, along with a churchyard cross and a tomb also at grade II. To the north of the churchyard is the grade II Holmer House. To the north-east of the site is Copelands which is grade II listed and can be seen from the A49 across the intervening fields.

As has been stated previously, this is a gateway site, being the last field before the buildings of Hereford begin on the east side of the A49, and therefore has a significant public impact. Combining this fact with the number of listed buildings in the area means that development on this site must be both sensitive and of high quality. It is important to ensure that the design, scale and layout enhance the entrance to Hereford and also the settings of the various heritage assets.

The indicative layout shows that the north row of dwellings presents its front elevation to the north thus providing a more welcoming view when travelling south on the A49. The south-west corner has a dwelling that faces onto the corner, again to make a more direct connection. However the west boundary of the site only has side elevations and this is considered unsatisfactory being out of character with the area.

The impact on the various listed buildings and their settings cannot successfully be fully assessed due to the Outline nature of the application. Whilst much headway has been made in terms of design in comparison to the previous scheme, it is considered that there is insufficient certainty in anything other than the access (due to the type of consent required) for support to be given. Further work needs to be carried out on the layout and the full appreciation of the scheme from the public vantage point.

- 4.6 The Conservation Manager (Ecology) made the following comments on the original submission:

I have read the ecology report from James Johnstone Ecology dated September 2013 and I agree with its findings and recommendations. The National Planning Policy Framework 2012 states that "*The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*". It goes on to state that "*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*" and "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

If this application is to be approved, I recommend the inclusion of conditions.

- 4.7 The Conservation Manager (Ecology) made the following comments on the revised plan detailing the translocation of the entire hedgerow:

The amended landscape plans etc. do not materially affect my previous comments on ecology.

- 4.8 The Waste Operations Team leader makes the following comments:

The current access onto the development for a refuse collection vehicle is not ideal due to the lack of a turning circle. I would suggest that the road surface of the private driveways would not be suitable for a 26 tonne vehicle to access over each week and therefore to prevent damage to the road surfaces and prevent the need to perform a reversing manoeuvre from Church Way I would request that Street 1 and the adoptable standard of this road be extended to incorporate a turning circle acceptable for a 26 tonne RCV (in accordance with guidance laid out in the Guidance document for developers available on the council's web site.)

## 5. Representations

- 5.1 Holmer and Shelwick Parish Council made the following comments about the original submission and commented that Further to notification of amended documentation for the above planning application, I confirm that Holmer and Shelwick Parish Council previously submitted objection and comments remain unchanged.

Holmer and Shelwick Parish Council has consulted neighbouring residents and, in support of local feeling, objects to the above application for the following reasons:

- Road safety: the development would exacerbate an existing severe problem of traffic congestion and speeding vehicles, primarily caused by Church Way, Attwood Lane and Coldwells Road being used as a short cut at peak rush hour times
- The possibility of rat-running traffic using the new access for undertaking was raised by neighbours
- The impact of construction traffic will also be detrimental to the area and the already poor condition of the road surface
- Loss of privacy for the existing residents with a development of two storey houses opposite
- Residents expressed concern for ecology issues, particularly loss of habitat for wildlife

If Herefordshire Council is mindful to approve the application the parish council would like consideration to be given to putting traffic calming measures in place before the commencement of the development, including the introduction of a 20mph speed restriction along Church Way and Attwood Lane. The parish council would like its ward member, Sally Robertson, to be included in any discussions determining appropriate conditions for the development.

Although the Parish Council resolved to object to the application, there were positive comments regarding the design of the houses and how well they appear to reflect the varied architecture within the area.

- 5.2 15 Letters of objection (12 households) have been received in response to the applications. These raise the following issues / make the following comments:

- Impact on amenity and privacy / overbearing impact on adjacent bungalow
- Intensification of traffic movements on Church Way, a lane that is considered to be overloaded and dangerous at peak times
- Will add to existing traffic congestion and problems on Church Way, including blocking or driveways, damage to cars.
- Current residents don't all have driveways and the offer of parking within the site has no practical advantage to residents
- Danger to pedestrians and vehicles in respect of highway safety, especially for people crossing onto the footpath.
- The road is less than 3.5m in places and is narrow, especially noticeable at rush hours
- Who will own the overspill car parking? Who will manage and maintain this?
- Where is the safe cycle route to and from the site?
- The site is visually prominent on the approach from the A49

- Impact upon wildlife and ecology on the site, with no mention of the birds of prey that use the site. The removal of the hedge could not be achieved without significant works to the banks. The remaining bank would impinge on visibility in any case.
- There is surface water flooding from the land onto church way and this development will add to this.
- The proposal is too dense and the layout cannot accommodate the amount of vehicles and traffic proposed.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key issues for consideration are as follows:

- Principle of development
- Landscape Impact and character of the area
- Setting of the listed buildings
- Highway safety
- Ecology
- Drainage
- Section 106 agreement
- Conclusion and Planning Balance

### Principle of Development

6.2 The application seeks outline planning permission for the erection of up to 13 dwellings on land outside of but immediately adjacent the urban settlement boundary of Hereford City. The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).

