

# AGENDA

## Planning Committee

Date: **Wednesday 12 March 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.

**(Please also note that consideration of agenda items 12-14  
will commence no earlier than 1.00pm)**

For any further information please contact:

**Tim Brown, Democratic Services Officer**

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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.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 19 February, 2014.	7 - 28
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	29 - 32
7.	<b>132230/O LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ</b> Site for erection of nine houses and associated development.	33 - 52
8.	<b>131680/O LAND OFF TUMP LANE, MUCH BIRCH, HEREFORDSHIRE</b> Proposed erection of 12 affordable dwellings, comprising a mixture of 2 and 3 bed houses.	53 - 64
9.	<b>132959/F SOLLERS HOPE FARM, SOLLERS HOPE COURT, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RW</b> Construction of a 6,000 bird 'free range' egg production unit.	65 - 76
10.	<b>133325/F ROYAL GEORGE INN, LYONSHALL, KINGTON HR5 3JN</b> Two storey detached dwelling and garage on part of Beer Garden and car park to Public House.	77 - 88
11.	<b>132141/F LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS</b> Erection of agricultural workers dwelling with garage and new vehicular access.	89 - 100

*(The Committee will adjourn following consideration of this item and reconvene no earlier than 1.00pm to consider the remaining items listed below.)*

**(TO BE CONSIDERED AFTER 1.00PM)**

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|------------|--|-----------|
| <b>12.</b> | <b>132536/F LAND ON LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE</b><br>Development of 50 new dwellings of which 18 will be affordable.   | 101 - 126 |
| <b>13.</b> | <b>132221/O TALBOTS FARM, THE RHEA, SUTTON ST NICHOLAS, HEREFORDSHIRE, HR1 3BB</b><br>Site for proposed dwelling.  | 127 - 136 |
| <b>14.</b> | <b>131899/F HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HR4 9UD</b><br>Extension of time to planning permission DMCW100570/F – Golf Driving Range, Golf Shop and fencing and floodlights. | 137 - 144 |
| <b>15.</b> | <b>DATE OF NEXT MEETING</b><br>Date of next site inspection – 1 April 2014<br>Date of next meeting – 2 April 2014  |           |

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- 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.
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## **HEREFORDSHIRE COUNCIL**

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

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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 19 February 2014 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, JG Lester, RI Matthews, SM Michael, NP Nenadich, FM Norman, J Norris, J Stone and GR Swinford

**In attendance:** Councillors CNH Attwood, AW Johnson, SJ Robertson and A Seldon

**131. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors EMK Chave, J Hardwick, JW Hope MBE, RC Hunt, Brig P Jones CBE, PJ Watts and DB Wilcox.

**132. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor SM Michael attended the meeting as a substitute member for Councillor EMK Chave, Councillor NP Nenadich for Councillor DB Wilcox and Councillor J Stone for Councillor JW Hope.

**133. DECLARATIONS OF INTEREST**

Councillor PA Andrews declared a non-pecuniary interest in agenda item 11:132624/0 Land off Church Way, Holmer, Hereford as a Governor of Holmer Primary School.

Councillor AN Bridges declared a non-pecuniary interest in agenda item 7: 132321/F The Field Adjoining Brookmill Close, Colwall, Herefordshire because network Rail, his employer, was referred to in the report.

Councillor RI Matthews declared a non-pecuniary interest in agenda item 11:132624/0 Land off Church Way, Holmer, Hereford because he knew the applicant. He also declared a non-pecuniary interest in agenda item 12: Land Adjacent to Willowcroft, Sutton St Nicholas, Hereford because he knew the applicant.

Mr K Bishop, Development Manager, declared a non pecuniary interest in agenda item 9: P133115/F Land Adjacent to Gateway Nursery, Longworth Lane, Bartestree, Herefordshire because he knew the applicant. He also declared a non-pecuniary interest in agenda item 10: P132962/F Land Adjacent to October House, Bartestree, Hereford because he knew the applicant. He left the Chamber for the duration of both items.

**134. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 29 January 2014 be approved as a correct record and signed by the Chairman.

**135. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**136. APPEALS**

The Planning Committee noted the report.

**137. 132321/F THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE**

The Principal Planning Officer gave a presentation on the application. He commented that it was now proposed that flood alleviation works should be completed prior to commencement of the development, rather than prior to the first occupation as set out in the draft heads of terms for a Section 106 Agreement.

In accordance with the criteria for public speaking, Mr C Walker, a resident, spoke in objection. Mr Milne, the Applicant and Mr A Jamieson, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors CNH Attwood and AW Johnson, the local ward members, spoke on the application.

Councillor Johnson commented on a number of issues including:

- That residents were not opposed to the development in principle.
- It was accepted that the application site did not contribute to the existing flooding events and the proposed development would not add to the problem, except in respect of the additional traffic it would generate. The Parish Council and residents considered that work should be undertaken to address flooding issues prior to any development taking place. He supported this view.
- The applicant's offer of a contribution to flood measures was welcome. However, as the site was not identified by the Environment Agency as being at risk of flooding there was a concern that the Agency might not make the necessary additional funding for the flood measures available given the competing demands upon its resources.

Councillor Attwood commented on a number of issues including:

- The site did not contribute to the flooding but access to it would be compromised by flooding. The Unitary Development Plan policy opposed development in such circumstances. Increased traffic would exacerbate the problems faced by existing residents. It was therefore essential that work was carried out to mitigate the immediate effects of the flooding. An engineer who served on the Parish Council had identified action that could be taken at once in advance of any Environment Agency Funding being secured.
- It was important that a hedgerow was planted as proposed to separate the development from the adjoining undeveloped land and that that land remained undeveloped.

The debate opened and the following principal points were made:

- The additional affordable housing was welcomed, however, it was disappointing that the it was proposed to be built at energy efficiency level 3; the Council should be encouraging development to attain the highest efficiency levels.



- In response to questions the Principal Planning Officer clarified where the drainage scheme for the site would be located and how it would work.
- The Principal Planning Officer stated that he had been advised that a bid to the Environment Agency for funding would have a reasonable chance of success given the offer of £30k from the applicant against an estimated cost for flooding measures of £70k. He reiterated that any flooding scheme would be addressing existing issues and the offer of funding from the applicant presented an opportunity to resolve the matter. If a bid was submitted to the Environment Agency by the March deadline a decision would be expected by autumn 2014.
- The Legal Officer confirmed that if the development were to proceed and flooding occurred on the site there would be no direct liability on the Council's part. Consideration would fall to the wider duties of the Council and reliance on expert opinion was a reasonable basis for a decision. She reminded the Committee that it needed to direct itself to the application before it, the professional evidence presented to it, and bear in mind the advice it had received that the development would not contribute to the flooding situation.
- The application was a good scheme offering 50% affordable housing and should be welcomed. The Committee should not be distracted by matters external to the application site.
- The Development Manager commented that if the Committee was minded to support the application two further conditions had been requested by the Parish Council relating to site operative parking during construction and to the hours of construction. He also reminded Members of the Council's lack of a 5 year housing supply and the need to give this significant weight in the decision making process.

The local ward members were given the opportunity to close the debate. Councillor Attwood reiterated the need for immediate flooding mitigation measures.

The Chairman commented that flooding mitigation measures to address the existing issues needed to be considered by the relevant authorities irrespective of the outcome of the planning application.

**RESOLVED: That 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 LA1 of the Herefordshire Unitary Development Plan 2007.**

**10 I16 – Restriction of hours during construction**

**During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**11 H27 - Parking for site operatives**

**Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to**

and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**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**

5. **HN04 Private apparatus within highway**

**138. 132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY**

The Senior Planning Officer gave a presentation on the application, which had originally been submitted to the Committee on 29 January 2014 and deferred for a site visit.

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 J Lester and A Seldon, the local ward members, spoke on the application.

Councillor Seldon commented that, although supporting the principle of improved dental surgery provision in the locality, he remained concerned about the application on the grounds of highway safety.

Councillor Lester commented that the proposal would lead to an improved facility for the Town. However, he remained concerned about the negative impact of the proposal on the amenity of neighbouring residents. He also had concerns about highway safety.

The debate opened and the following principal points were made:

- The significant improvements to visibility that were proposed as part of the development needed to be balanced against the increased vehicle movements that would be generated.
- It would be helpful if work to the highway could be undertaken to allow any vehicles that needed to wait to turn into Hatton Park to pull off the main road to do so.
- That whilst the area was busy with traffic the movements were at low speed and, having undertaken a site visit, it did not appear that conditions were dangerous. It was noted that the Transportation Manager was content with the proposal.
- The Development Manager commented that the proposal would deliver a substantially improved access that would benefit residents and the area. The proposal complied with the Highway Code.

The local ward members were given the opportunity to close the debate and reiterated their concerns.

**RESOLVED: 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.**

*(The meeting adjourned between 11.37 and 11.45 am)*

**139. P133115/F LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA**

(Mr K Bishop declared an interest and left the meeting for the duration of this item.)

The Senior 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, including a recommendation that an additional condition be imposed. She added that the Parish Council had confirmed that it supported the amended Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application. He indicated his support for the application.

The debate opened and a proposal was made that an additional condition be imposed relating to the hours of construction.

**RESOLVED: 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.**

- 19 Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out.**

**Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.**

- 20 I16 Restriction of hours during construction**

**During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**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**

**140. P132962/F LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA**

*(Mr K Bishop declared an interest and left the meeting for the duration of this item.)*

The Senior 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, including a recommendation that an additional condition be imposed.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application. He indicated his support for the application.

The debate opened and a proposal was made that a further additional condition be imposed relating to the hours of construction.

A Member expressed regret about the energy efficiency and sustainability of the proposed dwellings. The Chairman reported that a briefing note on sustainability in construction would be circulated to Members shortly.

**RESOLVED: 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
18. Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted

under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out in respect of the property approved on Plot 3.

**Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.**

**19 I16 Restriction of hours during construction**

**During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**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**

**141. 132624/O LAND OFF CHURCH WAY, HOLMER, HEREFORD**

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Norris and Mr T Ball, local residents, spoke in objection. Mr D Hutchison, the applicant's agent spoke in support.

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

She commented on a number of issues including:

- She highlighted the comments of the Parish Council set out in the report, noting in particular concerns about road safety. She requested that detail of the highways proposals should be finalised in consultation with the Chairman of the Committee.
- There was concern about the impact on the landscape and a change in its character. She considered it would be important when considering reserved matters that consideration was given to planting mature trees which would also have the benefit of protecting the amenity of Rose Lofts.
- She questioned why the draft heads of terms did not propose any contribution to Holmer Primary School.

The debate opened and the following principal points were made:

- A question was asked about the absence of any affordable housing in the development. The Senior Planning Officer replied that as the development was adjacent to the City boundary the size of development fell below the level at which provision of affordable housing would be required. Some members questioned this assessment considering the development was within the Parish of Holmer.
- That as the site was at the gateway to the City it was important that the design was appropriate. Sustainability of the construction of the dwellings was also important.
- It was noted that an application for the erection of 9 bungalows had previously been refused. It was suggested the grounds for refusal should have been specified in the report.
- It was suggested that a layby should be created to help address the difficulty caused by on street parking.
- The development seemed quite intensive given the size of the site.
- It was proposed that the Chairman of the Committee and the local ward member should be consulted on the detail of the application before permission was granted.
- The Development Manager noted that the application was an outline application looking only at the principle of development and the access. There was scope for the Chairman of the Committee and the local ward member to be involved in discussions of the S106 Agreement.

The local ward member was given the opportunity to close the debate and indicated her intention to ensure that local residents were consulted on the detail of the development.

**RESOLVED: That subject to the completion of a Section 106 Agreement, and consultation with the Chairman of the Committee and the local ward member, 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. **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**

**142. 132374/O LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE**

The Senior 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. He added that officers considered that all the Section 106 monies relating to highway aspects should be used to fund the construction of a footpath from the development to the school.

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 was local concern about the size of the development. There was also a view that the application was premature as the Parish was in the process of completing a Neighbourhood Plan and consultation had not taken place.
- The development was sustainable and overall there was a case to support it.
- She highlighted the update to the report that had been circulated.
- She requested that she should be consulted on the reserved matters.

The debate opened and the following principal points were made:

- The letters in support of the development were noted.
- That a condition on the hours of construction should be imposed.
- The Development Manager confirmed that the proposed footpath to the school would be on the same side of the road as the development and that funding was available for this as part of the S106 Agreement. He acknowledged the importance of Neighbourhood Plans being agreed but the Committee had to determine the application before it. The Strategic Land Availability Assessment had identified the site as the most appropriate for development in the locality.

That the local ward member should be involved in discussions about the detail of the development.

The local ward member was given the opportunity to close the debate and reiterate the importance of taking local views into account.

**RESOLVED: That subject to the completion of a Section 106 agreement, and consultation with the Chairman of the Committee and local ward member, 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
- 19 I16 Restriction of hours during construction

**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

**143. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Committee Updates**

The meeting ended at 1.10 pm

**CHAIRMAN**



# **PLANNING COMMITTEE**

**Date: 19 February 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

**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**

**For: Mr Reynolds per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA**

### **ADDITIONAL REPRESENTATIONS**

The Parish Council's comments in respect of the amended plans will be reported verbally if received prior to the meeting.

### **OFFICER COMMENTS**

An additional condition is recommended to ensure that the future privacy and living conditions of adjoining neighbours and between the approved properties is satisfactorily controlled.

- 1) Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out.

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

### **CHANGE TO RECOMMENDATION**

Additional condition to be imposed.

**P132962/F - PROPOSED ERECTION OF 3 DETACHED DWELLINGS, NEW ACCESS, DRIVEWAY AND GARAGE AT LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA**

**For: Messrs D Forrest, L Hansford & B Reynolds per DA Forrest Architectural Services, Court Cottage, Bartestree, Hereford, HR1 4DA**

#### **ADDITIONAL REPRESENTATIONS**

The Parish Council's comments in respect of the amended plans will be reported verbally if received prior to the meeting.

#### **OFFICER COMMENTS**

An additional condition is recommended in respect of Plot 3 to control future forward extension in the interests of the living conditions of Orchard House and Plot 2.

- 1) Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out in respect of the property approved on Plot 3.

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

#### **CHANGE TO RECOMMENDATION**

Additional condition to be imposed.

**132374/O - PROPOSED ERECTION OF 15 NOS. DWELLINGS. AT LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE,**

**For: Mr & Mrs Chambers per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH**

#### **ADDITIONAL REPRESENTATIONS**

Further comments from the Parish Council have been received in respect of the revised Heads of Term:

1. Generally it was felt that more than £16,400 (20%) should be spent to improve village facilities.

2. Why is money going to the Academy School, which was outside the control of Herefordshire Council at a time when LEA schools are having to work with less funds?
3. Monies to be used to purchase and fit a bus shelter for pupils who catch the school bus outside the school/village hall.
4. Monies should **only** be used to provide new highway and sustainable transport infrastructure to serve the development and the Village. (The Sutton Parish Plan 2003 has a new footpath on the Marden Road from Ordis Cottages to the old Post Office, this is an outstanding infrastructure project)
5. Monies to be used to improve the infrastructure of the village hall, in particular the car park lights and the community garden.

#### **OFFICER COMMENTS**

1. The contributions requested are in accordance with the Planning Obligations Supplementary Planning Document.
2. The draft heads of terms do not include a contribution towards Aylestone Business and Enterprise College
3. The provision of a bus shelter can be considered to be funded by the sustainable transport infrastructure contribution
4. Agree
5. The expenditure of the monies will be negotiated with the parish council on receipt

#### **CHANGE TO RECOMMENDATION**

No change to recommendation

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 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

#### Application 122524/F

- The appeal was received on 3 February 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Paul Ballantyne
- The site is located at Ferrymead, 14 Villa Street, Hereford, Herefordshire, HR2 7AY
- The development proposed is Change of use of dwelling into 3 no apartments.
- The appeal is to be heard by Written Representations

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

#### Application 130428/F

- The appeal was received on 6 February 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Messrs John & Luke Jones
- The site is located at Land at Old Shawls Farm, Craswall, Herefordshire, HR2 0PW
- The development proposed is Proposed new house, office and tack room and layby.
- The appeal is to be heard by Hearing

**Case Officer: Mr A Prior on 01432 261932**

#### Application 132145/F

- The appeal was received on 11 February 2014

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Further information on the subject of this report is available from the relevant case officer

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
  - The appeal is brought by The Brockhampton Estate
  - The site is located at Parlours Barn, Brockhampton, Herefordshire
  - The development proposed is Conversion of a redundant farm building to provide office accommodation
  - The appeal is to be heard by Written Representations
- Case Officer: Mr R Close on 01432 261803**

**Application 133011/FH**

- The appeal was received on 18 February 2014
  - The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
  - The appeal is brought by Mr Gary Johns
  - The site is located at 1a Trenchard Avenue, Credenhill, Hereford, Herefordshire, HR4 7DX
  - The development proposed is Two storey extension to side of existing building.
  - The appeal is to be heard by Householder Procedure
- Case Officer: Ms K Gibbons on 01432 261781**

**Application 131979/O**

- The appeal was received on 20 February 2014
  - The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
  - The appeal is brought by Mr Roy Harrison
  - The site is located at Land adjacent to Three Penny Bit Cottage, Lugwardine, Hereford
  - The development proposed is Erection of three detached 2 storey dwellings with access drive.
  - The appeal is to be heard by Written Representations
- Case Officer: Mr E Thomas on 01432 260479**

## **APPEALS DETERMINED**

**Application 131252/FH**

- The appeal was received on 17 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 Mr Geoffrey Jordan
- The site is located at Field Barn, Trebandy, Marstow, Ross-On-Wye, Herefordshire, HR9 6HD
- The development proposed was proposed extension to dwelling.
- The main issue was: the effect of the proposed development on the character and appearance of Field Barn and the surrounding area.

**Decision:**

- The application was Refused under Delegated Powers on 21 June 2013
- The appeal was Allowed on 14 February 2014

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

**Application 130182/F**

- The appeal was received on 16 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 Mr Anthony Tribe
- The site is located at Site adj to Evendine Corner, Colwall, Malvern, Worcestershire, WR13 6DX
- The development proposed was Construction of a single storey 3 bed dwelling

- The main issue(s) were: the effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of No's 11 and 12 Evendine Corner with regard to outlook, noise and disturbance:

**Decision:**

- The application was Refused under Delegated Powers on 10 May 2013
- The appeal was on Dismissed on 17<sup>th</sup> February 2014
- An Application for the award of Costs, made by the Appellant against the Council, was Allowed

**Case Officer: Mark Tansley on 01432 261815**

**Application 130305/F**

- The appeal was received on 1 October 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 S G and L A Thomas
- The site is located at Trap House Nurseries, Cobhall Common, Allensmore, Herefordshire, HR2 9BP
- The development proposed was Removal of Condition 4 of permission 028191 (site for the erection of one dwelling house with vehicular access thereto).

The main issue(s) were: whether, having regard to relevant planning policy, the imposition of the original condition was reasonable and whether sufficient marketing of the appeal property has taken place at a price which reflects the restrictive nature of the planning condition so as to demonstrate whether or not the condition originally imposed is necessary

**Decision:**

- The application was Refused under Delegated Powers on 26 June 2013
- The appeal was Allowed on 24 February 2014

**Case Officer: Mr A Prior on 01432 261932**

**Application 131053/O**

- The appeal was received on 15 July 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 Julian Parry
- The site is located at Land to the east of Brick House and Holme Copse House, Ocle Pychard, Hereford
- The development proposed was Construction of 4 no two bedroom bungalows and 1 no four bedroom house

The main issue(s) were: - Whether the proposal would constitute sustainable development; - Whether the proposed residential development would be likely to promote the use of private motor vehicles; - The effect of the proposal on the character and appearance of its host environment; - The effect of the proposed development on the living conditions of the occupants of the property known as Holme Copse House, and on the future occupants of the proposed bungalows; - Whether future residents of the proposed bungalows would have sufficient private rear amenity space; - Whether the proposed drainage system would mitigate the impacts of the increase in hard surfaced area.

**Decision:**

- The application was Refused under Delegated Powers on 12 June 2013
- The appeal was Dismissed on 24 February 2014

**Case Officer: Mr Matt Tompkins on 01432 261795**

**Application 131003/F**

- The appeal was received on 27 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 Miss Karen Harris
- The site is located at Losito Stud Harris Lodge, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6EG
- The development proposed was Retain existing log cabin as a permanent dwelling on a brown field site

- The main issue(s) were: whether the proposal would be in accordance with the development plan for the area; whether the proposal would be a sustainable development

**Decision:**

- The application was Refused under Delegated Powers on 9 August 2013
- The appeal was Allowed on 25 February 2014

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

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>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P132230/O - SITE FOR ERECTION OF NINE HOUSES AND ASSOCIATED DEVELOPMENT AT LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ</b></p> <p><b>For: Mr Griffiths per Stansgate Planning LLP, 9 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, Warwickshire, CV37 9NP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132230">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132230</a>

**Date Received: 13 August 2013**

**Ward: Credenhill**

**Grid Ref: 345223,243644**

**Expiry Date: 25 October 2013**

Local Member: Councillor RI Matthews

### **Update to Report**

Following the deferral of this application by the Planning Committee a meeting was arranged and held on the 12<sup>th</sup> February 2014. This meeting was attended by officers, the applicant and agent, a representative of Credenhill Parish Council and the Ward Councillor and focussed upon the mechanism for the delivery of the 'bus lay by' to the north side of the A480.