6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).

6.4 This site was assessed under the SHLAA and designated as being suitable for development, but later in the plan period due to the landscape sensitivity. This designation does not preclude

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

development, but identifies the constraints associated with the site that would need to be overcome.

- 6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide an indication of the level of supply that he considered currently exists the decision provides a clear indication that the Council currently cannot demonstrate a 5-year housing position and that paragraph 49 of the NPPF is therefore relevant. . An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included within the County's land supply is being produced and will be available by the end of March 2014.

For the purposes of housing delivery the relevant policies of the UDP must be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 6.6 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.7 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.
- 6.8 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development with access to goods and services. It is recognised that the site's location adjacent to Hereford City has good links, services and employment opportunities located in the city and surrounding area. Other roles will be considered further in this report but as the application site is located immediately adjacent to the existing settlement boundary, it is considered sustainable in terms of its location and 'in principle' should be supported.

#### **Landscape Character Landscape Impact and character of the area**

- 6.9 Land off Church Way was identified in the Council's Urban Fringe Sensitivity Analysis, published in January 2010, as being of high to medium sensitivity. This means that the site has high value as a landscape resource and key characteristics of the landscape in which it is located are vulnerable to change. Accordingly, the application should be assessed against Saved Policy LA2 of the UDP.
- 6.10 Saved Policy LA3 of the UDP is also relevant given that Church Way is a prominent site on the edge of Hereford. This policy seeks to protect and enhance important visual approaches into



settlements, views of key buildings, open areas into development and green corridors – effectively protecting the setting of settlements.

- 6.11 This site is located on the northern edge of Hereford. The landscape character type is principal settled farmlands. The area is a transition zone between the residential suburbs and the surrounding agricultural land. The A49, forming the west boundary, is a busy approach road into Hereford. Church Way, along the southern boundary, is a narrow turning off the main road and has a distinctly rural character with no footpath on the northern side, no street lights and limited signs. The existing properties on Church Way are a small, brick terrace and a brick lodge building, some of which are shown on early maps (approx. 1880). Historic maps also mark the site as orchard although this is not the case now. The site boundaries are hedgerows.
- 6.12 The council's Urban Fringe Sensitivity Analysis (2009) classifies this site as being of high to medium sensitivity. This means that key characteristics of the landscape are vulnerable to change and have high value as a landscape resource. The document was used to evaluate potential housing sites around Hereford and the high to medium classification means that the site is considered to have significant constraints to development. The site also falls on the edge of the Hereford Enhancement Zone of the Green Infrastructure Strategy (ref. HerLEZ3).
- 6.13 This is a prominent site on the edge of Hereford. Current public viewpoints include the A49, Church Way and public footpath HO3. In response to the previous refusal of planning permission a detailed landscape visual and visual impact assessment was undertaken that identified the key viewpoints and sensitivities and concluded that the development of the site, incorporating necessary mitigation measures, in particular new tree and shrub planting that mature over time, could be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to the landscape character, visual amenity or landscape features of the area. The application submission, although in outline form has moved on significantly from the previous submission and clearly demonstrates that the site can successfully accommodate a development. Careful attention will need to be given to the appearance, layout landscaping reserved for future consideration, but officers are satisfied that the site could accommodate a development of up to 13 dwellings in accordance with the requirements of policies LA2 and LA3 of the Unitary Development Plan and the environmental roles identified in NPPF. It should be noted that there are some issues in respect of residential amenity that would also need to be resolved in future applications, in particular with the adjoining property, Rose Lofts, along with the design and appearance criterion of policies DR1 and H13 of the UDP and the design requirements of NPPF that would respect the local distinctiveness or be appropriate to the transition zone and setting of Hereford City.

#### **Impact on the setting of the listed building (St Bartholomew's Church)**

- 6.14 The comments of the Historic Buildings Officer are also noted, and the impact on the setting of the Listed church that lies 100m to the north-west of the application site. Whilst the detail of the development will be of importance, there would be no significant harmful impact on the setting of this listed building and as such it would meet the requirements of policy HBA4 of the UDP. Paragraph 134 of the of the NPPF requires that where there would be less than substantial harm to the significance of a designated heritage asset (Listed Building), then this harm should be weighed against the public benefits of the proposal. Officers are of the opinion that a development can be accommodated, with careful attention to design, siting and layout, without any significant harm to the setting of the listed building.

#### **Highway Safety and impact upon the highway network**

- 6.15 It is apparent from the responses received that highway safety and impact from the development are key concerns in relation to the proposed development. Through the application process, there have been discussions with the applicants and highway officers to try and address and resolve some of the concerns that have been raised.

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 6.16 Concerns were raised with both the narrowness of the Church Way, the lack of visibility and congestion due to inability to pass the parked cars. Concern was also raised in respect of damage that is done to the parked cars due, in part to the narrowness of the road. As such, the applicants identified the potential to widen the road, but this in itself caused additional concern as road widening may increase traffic speeds along this know 'rat run'. As such, officers and the applicants sought to find a compromise. The revised plans now nominally widen the road so that this would be a consistent 4.5m, eliminating the pinch point. This should ensure that there is sufficient space for vehicles to pass parked cars, but not so wide as to encourage greater speeds. The engineering details of this would be managed by way of a condition and a section 38 / 278 agreement would be required as these works are in the highway.
- 6.17 Another concern raised was forward visibility for vehicles travelling east along Church Way from the A49 due to the proximity of the hedgerow to the carriageway. The eastern part of the hedge was, as part of the original submission, to be translocated behind the required splay and this was agreed. What has now been proposed with the revised landscape strategy is the translocation of the hedge the full length of the southern boundary, with a grass verge / bank alongside the carriageway. Taken together the changes would:
- i) Make it easier for two vehicles to pass, particularly if there is a heavy good vehicles on one side of the road;
  - ii) The re-grading of the bank and relocation of the hedgerow would improve visibility further between the site access and the A49
  - iii) Preserve the character and appearance of Church Way by retaining a hedge on its northern side.
- 6.18 As such officers have concluded that the proposed development will provide a safe and adequate provision for vehicular access from the highway network without detriment to highway safety or to pedestrians, cyclists or public transport. The site is considered to be in a sustainable location on the edge of the site with good access to services, employment and alternative means of travel. As such it would comply with the requirements of policy DR3 of the UDP.
- 6.19 Paragraph 32 of the NPPF makes it clear that decision makers should consider whether safe and suitable access to the site can be achieved for all people; and whether improvements can be undertaken within the transport network that cost effectively limit the significant effects of the development. Development should only be prevented or refused on highways grounds where the residual cumulative impacts of development are severe.
- 6.20 Its should also be noted that the Section 106 draft heads of terms secures contributions towards sustainable transport infrastructure to serve the development including improvements to pedestrian / cycling facilities in the area including connectivity and crossing to A49. The ward Councillor and Parish Council are progressing with identifying the key projects in the locality in conjunction with the Planning Obligations Manager.

## **Ecology**

- 6.21 The translocation of the re-grading of the bank has been considered in the application submission, including a translocation method statement. The Council's Ecologist has considered the details submitted and is satisfied that the translocation of the hedge would retain the ecological interests of the site and this would comply with the requirements of those policies in the UDP and NPPF that seek to preserve and mitigate developments. Additional landscaping and mitigation features can also be secured through the reserved matters application in respect of landscaping.

## **Drainage**

- 6.22 Comments about capacity and ability to connect to the mains sewerage have been noted. Welsh Water has been consulted and raises no objection. Full drainage details would be required as part of the Reserved Matters Application and the Highways Agency have also commented that they would comment on this arrangement at reserved matters stage. Surface water drainage would need to be accommodated through a technical solution within the site. Officers are satisfied that this can be adequately dealt with by appropriately worded condition.

## **Section 106**

- 6.23 A Heads of Terms is attached to the this report that has been prepared having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations and in its current form is considered to comply with these policies. Due to the size of the application site being less than 0.5 hectares in size, there is no requirement to provide affordable housing in this instance.

## **Conclusion and the planning balance**

- 6.24 The consultation process has identified a number of concerns arising from this proposal for up to 13 dwellings and these matters have been considered above. The application site lies immediately adjacent to the urban settlement boundary in a location that is considered to be sustainable. Acknowledging that the Council does not have a 5 year Housing Land Supply, paragraph 49 of the NPPF must be acknowledged and the requirements of paragraph 14 of the NPPF must be considered.
- 6.25 The proposals would assist in addressing the shortfall in housing supply within Herefordshire and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given significant weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus. There are also acknowledged highway improvements that would be secured through the granting of planning permission.
- 6.26 These significant benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that the initial concerns in respect of landscape impact of the development have been successfully addressed and that the highway safety concerns have been carefully considered and also addressed with the amended plans. As such all potential impacts can be successfully mitigated, resolved and solutions secured through conditions or through the Reserved Matters submission and as such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Agreement, planning permission be granted subject to the following conditions:**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **G09 Details of Boundary treatments**
8. **G11 Landscaping scheme - implementation**
9. **G14 Landscape management plan**
10. **G15 Landscape maintenance arrangements**
11. **Prior to the commencement of development a hedgerow translocation method statement and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. Works and maintenance shall be carried out in accordance with the approved details.**