### Applicant's Offer

In response to this meeting, the applicant's agent has made the following offer for consideration in the determination of this application.

1. The applicant understands the most important issue to the local community concerning this application is the delivery of a bus layby and its associated highway infrastructure, in the interests of highway safety
2. The applicant agrees that the Section 106 agreement is worded to ensure that all financial contributions are directed towards delivering the layby. Furthermore, the scale of "bus layby contribution" is similar to that which would otherwise arise from "conventional" financial contributions spread across a variety of services.
3. A cost sheet was proffered at the meeting that a bus layby located opposite the site might cost about £62,000.
4. I have calculated the scale of conventional financial contributions as follows:

Based on 3 x 4-bed market houses and 3 x 3-bed market houses:

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

- a) Education contribution = £41,565.
- b) Highway infrastructure contribution = £20,643.
- c) Play area maintenance = £2109.
- d) Waste reduction & recycling = £1080.
- e) 2% monitoring fee = £1308.

Therefore Totaling = £66,705

5. In order to achieve equivalence, I have considered a pro-rata financial contribution towards a bus layby based on the number and size of market houses. But I think such a formula will appear contrived. Furthermore there are other complicated permutations regarding the number and size of market houses, third party landowner issues and whether the final cost of the layby comes to more or less than £62,000.

6. Therefore I suggest the wording be something like "The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £66,700 to provide a new bus layby and associated highway infrastructure works located on the A480 in the vicinity of the application site. The sum shall be paid on or before the commencement of the development and may be pooled with other contributions if appropriate. Herefordshire Council covenants with the developer to return the sum if not spent on the aforementioned bus layby works within 5 years of the receipt of the sum."

7. The remainder of the S106 will relate only to the delivery of affordable housing and meeting reasonable council costs in completing the agreement.

The land that would be required to construct and provide the lay-by is not in Council control or ownership. A letter has been received, via the ward Councillor, from the current landowner, that states:

*'I can confirm that the Reese family are the owners of the land opposite the proposed development at Cross Farm, Credenhill and that we would be prepared to release a strip for land for a very modest fee, to help improve the highway situation alongside the A480 road'*

As the land is not in the control of the Council or applicant, and if this land cannot be secured (for example a change of ownership / prohibitive cost of purchase, legal or cost implications), and works undertaken within 5 years of payment, then this sum would be returned to the applicant. This is considered to be a significant risk, especially as this payment is in lieu of the other contributions that could be secured for improvements to infrastructure locally such as improvements to the local school and play areas, extending cycleways / footways, improving bus stops or other speed reduction measures in the locality.

### Section 106 requirements

In the consideration of this planning application, officers have prepared a Heads of Terms. This has been undertaken having regard to the adopted policies of the Development Plan, in this instance, The Herefordshire Unitary Development Plan (policy DR5) and the Supplementary Planning Document – Planning Obligations. This Heads of Terms is attached to this report and is prepared on a 'per unit' basis as this is an outline application.

In the submission detailed above there have been some assumptions made about the size of properties that would be developed, three x 3 bed and three x 4 bed. The remaining three would be affordable dwellings and as such do not attract financial contributions.

To provide a summary and comparison please find a table below that outlines the contributions for both this scenario and if the reserved matters application seeks to secure six x four bed dwellings. A 2% contribution is also required for the monitoring and enforcement of the agreement.

<b>Contribution</b>	<b>3 x 3 bed and 3 x 4 bed</b>	<b>6 x 4 bed</b>
Education	£41,658.00	£53,970.00
Sustainable Transport	£20,643.00	£23,592.00
Open Spaces / Play	£2,109.00	£2,316.00
Libraries	£1,032.00	£1,446.00
Waste	£720.00	£720.00
<b>Total</b>	<b>£66,162.00</b>	<b>£82,044.00</b>

In addition to the offer, a letter signed by the owner of the land required to construct the bus lay-by has been provided. This confirms that they are willing to offer the land for this purpose.

### Officers Advice on the Offer

Whilst the desire to secure this bus lay by / pull in has clearly been ongoing for a number of years there is still a requirement to consider whether taking a contribution of £66,700.00 to secure this bus lay-by complies with the Community Infrastructure (CIL) regulations. The CIL tests must consider whether the financial contribution to provide this infrastructure complies with the following requirements:

- (a) Is it necessary to make the development acceptable in planning terms?
- (b) Is it directly related to the development?; and
- (c) Is it fairly and reasonably related in scale and kind to the development?

It continues to be your officers opinion that the provision of the bus lay by is not necessary to make the development acceptable in planning terms but that using the ‘sustainable transport’ element of the contributions listed above towards the improvements to an existing facility (including the layby and possible passenger waiting facilities) would be compliant and this continues to be the officers recommendation in this instance. As such, whilst the negotiations and offer by the applicants are welcomed in response to the strong local views, having considered the legal position in respect of the CIL regulations, lack of certainty regarding ownership or control of the land to undertake the infrastructure improvements, and the loss of contributions required by the adopted policies of the Development Plan, the officers recommendation remains unchanged. However it will ultimately be for the Planning Committee to determine whether the provision of the locally important bus lay-by overrides the advice set out above. It will however be important to consider the reasoning for this and the mechanism by which it can be delivered, including how the owners of the bus lay-by land will be included into any Agreement.

Planning Committee members also raised concern about ‘accident records’ in the area. The meeting that took place on 12 February established that there was local knowledge of a number of accidents/incidents that may well not have been recorded as such. Notwithstanding this, I have obtained records within a radius of 1km along the A480 in each direction and on Station Road. There are a total of 10 since 2009, 6 of which were attended by a police officer with the remaining being reported by phone. These relate to a variety of locations and incidents / reasons but make no specific reference to the bus waiting etc.

In addition to the above, the treatment of the boundary wall was discussed in some detail at the meeting. The applicant has been advised that the clear preference is for the reconstruction of the wall on a line set back to achieve the required visibility. The applicant has agreed to this in principle and it is recommended that the final detail is reserved by condition.

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

- 1.1 The application site lies to the north of the main village of Credenhill, accessed from the A480 and located between Well Cottage to the east, the barn conversion complex, Cross Barns, to the west and St Mary’s CE Primary School to the south. The site is an irregularly shaped field

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

and is approximately 0.6 hectares in size. The site slopes gently by about 3m from north to south and 1m from west to east. The boundary of the site to the north / north west comprises a stone wall, with three mature horse chestnut trees, whilst the remainder of the site consists of fencing and walling of various types. The southern and eastern boundaries benefit from mature trees.

- 1.2 The proposal is an outline application, with all matters except for access reserved. The application seeks to establish the acceptability of a residential development for 9 dwellings and associated infrastructure. The application is accompanied by a detailed planning statement, ecology report and archaeological appraisal.
- 1.3 An indicative layout is also provided that details 9 plots or 6 detached properties and three terraced properties. The site will provide three affordable dwellings (2 x 2 bed and 1 x 3 bed). A soft landscape amenity space is indicated on the western boundary of the site, with its intention being a 'no-go area' for trees and native habitat enhancement rather than as public open space.
- 1.4 Access to the site is proposed in the position of the existing access, to the west of the northern boundary. A revised plan (drawing number 6991-6 –Rev B) has been submitted that details the preferred rebuilding of the wall behind the visibility splay to a height of 1.2m instead of the previous plan that reduced the height of the wall to 0.5m within the visibility splay.

## 2. Policies

### 2.1 National Planning Policy Framework

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

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
H9	-	Affordable Housing
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

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NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological assessment and field evaluations

### 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
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 CW2001/0698/F – Proposed new agricultural access to field – Approved with Conditions 7<sup>th</sup> November 2001.

### 4. **Consultation Summary**

#### Statutory Consultees

4.1 Welsh Water: No objection subject to conditions and note position of the mains sewer within the site.

#### Internal Council Advice

4.2 The Transportation Manager makes the following comments:

The site is within a 30mph limit and the site access is proposed at the location of an existing access which is proposed to be improved to serve the development. The five year Personal Injury Accident history 100m either side of the access at the location indicates only one injury accident, involving a single vehicle on the side road to the east rather than on A480.

I have looked at the information within the Design and Access Statement and the indicated visibility splays in terms of Manual for Streets methodology and requirements, which is being widely used generally and by the Planning Inspectorate in the determination of planning

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appeals. The achievable 70m visibility to edge of road to the east would exceed the MfS requirements for the speeds that are observed at the location. Visibility to DMRB for 30mph of 90m is available, albeit partially over the access and garden of the adjacent property, Well Cottage. As this forms visibility for their own access, whilst not guaranteed, it is likely to remain. To the west greater visibility is available. Stopping sight distances for drivers approaching from the west of a stationary vehicle waiting to turn right into the access is also achievable. With the on carriageway SLOW markings and approach warning signs for the school and crossing, drivers should be prepared for hazards. The approach carriageway also has high friction surfacing.

Therefore, whilst full DMRB visibility of 90m within their control would be preferable, as MfS standard visibility is to be provided, I consider that a refusal on highways grounds would be likely to be difficult to substantiate and have recommended approval subject to conditions.

The internal layout is considered acceptable, but if the road is to be adopted, the boundary wall will need to be reconstructed to the rear of the visibility splay and land forming the splay to be dedicated as highway. I note however the Design and Access Statement in Paragraph 5.2 states that whilst constructed to adoptable standards, it is intended to remain in private ownership, therefore a Section 38 agreement would not be required. I also note in Paragraph 5.1 that the wall is to be rebuilt 1m further away from the road, whereas the plans show visibility over the wall which is to be reduced in height to 600mm. If lowering of the wall is chosen then this should be for the full length and not just to 600mm height but to a height to ensure that visibility between points 600mm above ground at each end of the splay is achievable, which is likely to be lower. Clarification should be sought in this respect, but the setting back of the wall would be preferable. *(Note: this section of the response has been superseded by the submission of the amended plan referred to in the introduction)*

A larger footway and landing area could then be provided at the crossing, subject to land dedication. The geometric standards for the road set out in Paragraph 5.2 are considered acceptable. Pedestrian dropped kerbs will be required for continuity of the footway across the access.

Garages should be sized appropriately to accommodate cycles and cars (minimum width 3m single, 6m double and minimum length 6m)

The proposed Heads of Terms are acceptable, but I would suggest that speed reduction measures are added to the list of potential uses.

Recommends that any permission which this Authority may wish to give include the following conditions:-

CAB (provision of visibility splays) (as shown on drawing 6991-600) CAE (details of access construction) CAH (details of driveway gradient) CAL (provision and retention of parking and turning) CAQ (details of road construction) CAZ (parking for site operatives)

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

I read the ecological report by Swift Ecology dated August 2013. I accept its findings and agree with the recommendations for protected species and habitat enhancement.

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 European Protected Species are present on a development site, the Local Planning Authority must establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

1. That there is “no satisfactory alternative”
2. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

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

4.4 The Council’s Housing team supports the principle of the application which would deliver 3 affordable units for social rent. The house sizes and tenure are all supported. The dwellings are required to be built to Lifetime Homes, DQS and a minimum level of Code 3 for Sustainable Homes.

4.5 The Parks and Countryside Manager makes the following comments:

It is noted that the draft Heads of Terms include a contribution towards off-site POS including local play facilities and recreational rights of way that exist in the vicinity. These details are in accordance with my pre-application comments.

It is noted that the Planning Statement makes reference to a "soft landscaped amenity space measuring 400 sqm" which is not intended to perform the role of POS and instead will be a "no go area". This is to be supported as per my previous comments and the development of a management plan for the long-term management of this area by future residents is welcomed

4.6 The Conservation Manager (Archaeology) has received the Archaeological Assessment and confirms that this resolves all outstanding matters and that no conditions are needed.

## **5. Representations**

5.1 Credenhill Parish Council make the following comments:

The Parish Council wish to OPPOSE the planning application for the following reasons:

1. The Safer Roads Partnership report shows that for the period 23 October to 27 November 2012 that the average number of vehicles travelling through this location over a 24 hour period is 5,794. The parish council has grave concerns that the location of the entrance to the development, will cause further accidents to those using the A480. Many motorists do not comply with the 30 mile per hour speed limit and we are concerned that vehicles pulling out of the development towards Hereford will increase the accident rate for this area.
2. The parish council strongly question the visibility distances as shown on the proposed access plan. The figures given do not take into account the reduced line of visibility when the owners at Well Cottage park their cars on their drive. Also worth noting is the visibility towards Station Road which will also be reduced due to a large hedge on the roadside at 2 Cross Barns. We note the comments made in the planning statement by Adrian Smith (Highways officer) that ‘the 70m visibility to edge of road would JUST meet the MfS minimum requirements for the speeds that are indicated at the location’.

3. The bus stop bound for Hereford is also a cause for concern as vehicles have to remain stationary behind the bus whilst passengers get on. This has been a problem for a number of years as vehicles travelling to Hereford around the bend have very limited time to stop. This added to the extra traffic joining the highway from the development can only cause more difficulties. The parish council would stipulate that a bus layby be created as mentioned in the planning statement item 5.9. This would allow the bus to pull off the highway and rejoin when safe to do so.
4. Please note the bus stop shown on the proposed access plan is incorrect. The stop is actually further along near to 3 Cross Barn, closer to the junction with Station Road.
5. This area is also used by local pedestrians especially school children who walk to school. Many parents are worried about the effect of another junction being added to the area.
6. Residents have informed the parish council that the sewerage system is already causing regular problems in this area and the field floods with raw sewerage as the main drains are unable to cope.
7. The buildings next to and opposite the proposed development are listed. Any development within this area would need to be sympathetic and in keeping with the rural area.
8. The parish council query whether this is an over developed site and if the number of houses should be reduced.

5.2 9 letters of objection have been received that raise the following issues:

- Highway safety concerns including examples such as:
  - speed limits not observed
  - Position of bus stops in such close proximity to the access along with pedestrian crossing and other junctions and accesses causes conflict / accidents
  - Traffic queues behind the waiting buses, causing cars to pull out or to brake suddenly, especially when they meet a queue; they also restrict visibility.
  - Surrounding accesses are already difficult and dangerous to manoeuvre around.
  - High number of accidents in vicinity
  - Large number of additional cars using the access for 9 dwellings
  - Development would be hidden between two bends
  - Does not take into account loss of visibility due to trees
  - Near to local school with a lot of pedestrian movements
- Impact of development of the character of the listed barns and area
- Numbers of dwellings proposed is out of character with the area and village infrastructure would not cope
- The field provides a visual break and the development will blur the edges of the village.
- Loss of privacy to adjoining dwelling
- Impact on wildlife and protected species such as bats
- Lack of sewerage capacity as demonstrated with blockages in last 5 years. Additional load would cause health hazard.
- Potential for surface water flooding

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:-

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



## 6. Officer's Appraisal

6.1 The application falls to be considered having regard to the following matters:

- 1) Principle of development
- 2) Access and Highway Safety
- 3) Impact of development upon the character of the area and amenities of residents
- 4) Impact upon the setting of the listed buildings
- 5) Ecology
- 6) Drainage
- 7) Section 106 Agreement

### Principle of Development

6.2 The application seeks outline planning permission for the erection of 9 dwellings on land outside but immediately adjacent a main village's settlement boundary (Policy H4 of the UDP). 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 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. 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.

6.5 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.*

6.6 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 Credenhill is a main village and has good links to the County's main centre of population (Hereford) and the goods, services and employment opportunities located there. 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 and 'in principle' should be supported.

#### Access and Highway Safety

- 6.9 The access to the site is considered to be in the optimum position in terms of highway safety, with the amended plan detailing the wall to be rebuilt behind the visibility splay. Achievable visibility meets the Manual for Street (MfS) standards and the Transportation Manager has not raised an objection to this proposal. In coming to this conclusion, consideration has been given to the concerns raised in respect of the siting of the bus stops and the associated bus waiting and traffic queues, proximity of other junctions and accesses as well as the amount and speed of traffic.
- 6.10 The acceptability of this access must be considered in relation to the policy context. Policy DR3 of the Unitary Development Plan requires that development '*incorporates adequate provision for vehicular access from the highway network, without detriment to highway safety or to pedestrians, cyclists or public transport*'. Paragraph 32 of the National Planning Policy Framework requires that decisions should take account of whether:

*'safe and suitable access to the site can be achieved for all people' and:*

*'improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*

- 6.11 One of the key concerns locally relates to the location of the bus stops adjacent to the site and residents describe the existing problems that occur when a bus stops for passengers to alight or board, causing cars to queue and traffic to have to stop quickly when approaching around the bend, or cars pulling around the waiting bus. Whilst this access is offset from the bus stop, it is local opinion that this new access will contribute to the potential for accidents in the area. There is a long held desire locally to create a bus 'lay by / pull in' on land to the north of the A480 to try and address this concern.
- 6.12 Whilst officers acknowledge the problems caused by the location of the bus stop opposite the site and note the desire locally for this to be improved through the provision of a pull in bay. The provision of this bus lay by is not considered to be necessary to make this application acceptable in highway safety terms, although it is acknowledged that the improvement would be of benefit to users of the access. It would also potentially benefit all highway users if

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secured but a detailed highway safety audit would need to be undertaken before the Council could commit to this course of action. The land required is also outside of the Council's or applicant's control as it is in private ownership. If this was undertaken in the future then it would be desirable to provide improved passenger waiting facilities as part of these works and Section 106 monies from this development could be used to provide these in the future, if works were undertaken using pooled contributions. As such 'improvements to passenger waiting facilities' is included in the heads of terms, along with improvements to pedestrian and cycle links and speed reduction measures.

- 6.13 As such, whilst officers fully acknowledge the views of the Parish Council, it is advised that the site can accommodate an adequate safe access that complies with the recognised standards. The impact from traffic movements of 9 dwellings would not be one that can be considered in the context of paragraph 32 as 'severe'. An objection based on the failure to provide this bus lay-by / pull in would be difficult to defend in this policy context as there is no 'significant or severe impact' on highway safety from this development. However, the benefits of providing this are noted and the use of Section 106 monies in whole or in part for this purpose has been agreed in principle with the applicant. However, having reflected on the matter following the meeting held on 12 February, the proposal in its original form is considered to comply with the requirement of policy DR3 of the Unitary Development Plan and paragraph 32 of the NPPF.

#### Impact upon residential amenity

- 6.14 The impact upon the living conditions of nearby residents is considered acceptable. Although the submitted layout is illustrative only, and not necessarily reflective of the detailed proposal that may come forward at the Reserved Matters stage, it does demonstrate that 9 dwellings can be accommodated within the site without requiring undue proximity to the nearest affected dwellings. There would be a need to improve boundary treatments in respect of these properties, and a condition is recommended to secure this. The layout of the site has also been considered to include an area of planting and significant separation distances between properties. Officers are content that in this regard the scheme would comply with 'saved' policy H13 and guidance laid out in paragraph 17 of the NPPF although this issue will be more carefully considered in its Reserved Matters form.

#### Impact upon the setting of the listed buildings

- 6.15 The site lies adjacent to the Grade II Cross Farm and its curtilage listed barns (Cross Barns) and opposite the grade II listed Cross Cottage. The impact upon the setting of these listed buildings has been carefully considered by officers. The indicative layout reflects this, ensuring development is located to the east of the site. The design and siting of the proposed dwellings, along with the details of soft and hard landscaping schemes will also be carefully considered at any subsequent Reserved Matters stage. It is officers opinion that the development of the site can be undertaken without significant harm to the setting of the listed buildings or character of the area and as such this would comply with the requirements of policies HBA4 of the Unitary Development Plan and paragraphs 132 and 133 of the National Planning Policy Framework.

#### Ecology

- 6.16 A detailed ecological report has been received, that identifies the potential for protected species along with appropriate mitigation in accordance with the requirements of policies NC7 and NC8 that seek to compensate and mitigate for loss and create, restore and enhance habitats. These policies are broadly consistent with the NPPF guidance on these matters. The impact upon biodiversity is not considered to be significant and conditions are recommended to ensure that this is undertaken.

## Drainage

- 6.17 Local residents raise concern about localised flooding and drainage capacity. Welsh Water have not objected to these proposals and are content that there is capacity within the network to accommodate these dwellings. A detailed drainage scheme will be required as either part of the Reserved Matters application or by condition that will fully considered surface water drainage, attenuation and disposal. Officers are satisfied that this relatively small scale proposal complies with the requirements of policy DR4 of the Unitary Development Plan.

## Section 106 and Affordable Housing

- 6.18 The proposed development falls to be considered having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations. A draft Heads of Terms is appended to this report that makes provision for financial contributions and also secures the provision of 3 affordable dwellings that will in the first instance be allocated on the basis of local connection to the parish of Credenhill in accordance with the requirements of policy H9 of the UDP. The provision of affordable housing is an acknowledged social benefit having regard to the requirements of paragraph 7 of the NPPF that would weigh significantly in favour of the development.