**Reason: In the interests of visual amenity, landscape and nature conservation having regard to the requirements of policies DR1, H13 and LA6 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.**

12. **Prior to any other works hereby approved on the application site are commenced, the proposed access shall be constructed, and road realignment undertaken and visibility splays provided in accordance with the details shown on drawing number H450/05 and those details agreed by conditions H18 below.**

**Reason: In the interests of highway safety and to ensure an adequate and acceptable means of access is available during construction and to serve the dwellings hereby approved in accordance with the requirements of policy DR3 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.**

13. **H09 Driveway gradient**
14. **H18 On site roads - submission of details**
15. **H19 On site roads - implementation / completion**
16. **G15 Landscape maintenance arrangements**
17. **H29 Secure covered cycle parking provision**
18. **H08 Access closure**
19. **H17 Junction improvement/off site works**
20. **The precautionary mitigation and recommendations set out in the Section 5 of the JJE ecologist's report dated September 2013 concerning birds and further reptile surveys with mitigation should be followed. Prior to commencement of the development, a biodiversity enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological**

clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 21. L01 Foul/surface water drainage
- 22. L03 No drainage run-off to public system
- 23. I51 Details of slab levels
- 24. I20 Scheme of surface water drainage

**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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN01 Mud on highway
- 5. HN28 Highways Design Guide and Specification
- 6. HN13 Protection of visibility splays on private land
- 7. N11C General
- 8. N14 Party Wall Act 1996

Decision: .....

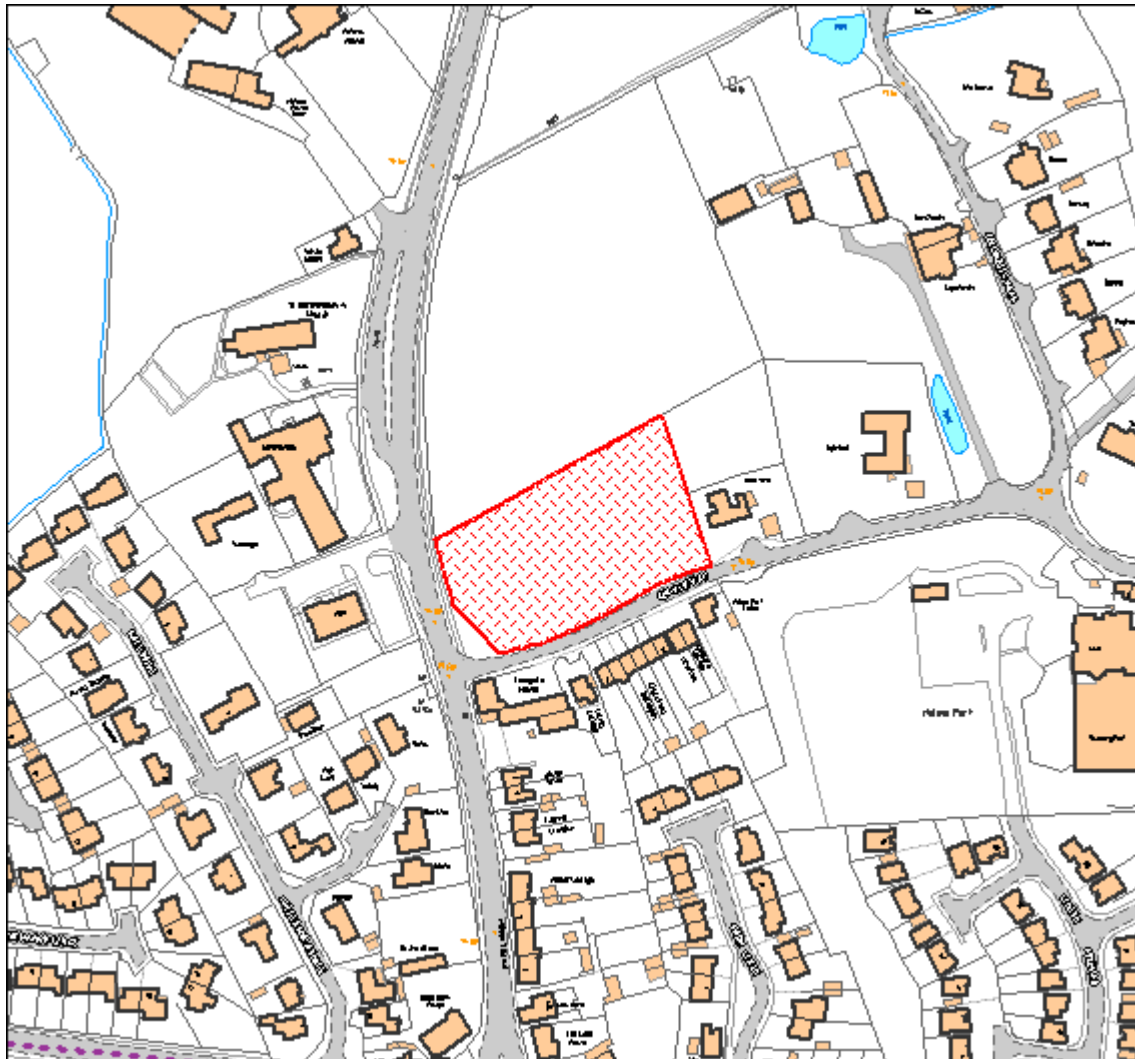
Notes: .....

**Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781



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**APPLICATION NO:** 132624/O

**SITE ADDRESS :** LAND OFF CHURCH WAY, HOLMER, HEREFORD

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# DRAFT HEADS OF TERMS

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

**132624/O – Erection of up to 13 no. residential dwellings along with associated vehicular and pedestrian access, internal access road, car parking including garaging, landscaping including realignment of existing hedgerow, drainage and other associated works on land at Land Off Church Way, Holmer , HR1 1LL.**

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

- £ 1809.00 (index linked) for a 2 bedroom apartment open market unit
- £ 2951.00 (index linked) for a 2/3 bedroom open market unit
- £ 4953.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Broadlands Primary School, St Frances Xavier Primary School, Youth Service with 1% allocated for Special Education Needs (SEN). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

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

- £ 1,920.00 (index linked) for a 2 bedroom open market unit
- £ 2,580.00 (index linked) for a 3 bedroom open market unit
- £ 3,440.00 (index linked) for a 4+ bedroom open market unit

provide new highway and sustainable transport infrastructure to serve the development, including improvements to pedestrian / cycling facilities in the area including improved connectivity and crossing to A49 (controlled) and any appropriate Traffic Regulation Orders for alterations in the vicinity of the application site.

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,707 for use towards developing an appropriate play facility (possibly play trail) at Cleave Orchard or to improving play equipment at Wentworth Park.

### **OR**

Provide a play area to meet policy requirements: A development of this size in accordance with UDP policy RST 3 would require 0.02ha. (200 sq m based on a population of 30.2 and 0.8 ha per 1000 population). We would require the developer to provide approx. £10,000 worth of equipment on the facility (calculated using the SPD on Planning Obligations development costs only). The

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design should allow for future development as this amount would not provide a play area with good play value, appropriate design should allow for future additions. A commuted sum would also be sought for future maintenance.

The sum shall be paid / or play area provided on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.

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

- £ 496.00(index linked) for a 2 bedroom open market unit
- £ 672.00 (index linked) for a 3 bedroom open market unit
- £ 818.00 (index linked) for a 4 bedroom open market unit

(contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City. (priorities identified in the Indoor Facilities strategy for Hereford and Playing Pitch Assessment for Hereford including the Leisure Centre, Swimming pool and Aylestone Park accordance with priorities at the time)

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

- £120.00 (index linked) for a 1 bedroom open market unit
- £146.00 (index linked) for a 2 bedroom open market unit
- £198.00 (index linked) for a 3 bedroom open market unit
- £241.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

7. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 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.

8. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.

9. 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

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781



Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

10. 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.

**KG – August 2013**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<b>132374/O - PROPOSED ERECTION OF 15 NOS. DWELLINGS. AT LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE,</b>  <b>For: Mr &amp; Mrs Chambers per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132374">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132374</a>

**Date Received: 27 August 2013**

**Ward: Sutton Walls**

**Grid Ref: 353485,245955**

**Expiry Date: 30 December 2013**

Local Members: Councillor K S Guthrie

## 1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the C1125 immediately north of the defined settlement boundary of Sutton St. Nicholas and comprises an irregular shaped parcel of land that is 0.4 hectares in size with mature boundary hedges and trees to the north, east and west. A Public Right of Way also lies, outside of, but to the north of the site. To the south of the application site lies Willowcroft, a detached two-storey dwelling whose principal elevation faces south. Immediately east of Willowcroft is a terrace of three two-bedroom cottages erected under planning permission CW100542/F. These properties lie within the settlement boundary though the approved vehicular access from the north cuts across open countryside. More recently, Planning Committee approved a terrace of four dwellings (123110/O) that front onto the C1125 that lay outside of the defined settlement boundary.
- 1.2 Outline planning permission, with all matters reserved is sought for the erection of 15 dwellings. An indicative site layout plan has been provided with the application, along with a design and access statement and Ecological appraisal of the site. An updated draft heads of terms has also been agreed with the agent, and this is currently being considered by the Parish Council and Ward Member. Any additional comments will be reported via the committee updates.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

## 2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: Settlement boundaries
H7	-	Housing in the countryside outside settlements
H9	-	Affordable Housing
H13	-	Sustainable residential design
T8	-	Road hierarchy
T11	-	Parking provision
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and development

## 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geo-diversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
ID1	-	Infrastructure delivery

The Unitary Development Plan, Draft Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan>

## 3. Planning History

- 3.1 131499/RM - Reserved Matters application for landscaping details. Outline S123110/O for erection of 4 dwellings and construction of public footpath – Approved with Conditions – 5/8/2013
- 3.2 S123110/O – Site for erection of four dwelling and construction of four dwelling and construction of a public footpath – Approved with Conditions – 3/4/2013
- 3.3 S121667/O: Erection of five dwellings and construction of public footpath: Refused 1<sup>st</sup> August 2012 for reasons of design, appearance within the landscape and impact upon the amenity associated with Willow Croft.

#### **4. Consultation Summary**

##### Statutory Consultees

- 4.1 Welsh Water: Recommend standard conditions regarding the separate disposal of foul and surface water.

##### Internal Consultations

- 4.2 The Transportation Manager makes the following comments:

Has no objection to the grant of permission as there are no highway implications provided that the development meets all highway standards for car and cycle parking (including level external accessibility to the road for cycles); visibility splays at junctions (to be determined by 24hr/7 day speed survey); garage internal dimensions being at least 6m by 3m.

- 4.3 Conservation Manager (Ecology) raises no objections to the Ecology Report.

- 4.4 Team Leader – Waste Operations makes the following comments: The layout of this development looks accessible and suitable for a refuse collection. The only concern would be that plot 15 would need to bring their refuse/recycling to the end of their driveway, adjacent to the main road due to the distance that the property is positioned away from the main road

- 4.5 The Housing Manager makes the following comments:

The application meets the requirement to provide 5 affordable dwellings. The agent has been in contact with the Housing Needs and Development Team and support is given for the mix of 2 x 1 bed houses and 1 x 2 bed house for social rent and 1 x 2 bed house and 1 x 3 bed house for intermediate tenure.

The Draft Heads of Terms confirms that the units will be built to HCA Design and Quality standards, Lifetimes Homes standards and Code 3 for Sustainable Homes as well as local connection to the parish of Sutton St Nicholas.

I note that section 12.2 of the Draft Heads of Terms is incomplete and I can confirm that the cascading parishes are Marden, Moreton-on-Lugg, Pipe and Lyde, Holmer, Withington and Preston Wynne.

Whilst this is outline permission, I am assuming from the site plan provided that the affordable units will be plots 1-5 inclusive. Housing Needs and Development have no objection to a group of five units together but would like to see the gardens for the 1 bed houses to be split to enable the individual households to have their own amenity space.

## 5. Representations

### 5.1 Sutton St Nicholas Parish Council state:

Resolved to object as it is outside the village envelope and the Parish Council is waiting for its Neighbourhood plan to be developed.

### 5.2 Letters of concern / objection have been received from:

- Mr and Mrs Dove, The Paddock, Millway, Sutton St Nicholas
- Mr Smith, 11 Ethelbert Close, Sutton St Nicholas
- Mr Jones, Tilton House, Sutton St Nicholas
- Mr Houghton (email address)
- Mrs A Powell, The Old Chapel, Sutton St Nicholas

These letters raise the following issues:

- Proposed development is too large
- The development is outside of the defined settlement boundary, UDP policies should not be ignored with policy H4 supporting development within the settlement and H7 restricting development outside of the settlement.
- The development is premature having regard to the Sutton St Nicholas Community Plan / Neighbourhood Plan and to allow this now would make a nonsense of the consultations inherent to the development of the neighbourhood plan.
- The Core Strategy supports redevelopment of brownfield.
- There has been no consultation within the village.
- The development will be visually intrusive due to the site being on rising land at the edge of the village (photos were included from view from the Bodenham Road to the East which is a popular walking route) and the view back to Sutton Hill Fort would be impaired.
- The character of the village will be altered by raising the roofline within the village.
- Impact upon the character of the bridleway.
- Additional traffic movements onto the highway and through the village (suggested by the applicant as being around 377 per week from the 15 dwellings).
- There are very few facilities in the village.
- Highway safety issues in respect of visibility, high traffic speeds and collisions.
- The village is flood susceptible and increased run off would exacerbate the situation.

### 5.3 Six letters of Support have been received from:

- Vicky Benson, 2 Willowcroft Cottages
- Mr J Murray, (email)
- Mr D Powell, 1 Willowcroft Cottages
- Mr R Hodges, 17 Burmarsh Cottages, Sutton St Nicholas
- Coral Mann, 2 Willowcroft Cottages, Sutton St Nicholas
- Ms Gibbs, 78 Seymour Avenue

These letters raise the following issues:

- The proposal offers a range of diverse properties and addresses the needs of smaller family units.
- Whilst outside village boundary there are three properties to the north of the development and this can be considered infill.
- The development will complement the dwellings that have already been approved

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- Believe this is the only area in the village that was identified as suitable for development.
- Provide opportunities for people to move back to a village and for those on lower wages.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key issues for consideration are as follows:

- Principle of development
- Landscape Impact and character of the area
- Highway safety
- Ecology
- Drainage
- Section 106 agreement
- Conclusion and Planning Balance

### Principle of Development

6.2 The application seeks outline planning permission with all matters reserved for the erection of 15 dwellings on land outside of but immediately adjacent the village settlement boundary of Sutton St Nicholas. The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).