## Conclusion

- 6.19 The consultation process has identified a number of concerns arising from this proposal for 9 dwellings and these matters have been considered above. The application site lies immediately adjacent to the main settlement of Credenhill and is a location that is considered to be sustainable. Acknowledging that the Council does not have a 5 year Housing Land Supply, the requirements of paragraph 14 of the NPPF must be considered.
- 6.20 The proposals would assist in addressing the shortfall in housing supply within the County 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. The affordable housing element of the scheme would assist in meeting housing needs of the local community. 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 much 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.
- 6.21 These benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that all impacts can be successfully mitigated 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 (in accordance with the Heads of Terms attached) 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. **H01 Single access - no footway**
8. **H09 Driveway gradient**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H21 Wheel washing**
12. **G15 Landscape maintenance arrangements**
13. **H29 Secure covered cycle parking provision**
14. **Before any other works hereby approved on the application site are commenced, the access shall be modified and constructed in accordance with details shown on drawing number 6991-600 Rev B and with engineering details agreed in relation to condition above.  
Reason: In the interests of highway safety and to conform with the requirements of DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
15. **K4 Nature Conservation - Implementation**
16. **L01 Foul/surface water drainage**
17. **L02 No surface water to connect to public system**
18. **L03 No drainage run-off to public system**
19. **I51 Details of slab levels**
20. **G09 Details of Boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G14 Landscape management plan**
25. **G15 Landscape maintenance arrangements**
26. **I16 Restriction of hours during construction**
27. **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**

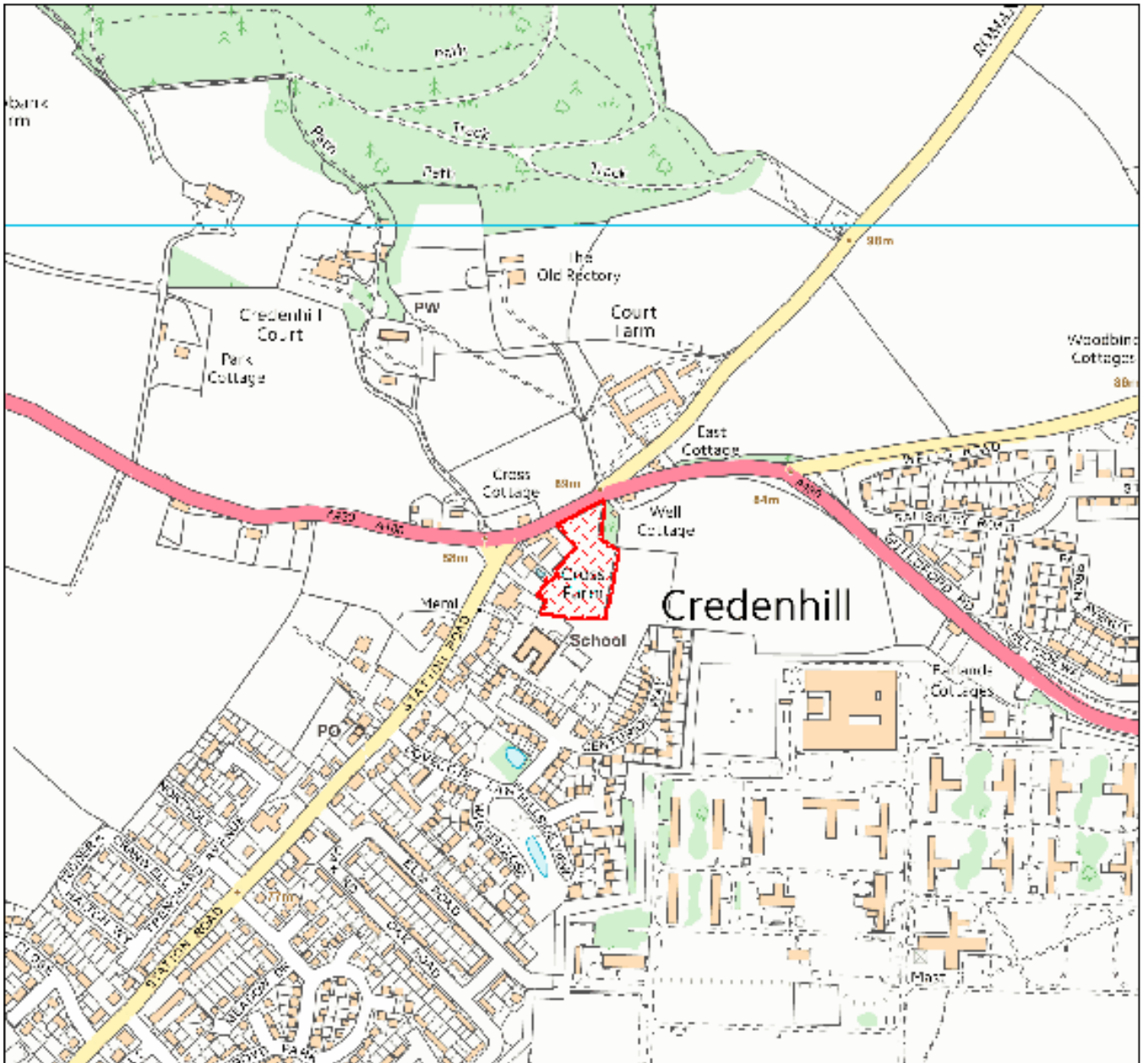
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132230/O

**SITE ADDRESS :** LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ

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# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

Application Number: 132230/O

Residential development (9 Units) on land at Cross Farm, Credenhill, Herefordshire, HR4 7DJ.

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

£ 2,845.00 (index linked) for a 2 bedroom apartment open market unit

£ 4,900.00 (index linked) for a 2/3 bedroom open market unit

£ 8,955.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Marys Credenhill Primary School, St Frances Xavier Primary School, Weobley High 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:

£ 1,966.00 (index linked) for a 2 bedroom open market unit

£ 2,949.00 (index linked) for a 3 bedroom open market unit

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

To provide new highway and sustainable transport infrastructure to serve the development, including:

- improvements to pedestrian / cycling facilities in the area including extension of the off road cycle route and improvements to public transport facilities in the area.
- Improvements to passenger waiting facilities in the proximity of the application site
- Speed reduction measures in the locality (A480) 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:

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



£ 193.00	(index linked) for a 1 bedroom unit
£ 235.00	(index linked) for a 2 bedroom unit
£ 317.00	(index linked) for a 3 bedroom unit
£ 386.00	(index linked) for a 4+ bedroom unit

for the use towards improvements identified in the Play Facilities Study, Action Plans and emerging Investment plan on play facilities in the village including Dovecote Lane which is in need of improvement to replace old and aging equipment which offers little in play value or on improving quality/accessibility of the more natural and semi natural green space and recreational rights of way as identified in the Council's Rights of Way Improvement Plan which exist in the vicinity. Priorities for spend will be identified through local consultation and at the time of receiving the contribution

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:*

£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

For the enhancement of library facilities at Hereford City. 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.

5. 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 developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
6. The developer covenants with Herefordshire Council that three (3) 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.
7. Of those Affordable Housing units, 3 shall be made available for social rent occupation.
8. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

9. 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:-:
  - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
10. 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:-
  - 10.1. a local connection with the parish of Credenhill;
  - 10.2. in the event of there being no person having a local connection to the parish of Credenhill, a person with a local connection with the parishes of Burghill, Brinsop and Wormsley, Kenchester and Stretton Sugwas.
  - 10.3. 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.
11. For the purposes of sub-paragraph 10.1 or 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 11.1. is or in the past was normally resident there; or
  - 11.2. is employed there; or
  - 11.3. has a family association there; or
  - 11.4. a proven need to give support to or receive support from family members; or
  - 11.5. because of special circumstances;
12. 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. Code for Sustainable Homes Minimum Level 3. 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.
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 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.

14. The sums referred to in paragraphs 1, 2, 3, 4 and 5 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.
15. 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.
16. 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 – Jan 2014.**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<b>131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES AT LAND AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE</b>  <b>For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680</a>

**Date Received: 19 June 2013**  
**Expiry Date: 18 September 2013**  
 Local Member: Councillor J Norris

**Ward: Pontrilas**

**Grid Ref: 349568,230482**

### Introduction

This application was originally presented to Planning Committee on 20 November 2013. The recommendation at that stage was to grant planning permission subject to the completion of a Section 106 Agreement.

Members resolved to defer determination given that the Parish Council and local residents were in the process of being re-consulted on revised plans providing improved footpath linkages towards Wormelow. The application was then presented to Planning Committee on 11 December 2013. Members again resolved that it be deferred in order that that the applicant investigate the potential for providing a footpath north eastwards to the A49(T) linking to the main part of Much Birch, the village hall, GP surgery and the school beyond.

No progress has been made in respect of the additional footpath link and a response has been received from the applicant which is summarised below in Section 5.6. Otherwise, this report has been updated to include representations received in relation to the proposal for the footpath link to Wormelow and a statement from the Council's Housing Development Officer in relation to the provision of affordable housing.

### 1. Site Description and Proposal

- 1.1 The site comprises 0.39 hectares of agricultural land. It adjoins the western boundary of a development of red brick faced dwellings that incline eastwards from this boundary, along the northern side of Tump Lane. This classified road (C1264) links Wormelow and the A466 road to the west and the A49(T) up hill from the site. The application site inclines north eastwards from Tump Lane. The roughly rectangular site will step up the slope at a gradient of roughly 1

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

in 13. There is existing hedgerow on the eastern boundary adjoining existing properties. There is a line of trees and hedgerow between 30 to 40 metres north of the northern boundary of the site. The southern boundary of the site is defined by an existing ditch and culvert which is on the line of a hedgerow heading north westwards from Tump Lane. A public footpath follows the line of an existing hedgerow, but is wholly outside of the application site.

- 1.2 This is a fully detailed application for 12 affordable dwellings. These dwellings will be in 6 pairs of semi-detached dwellings in two house types, which have 2 (Type A) and 3 (Type B) bedrooms. Three pairs of the Type A dwellings (Plots 1-6) are sited close to the proposed access point onto Tump Lane. One pair is aligned north to south and the two other pairs are aligned east to west. There is a gap of 20 metres between the two dwellings facing Tump Lane (plots 5 and 6) and a pair of dwellings (plots 7 and 8) further up slope. The site on the opposite side of the spine road from these two plots (7 and 8) comprises parking bays for plot 7 and two spaces for plots 11 and 12 which are Type B, 3 bedroom properties and informal open space area. Plots 9,10,11 and 12 are the most elevated pairs of dwellings on the site. The 12 dwellings will be finished in a red brindle facing brick under grey coloured concrete tile roofs.
- 1.3 There will be 20 allocated spaces for the twelve semi-detached properties together with 6 visitor spaces. Each dwelling will have a dedicated cycle storage shed.
- 1.4 An existing foul sewer that crosses the site will be replaced by a new one that will follow the line of the spine road serving the cul-de-sac development before it leads westwards towards Wormelow.
- 1.5 The access point joining Tump Lane will have visibility splays of 2.4 metres by 39.5 metres onto this classified road.
- 1.6 The application was accompanied by an Extended Phase 1 Habitat Survey, a Statement of Community Involvement, a Flood Risk and Drainage Strategy, accident data and automatic classified count, a Design and Access Statement and draft Planning Obligation/Section 106 Agreement. This was supplemented before the November Planning Committee with revised plans providing details for a 1.2 metre wide footpath within highway verge and on the landowner's property seeking to improve pedestrian links to Wormelow. This revised scheme also provided for more tree and hedgerow planting than originally proposed on the western boundary of the site.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF)**

The following sections are of particular reference:

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 (HUDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
  
- H7 - Housing in the Countryside Outside Settlements
- H9 - Affordable Housing
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- 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
- NC8 - Habitat Creation, Restoration and Enhancement
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy
- T11 - Parking Provision
- RST4 - Safeguarding Existing Recreational Open Space
- W11 - Development – Waste Implications
- CF2 - Foul Drainage

## 2.3 Supplementary Planning Documents

Landscape Character assessment  
Planning Obligations  
Design  
Biodiversity and Development

## 2.4 Herefordshire Local Plan – Draft Core Strategy 2011-2031

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- H1 - Affordable housing- thresholds and targets
- H2 - Rural exception sites
- RA2 - Herefordshire's villages
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

2.5 Other Guidance

Strategic Housing Land Availability Assessment  
Annual Monitoring Report

2.6 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 None identified.

**4. Consultation Summary**

Statutory Consultees

4.1 Welsh Water

Welsh Water state that conditions should be attached requiring the separation of foul and surface water discharges. Welsh Water states further that the developer needs to engage with the statutory body at an early stage. No problems are envisaged for the treatment of domestic discharges from the site.

Welsh Water also states that a water main crosses the site and that it may be possible to divert this water main, the cost of which would be borne by the developer.

Internal Council Advice

4.2 Transportation Manager: The revised submitted plan from the applicant showing the provision of a footpath linking the site to the west and Wormelow, makes the development acceptable in transportation terms. The footpath is not a standard width but is the minimum acceptable, the width is restricted by the highway land available. The footpath does not impede on the width of the carriageway which is less than 4.8 metres in sections.

4.3 Conservation Manager (Landscapes): No visual impact assessment has been carried out. Proposal constitutes an extension of built development into open countryside. No existing field boundary to contain this impact or assist in integrating it into wider landscape. Although development viewed against existing development, it will not appear as a natural extension. Also landscape proposals will not overcome this negative impact. Landscape has not informed proposals and therefore not supported and mitigation proposed is not appropriate.

4.4 Conservation Manager (Ecology): No objections as regards the mitigation for biodiversity and enhancement. Should application be approved, recommend further hedgerow planting and conditions relating to the production of a habitat and enhancement scheme.

4.5 Housing Manager: Supports application. There is an identified need in Much Birch and in surrounding parishes.



The Housing Manager also comments as follows:

The Housing Needs and Development team support the 100% affordable housing application that provides 12 affordable homes on the Tump Lane site. The developing Housing Association are a preferred partnering organisation of the Council who have worked closely with the Housing team to ensure that the correct mix and tenure are being delivered on the site. Various consultation events have been provided in the community by the Housing Association to allow the community to ask questions and comment on the plans and proposals and where possible these comments have been implemented.

The houses are to be built to the higher standards of Lifetime Homes and Code 3 for Sustainable Homes, therefore providing extremely good quality housing and reducing energy bills for those already on lower earnings. The Housing Association is making this possible even though the Homes and Communities Agency have significantly reduced the amount of available grant. All of the properties on completions and subsequent lets will be advertised through Home Point and made available to applicants in housing need with a local connection to Much Birch in the first instance.

(Note: Due to the delay in the determination of the application, it is understood that the previous Housing Association may no longer be involved but this should not prevent the determination of the application since this is not a material planning consideration.

4.6 Public Rights of Way Manager has no objections.

## **5. Representations**

5.1 Much Birch Parish Council state:

The Much Birch Parish Council does not object, in principle, to this application but would be seeking conditions to be applied as described below.

If the Planning Department are minded to approve the application then the Much Birch Parish Council would be seeking the imposition of four specific conditions to safeguard residents and road users :-

- 1) The reduction in speed limit for the entire length of the road known as Tump Lane from 40 mph to 30 mph.
- 2) The imposition of a vehicular maximum weight of 17.5 tonnes.
- 3) The installation of a pavement to enable safe pedestrian use for its entire length, paying particular note to information that the applicant/owner also controls land on the opposite side of Tump Lane.
- 4) That there be a restriction on any future proposed additional development that may seek to use the access point of this development.

5.2 Much Birch Parish Council response, in respect of revised plans is awaited

5.3 Eight letters of objection have been received together with two letters from Herefordshire CPRE. In summary the points raised are as follows:

- Additional traffic on Tump Lane passing residents walking to school.
- Access to left restricted by bank and parked cars.
- Traffic count carried out during Easter holidays and counter down slope from site thereby missing a lot of A49(T) bound traffic.
- Campaigned for 20 years for footpath for benefit of elderly residents and school children.
- Without footpath along length of Tump Lane intolerable, residents isolated now.

- Schools, pubs, doctors surgery, churches shop, recreational ground and bus-stops are all within walking distance.
- Tump Lane used as a short cut by heavy traffic (e.g Pontrilas Timber and Allensmore Feed Mill) –conflict now with pedestrians using road with limited footpaths.
- Additional traffic from Pilgrim Hotel joins Tump Lane, as traffic cannot directly access A49(T).
- A49 junction a death trap. Son knocked down.
- Not infill as required by legislation.
- Extension of built development into open countryside, on land farmed for many years.
- Loss of hedgerow.
- Understand newts cross road from site, ecological survey not comprehensive.
- No garages irresponsible given incidents of theft in the locality.
- Poor drainage and no capacity for mains drainage.

5.4 Seven letters of objection have been received in response to the revised plans. In summary the points raised are as follows:

- Whilst a FULL footpath, not one stopping short as proposed, to Wormelow would make it easier to walk to the shop, pub and bus routes. The major need is for a FULL footpath link to the A49 for more frequent buses (hourly), the school, church and surgery.
- Still dangerous stretch at bottom of Tump Lane ; landowner should provide more land.
- Hardly anyone walks to Wormelow.
- Footpath as proposed will not reduce conflict between heavy traffic and pedestrians.
- Were proposal in Hereford boundary a full pathway in both directions would be needed, why not in the countryside?

5.5 The applicant's agent originally responded to issues raised in representations previously as follows:

- The company objective is the identification and construction of affordable housing for Housing Associations.
- Search centred on Much Birch, in villages south of Hereford, given unwilling landowners and comments from officers.
- Working with Council's Housing Development Officer (HDO) focus on Tump Lane given to low land value attributable to such schemes; Tump Lane offered an opportunity.
- Positive response from planning department.
- Funding available from a HCA grant.
- Met officers and discussed with Ward Member, at time. The Ward Member identified issues relating to use of Tump Lane by HGVs. This was a matter he sought to improve with traffic calming measures.
- Have proposed a significant length of footpath for the betterment of the village. Our highway consultants confirm that without footpath are safe. Members urged to read transport statement.
- Validity of traffic survey questioned. It was not carried out in Easter holiday as confirmed in addendum to Committee report.
- Our ecologist surveyed site and nearby ponds for newts. Given intensively farmed land is of little ecological value.
- Land part of Grade 2 agricultural land in response to statement that it constitutes part of highly productive land.
- Access to sewer crossing land. It has adequate capacity to serve proposal. Also storm water attenuation proposed assists in reducing possibility of flooding.
- Understand 30 pupil shortfall at school, our development will assist in continuity of school.
- This is an exceptions site. Therefore issue of infill or not relevant.
- Issue of not providing garages; grant funding does not stretch to such provision.
- Short length of hedgerow needs to be removed to improve visibility . More than offset by increase of 600 per cent of hedging elsewhere.

- Additional landscaping proposed to reduce impact of development . The open space area will also soften impact of development. Landscape impact was not previously highlighted as an issue.
- Landscape Officer states contrary to Policies LA2 and LA6 (of HUDP) , however the fact it is a rural exceptions site sets this aside.
- This scheme will satisfy local housing need. There is little profit for developer and housing association, and therefore main beneficiaries are local residents in housing need.

5.6 The applicant's response following the second deferral of the application can be summarised as follows:

- Location of sites and suitability agreed with Housing Development Manager, for the provision of 12 affordable houses to meet local affordable housing need
- Many other sites were discounted. Had support from planners, highway officer and housing development
- On this basis Sanctuary Housing secured HCA grant sufficient to fund scheme
- Had two pre-application meetings with Member at that time. Ward Member indicated traffic issues, including parking on Tump Lane. Speed restriction measures would be dealt with as separate matter by Ward Member.
- Stated to Ward Member that HCA funding barely covered construction cost and it was unfair to seek funding for traffic calming measures.
- Shocked to hear Highways Officer objected due to lack of footpath linkage. Met Highways Officer and planning officer on site, arrived at compromise of 1.2 m wide footpath link to Wormelow.
- Application deferred at 20 November 2013, no reason given
- At 20 November 2013 meeting, application site at Orleton (reference132598/F) which had similar issues to our site was supported, it also had no footpath. Tump Lane is a busier road but is wider than 2.5 m wide and has better visibility. Our Highway Consultant has confirmed that the sites have similar issues.
- I have met the landowner in respect of the additional footpath recommendation, however this is a Rural Exceptions site and there is no surplus funding for the provision of a footpath. Therefore, we request that the application is taken back to Committee, which for the avoidance of doubt would include a 1.2 m wide footpath between the site and Wormelow.
- Should application be refused we shall go to appeal.