6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).

6.4 This application site was assessed under the 2012 SHLAA (HLAA/237/001) as having low or minor constraints that could come forward for development in the 1- 10 year category. .

6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide an indication of the

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

level of supply that he considered currently exists the decision provides a clear indication that the Council currently cannot demonstrate a 5-year housing position and that paragraph 49 of the NPPF is therefore relevant. An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included within the County's land supply is being produced and it is intended that this will be available by the end of March 2014.

- 6.6 In accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between any adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.
- 6.9 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development, on the edge of a main settlement as defined in the UDP and a village identified within the Draft Core Strategy to accept proportionate growth under policy RA1. It is recognised that the site's location adjacent to the village means that it has good transport links to goods, services and employment opportunities located in Hereford city and its surrounding area. Other roles will be considered further in this report but as the application site is located immediately adjacent the existing settlement boundary, it is considered sustainable in terms of its location, meets the tests of the Interim Protocol in terms of location and 'in principle' should be supported.

#### **Landscape Impact and character of the area**

- 6.10 The site is located to the north of the village that is a mix of older, traditional dwellings and farmsteads, with more recent residential developments. The site levels rise in a northerly direction, and it is bounded by mature hedge and trees. In consideration of the reserved matters application, careful consideration to the siting, layout, design of the dwellings, and the need for retaining and providing additional land will be considered. The introduction of dwellings into this location will be visible from local viewpoints, the adjacent Public Right of Way and longer distance views. Nonetheless these will be seen in the context of existing development and as an extension of the village and it is officers' opinion that the development can be accommodated without a significant harmful visual impact on the setting of the village in accordance with the requirements of policies LA2 and LA3 of the Unitary Development plan and the guidance contained within the NPPF that seek to protect the landscape and address the environmental roles of sustainable development.



## **Highway Safety**

- 6.11 Access is a matter that has been reserved for future consideration. The Transportation Manager is satisfied that safe access can be achieved into the site, but notes that there would be a requirement for a speed survey (24/7) to be undertaken to determine the exact extent and requirements for visibility splays in this location. This should be undertaken before submission to inform the proposals. There is an existing site access that serves the dwellings and hedgerow translocation / replanting is required as part of the last approval on the site, along with the provision of a footway connection to the village.
- 6.12 There are local concerns about intensification of traffic using the highway, speeds of traffic and visibility but it is officers' opinion the proposed development will be able to provide a safe and adequate provision for vehicular access from the highway network without detriment to highway safety or to pedestrians, cyclists or public transport. It is also possible to secure a safe pedestrian access through the site and into the village. The site is considered to be in a sustainable location on the edge of the settlement with good access to services, employment and alternative means of travel. As such it would comply with the requirements of policy DR3 of the UDP.
- 6.13 The highway network is capable of absorbing the additional traffic that may be generated by this relatively small scale development and officers are satisfied that, in having regard to the requirements of paragraph 32 of the NPPF, the residual cumulative impacts of the development are not severe and as such a refusal on this ground could not be sustained.

## **Ecology**

- 6.14 The Councils ecologist requested that an ecological assessment be undertaken. This was subsequently submitted and considered in the context of the recommendations and mitigations included in the report. Many of these will need to be incorporated into the final layout and landscape designs and therefore this would comply with the requirements of those policies in the UDP and NPPF that seek to preserve and mitigate developments and meet the requirements of the environmental role of sustainability when taken in the context of the relevant sections of the NPPF.

## **Drainage**

- 6.15 It is intended that a mains drainage connection will be secured and Welsh Water have raised no objection to this proposal. Comments about surface water drainage in the area have been made and surface water drainage would need to be accommodated through a technical solution with surface water being contained within the site. Officers are satisfied that this can be adequately dealt with by appropriately worded condition.

## **Section 106 agreement**

- 6.16 A heads of terms is attached to this report that has been prepared having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations and in its current form is considered to comply with these policies. This revised Heads of Terms is currently being considered by the Ward Councillor and Parish Council and any comments on this will be reported through the updates to committee.
- 6.17 The Section 106 agreement also secures the 35% affordable housing in accordance with the requirements of policy H9 of the Unitary Development Plan. Comments from the Housing Manager have been noted and these will need to be reflected in the reserved matters submissions. Local connection criteria will apply to these dwellings.