5.7 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 considerations in the determination of this application are as follows:

- 1) The Principle of the development, the NPPF and housing land supply
- 2) Highway safety and pedestrian access
- 3) Landscape Impact
- 4) Drainage
- 5) Biodiversity

The Principle of Development, the NPPF and Housing Land Supply

- 6.2 There is a general presumption in favour of sustainable development at the heart of the NPPF and applications for housing should be considered in this context. It has also been made clear in a recent appeal decision relating to Home Farm in Belmont that the Council is not meeting its 5 year housing land supply requirement and this is a matter to which significant weight must be attached. The proposal would serve to boost the supply of housing available in Herefordshire and this proposal also meets a quantifiable and established need for affordable housing in Much Birch and adjoining parishes. The Herefordshire Unitary Development Plan (HUDP) encourages the provision of affordable housing within or adjoining established rural settlements, in this instance Much Birch. Policy H10 also requires that sites are within reasonable access to facilities and where possible public transport. This is also a requirement in Policy H13 of HUDP. New residential development will also need to respect the landscape context of the site, not give rise to problems relating to foul and surface water drainage and not have an adverse impact on biodiversity.
- 6.3 This proposal will clearly assist in meeting an identified local housing need as required by Policy H10, and is considered to be appropriate in scale and character having regard to the established residential context of Much Birch. It is considered that the erection of pairs of red brick semi-detached dwellings reflects the layout of existing terraces of red brick dwellings up slope from the site. Therefore, given that a quantifiable need for affordable housing has been demonstrated for a site, adjacent to a smaller settlement this proposal can be reasonably considered as a rural exception site.
- 6.4 Following the deferral of the application, the key issue and area of conflict remains whether or not the location of the dwellings allows for reasonable access to services and facilities such as the school and surgery along the A49(T) and the public house, shop and post office to the west on the A466 road, in Wormelow. More detailed consideration of this issue is set out below.

#### Highways Safety and Pedestrian Access

- 6.5 This is the issue that has generated most of the representations, is the focus of Much Birch Parish Council's response and the main concern for Members previously. It is evident that the development will generate traffic that will use Tump Lane and whilst it is considered that the C1264 is capable of taking additional traffic via a new access point onto the road, the additional use of Tump Lane, will as the Traffic Manager confirms have consequences for existing pedestrians using the road to use the bus-stop, school and GP surgery close to the A49(T) or the bus-stop on the A466, the village shop and post-office in Wormelow. The issue of concern is not one of walking distance to these services, but the lack of a safe walkable route along Tump Lane. There is a narrow footpath adjoining the road in front of the post war housing and towards the top of Tump Lane as it bends before joining the A49(T). However, aside from this provision which would appear to have been provided in conjunction with the associated residential development, there is little refuge for pedestrians and cyclists from vehicles using this narrow road which is also characterised by limited forward visibility in places given the alignment of the road. The lack of a safe pedestrian link has been raised by both local residents and the Parish Council. Originally the lack of any improvements along Tump Lane was a factor that officers considered weighed against the merits of providing much needed affordable housing. This however was addressed, in your officers view, with the improvements to footpath linkage towards Wormelow. This remains the case and as such whilst the concerns of the Planning Committee are noted, the recommendation remains one of approval. Essentially, it is considered that the benefits of providing footpath improvements towards Wormelow particularly for residents using the shop/post office and public house are factors that together with the benefits associated with the provision of much needed affordable housing makes the proposal more sustainable. The applicant has confirmed that there is insufficient funding to deliver a continuous footpath and it does not appear that there is a solution to provision of such a facility to link to the main facilities available in Much Birch.

- 6.6 The matters raised by the Parish Council in relation to the introduction of a speed limit and weight restriction on Tump Lane are not matters that fall within the remit of this planning application, as they could not be made the subject of a planning condition. However, the recommendation that a footpath be provided, notwithstanding it does not extend along the length of Tump Lane is addressed by this revised proposal. This improvement, in your officers opinion, together with the identified need for affordable housing in the Parish, outweighs the shortfall in footpath provision to the A49. Accordingly, the revised proposal is considered to accord with Policies S1, DR1, DR3, H10 and H13 of the HUDP.

#### Landscape Impact

- 6.7 The Conservation Manager (Landscapes) has raised specific concerns about the limited supporting information demonstrating that the proposal has been informed by consideration of the landscape and the inherent difficulties of effectively integrating it given the lack of existing landscape features along the site boundaries. The issue is also raised in representations from local residents and the CPRE which is focused on the relationship of the new development to the mix of modern housing up slope from the site and later twentieth century housing set further back from Tump Lane. As referred to above this is particularly problematic given that the new houses are not contained within established hedgerow boundaries with the only hedgerow boundaries relating to the site being on the eastern side, distantly to the north and partially along the southern boundary. Notwithstanding this, the new dwellings will be viewed from the west and south west against the existing dwellings located immediately up the slope from the site towards the A49(T). This factor has though been addressed by submission of a revised layout plan providing additional tree and hedgerow planting particularly along the western boundary. This will assist in providing mitigation for the development, notwithstanding the principal benefit of providing much needed affordable housing within the parish. Therefore, the proposal is considered to have appropriate regard to Policies DR1, LA2, LA5 and LA6 of the HUDP.

#### Drainage

- 6.8 Drainage has been identified as a local concern. However, as confirmed by Welsh Water there are not considered to be grounds for resisting development given the ground conditions and the means of disposal available. It is evident that the applicants are aware of existing drainage across the site and this has informed the approach which has been adopted. An approach that is supported by Welsh Water. Therefore, subject to conditions controlling foul and surface water arrangements, the development in this respect would be capable of according with Policy DR4 of HUDP.

#### Biodiversity

- 6.9 The matters of concern raised relate to the loss of hedgerow, the survey undertaken and the possible use of the site by newts. The loss of roadside hedgerow would be unfortunate but inevitable with the creation of a new access and the need to provide sufficient visibility in the westerly direction towards Wormelow. This factor is not considered sufficient to outweigh the benefits of providing much needed affordable housing. This loss of hedgerow would need to be compensated for by the planting of additional hedgerow which would not only provide opportunities for enhancing biodiversity through the provision of wildlife corridors, as recommended by the Conservation Manager (Ecology), but would also provide some landscape mitigation for the new development. It is considered that the survey work undertaken and submitted in support of the application is satisfactory and the suggestion that newts may or may not frequent the site has been addressed by the habitat survey submitted which concludes that the site is of low ecological value.

#### Conclusion

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

6.10 Paragraph 14 of the NPPF states that:

- a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
- approving development proposals that accord with the development plan without delay; and
- where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or - Specific policies in the NPPF indicate development should be restricted.

6.11 The development offers a primary benefit in terms of providing additional housing and in particular twelve affordable units, that is broadly supported by Policy H10 of HUDP. This together with the provision of a footpath towards Wormelow addresses the concerns identified by the Transportation Manager. Therefore, the goal of providing affordable housing will be achieved more sustainably by providing improvements for existing and future residents walking to Wormelow. It is not considered that the development will have demonstrable significant adverse impacts in the wider landscape given the boundary planting now proposed and the close relationship of the proposed dwellings to the adjoining dwellings to the east. There will be a loss of agricultural land as stated in representations received, however this needs to be weighed against the benefit of providing much needed affordable housing.

6.12 The proposal will provide much needed affordable housing and its environmental impacts can be satisfactorily mitigated. The provision of improved pedestrian access to local services and facilities that could be used by future residents is considered to be a welcome and proportionate response to the improvement of footpath links along Tump Lane making the proposal more sustainable in terms of the provisions of the Herefordshire Unitary Development Plan and the NPPF.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Agreement in accordance with the attached Heads of Terms 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. C01 Samples of materials**
- 4. G10 Landscaping scheme**
- 5. G11 Landscaping scheme – implementation**
- 6. H03 Visibility splays**
- 7. H11 Parking – estate development (more than one house)**
- 8. Prior to first occupation of any dwelling hereby approved, the footpath as shown on approved drawing b/MGPCMuch Birch.1/03 or a suitable alternative shall be completed, surfaced and drained in accordance with a scheme of works that shall be approved by the local planning authority.**

**Reason: To ensure the provision of improved pedestrian access to facilities in Wormelow and to comply with the requirements of Policies S1 and H13 of**

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

**Herefordshire Unitary Development Plan.**

- 9. **H29 Covered and secure cycle parking provision**
- 10. **I16 Restriction of hours during construction**
- 11. **I19 Drainage in accordance with approved plans**
- 12. **K4 Nature Conservation – Implementation**
- 13. **L01 Foul/surface water drainage**
- 14. **L02 No surface water to connect to public system**
- 15. **L03 No drainage run-off to public system**

**Informatives**

- 1. **The Local Planning Authority has acted positively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of the 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. **N02 Section 106 Obligation**
- 3. **The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

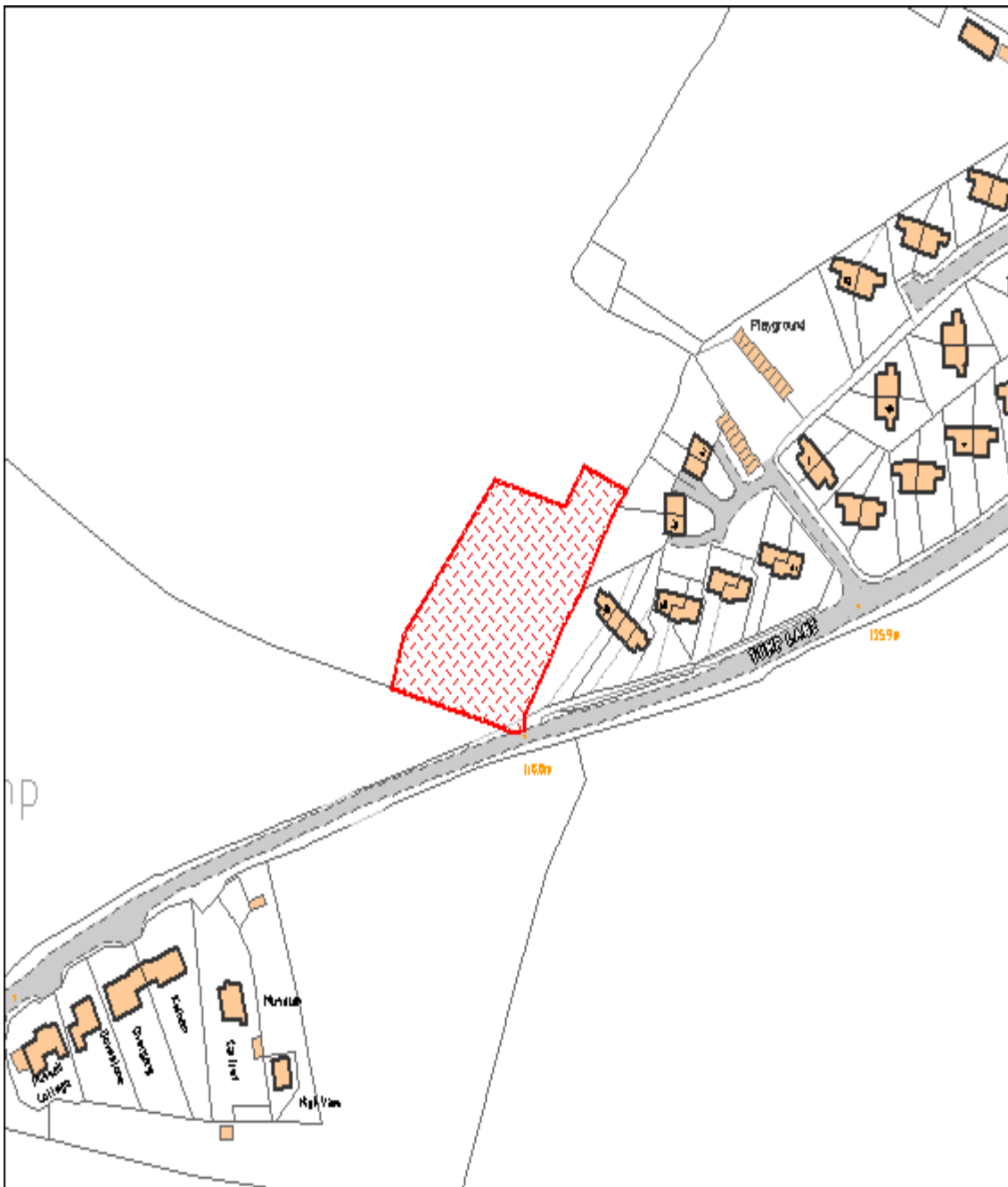
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 131680/F

**SITE ADDRESS :** LAND AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Prior on 01432 261932





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P132959/F - CONSTRUCTION OF A 6,000 BIRD "FREE RANGE" EGG PRODUCTION UNIT. CHANGE OF PUBLIC RIGHT OF WAY TO REFLECT O.S. MAP. AT SOLLERS HOPE FARM, SOLLERS HOPE COURT, SOLLERS HOPE, HEREFORD, HR1 4RW</b></p> <p><b>For: Mr Powell per Mr Anthony Lee, Badger Farm, Willowpit Lane, Hilton, Derby, Derbyshire, DE65 5FN</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132959">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132959</a>

**Date Received: 22 October 2013**

**Ward: Old Gore**

**Grid Ref: 361412,233140**

**Expiry Date: 1 January 2014**

Local Members: Councillor B A Durkin.

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

- 1.1 The application site is located on the eastern fringes of the applicants` farm. It is in open countryside and on site is a timber poled and sheeted open shed used for agricultural storage. The site is elevated and to its rear is a covering of dispersed native trees. At the front of the site is the farmhouse, this is of relatively modern brick external construction.
- 1.2 Sollers Hope Farm is located just to the north-east of St. Michael's Church at Sollers Hope, at the head of a no-through road, approximately 400 metres to the north of the C1298. The site is located to the south of Woolhope and is within the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 The area is sensitive from both a historic and landscape perspective. St. Michael's Church is Grade II\* listed and the churchyard cross at the Church is a Scheduled Ancient Monument. Sollers Hope Court and an adjacent bam are Grade II listed buildings. Public footpath SH17 runs east/west through the farmyard.
- 1.4 The application proposes the construction of a timber framed building with a ground area of approximately 837 square metres with a ridge height of 5.36 metres. The building is proposed for the housing of 6,000 free range egg laying hens. The application also proposes 6 passing places; 2 along Church Lane and 4 between the junction of Church Lane with the C1298 and its junction with the B4224 to the west.
- 1.5 A Screening Opinion carried out in accordance with Environmental Impact Assessment Regulations 2011 dated December 13<sup>th</sup> 2013 concluded that no Environmental Statement was required.

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

## 2. Policies

### 2.1 The National Planning Policy Framework (NPPF)

As a whole the NPPF puts a strong emphasis on the presumption in favour of sustainable development, encouraging the support of sustainable economic growth, expansion and diversification of agricultural and other land based rural businesses.

Key sections are:

- Achieving sustainable development
  - 3 Supporting a prosperous rural economy
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

### 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR14	-	Lighting
LA1	-	Areas of outstanding natural beauty
LA2	-	Landscape character and areas least resilient to change
NC1	-	Biodiversity and development
NC4	-	Sites of local importance
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, re-toration and enhancement
HBA4	-	Setting of listed buildings
ARCH3	-	Scheduled Ancient Monuments
E13	-	Agricultural and forestry development
E16	-	Intensive livestock units
T6	-	Walking
T8	-	Road hierarchy
T13	-	Traffic management schemes

### 2.3 The Herefordshire Draft Core Strategy.

- SS1 – Presumption in favour of sustainable development.
- SS4 – Movement and transportation
- RA3 – Herefordshire’s countryside
- RA6 – Rural economy
- LD1 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- LD5 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency

### 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 121793 – Construction of a 12,000 bird free range egg production unit. Refused 18<sup>th</sup> December 2012 for the following reason:

The scale, form and location of the proposed development extending the farm group onto adjoining land, together with the loss of trees would cause visual harm to the character and appearance of this part of the Wye Valley Area of Outstanding Natural Beauty. As such the proposal conflicts with policies LA1, LA2, S2, S7 and E16 of the Herefordshire Unitary Development Plan and paragraph 115 of the National Planning Policy Framework.

- 3.2 101560 – Construction of a 12,000 bird free range egg production unit. Refused 26<sup>th</sup> August 2010 for the following reasons:

- 1 *The scale, form and location of the proposed development extending the farm group onto adjoining land, together with the loss of trees and hedgerows, would cause visual harm to the character and appearance of this part of the Wye Valley Area of Outstanding Natural Beauty. As such the proposal conflicts with policies LA1, LA2, S2, S7 and E16 of the Herefordshire Unitary Development Plan.*
- 2 In the absence of a Transport Statement and details and location of the proposed passing bays, it is considered the width and construction of the existing road network is inadequate to serve as access to this development. The proposal conflicts with policies S2, S6, E16, DR1 and DR3 of the Herefordshire Unitary Development Plan.

### 4. Consultation Summary

#### Statutory Consultation

- 4.1 Welsh Water raises no objections.
- 4.2 The Wye Valley AONB Unit has responded stating:

‘The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape.

The AONB Unit continues to have concerns over the potential impact of an egg production unit on this important part of the Wye Valley AONB. Under the provisions of section 115 of the National Planning Policy Framework (NPPF), ‘great weight’ must be given to conserving landscape and scenic beauty in AONBs. This needs to be weighed against the benefits of the scheme in order to reach a decision. It is not clear from the application that the benefits outweigh the harm and therefore section 14 (and footnote 9) of the NPPF, the presumption in favour of sustainable development, should not apply.

The landscape around Sollers Hope was identified in the Herefordshire Landscape Character Assessment (LCA) as being within the Principal Settled Farmlands landscape character type, and forms part of the Sollers Hope Ridges and Valley Landscape Management Zones (LMZ 03) in the AONB Management Plan 2009-14. This landscape type includes settled agricultural landscapes of dispersed, scattered farms, relic commons and small villages and hamlets. The landscape around the site consists of a matrix of hedged fields and groups of trees around dwellings and along stream sides. The site of the proposed building is surrounded by land which is currently used partly as an orchard and partly as pasture and has a significant area of broadleaved

woodland to the north side. The LCA strategy for this landscape type is to conserve and enhance the unity of small to medium scale hedged fields.

The AONB Unit considers that this application is an improvement on the previous applications for the site because the building has been scaled down and would now be sited as part of the existing group of buildings. The building proposed would be more consistent with the built form and scale of the existing buildings within the hamlet of Sollers Hope.

It is still unclear from the plans the extent of the associated chicken runs and the amount of additional fencing that would be required. The Design and Access Statement indicates that at least 3ha of open fields will be required. Such additional fences could have a significant landscape impact by sub-dividing the existing fields and creating clutter. They would also not be characteristic of the local area where boundaries are predominantly of hedgerows. Any fencing should be kept to an absolute minimum and be of wire mesh rather than timber structures to reduce its visual prominence. The use of the land for free range chickens would be likely to impact negatively on the landscape in the surrounding fields. This was not addressed in the Landscape and Visual Impact Assessment.

We accept that the building would be well screened in the landscape by the streamside trees to the south and would not be very visible in distant views. However, our concern is principally with the impacts of the local character of the landscape and the detrimental impact on the experience of visitors to this attractive hamlet.

The AONB Unit considers that overall there is likely to be a negative impact on the landscape character of this area and would prefer that the development should not go ahead. If the Council is minded to approve the scheme it should require a detailed landscaping plan to show areas proposed for tree planting, free range areas for chickens and all the associated structures. In that way the full impact of the proposal can be assessed.

The building and any associated timber structures should be stained a dark colour to reduce their visual impact in the landscape’.

- 4.3 The Environment Agency raises no objections recommending a condition with regards to a scheme for the provision and implementation of compensatory flood storage and/or flood relief works.

#### Internal consultations

- 4.4 The Public Rights of Way Manager recommends a condition is attached to ensure that a public footpath that passes through a section of the site is diverted in accordance with recommendations and procedure as set out by the Public Rights of Way Team.

- 4.5 The Minerals and Waste Manager raises concerns about the lack of information with regards to waste generated from the site.

- 4.6 The Conservation Manager (Historic Buildings), has responded to the application indicating:

‘Within a short distance of this proposed egg production unit are several listed buildings. The Visual Impact Assessment Report does take account of the proximity by assessing the views from the listed buildings towards the application site. Interestingly there is no assessment of the proposed unit within any cone of view that would take in the site and the listed building at the same time. Fortunately the visual impact of the site on the heritage assets seems to be very low due to the existing soft landscaping, the topography of the locality and the intervening agricultural buildings.

Overall the siting as proposed and the typical building should not play a significant or detrimental role in the setting of the listed buildings’.

- 4.7 The Archaeological Advisor recommends the attachment of a condition with regards to on site investigation prior to any development on site.
- 4.8 The Planning Ecologist raises no objections.
- 4.9 The Conservation Manager (Landscape) has responded stating:

‘Sollers Hope Farm is located just to the north-east of St. Michael's Church at Sollers Hope, at the head of a no-through road, approximately 400 metres to the north of a minor road (C1298). This area is visually sensitive from both a historic environment and landscape perspective. St. Michael's Church is Grade II\* listed and the churchyard cross at the church is a Scheduled Ancient Monument. Sollers Hope farmhouse and an adjacent barn are Grade II listed. The site falls within the Wye Valley Area of Outstanding Natural Beauty.

The setting of Sollers Hope Farm and the church is particularly attractive - they are set at the southern end of a small stream valley, where the land begins to open out. The site of the buildings is between the confluence of two small streams and a number of public rights of way converge at the church.

There are no other buildings within the sweep of land that runs down to the minor road to the south (the C1298), except for a modern agricultural dwelling that has been constructed on the southern side of the stream, within what was formerly a small orchard.