## **Conclusion and Planning Balance**

- 6.18 The consultation process has identified a number of concerns and these matters have been considered above. The application site's location is considered to be sustainable, and the development has been considered having regard to the roles of sustainable development that are identified in the NPPF. Acknowledging that the Council does not have a five year Housing Land Supply, paragraph 49 of the NPPF and in particular the requirements of paragraph 14 of the NPPF are an important and critical consideration.
- 6.19 The proposals would assist in addressing the shortfall in housing supply within Herefordshire and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given significant weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus. There are also acknowledged highway improvements that would be secured through the granting of planning permission.
- 6.20 These significant benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that concerns in respect of landscape impact, highway safety and network capacity are negligible and that all potential impacts can be successfully mitigated, resolved and solutions secured through conditions or through a carefully considered Reserved Matters application. As such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 agreement planning permission be granted subject to the following conditions:**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. H14 Turning and parking: change of use - domestic**
- 8. H18 On site roads - submission of details**
- 9. H19 On site roads - phasing**
- 10. H29 Secure covered cycle parking provision**
- 11. H27 Parking for site operatives**

- 12. I16 Restriction of hours during construction
- 13. I51 Details of slab levels
- 14. L01 Foul/surface water drainage
- 15. L02 No surface water to connect to public system
- 16. L03 No drainage run-off to public system
- 17. L04 Comprehensive & Integrated draining of site
- 18. K4 Nature Conservation - Implementation

**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. HN07 Section 278 Agreement
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN01 Mud on highway
- 5. N11C General
- 6. N02 Section 106 Obligation

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

.Application number: 132374

Proposal: Proposed Erection of 15 nos dwellings.

Location: Land adjacent to Willowcroft, Sutton St Nicholas.

**(Outline application specifies 10 x 3 bed open market dwellings and 5 affordable dwellings).**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
  - £ 2,951.00 (*index linked*) for a 2/3 bedroom open market unit

**(Contribution based on 10 x 3 bed open market units £29,510)**

to provide enhanced educational infrastructure at Sutton Primary School, St Frances Xavier Primary School, Youth Service with 1% allocated for Special Education Needs (SEN). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
  - £1,720 (*index linked*) for a 2 bedroom open market unit
  - £2,589 (*index linked*) for a 3 bedroom open market unit

**(Contribution based on 10 x 3 bed open market units £25,890)**

provide new highway and sustainable transport infrastructure to serve the development, including improvements of pedestrian / cycling facilities in the area including extension of the off road cycle route and improvements to public transport facilities in the area.

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
  - £ 965.00 (*index linked*) for a 2 bedroom unit
  - £ 1,640.00 (*index linked*) for a 3 bedroom unit

**(Contribution based on 10 x 3 bed open market units £16,400)**

for the use towards improvements at the village recreation ground / play area which is owned and maintained by the Parish Council and provides a neighbourhood facility for local residents. The

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Parish Council have a vision to make further improvements as identified in the Play Facilities Study, action Plan and emerging Investment Plan.

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.

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

- £ 496.00 (index linked) for a 2 bedroom open market unit
- £ 672.00 (index linked) for a 3 bedroom open market unit

**(Contribution based on 10 x 3 bed open market units £6,720)**

(contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City. Priorities would be identified nearer the time or receiving the contribution in accordance with the findings of the Indoor Facilities Strategy

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

- £146.00 (index linked) for a 2 bedroom open market unit
- £198.00 (index linked) for a 3 bedroom open market unit

**(Contribution based on 10 x 3 bed open market units £1,980)**

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

**(Contribution based on 10 x 3 bed open market units £1,200)**

7. The developer covenants with Herefordshire Council that five (5) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

8. The tenure split would be 54% Social rented and 46% intermediate (shared ownership, intermediate rent or low cost market). (The unit sizes to be broken down as 36% (2) 1 beds to look like a house, 38% (2) 2 beds and 24% (1) 3 bed.)

9. The units would need to be built to Homes and communities Design and Quality standards, Lifetimes homes and Level 3 of the Code for Sustainable Homes.

10. All the affordable housing units shall be completed and made available for occupation prior to the

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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.

11. 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:-
  - 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 11.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
12. 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:-
  - 12.1. a local connection with the parish of Sutton St Nicholas;
  - 12.2. in the event of there being no person having a local connection to the parish of Sutton St Nicholas, a person with a local connection with the parishes of Marden, Moreton-on-Lugg, Pipe and Lyde, Holmer, Withington and Preston Wynne.
  - 12.3. in the event of there being no person with a local connection to any of 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 1.5.1 or 1.5.2 above.
13. For the purposes of sub-paragraph 9.1 or 9.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 13.1. is or in the past was normally resident there; or
  - 13.2. is employed there; or
  - 13.3. has a family association there; or
  - 13.4. a proven need to give support to or receive support from family members; or
  - 13.5. because of special circumstances;
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 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.

16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.
17. 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.
18. 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.

**KG – January 2014**