The proposed site for the egg production unit is on the same site as the previous refused application (S121793/0) - on the fairly level grazing land to the east of the existing farm buildings, within a stream valley which is orientated east - west. A public right of way (SHI 7) runs along the stream valley, on the northern side of the stream. The egg production unit would be sited to the north of and parallel to the footpath and stream, along the contour. To the north of the application site is an orchard on steeply rising ground. The flatter land adjacent to the stream falls within the landscape type Principal Settled Farmlands. The rising ground falls within the landscape type Principal Wooded Hills. The proposed egg production unit is sited where there is a transition between these two landscape types.

The proposed unit, while still large in scale (floor plan of 45.8m x 18.28) is half the size of the unit that was refused permission; it does not extend further than the existing open-fronted farm building that it would replace.

#### Visual impact issues

When approaching the farm along the no-through road, which also serves the church, the proposed building would be screened by landform and the trees alongside the stream. The orchard trees and landform would screen views of the building from footpath SH25, which runs northwards from St. Michael's Church. Evidently, the building would be readily visible and very prominent from footpath SH17 which would pass along the southern edge of the building. However, given the unit would be sited adjacent to existing farm buildings and is no longer than the open-fronted building it would replace, together with its relatively low ridge height (3.5 metres) means that the change in visual impact would be negligible.

#### Impact on landscape character

The stream valley within which the farm buildings are located is very attractive, with the combination of stream side trees, pastoral land on the valley floor and orchard on the valley side. The reduction in scale of the unit means that it can be accommodated on the site without

removing trees or hedgerow, unlike the previous scheme, which entailed the loss of trees. It has been confirmed that no hedgerow would be removed to create passing places. The proposed landscape mitigation scheme is appropriate, comprising native species typical of Herefordshire.

Taken together, the reduction in scale of the unit, retention of existing trees and hedgerow and the proposed landscape scheme have reduced the adverse visual and landscape impacts to an acceptable level. I recommend that the appropriate conditions should be attached to secure the planting and maintenance of the planting scheme’.

4.10 The Transportation Manager has responded indicating:

‘The Transport Impact Assessment details the traffic on the network in the vicinity of the development and the traffic movements from the proposed development. The traffic movements would be the same using the rigid vehicle as with a HGV as the HGV would be on a route collecting from other farms. The applicant has accepted the restriction on the type of vehicle, a 3 axle 26t rigid. This will need to be conditioned.

The passing places and the traffic movements are critical in make this development acceptable for the size proposed. Passing place 4 is at risk due to the difference in levels and the hedgerow. This can be moved towards the site to maintain the proposed mitigation. The number of passing places remains and will need to be conditioned. The passing places must be delivered prior to construction as this will mitigate the delivery of construction materials and vehicles accessing the site.

The traffic movements on the highway network have patterns. The movements can be managed to be outside the peak hours. A Traffic Management Plan will be required and must be conditioned.

Due to the network I am concerned about the construction phase, to minimise the impact on the network, deliveries must be managed, and therefore a Construction Traffic Management plan is required.

The specification for the construction of the passing places is dependent on ground conditions. This must be conditioned and will be constructed under a S278 Agreement.

Therefore, if you are minded to approve please condition the following

CAP to be provided by to construction works to include specification and number of passing places

CAT for the construction phase

CB3 Management of the site and traffic movements to minimise the impact on the network for the duration of the operation of the site.

CB3 Management of the site and traffic movements to minimise the impact on the network for the duration of the construction of the site.

Size of vehicle operating deliveries and collection from the development.

Informatives - I11 I09 I08 I45 I52 I37’

4.11 The Environmental Health Manager has responded concluding that ‘nuisance should not be caused by this proposal and any possible problems with pests and odours can be adequately controlled by the implementation of the systems described in the Design and Access Statement and the Fly and Odour Management Plan. Should nuisance occur powers are available for the Council to require that steps are taken to prevent the nuisance. Section 10c (manures) of the Design and Access Statement asserts that ‘during Clean Out all manures will be removed from the unit by a covered lorry’. I would suggest that should it be minded to grant permission that a condition is attached requiring that this is done. Finally I have no objection to this proposal.’

4.12 The Land Drainage Manager: Comments awaited

4.13 The Land Agent has raised concerns about the projected cash flows in relation to the development in that there does not appear to have been sufficient consideration to capital and other fixed costs such as construction costs in relationship to the necessary public highway passing places necessary for the proposed development.

## **5. Representations**

5.1 No response has been received from Sollers Hope Parish Council.

5.2 Three letters of objections have been received from:

- K.V and V.M. Harris, Ashfield House, Sollers Hope.
- Mr. M. A. & Mrs. T. A. Periman, Sollers Hope Court, Sollers Hope.
- F. & A. Fyshe, Hurstans, Sollers Hope.

Key issues of objection/concern raised can be summarised as follows:

- Impact of the proposed development on the surrounding landscape.
- Residential amenity impact and in particular to flies, light pollution, odour and noise.
- Public highway leading to the application site is not considered adequate in relationship to the proposed development.
- Localized flooding issues.

5.3 Four letters in support of the application have been received from:

- Mr. G. A. Hughes, 26 Scotch Firs, Fownhope.
- Mrs. J. Thomas, The Retreat, Hawkers Lane, Fownhope.
- Mr. J. Rodgers, Whittlebury Farm, Sollers Hope.
- M. T. Evans, Camborne, Three Ashes, Hereford.

Comments in support can be summarised as follows:

- Farming enterprises need to diversify into alternative enterprises.
- The current application is for a 50% reduction in size and scale of development compared to previous applications for development on site subsequently refused planning permission.
- There is no odour connected to free range chicken enterprises.
- Landscape impact is acceptable.

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>

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

6.1 The key issues of concern in relationship to this application are:

- Impact upon the surrounding landscape and historic environment;
- Access and highway safety;
- Residential amenity and;
- Drainage issues

### Impact upon the surrounding landscape and historic environment

- 6.2 The application proposes a free range egg laying unit on a site adjacent to the eastern fringes of a farmstead upon which there is a timber poled and corrugated tin sheeted open fronted building used for agricultural storage purposes.
- 6.3 The application follows two previous refused applications for a larger free range egg laying units housing 12,000 birds. This application is for a 6,000 bird egg laying unit, the building being half the size of the buildings subject to the previously refused applications.
- 6.4 Whilst it is acknowledged that the site is located within the Wye Valley Area of Outstanding Natural Beauty, it is considered that the development is for a building of a scale and design that will blend in satisfactorily with the existing farmstead on site. This together with the proposed landscape mitigation is considered to provide for the acceptable integration of the building into the surrounding landscape, which includes the setting of the nearby Grade II\* St. Michael's Church and the churchyard cross at the church (Scheduled Ancient Monument) and other Grade II listed buildings. In the context of these heritage assets, the existing farmyard complex will act as an intervening barrier to their setting. Therefore as noted by the Conservation Manager, the proposed reduction in scale of the unit, compared to the previous applications for development on site, the retention of existing trees and hedgerow and the proposed landscape scheme have reduced the adverse visual and landscape impacts to an acceptable level. It is also noted that whilst the Wye Valley AONB Unit remain concerned, they have commented that *'this application is an improvement on the previous applications for the site because the building has been scaled down and would now be sited as part of the existing group of buildings. The building proposed would be more consistent with the built form and scale of the existing buildings within the hamlet of Sollers Hope.'*
- 6.5 Therefore with appropriately worded condition in respect of landscaping and controlling other paraphernalia associated with the free range egg producing unit, the proposal is now considered acceptable in respect of landscape issues and in particular is of a scale and sited such that it would accord with the requirements of Policies LA1, HBA4, ARCH3, E13 and E16 of the UDP

### Access and highway safety.

- 6.6 In order to provide satisfactory access for the development, the creation of six passing places is proposed alongside the nearest 1.2 km length of public highway leading to the site. (Four alongside the C1298 and two alongside the unclassified 70012, Church Road). The Traffic Impact Assessment submitted in support of the application indicates that all passing places would be within the existing highway boundary and would not require any hedgerow removal or construction on third party land. As such the development as proposed would not result in the loss of hedgerows.
- 6.7 In order to service the development a Heavy Goods Vehicle (HGV) is required for egg collections and this would be on a route collecting from other farms. Information on vehicle movements indicates that there would be two egg collections per week and there will also be one HGV feed delivery every two weeks. There will be of course be other associated transportation movements such as delivery of birds at the beginning of the flock cycle (every 14 months) and clean out at the end of the cycle, with manure disposal via tractor and trailer. The applicant has indicated acceptance to a restriction on the type of vehicle for feed delivery and egg collection, limiting this activity to a 3 axle 26 tonne rigid vehicle.
- 6.8 With consideration to the intensity of the development on site, (6,000 birds rather than 12,000), the information provided on vehicle movements is considered acceptable and it is noted that the Transportation Manager raises no objections subject to conditions relating to the passing places prior to construction works; management of the site and traffic movements; in order to minimise the impact upon the network for the duration of the operation of the site and management of the



site and traffic movements in order to minimise the impact on the network for the duration of the construction of the site and size of vehicle operating deliveries and collection from the development.

- 6.9 It is considered that a condition restricting the type and size of vehicles delivering and collecting from the site is unenforceable and the appropriate mechanism would be a Section 106 Agreement. The applicants have subsequently agreed to addressing this issue through such an Agreement. Otherwise, with the attachment of conditions as recommended by the Transportation Manager, the development is considered acceptable on access and highway safety grounds.

#### Residential amenity

- 6.10 Objections have been received from neighbouring dwellings expressing concern about impacts on residential amenity, such as odour, noise, pests (flies) and dust.
- 6.11 The nearest dwelling outside of the applicants control is located approximately 110 metres away and the existing farm buildings at the farmstead act as a buffer between this dwelling and the site. There are other isolated dwellings within the surrounding area, however none are any closer.
- 6.12 The applicants have submitted a fly and odour management plan and its conclusions are considered acceptable. It is also noted that eggs produced on site will be supplied by the applicants to John Bowdler Eggs and that the applicants will be signed up to a supply contract which ensures high environmental and animal welfare standards.
- 6.13 It is considered that the existing farm buildings and the distances to protected building would adequately safeguard the residential amenity of local residents. It is recommended that conditions with regards to building use, manure management and light pollution are attached to any permission. It should also be noted that Environmental Health legislation would provide control over any unforeseen adverse amenity issues.

#### Drainage issues

- 6.14 It is noted that the Environment Agency raises no objections recommending a condition with regards to a scheme for the provision and implementation of compensatory flood storage and/or flood relief works be attached to any approval notice issued.
- 6.15 Part of the site is located within Flood Zone 3 of an un-named watercourse which is in accordance with Environment Agency data is considered to be at risk of flooding during the 1 in 100 year flood event. It is also noted that concerns about localised flooding have been raised in responses from members of the public.
- 6.16 In response to this, it is considered necessary to attach the condition as recommended by the Environment Agency. At the time of writing the report, no response had been received from the Land Drainage Manager and therefore any response received will form part of an update.

#### Other matters.

- 6.17 Concerns have been raised about the viability of the development proposed. Whilst these are appreciated, this is not a material consideration in the determination of a planning application. Clearly any application for the future expansion of the unit would have to be considered on its own merits but the refusal of two previous applications for a larger operation suggests that this would be unlikely to be supported.

- 6.18 The Public Rights of Way Manager response has referred to a request that the applicant wishes to divert public right of way SH17 and that a PROW Officer has already visited the site. However, at the time of the response they had not received an official application to divert the path. It is therefore recommended that a condition is attached stating that the diversion of the path is legally completed before any works commence on site.

### Conclusion

- 6.19 It is considered that the development as proposed represents an appropriate form of farm diversification at a scale that can be successfully accommodated within this designated landscape and, subject to legal controls in respect of the size of vehicles, on the local highway network. The nature of the operation and its position relative to unprotected dwellings is such that there would be no adverse impact upon residential amenity that would warrant refusal and furthermore the potential flood risk is capable of satisfactory mitigation. Accordingly the application is recommended for approval.

### **RECOMMENDATION**

**That subject to the completion of a signed Unilateral Undertaking restricting the type and size of vehicles delivering feeding stuffs and collecting eggs from the site, 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. **H17 Junction improvement/off site works**
4. **H21 Wheel washing**
5. **H30 Travel plans**
6. **E01 Site investigation - archaeology**
7. **G02 Retention of trees and hedgerows**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **C09 Details of cladding (agricultural and industrial buildings)**
11. **F02 Restriction on hours of delivery**
12. **The development hereby approved shall be for the housing of free range egg laying hens only.**

**Reason: In consideration of the location for the proposed development and its close proximity to dwellings outside the control of the applicant and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

13. **All manure moved off site will be so in covered and sealed trailers.**

**Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

- 14. **I55 Site Waste Management**
- 15. **I32 Details of floodlighting/external lighting**
- 16. **Diversion of public right of way SHI 7 that crosses the site shall be legally completed before any work commences on site.**

**Reason:** In order to ensure that the public right of way is not obstructed and to conform with the requirements of Policy T6 of the Herefordshire Unitary Development Plan.

- 17. **No development approved by this permission shall be commenced until a scheme for the provision, and implementation, of compensatory flood storage and/or flood relief works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the construction of the poultry unit and in accordance with the approved programme and details.**

**Reason:** To ensure no increase in flood risk post development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

**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. **HN01 Mud on highway**
- 3. **HN04 Private apparatus within highway**
- 4. **HN07 Section 278 Agreement**
- 5. **HN05 Works within the highway**
- 6. **HN21 Extraordinary maintenance**
- 7. **HN26 Travel Plans**

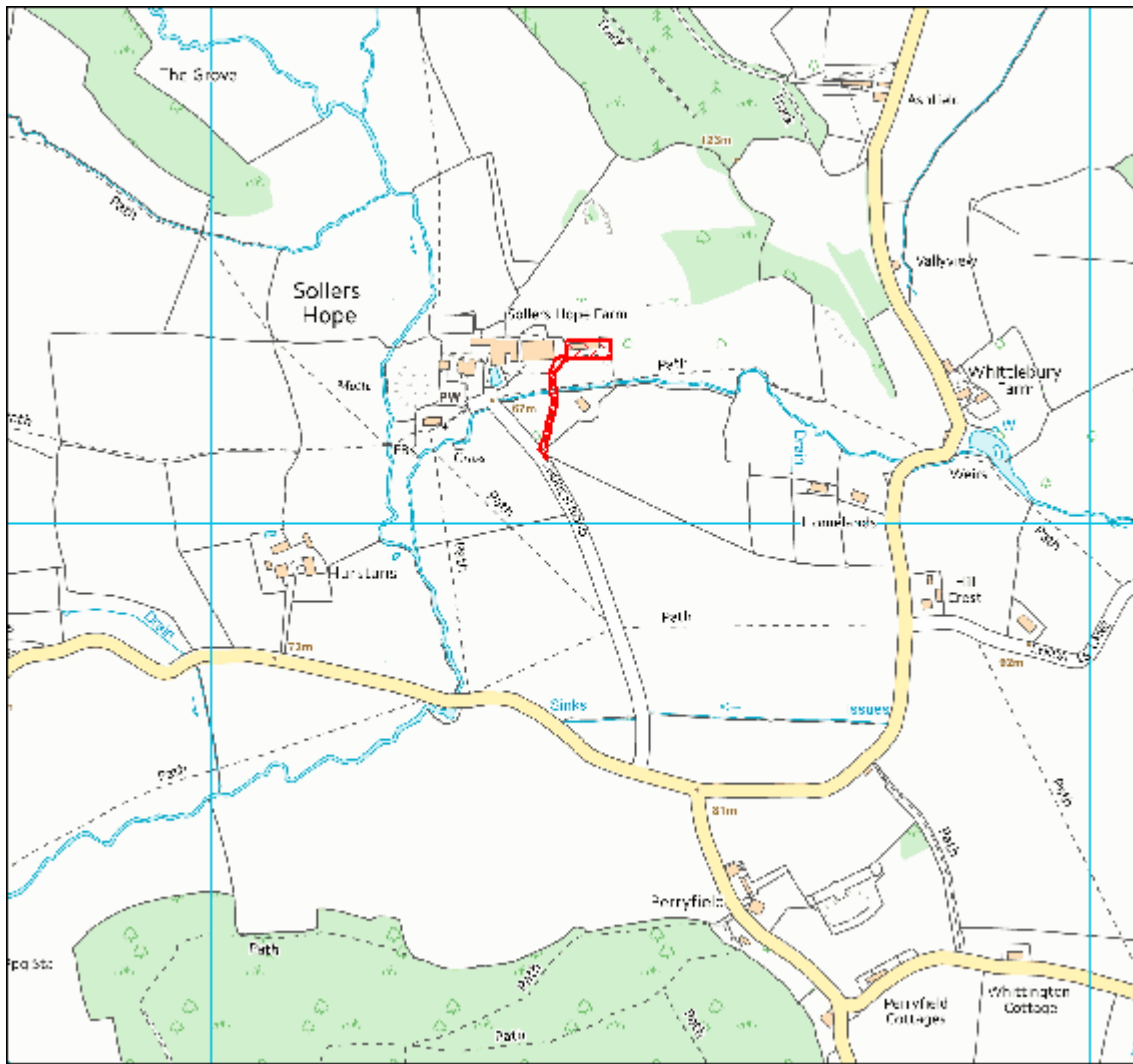
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132959/F

**SITE ADDRESS :** SOLLERS HOPE FARM, SOLLERS HOPE COURT, SOLLERS HOPE, HEREFORD, HEREFORDSHIRE, HR1 4RW

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P133325/F - TWO STOREY DETACHED DWELLING AND GARAGE ON PART OF BEER GARDEN AND CAR PARK TO PUBLIC HOUSE AT ROYAL GEORGE INN, LYONSHALL, KINGTON, HR5 3JN</b></p> <p><b>For: Punch Partnerships (PTL) Limited per Anthony Rickett Architects, Stubbs Road, Everdon, Daventry, Northamptonshire NN11 3BH</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133325">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133325</a>

**Date Received: 4 December 2013**      **Ward: Pembridge and Lyonshall with Titley**      **Grid Ref: 333769,255622**

**Expiry Date: 6 February 2014**

Local Member: Councillor RJ Phillips

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

- 1.1 The site forms part of the curtilage associated with the Royal George Inn, alongside its north east section and has direct access onto the C1031 which abuts its south eastern flank. Alongside the site's northern and eastern boundaries are other detached dwellings.
- 1.2 The Royal George Inn is located at the junction of the A480 and C1031 and is a Grade II listed, detached building. It is currently vacant and as such not trading as a public house.
- 1.3 To the rear of the main building is a detached brick constructed outbuilding and car parking area serving the public house.
- 1.4 The application proposes the construction of a detached two-storey four bedroomed dwelling of brick construction under a slate roof and a detached double garage located on land to the front of the proposed dwelling. The land on which it is proposed to construct the dwelling is currently part overgrown garden and hardstanding area which appears to form overflow car parking for the public house.

## **2. Policies**

- 2.1 The National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- Achieving sustainable development
- 1 Building a strong competitive economy

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 3 Supporting a prosperous rural economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 12 Conserving and enhancing the historic environment

## 2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable development
- S2 - Development requirements
- S11 - Community facilities and services
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- H4 - Main village settlement boundaries
- H13 - Sustainable residential design
- LA2 - Landscape character and areas least resilient to change
- HBA4 - Setting of listed buildings
- HBA9 - Protection of open areas and green spaces
- CF6 - Retention of existing facilities
- T11 - Parking provision
- ARCH1 - Archaeological assessments and field evaluations.

## 2.3 The 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
- RA1 - Rural housing strategy
- RA2 - Herefordshire villages
- RA6 - Rural economy
- SC1 - Social and community facilities
- MT1 - Traffic management, highway safety and promoting active travel
- E2 - Redevelopment of existing employment land and buildings
- LD1 - Local distinctiveness
- LD2 - Landscape and townscape
- LD5 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency

## 2.4 Herefordshire Supplementary Planning Guidance – Planning Obligations

2.5 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 N121379/F Two-storey detached dwelling on part of beer garden and car park of public house – Withdrawn 30 August 2012.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water request conditions with regards to foul and surface water discharges be attached to any approval notice issued.

### Internal Council Advice

- 4.2 The Conservation Manager has responded to the application stating:

‘Royal George is located in the centre of the village of Lyonshall on one of the two right-angled bends made by the A480. This historic plot comprises the grade II listed 17th century public house on the southern corner, the brick brew house in the centre, the beer garden to the east boundary and the north section which was formerly part of the surrounding orchard but is now utilised as part of the car park.

The proposal seeks to divorce the north-east of the historic plot from the public house and the brew house in order to construct a new four-bed dwelling in line with the recent housing along the local Pembridge road but with a double garage to the front. The existing dwellings along this road are set well back from the lane and therefore allow views of the Royal George and the brew house from a considerable distance. This arrangement allows the historic spatial relationship between the listed building and its agricultural surroundings to be preserved. From historic maps it is clear that the public house was the last building of the village core in this north-east direction and though that distinction is not now the case, the space around the building and therefore its setting has largely been protected by the retention of the open ground now proposed for development. The loss of this land has repercussions for the listed building and its setting but also for the character of the village core, which is considered to be an undesignated heritage *asset despite not having conservation area status*.

The proposed removal of a large area of the historic site for domestic construction would compromise the spatial relationships. The dwelling, though sited on the same building line as the recent dwellings further up the lane, would visually and physically crowd the brick brew house (a curtilage listed building) and the main building of the Royal George plus the remnant of a beer garden. This is not considered to be acceptable and would be contrary to policy HBA4, setting of listed buildings.

In addition to the two-storey dwelling it is proposed to position a pitched-roof double garage to the front of the house. This would clearly affect the Royal George by impinging on the views of the pub and the brew house, particularly when viewed from the lane looking south-west. It is considered that the garage would increase the adverse impact of the proposal on the adjacent listed buildings and is therefore considered to be contrary to policy HBA4.

The fencing proposed for the dwelling site is not considered acceptable – a 1.8m high close boarded fence is not considered appropriate for a boundary that is publically visible and would be detrimental to the setting of the public house and its brew house.

Consideration must also be given to the potential well-being or otherwise of the remaining site of the Royal George. The proposal would reduce the size of the car parking available by at least half with a similar reduction in the garden available. Considering the particular characteristics of the surrounding roads and the lack of safe on-street parking, the provision of parking for customers must be of particular importance for a rural inn. The parking provision shown seems over optimistic – there are no pathways shown to allow pedestrian access from the parking to the pub entrance, no disabled spaces, no allowance for staff cars. All these requirements would further reduce the parking provision and this is likely to affect the customer experience. Anything that adversely affects the viability of the public house will have

a consequence on the ability of the business to repair and maintain the historic fabric of the listed buildings and therefore needs to be very carefully assessed.

This scheme is in essence a resubmission of the 2012 application in that it suggests a single dwelling on the north-east of the historic plot. The comments of my colleague to that application are still valid for this. Overall the removal of a large portion of the historic plot for the provision of a dwelling and garage will adversely affect the setting of the listed buildings and will remove an important area of open space within the village. Since both of these fundamental principles of policy are lost the scheme cannot be supported.'

#### 4.3 The Transportation Manager has responded indicating:

'The proposal is for a 4 bedroom house with three car parking spaces accessed off the side road. The development will occupy the over spill car parking spaces that are provided in this part of the site.

The Design and Access Statement refers to the site use as:

The site of proposed development is within the village development boundary, furthermore the retained parts of the car park and beer garden are sufficient in size to meet the requirements of the pub and therefore, the development of part of the car park and beer garden will not have negative effects on the functioning of the pub. The area in the vicinity of the pub is exclusively residential; therefore we are of the opinion that the residential development would be acceptable and in keeping with the area.'

I understand the Royal George has the potential to deliver a high number of covers, plus bar + residential + staff.

The proposed car parking provision appears to be only 13 spaces though the application shows 20. The spaces are not achievable as set out in the application due to the access and turning and the available area taking into account a minimum of 1.2m for pedestrian access.

The existing access has poor visibility to the North which could be improved if the applicant so wished with a wider footpath adjacent to the A480.

With the information provided, there appears to be no account for the existing use of the PH, please can the applicant provide the evidence behind the need for the pub in regards to car parking and the position of the cellar for deliveries. The Herefordshire Council Design Guide works on the GFA and residential requirements. The information needs to be provided on this basis although other evidence can be considered.

Due to the location of the Royal George, the parking must be able to support itself as the vehicle movements at this location is a problem as the attached photos demonstrate. Any on street parking in this location could result in vehicle damage or adjacent buildings being struck, this has occurred in the past, hence the positioning of the bollard.

The car parking provision for the new building is not as per Herefordshire Councils Design Guide for New Developments, car parking requires a minimum of 6m behind to turn, this is required to exit in forward gear. The parking must be redesigned.

Unless the applicant can demonstrate the parking provision available, 13 car parking spaces, is sufficient for the Royal George, I have no option but to recommend refusal of this application'.

#### 4.4 The Archaeological Advisor has responded to the application stating that the proposed development will involve an appreciable amount of ground disturbance in a sensitive location



within the medieval form of the settlement. Comment is made that Lyonshall is an archaeologically important urban area as defined in Section 9 of the Herefordshire Unitary Development Plan and that there is clear archaeological potential in this location.

As such the site has potential to include heritage assets with archaeological interest and therefore in the first instance an archaeological desk based assessment report is required in support of any application for development on site, along with a field evaluation report. Without these reports it is not possible to properly assess the proposed development in relationship to potential on site archaeological interests.

## **5. Representations**

### **5.1 Lyonshall Parish Council objects to the proposed development indicating:**

'Lyonshall Parish Council strongly objects to this proposal which would impact on the viability of the Royal George pub business. It asks Herefordshire Council to REFUSE planning permission.

The community of Lyonshall is close to finalising its Neighbourhood Development Plan. The detailed consultations which included every elector, showed overwhelming support for the retention of the Royal George as a public house in the centre of the village. The over-riding concept that came out of the extensive consultation was the creation of a village centre. Key to that concept was a thriving public house at the heart of the village which was capable of providing wider community services in the future. Hence the continuing viability of this public house is essential to the future vision expressed by the residents of Lyonshall.

This application is essentially for a change of use for a substantial part of the car park and a large section of the garden including the vegetable patch. The residual car park and garden would be inadequate for the commercial viability of the public house. If approved, this proposal would result in the closure of the Royal George in a few years thus frustrating the wishes of the community for the future of Lyonshall.

It is essential, therefore, that this application is refused.

The Design and Access Statement suggests that there would be twenty spaces available but practically there would be fewer. The car parking exercise carried out by the Parish Council demonstrated that the maximum number of cars that could be accommodated on the reduced car park would be seventeen. In reality, there is a requirement for two parking spaces for the landlord, at least one for staff and a disabled space which takes up two standard spaces. This leaves just twelve spaces for paying customers at a public house with fifty covers for diners plus bar customers which is clearly insufficient.

Accompanying the application was a letter from the selling agents to the landowner stating that in their professional opinion the reduced parking space was adequate compared to the parking spaces available at pubs nearby. Regrettably, aside from the obvious conflict of interest, the selling agents have ignored the fact that whilst excess vehicles at other pubs can park on nearby streets, there is no such parking available in Lyonshall.

Lyonshall Parish Council organised the parking of three cars on the A480 and two cars on the lane beside the pub which resulted in the village of Lyonshall being gridlocked. This was witnessed by our ward Councillor and BBC Hereford & Worcester.

In our view this demonstrates beyond doubt that the proposal to reduce the car parking space will result in the future closure of the Royal George, thereby frustrating the ambitions of the community of Lyonshall for a vibrant centre as expressed in the Neighbourhood Development Plan.

Herefordshire Council requires that all developments be sustainable which means that “developments meet the needs of the present without compromising the needs of future generations to meet their own needs”. This development would compromise the needs of future generations therefore it is not a sustainable development by Herefordshire Council’s own definition and should be refused.’

The response also includes references to various Herefordshire Unitary Development Plan policies the Parish Council considers the application contravenes as well as responses to a previous application on site for a new dwelling subsequently withdrawn. (ref: N121379/F – 30 August 2012).

5.2 In excess of 150 letters of objection (including one from CAMRA – Campaign for Real Ale) have been received from members of the public. Key issues of concern can be summarised as follows:

- Impact on viability of the public house, which is considered a community facility.
- Loss of amenity space in connection to the public house.
- Loss of car parking in connection to the public house.
- Impact of proposed development on surrounding public highways.
- Impact on setting of a listed building.

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 in relationship to this application are:

- Potential loss of a community facility and impact on viability of existing business premises on site.
- Impacts on surrounding public highways and on site parking in relationship to the proposed new dwelling.
- Setting of the listed building and historic character of the village.
- Impact of the proposed new build.
- Archaeological concerns.

Potential loss of a community facility and impact on viability of existing business premises on site

6.2 The proposed development refers to a new build two-storey dwelling on part of the existing public house’s car park and beer garden, and as such forms part of an area of land that is used in connection to a rural community facility, the ‘Royal George’ being the only Public House in the village of Lyonshall. Lyonshall is designated as a main village in accordance with policy of the UDP.

6.3 The broad principle of a new build dwelling at this location is considered acceptable on the understanding that it can be demonstrated that any such development does not undermine the viability of the public house as well as overcome other policy requirements. The applicants have submitted a letter on viability, detailing and describing other public houses and land uses.

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Notwithstanding this, it is considered that planning applications have to be assessed on their individual planning merits. The letter also refers to a local consortium interested in the construction of a community led facility on the site. As the case officer for this application, I am not aware of any such proposal.

- 6.4 Policy CF6 of UDP clearly states that development proposals that would result in the loss of existing facilities which contribute to the needs of the community will not be permitted unless certain criteria are met. These criteria require assessment as to whether the facility can best be enhanced or complemented through the development of a small part of the site or that there is continuing evidence that the facility is no longer required. Otherwise development which would reduce or restrict the ability of such facilities to be used for the function they are intended to fulfill will not be permitted.
- 6.5 Paragraph 70, Section 8 of the NPPF indicates that local planning authorities should plan positively for the provision and use of shared space and community facilities, which includes reference to public houses, in order to enhance sustainability of communities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day – to day needs.
- 6.6 Whilst there is no question regarding the direct loss of the community facility, its future prosperity and viability is of concern, as clearly demonstrated by the responses received from CAMRA, the Parish Council and members of the public.
- 6.7 Loss of the car parking area is a serious concern. No provision has been made for its replacement and no details relating to staff parking or disabled car parking provision is provided. It is noted that the Transportation Manager has raised concerns about the proposed car parking, stating that the proposed car parking provision on site is not achievable as set out with consideration to access, turning and necessary deliveries. It is considered that loss of the car parking area as proposed, without sufficient robust evidence in support of the application, is likely to threaten the future viability of the public house.

#### Impacts on surrounding public highways and on site parking in relationship to the proposed new dwelling

- 6.8 The Royal George is located alongside the junction of the A480 and the C1031 public highways, alongside one of two right angled bends in the A480. It must be self supporting with on site car parking, as the surrounding area does not have any suitable car parking provision.
- 6.9 Car parking in relation to the proposed new dwelling does not provide for a minimum of 6 metres turning area, this is required in order to allow a vehicle to exit in a forward gear, and therefore the proposed on site parking for the dwelling is not in accordance with advice as set out in Herefordshire Council's Highways Design Guide for new development.

#### Setting of the listed building and historic character of the village

- 6.10 The Grade II listed Royal George forms part of the historic fabric of the village marking its boundary on the eastern side.
- 6.11 The application proposes to divorce the north-east section of the historic plot from the public house and the brew house in order to construct a new two-storey four-bedroom dwelling, similar to more recent housing situated alongside the C1031. Also proposed is a double garage to the front of the site. As referred to by the Conservation Manager the existing dwellings along the same side of this road are set back from the lane and therefore allow views towards the Royal George and the brew house from a considerable distance. This arrangement allows the historic spatial relationship between the listed building and its

agricultural surroundings to be preserved. Historic maps indicate that the public house was the last building of the village core in this north-east direction and although that distinction is not now the case, the space around the building and therefore its setting has largely been protected by the retention of the open ground now proposed for development. The loss of this land has repercussions not only for the listed building and its setting but also for the character of the village core, which is considered to be an undesignated heritage asset despite not having conservation area status. Therefore the development is considered contrary to Policies HBA4 and HBA9 of the UDP.

#### Impact of the proposed new build

- 6.12 It is considered that the scale of the proposed dwelling and its associated garage would visually and physically crowd the brick brew house, a curtilage listed building.
- 6.13 Also of concern is the proposed position of the pitched-roof double garage to be situated in front of the building line of the proposed dwelling, alongside the C1031. This would clearly affect the setting of the Royal George by impinging on the views of the pub and the brew house, when viewed from the public highway looking south-west. It is considered that the garage would further increase the adverse impact of the proposal on the adjacent listed buildings.
- 6.14 The Conservation Manager has also made comment that the fencing proposed for the dwelling's boundary is not considered acceptable – a 1.8m high close boarded fence is not considered appropriate for a boundary that is publically visible and it is considered that this would also be detrimental to the setting of the public house and its associated brew house.

#### Archaeological concerns

- 6.15 As indicated by the Archaeological Adviser, the site is considered a sensitive location within the medieval form of the settlement and has the potential to include heritage assets with archaeological interest.
- 6.16 As such an archaeological desk based assessment report in conjunction with a field evaluation report is required in order to allow a satisfactory analysis of sensitivity and risk. It is noted that Lyonshall is an Archaeologically Important Urban Area, as defined in Section 9 of the UDP. Without satisfactory analysis the proposal is considered contrary to Policy ARCH1 of the UDP.

#### **Conclusions**

- 6.17 Clearly this application has generated wide ranging objections from members of the public, which includes a strong representation from CAMRA, the Parish Council and internal Council consultees.
- 6.18 It is considered that the loss of part of the grounds will have a serious impact upon the viability of the public house, which represents a community facility. It is not considered that the applicant has provided sufficient evidence to substantiate the future viability of the public house. The application on this issue is considered contrary to Policies S1, S11 and CF6 of the UDP and the NPPF.
- 6.19 With consideration to public highway safety, the semi-rural location of the public house, alongside a bend in the adjacent public highway, in a locality where there appears to be no alternative off site car parking provision makes it of paramount concern that adequate on site car parking is provided. Therefore the development is considered contrary to Policies DR2, DR3 and T11 of the UDP and the NPPF on this issue.

- 6.20. The dwelling itself is of a scale and design that would have a detrimental impact on the setting of the listed building and the historic character of the surrounding built environment. The proposed garage in particular is considered to impinge on the setting of the listed buildings on site. The development is considered contrary to Policies DR1, HBA4 and HBA9 of the UDP and the NPPF on these issues.
- 6.21 The site forms part of an area of significant historic interest and potentially of archaeological interest and therefore evaluation of the site is required by means of an archaeological desk based assessment report in conjunction with a field evaluation report in order to allow a satisfactory analysis of sensitivity and risk. The development is considered contrary to Policy ARCH1 of the UDP and the NPPF on this issue.

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. It is considered that the loss of part of the car parking area and associated amenity space will have a detrimental impact on the future viability of the public house, a grade II listed building and community facility. The development is therefore considered to be contrary to Policies S1, S11 and CF6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. The proposed development will lead to future potential conflict in relationship to adjoining land uses and public highway safety issues. Therefore the proposed development is considered contrary to Policies DR2, DR3 and T11 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 3. The proposed development will have a detrimental impact on the setting of the Grade II listed Royal George Public House and its associated curtilage listed building and the historic setting of the village. The development is considered contrary to Policies DR1, HBA4 and HBA9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 4. Insufficient information has been provided in relation to the impacts associated with the archaeological sensitivity of the site and therefore the development is considered contrary to Policy ARCH1 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 by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development although it is advised that there may not be a suitable alternative form of development that overcomes the concerns identified in the refusal reasons**

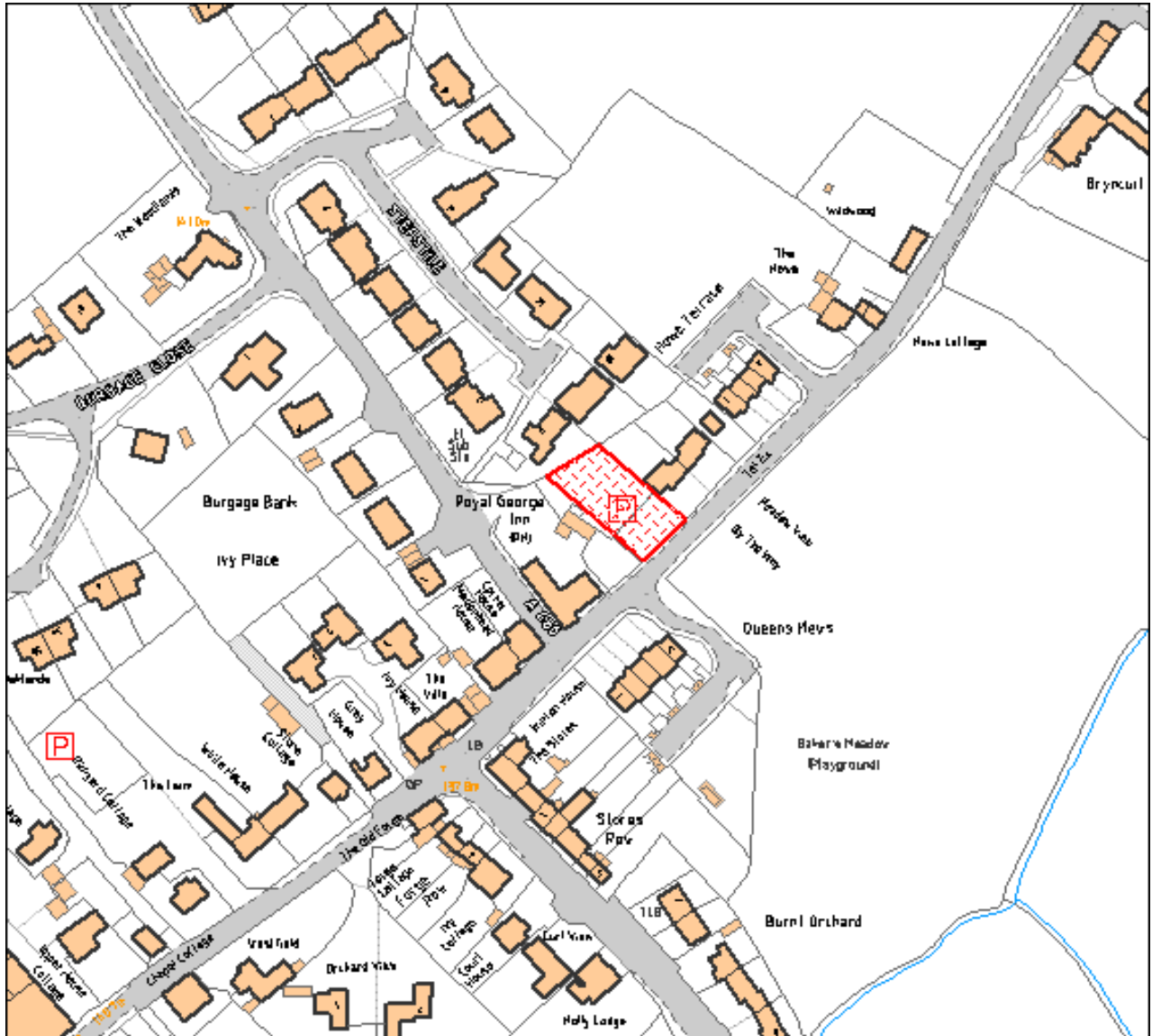
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 133325/F

**SITE ADDRESS :** ROYAL GEORGE INN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JN

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<b>132141/F - ERECTION OF AGRICULTURAL WORKERS DWELLING WITH GARAGE AND NEW VEHICULAR ACCESS. AT LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS</b>  <b>For: Mr Pugh per Mr Bryan Thomas, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132141">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132141</a>

**Date Received: 5 August 2013**

**Ward: Hampton Court Grid Ref: 354402,250085**

**Expiry Date: 30 September 2013**

Local Member: Councillor JW Millar

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

- 1.1 This application proposes the erection of a dwelling to be occupied by an agricultural worker directly to the west of Eastfields Farm, Bodenham. The dwelling would be 7.2 metres in height, 11.2 metres wide and 5 metres deep with a projecting gable to the rear. The floorspace of the dwelling would be 120 square metres. A detached garage, gravelled turning area, drive and a moderately sized garden area would also be provided. The site would be bound by native species hedgerows with tree planting provided within the garden area. The dwelling and garage would be clad in facing brick under a clay tile roof.
- 1.2 The application site lies immediately adjacent to the settlement boundary of Bodenham Moor accessed off the U9402. Existing residential development is to the east and north of the site. To the east are large, brick houses which are a modern addition to the village, the closest of which is "The Hawthorns". The closest part of the proposed dwelling would be approximately 30 metres from 'The Hawthorns' with the associated garage approximately 12 metres away. Smaller bungalows and the main farm complex are to the north on the opposite side of the road. An entrance to the farm is located 70 metres west along the U9402. The site is currently of agricultural character being pasture land with a roadside hedge and field gate.

## **2. Policies**

- 2.1 National Planning Policy Framework:

Chapters 1, 3, 6, 7 and 11 are referred to throughout this report.

## 2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement Boundaries
H7	-	Housing in the Countryside and Outside Settlements
H8	-	Agricultural and Rural Workers Dwellings
H13	-	Sustainable Residential Design
LA2	-	Landscape Character and Areas Least Resilient to Change

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.aspx>

## 2.4 Herefordshire Local Plan Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management Highway Safety and Promoting Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geo-Diversity

2.5 The Core Strategy was recently 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 National Planning Policy Framework.

## 3. Planning History

- 3.1 N98/0181/N: Detached house with garage and storage shed for use in connection with local business. Refused (appeal dismissed)
- 3.2 N98/0203/N: Detached house with garage and storage shed for use in connection with local business. Refused
- 3.3 97/0594/N: Detached house with integral garage and erection of storage shed. Refused
- 3.4 94/0657/N: Erection of 4-bed house with carport at gravel farm. Approved

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) foul and surface water is discharged separately from the site;
- b) surface water does not connect with the public sewerage system; and
- c) land drainage run-off is not permitted to discharge to the public sewerage system.

#### Internal Council Advice

4.2 The Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

- a) The garage was at least 3 metres x 6 metres in plan form when measured internally

4.3 The County Land Agent supported the application stating that:

- a) I have no doubts about the quality and drive of the farming enterprise, the only drawback that I can see to the proposals is the siting of the business in the middle of the village, with all the problems that are normally encountered in these situations, bearing the proposals are to almost double the size of the stock numbers, however that is not the present problem.
- b) I agree that the dwelling for sale in Bodenham is unsuitable from its condition and position in that the road through the village floods giving access problems on occasions.
- c) Another point is the convenience, this would be greatly enhanced by being on site rather than some distance away, this is not a reason in itself, but for calving in particular with health and safety concerns, the need for 2 persons at each calving, is a material consideration. I would have no doubt that Mrs Pugh is perfectly capable of helping with the calving but as she said she lacks the physical strength necessary at times.
- d) I noted that there was a considerable amount of concrete that was in need of replacement before it creates a hazard to the cattle and a possible pollution seepage problem. Therefore the need for investment in those repairs is clearly there if the very high standards, of which they are justly proud, are to be maintained.
- e) Returning to the need, in my opinion the case for having a third dwelling can be justified, whether it would be for the son or a farm worker and as the herd increases the necessity will increase if the standards are to be maintained, and the obtaining of a suitable herdsman will be dependent on the positioning and quality of the dwelling offered. I do know the difficulties of obtaining a really good herd person are considerable, as discussed at the meeting on Monday. The replacing of the student with a fully skilled herdsman will ease the pressure on Messrs Pugh who have to do the milking themselves taking approx. 4 hours per day at present rising to 6 when the herd reaches the proposed numbers.

4.4 The Council's Landscape Officer did not object to the application stating that:

- The site is well related and connected to the farm opposite;
- That the dwelling would not significantly alter the landscape character or visual amenity of the site and surroundings; and
- The steep, curving scarp to the south west of the site is a significant landscape feature in the local area and will remain visible above and beyond the dwelling.

## **5. Representations**

5.1 The Parish Council objected to the application "on the many grounds listed in the letters of objection from A B and K Clark and Mrs C Kirkpatrick" (listed below).

5.2 6 letters of representation were received, 1 in support and 5 objecting to the application. The following points of objections were made:

- The proposed dwelling is sited outside the settlement boundary
- Permission has already been refused on this site and dismissed at appeal
- There is no good reason why this proposed dwelling could not be sited on the same side of the lane as the rest of the farm.
- The hill to the rear of the plot is a landmark for some considerable distance and is appreciated by many people.
- A dwelling here would in future become the thin end of the wedge.
- There is sufficient agricultural workers' property on the farm already with one dwelling occupied by someone not connected to the farm.
- The size of the proposed dwelling is much larger than the adjacent properties and not in keeping being double fronted. It will dwarf the bungalows opposite.
- The dwelling would be within 400 metres of an open topped slurry tank contrary to National Planning Guidance (PPG7) (revised) Annex C para C.3
- The local sewerage is currently unable to deal with any further dwellings
- The farm has a mobile home recently installed without planning permission.
- In the last year or two, Eastfields has neglected to seek permission for numerous alterations to their working practice.
- A metal slurry pit within a very short distance of a cluster of houses
- A slurry lagoon with resulting damage to the local geology and archaeology
- Extended their buildings to provide intensive year-round housing for a large number of cattle despite having adequate land for the cattle to roam free in summer months.
- The farm very clearly has no sustainable method of dealing with the enormous increase in slurry that has resulted from the above
- Extra traffic in an already busy lane due to the farm tractors.
- The lane is frequently used and enjoyed by walkers and an additional dwelling would result in extra traffic using the lane therefore causing a highway safety issue
- Extra noise and disturbance resulting from use of extra dwelling
- If planning is agreed, what is to stop the applicant erecting further dwellings/farm buildings on what is at present a beautiful landscape
- The current farm is extremely noisy and at times very smelly and any extension to the farm in anyway will only exacerbate these problems
- As the planned property is an agricultural dwelling that agricultural vehicles and machinery would be used/stored on the site thus causing an ugly sight in a very garden loving neighbourhood
- Specific objections are made with regards to the neighbouring dwelling known as the Hawthorns:
  - The garden and property will be overlooked therefore causing a loss of privacy.
  - The proposed development would have a dominating impact on the dwelling and the quiet enjoyment of it.
  - Loss of light to my garden
  - The proposed dwelling right next to the Hawthorns would make The Hawthorns less attractive to any prospective buyer
  - Proposed driveway would be adjacent to current driveway at The Hawthorns potentially causing a problem for those existing the driveway.
  - The disruption to the property and occupiers lifestyle during construction of the proposed dwelling due to the noise and extra vehicles coming and going at all hours of the day

5.3 A letter of support was received stating that the use of Greenacres enabled the tenants to move closer to the area in which they grew up and that this development represents positive growth which creates employment in a rural area and should be encouraged.

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>

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

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 Prior to the appraisal of the application it is necessary to establish exactly what is being applied for. There are currently four dwellings on land falling within the boundaries of Eastfields Farm:
- The Farmhouse – Occupied by Mr M & Mrs S Pugh
  - Greenacres Bungalow – Occupied by a part time worker
  - Mobile Home – Occupied by a student from Hartbury College
  - Former Farmhouse – Occupied by Mr M Pugh's mother
- 6.2 The farmhouse is owned by the agricultural business and occupied by the owners of the enterprise, Mr & Mrs Pugh. This dwelling is restricted to agricultural occupancy.
- 6.3 Greenacres is owned by the agricultural business and is currently let to a forestry worker not employed on the farm, although it is stated that he does help around the farm from time to time. It is proposed that the forestry worker will vacate the property in the near future and a herdsman solely employed at the farm will move in.
- 6.4 The mobile home does not have the benefit of planning permission and its removal will be sought regardless of the outcome of this application.
- 6.5 The former farmhouse requires more consideration. Within the farm appraisal accompanying this application it is stated that the former farmhouse does not belong to the farming enterprise. It is under Mr M Pugh's mother's ownership and does not belong to the farm. A previous permission (94/0657) which allowed the erection of the current farmhouse was conditioned so that the former farmhouse could not be sold separately from the new farmhouse. This was so that "the needs of the farming enterprise continued to be met". On this basis, the severance of the former farmhouse from the new farmhouse at Eastfields Farm appears contrary to conditions attached to permission 94/0657N. However, the transfer took place in 1999, 14 years ago. As the breach of condition took place over 10 years ago and has been continuous for that period of time, it is no longer enforceable and the ownership of the former farmhouse is rendered lawful through the passage of time. There are also doubts as to whether or not the condition was in fact breached as the former farmhouse was 'transferred' rather than sold.
- 6.6 It is therefore concluded that the former farmhouse is not a part of the agricultural enterprise at Eastfields Farm, nor is it available to the enterprise. As such this application is considered to be for the provision of a *third* agricultural workers dwelling at Eastfields Farm.

### Policy and Principle

- 6.7 The proposal is for a dwelling within the open countryside and as such falls to be chiefly considered against UDP Policy H7. The intent of UDP Policy H7 is in line with the NPPF, having particular regards for paragraph 55. Both Policy H7 and paragraph 55 indicate that, save for in exceptional circumstances, housing outside of settlements will not be permitted. One such exception is for the provision of a dwelling clearly necessary in connection with agriculture on the proviso that the development accords with other relevant UDP policies, particularly H8. The application seeks to satisfy this criterion.

- 6.8 UDP Policy H8 requires proposals for agricultural workers dwellings to only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business. The NPPF provides no further explicit guidance on the issue although paragraph 28 supports development which would aid the rural economy and the presumption in favour of sustainable development still presides.
- 6.9 The suitability of this proposal will therefore be determined by its ability to satisfy the aforementioned whilst being of a scale and mass commensurate to the established functional need. The detailed design and siting of the dwelling as well as potential landscape impacts also requires consideration.

#### Agricultural need and viability of business

- 6.10 The submitted accounts show good profits for 2010, 2011 and 2012, particularly over the last two years. Furthermore, information has been submitted regarding the proposed long term growth of the farm. It is the County Land Agent's belief that "the financial base is sound" and that its "long term future would seem to be as secure as that of any dairy farm and as the numbers increase the profitability should rise exponentially". As such, it is officers' opinion that the business to which the proposed dwelling relates is financially sound with every chance of remaining so in the future in accordance with UDP Policy H8.
- 6.11 In addition to the financial viability of the business, a long term genuine need for a dwelling in relation to the business must be demonstrated. Having consulted the County Land Agent it is considered that there is a need for a third dwelling at this site which will only increase as the herd sizes grow. To maintain standards, a herdsman is required and the obtaining of a suitable herdsman will be dependent on the provision of a third dwelling. The need is driven by the requirements of the farm principally regarding year round calving associated with herds of this size. Other farming activities, including 4-6 hours of milking per day, severely reduces the ability of existing farm workers to be readily available at all times. Furthermore, if one member of staff is away from the farm for any reason the provision of a third dwelling will ensure that there is ample human presence on the farm to deal with any calving emergencies.
- 6.12 Having established the needs of the enterprise, it is necessary to consider whether any properties are available for sale or rent which could meet the aforementioned need. A marketing report of the area was undertaken by the applicants and an independent search for properties has been carried out by the case officer.
- 6.13 The submitted marketing report concluded that the only property for sale capable of being within easy access of the farmyard is Brook House. This is located approximately 350 metres away with an advertised price of £460,000. In an email received from the agent on 24th October 2013 the following is stated of Brook House:
- "This house is very well located being adjacent to the farmyard entrance and in terms of location would be ideally placed to serve the needs of the business. I am sure any one of the partners would have liked to be in a position to spend between £425,000 and £460,000 on a property located opposite the farmyard."
- 6.14 One property which is listed in the marketing report but given no consideration is a three bed bungalow in Brockington Road, number 22. This property is approximately 800 metres from the farm yard on a residential street and listed for £189,950.
- 6.15 The property was viewed from the outside and the route to the farm driven by both the County Land Agent and the Case Officer. The description and images appear to indicate that little work would be required to be undertaken to the modern property and that it could be immediately occupied. The distance between the property and the cattle buildings is just 800 metres and one could drive between the bungalow and the farmyard in less than 2 minutes. It

is considered that this is close enough to the point of need considering that the need relates to the covering of emergencies where one of the two workers already residing on the farm was incapacitated for one reason or another.

- 6.16 Much is made of a third workers requirement to work unsociable hours. This is attributed minimal weight in the consideration of this application. It is the functional needs of the enterprise which are considered and whether or not the existing dwelling could meet them, not the possible inconvenience which the short trip may cause to the worker. Likewise, the hours worked by any prospective occupier of the dwelling would not be considered to have an undue impact on the amenity of neighbouring residents at Brockington Close. The farm is located close by and as such there would be no requirement to store machinery of large farm vehicles at the bungalow. The coming and going of a vehicle such as a Land Rover, even in the small hours of the morning would not in my opinion have an unacceptable impact.
- 6.17 Moving to the issue of affordability, it is claimed that the difference between the advertised price of 22 Brockington Road and the price which one could erect a dwelling for is approximately £40,000 - £50,000 and that this could be better invested elsewhere on the farm. The exceptional criteria of both local and national policy requires consideration of whether or not an available dwelling, able to meet the needs of the farming enterprise, is affordable to the enterprise so as not to threaten the viability of the enterprise. It is not for the planning authority to consider which option would be of greater financial benefit to the enterprise (a view substantiated at previous appeals e.g Ellesmere Port & Neston 20/11/1997). Given the substantial profits demonstrated at the farm, particularly in the 2 financial years preceding this application, the advertised price of £189,950 for 22 Brockington Road, Bodenham Moor would be affordable to Eastfields Farm without imperilling the viability of the enterprise.
- 6.18 The above appraisal was communicated to the applicants who arranged to visit the property. Their consideration of the property was verbally communicated to the case officer on site and supported by a floor plan and photos of the interior. Contrary to the estate agents particulars, photos appear to demonstrate that a large amount of cosmetic repair and functional alterations would be required to be undertaken. The front door opens into the living area of 22 Brockington Road and as such, to be suitable for habitation by an agricultural worker, an extension would be required to provide a boot/watching area. A further concern was communicated with regards to possible flooding of the C1121 which has been known to disconnect the northern element of the village from the southern element within which the farm is located. Furthermore evidence was submitted of similar properties in a good state of repair with a utility/boot room advertised at a price no less than £257,500. In light of this further information it is officer opinion that 22 Brockington Road is not of a specification which meets the needs of the enterprise being unaffordable (considering further works required) and unsuitably located in relation to the farmyard. As such, the previously established need to provide a third agricultural workers dwelling at Eastfields Farm cannot be met by the existing housing stock.
- 6.19 Notwithstanding the dismissal of inconvenience as a reason to disregarding 22 Brockington Road as a suitable property, it would be beneficial to the enterprise to have a third dwelling on site rather than remote from the farmyard, particularly with regards to calving where it is necessary to have two people available at each birth to meet health and safety requirements.
- 6.20 The final requirement of UDP Policy H8 is that the size of a proposed agricultural workers dwelling be commensurate to the needs of the enterprise. The proposed dwelling would have 120 square metres floorspace which is considered to reflect the established requirements of the enterprise. It is noted that Policy RA4 of the emerging Core Strategy looks to impose an upper floorspace limit of 100 square metres on such dwellings and that this application proposes a dwelling which breaches that limit, albeit it by just 20%. However, given the level of objection to the Core Strategy's housing policies and its early stage of preparation, having

recently been agreed at full Council, minimal weight can be attributed to Policy RA4 in accordance with paragraph 216 of the NPPF.

- 6.21 It is noted that a previous application was refused on the site in 1998 and subsequently dismissed at appeal. This was for the erection of a dwelling in relation to a local business, though not a farming enterprise. The Inspector held that there was no need for the dwelling in relation to that business and that it did not warrant the impact on the surrounding landscape. This application relates to a different business and the need for the dwelling in relation to that business is assessed in the paragraphs previous to this. Bespoke landscape comments are also provided below.
- 6.22 No weight is attributed to the personal circumstances of the potential occupier of the dwelling and the established requirement for an agricultural workers dwelling relates purely to the needs of the enterprise. Furthermore, the application is appraised on the existing state of the enterprise and not its possible growth.

#### The siting and design of the proposed dwelling

- 6.23 The proposed dwelling would be of modest proportions with a central porch, gable roof and projecting gable. The symmetry and uniformity of the principal, road fronting elevation is particularly reminiscent of rural dwellings and is thus respectful of its semi-rural/rural context whilst not being detrimental to the more suburban appearance of existing dwellings along this lane. Although not an exact match for the neighbouring dwellings, the proposed development is considered to represent betterment in terms of local design quality as required by paragraph 63 of the NPPF. It is officer opinion that the proposed dwelling would not dwarf neighbouring dwellings, a concern expressed within letters of representation. Its ridge height of 7.2 metres is relatively low for a two-storey dwelling. The dwelling would be orientated so that the well glazed south elevation can make the most of natural solar heating and light. The proposed garage is of a subservient and simple design which does not detract from the character of the proposed dwelling nor its context. The trees and hedgerows shown on the initial site plan are welcomed and the gravel parking would be suitable. The proposal is in accordance within UDP policies DR1 and H13.
- 6.24 Sample materials were submitted with the application. The dwelling would be constructed of 'Ibstock - Birtley Olde English Brick' (which is of a darkened, reclaimed appearance) under a 'Marley Eternit – Fired Sienna' clay plain tile (which is of a burnt, deep red colour). Although there is no prevalent material choice within the locality, the proposed materials would sit well against their context having particular regard for the immediately neighbouring dwelling – The Hawkins. Hedgerows which would enclose the site would be composed of native species which in conjunction with the provision of native trees within the plot would help assimilate the development with its rural context.
- 6.25 The proposed dwelling would be sited adjacent to the settlement boundary of Bodenham Moor as defined under UDP Policy H4. A number of representations state that permission should not be granted given that the dwelling is outside of this settlement boundary. However, the proposal seeks to provide an agricultural workers dwelling, the provision of which is acceptable within the open countryside as stated in criterion 1 of UDP Policy H7 (subject to satisfying the criteria laid out in UDP Policy H8). Furthermore, as has been raised a number of times at recent Planning Committees, the Council are currently failing to provide a 5 year housing land supply and as such its housing policies cannot be attributed full weight. However, this does not preclude the consideration of the suitability of the scheme in terms of its impact on its context.
- 6.26 The concerns of objectors are noted with regard to potential landscape impacts and the bespoke comments of the County's Landscape Officer were sought. It is considered that the application site is well related and connected to the farm opposite and the dwellings within its



immediate vicinity. The proposed dwelling could be accommodated without significantly altering the landscape character or visual amenity of the site and surroundings. The steep, curving scarp to the south west of the site is a significant landscape feature in the local area but will remain visible above and beyond the dwelling. As such, the proposal is not considered to unduly impact on the surrounding landscape character as required by UDP Policy LA2.

- 6.27 Furthermore, and relatively unusually for agricultural workers dwellings, the plot's location is such that it is within walking distance of a number of local facilities and services within Bodenham Moor including a shop, primary school, hairdressers, village hall and bus service to and from Hereford and Leominster. As such, the proposed development is considered to be sustainably located in accordance with the NPPF and UDP Policy S1.
- 6.28 The dwelling is located at the western end of the plot, away from 'The Hawthornes'. The proposed garage which is located 1.5 metres from the sites eastern boundary and 12 metres from The Hawthornes is 6.5 metres in height and would be partly screened by existing hedgerow along the east boundary. As such, the proposal is not considered to unduly impact on the privacy or amenity of this or any other neighbouring dwelling.

#### Other Matters

- 6.29 A number of other concerns were raised within the letters of representation many of which fall outside the remit of the planning process, such as property values and private views from properties. However, clarification is provided on the following issues.
- 6.30 There are no implications for highways safety. Suitable visual splay can be achieved whilst the road is capable of accommodating the proposed minimal increase in usage. Parking arrangements are acceptable and vehicles would be able to enter and leave the site in a forward gear.
- 6.31 The proposed dwelling is approximately 225 metres from an existing slurry tank and an Inspector previously commented that development of this site could give rise to flies and smell in the summer months. However, the proposed dwelling is for occupation by an agricultural worker in relation to the enterprise on whose land the slurry tank is located. As such, any future occupier would be aware of and would possibly expect to encounter such issues which may well preclude the site from being suitable for unrestricted residential development.
- 6.32 Concerns were raised that this will be "the thin end of the wedge" and that if this application were approved, it would set precedent for further development along the lane. However, each application is determined on its merits. Consideration can only be had for the submitted proposal and speculation regarding future development cannot be taken into account.

#### Conclusion

- 6.33 On balance and having regard for all issues detailed in this report, it is considered that an essential functional need exists for a third worker to permanently reside on site in relation to a viable agricultural enterprise in accordance with UDP policies H7 & H8. There is no undue landscape, design, privacy or amenity concerns. It is therefore recommended that the application be approved with the below conditions attached.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**

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

2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **F27 Agricultural occupancy**
5. **G12 Hedgerow planting**
6. **L01 Foul/surface water drainage**
7. **L02 No surface water to connect to public system**
8. **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, 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. **W01 Welsh Water Connection to PSS**

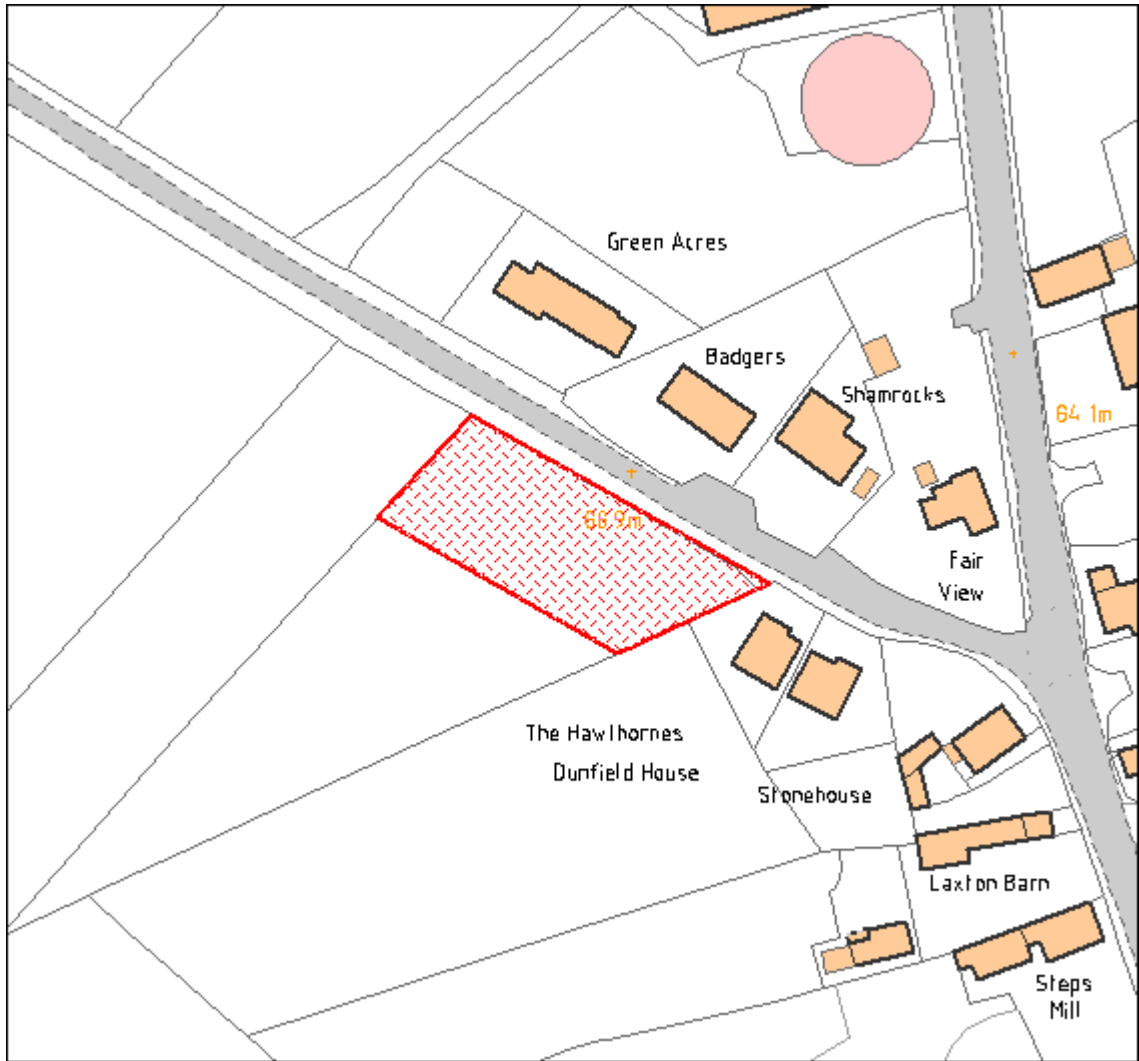
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132141/F

**SITE ADDRESS :** LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>132536/F - DEVELOPMENT OF 50 NEW DWELLINGS OF WHICH 18 WILL BE AFFORDABLE ON LAND AT LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE,</b></p> <p><b>For: David Wilson Homes (Mercia) Ltd per Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132536">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132536</a>

**Date Received: 16 September 2013**    **Ward: Hagley**

**Grid Ref: 355656,241139**

**Expiry Date: 1 January 2014**

Local Member: Councillor DW Greenow

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

- 1.1 Planning permission is sought for the erection of 50 dwellings, including 18 affordable on land north of Ledbury Road and west of Williams Mead, Bartestree. The site is an open field bounded to the east by detached properties in the residential cul-de-sac Williams Mead, at the entrance to the village when approached from the west via Lugwardine.
- 1.2 The site is L-shaped in plan, the northern part extending eastwards to wrap around Williams Mead. Bartestree extends further to the east, the northern edge of the village defined predominantly by mid/late twentieth century residential development. The Grade II listed Prospect Cottage lies to the west.
- 1.3 The site is bounded to the north by open countryside and a network of public rights of way, including the Three Choirs Walk, which passes along a ridge to the north of the site. The site extends to 1.74ha. This equates to 29 dwellings per hectare.

### The proposal

- 1.4 The development comprises a mixture of 1, 2, 3, 4 and 5 bedroom two and two-and-a-half storey dwellings. The 1, 2 and 3 bed units are terraced or semi-detached. The larger units are detached.
- 1.5 Vehicular and pedestrian access is proposed through the construction of a single point of access direct from the A438. The estate road heads into the site with properties arranged on either side before making a long right-hand turn into the north-eastern portion of the site. Fourteen of the affordable units are located in the north-west corner of the site, the majority of

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

these sharing a parking area opposite the proposed electricity substation and foul pumping station.

- 1.6 Surface water drainage is taken from the site and conveyed to a SUDs pond on lower-lying land in the agricultural land to the north. Foul would be connected to the mains.
- 1.7 The site is laid out with larger detached units at the entrance; the 5/6 bed '536 house-type' forming the gateway into the site on plots 1 & 50. Plots 2 & 49 are the 597 house-type – a 2 ½ storey unit with 5 bedrooms. Moving north on the west side of the estate road there are four pairs of semi-detached units, the first three pairs comprising the P382-5, the final a pair of SH39-5. The SH39-5 units are affordable dwellings. These are 3-bed units.
- 1.8 The north-west corner of the site sees a concentration of affordable units. As well as the aforementioned pair of SH39 there is a terrace of four dwellings (1 x SH39 and 3 x SH27) two pairs of SH27 and four single-bed N107, in a single block. Moving eastward around the northern edge of Williams Mead the dwellings are 4/5-bedroomed detached dwellings, including the 452, 469, 500 and 597 house-types. The house-type schedule is as follows:

House type	Quantity	Bedrooms	Storeys	Detached/semi/terrace
536 – 5	3	5	2 ½	Detached
597-5	5	5	2 ½	Detached
500-5	6	5	2 ½	Detached
469-5	6	4	2	Detached
452	3	4	2	Detached
382-5	10	3	2	Semi
N107	4	1	2	Back-to-back
SH39-5	7	3	2	Semi/terrace
SH27	7	2	2	Semi/terrace

- 1.9 The site is outside but immediately adjacent the settlement boundary for Bartestree as defined by 'saved' policy H4 of the Unitary Development Plan.
- 1.10 The application site was subject to assessment under the Strategic Housing Land Availability Assessment and categorised as having low/minor constraints. The implications of the Council's lack of housing land supply (HLS) are discussed below.
- 1.11 The application is accompanied by a Planning Statement, Ecological Appraisal, TA and Travel Plan, Summary Statement of Community Involvement, Drainage and Flood Risk Assessment and Arboricultural Report. The Council has maintained a dialogue with the developer and their planning consultants throughout; starting with pre-application engagement prior to submission. This has led to revisions to the layout and minor modifications to the house-type mix and detailed design. Amended plans detailing these changes have been subject to additional consultation with interested parties. This has included a newspaper advertisement and posting of 'amended plans' site notices at a number of locations within the village.
- 1.12 The application was also accompanied by a viability report (RCA Regeneration Ltd) which confirmed that the scheme would not be viable if subject to S106 contributions over and above the commitment to provide 18 affordable dwellings. The District Valuation office was instructed to provide an independent assessment. The outcome of this exercise is described more fully below, but it was held that the scheme would be viable if land values were reappraised. Section 106 contributions are now prepared as per the attached Heads of Terms.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF):

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

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
DR5	–	Planning Obligations
H4	–	Main villages: settlement boundaries
H7	–	Housing in the countryside outside settlements
H10	–	Rural exception housing
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
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
ID1	–	Infrastructure delivery

## 2.4 Neighbourhood Planning

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Bartestree and Lugwardine Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

## 2.5 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

## 2.6 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 None.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions. Originally raised an objection due to low water pressure in this area of Bartestree, but have since received the fee from Utility Connections to provide a quotation to carry out a Hydraulic Modelling Assessment on the water supply system. Now recommending conditions requiring the submission of a comprehensive scheme for the integrated drainage of foul, surface and land drainage run-off, with further stipulation that land drainage and surface water run-off are not permitted to connect either directly or indirectly to the public sewerage system.

4.2 Environment Agency: No objection

### Internal Council Advice

4.3 Traffic Manager: No objection. The revised trip generation figures are acceptable and provide more consistency with those used elsewhere around Hereford. The impact on the network is considered acceptable.

The proposed access onto the A438 is acceptable in terms of visibility offered and the provision of parking on individual plots exceeds maximum standards such that on-street parking is unlikely to occur to any significant extent.

4.4 Conservation Manager (Landscapes): The proposed development is not likely to give rise to adverse effects on the wider landscape character or visual amenity, but as the site is locally significant there would be moderate to major adverse effects on local landscape character especially through coalescence of the settlements and moderate adverse effects on views from the A438. It is likely to have a major negative effect on the amenity of and views from public footpath LU6 where it crosses the site, and could result in moderate to major adverse visual effects on people living on the boundaries.

It has not been demonstrated that the proposed development is sustainable as defined in paras. 1 and 2 of UDP Policy S1 Sustainable Development nor that it fulfils the requirements in Policy S2 Development requirements and Policy H13 Sustainable residential design.

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479



The development does not comply with Policy DR1 in particular Para. 3: no landscape assessment has been carried out, but the effects on 'townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines' are likely to be moderate to major adverse on a local level.

For the reasons set out above the development is contrary to Landscape Policies LA2 Landscape character and LA3 Setting of settlements. It has not been demonstrated that Policy LA5 Protection of trees, woodland and hedgerows has been complied with as the potential for long-term damage to / erosion of boundary hedges has not been considered nor mitigation proposed.

The proposed landscape scheme does not comply with Policy LA6 Landscaping schemes as the proposals have not taken into account local landscape character especially in the choice of plants.

The proposed development is likely to give rise to adverse impacts on the setting of the adjacent listed building which is contrary to Policy HBA4 Setting of listed buildings.

If the principle of development on this site is accepted, the applicant should submit a revised layout based on these and other comments and should supply the information required, as set out above in detail but summarised below:

- The proposed hedges should be planted with mixed native species and not just hawthorn as shown on Tetlow King's Boundary Treatment Plan Drawing No. BM01 Rev D.
- The layout should be re-thought to a) ensure a more area-appropriate built presence along the road frontage gap with Plot 50 set back further from the road, b) better integrate the affordable housing and c) create a more organic form to avoid the block-like shapes.
- The scheme should be revised to take into account footpath LU6 especially to mitigate adverse effects on footpath users and to ensure the security of the pumping station.
- Proposed trees around the site's periphery should be planted in hedgerows and should be native species.
- Existing hedges should be gapped up and protected in order to safeguard them, maintain local landscape character and conserve / enhance local biodiversity. The rear garden fences could be set back to allow a maintenance strip along one side of the hedge.
- Trees must be protected following the measures set out in the tree survey and in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- The proposed lists of species need to be revised as many of the plants proposed are inappropriate in this location and do not benefit wildlife.
- Full planting plans, schedules and specifications for planting and protection should be submitted with the application, not follow on as a condition.
- A long term landscape management plan (to include sustainable measures for conserving and enhancing biodiversity) should be submitted with the application, not follow on as a condition. Measures that will demonstrate how the long-term protection of the existing and proposed hedges and trees around the periphery is to be ensured must be set out.

4.5 Conservation Manager (Ecology): No objection. The mitigation measures and enhancement opportunities highlighted in the submitted report should be secured by condition.

4.6 Conservation Manager (Historic Buildings & Conservation): This L-shaped site is a greenfield site outside the development boundary of the village of Bartestree. Over the recent decades the space between the historic houses and cottages has been gradually infilled by new housing but

the village had managed to still retain recognisable boundaries. The mix of dwellings, in size and style, is very variable within the village but the materials are largely brick or timber-frame.

To the west of the site is Prospect Cottage, a grade II listed building, which combines the original 17<sup>th</sup> century cottage with a 19<sup>th</sup> century, painted brick two-storey extension. This is set within a typical plot for the area which is generous in width and length and is a clear remnant of the historic pattern and depth of development along the main road through the village.

The scheme proposed would occupy the one remaining clear and undeveloped area between the village of Bartestree and that of Lugwardine. Both villages have tended to expand by ribbon development along the main road initially and then by infilling the relatively large spaces between village buildings. In this way the two villages have managed to remain separate despite growing significantly in size. In principle it is considered that the development of the greenfield site for housing would be detrimental to the legibility and character of Bartestree and Lugwardine.

The setting of the adjoining listed building, Prospect Cottage, would also be compromised by the addition of the new housing. Instead of being set within a rural context and separate from the more continuous development of the village, the listed building would become just another dwelling in a row of development. It is considered that this would be detrimental to the setting of the listed building and therefore would be contrary to Policy HBA4.

#### 4.7 Drainage Engineer

There are no objections in principle on flooding or drainage grounds, subject to the use of appropriate SuDS, provision of detailed drainage information, and provision of soil infiltration rates. It is also requested that details of the outfall route from the pond to the watercourse, as well as confirmation of its capacity and culverts are provided prior to construction. Information on the ownership of the existing pond and required consents is provided to the Council prior any detailed design.

The FRA suggests that adoption and maintenance of SUDS and drainage features may be undertaken by Welsh Water, the Local Authority or a private management company. We recommend that confirmation of the body responsible for ongoing maintenance is provided prior to construction.

#### 4.8 Public Open Space and Leisure

No provision is to be provided on site. This is supported as the village has two existing play areas. Therefore an off-site contribution is required to meet UDP Policy in lieu of one being provided on site and to improve the local offer particularly for older children, which is required to cater for the additional population. The development site lies within easy access, opposite the main facility in the village at Bartestree Village Hall which is owned and maintained by the Parish Council. This facility is the larger of the two offering a multi-functional recreation ground with room to expand and further develop as the main "local neighbourhood" facility in the village. The draft Investment Plan for the Play Facilities Study indicates that whilst the existing equipment is relatively in good condition, it caters for infants and juniors only and would benefit from additional equipment for older children in particular in consultation with the local community. The Parish Council should be consulted on this.

Draft Heads of Terms:

Off-site Play:

Based on market housing only and in accordance with SPD on Planning Obligations (discounting the first bedroom as this is for children) we would require the following:

10 x 3 bed (£1,640 per house) 22 x 4 bed (£2,219 per house)

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

**Total £65,218** (this is calculated on development and maintenance costs for additional equipment).

#### Sport England Contribution:

A contribution is required in accordance with the SPD on Planning Obligations which requires a contribution from all residential development of over 10 dwellings in response to the pressure the increased population arising from the development will bring to an aging stock of sports facilities, particularly indoor. Based on market housing only and using Sport England's facilities calculator this equates to:

10 x 3 bedroom: (£672 per house)

22 x 4 bedroom: (£818 per house)

**Total: £24,716**

Both the Council's Indoor Sports Facilities Strategy and the Playing Pitch Assessment for Hereford identify areas for future investment but this will be dependent on priorities at the time of receiving the contribution which will be further detailed as the Investment Plans are developed. Projects include local facilities at Bartestree Village Hall recreation ground and in Hereford (on the understanding that Sport England advocate a 20 minute drive time), particularly at the Leisure Centre, Swimming Pool and Aylestone Park, to bring up to date old facilities and provide new facilities which meet identified needs and deficiencies.

4.9 Public Rights of Way: No objection

4.10 Schools Organisation and Capital Investment Officer:

The educational facilities provided for this development site are North Hereford City Early Years, Lugwardine Academy & St Francis Xavier Primary School, The Bishop of Hereford Bluecoat School and Hereford City Youth.

On the basis of summer 2013 census data all three schools had three years over capacity.

In accordance with the Planning Obligations SPD the contribution for this development totals £246,010.

4.11 Waste & Recycling: No objection

## 5. Representations

5.1 Bartestree & Lugwardine Parish Council:

Comments from Bartestree with Lugwardine Parish Council: The Parish Council did not support this application for the following reasons, which remain applicable to the amended scheme.

#### Overlooking/Loss of Privacy

A number of residents in the adjacent Williams Mead claim that the proposed plans indicate that they will be overlooked by a number of the houses to be built. This would lead to a loss of light and overshadowing for some houses in Williams Mead.

#### Highway Safety

David Wilson Homes (DWH) claim that there are adequate footpaths in the vicinity for adults and children which, as indicated in recent Parish Plan questionnaires, is complete nonsense. Paths, sometimes narrow, exist on only one side of the busy A438 in many places. In particular, pedestrians walking from Bartestree to the local secondary school in Lugwardine are forced to cross the busy road in two different places - beside Llamas Lodge and again by the Church. Crossing the road might also require pedestrians to weave their way between stationary vehicles waiting in a traffic queue. This is a very dangerous prospect for school children and will result in most parents having to drive their children to school. Children walking to the local Lugwardine Primary Academy will also be inches away from the wing mirrors of passing lorries and vans many of which are exceeding the statutory speed limit. There are no barriers preventing children from stepping off the narrow footpaths. In wet weather large puddles always form on that stretch of road and pedestrians are soaked by spray from passing vehicles.

### Traffic

Vehicles leaving the site will be close to the brow of the hill and traffic travelling from Hereford will likely meet the tail end of a queue of traffic as they round the bend. Right turns on to the main road from existing properties along the south of the A438 are already extremely difficult at peak times - this will exacerbate the problem.

DWH have played down the extra vehicular traffic that will be created around peak times. Their proposal to appoint a coordinator to promote car-sharing is a ludicrous suggestion and shows no understanding of human nature and the impracticality of this proposal. They have given no indication of the time period and funding they are prepared to commit to this naive proposal.

DWH state in their analysis that there is no problem with the traffic speeds basically because no remedial action has so far been taken - a peculiar moral position. In reality the West Mercia Safer Road Partnership designated the A438 in this area as 'a road for concern' and operate speed camera measures. The police have on occasions also mounted hand-held camera campaigns. Data from the SIDS provided by Herefordshire Council indicate that more than half of all vehicles exceed the speed limit, and many travel in excess of 40 and 50 mph.

### Services and Amenities

Welsh Water has advised DWH that they may pump foul sewage up from the site and into one of the sewer mains on the Ledbury Road, A438. It is considered that Welsh Water have not taken into account the expansion of the village by over 100% (more than doubled!) since this particular sewer was first laid in 1975. The current sewer is 150mm diameter and Welsh Water have advised residents that a sewer pipe of 225mm diameter (CSA = 398 cm<sup>2</sup>) 'should be able to serve' a population size of 800 and 900 homes according to 'Sewers for Adoption' Edition 7 (see chart attached as supplied by the Parish Action Group). This statement serves to illustrate the risk factor that is inherent in their approval of the scheme.

Whilst Welsh Water may have committed themselves to supporting the DWH proposal it is believed that they are taking a risk by stretching the capacity of this sewer even further than it is now and should be challenged. Their support of the DWH proposal has not been validated by their response to forensic questioning from local residents.

The surface water from the proposed development will not be drained by the main sewer, but will be taken, via a holding area (to limit maximum outflows) to the existing pond at the bottom of the field below. From there it will flow out in the stream which passes through local properties and gardens before eventually joining the River Lugg.

Apart from all the wildlife which depends on the stream along its length, it is known there will be several specific possible victims of the additional pollution - fish in a pond in a private property, numerous grass snakes and frogs frequently seen on the bank of the stream, sheep which drink from the stream and fish and other river creatures in the Lugg. These creatures may be poisoned either directly from the poor water quality or be otherwise harmed through the affect of the water on the micro-organisms or plants in their food chain

This drainage scheme might be acceptable if it were fresh clean rainwater which the DWH application assumes. However, it is obvious that the surface drainage from a modern housing estate of 50 houses is not going to be clean unpolluted water. Every chemical which is used for path cleaning, weed killing, car washes etc will inevitably be washed down with it, plus the effluent from cars (exhaust particles, oil, rubber...) and the remains of dog soiling and urine. DWH state that the water will be filtered - but will filtration system remove all such soluble pollutants? They have also given no indication as to how the maintenance of the filters will be organised or funded in perpetuity. Is it to become a burden on the local parish precept funded by general rates or will they or their successors continue to be responsible?

Local residents already complain that the mains water pressure drops to an unacceptable level on a regular basis. The proposed connection of a further 50 family homes to the mains will make this position worse. As there are a number of other proposed developments in the parish the cumulative effect of these must be considered.

It is also considered that the local amenities are fully stretched. In particular the local primary school is already nearing its capacity for the catchment area children with very little room for expansion. A sudden influx of 50 families will have a negative impact on the efficient running of the school and its relationship with the local community. Parking near the school is a constant critical issue and a cause of conflict with local residents - the police have been involved several times. The additional influx would only exacerbate the problem.

#### Design, Appearance and Materials

The development does not offer a mix of properties i.e. no bungalows or similar for elderly people. There is nothing the support the concept of sustainability or areas for home-working-these will be executive homes for commuters. The designs do not offer energy saving measures or microgeneration (solar panels).

The development clearly allows (and DWH have admitted in open meeting) for further expansion into the fields behind the current proposal. At the very least the proposals should be redrawn to prevent this from happening

The design of many of the properties does not allow sufficient space for freezers and gardening and domestic equipment. The design of all the properties does not incorporate space for secure storage of wheelie bins. As a result these items will be stored in the garages of the properties consequently leaving cars parked on the street. There is nothing in the proposal to prevent parked cars from partially blocking the access to the proposed development or even being dangerously parked on the A438.

#### Government & Local Policy

The number of homes planned (50) far exceeds the average build rate necessary to satisfy an annualised rate (7per year) needed to supply the total of 118 homes needed under the proposed "Herefordshire Local Plan - Core Strategy 2013 - 2031".

#### Nature Conservation

The site forms part of a scenic view from the North West of Bartestree, where local people walk and enjoy the countryside. This view will be spoiled for ever once the homes are built.

On the plans the footpath LU6 is not shown but it does cross the corner of the field and should therefore be protected.

It was considered that the attenuation pond would be better located to the east of and adjacent to the existing pond than its proposed location.

#### Saved Policies from the UDP pertinent to this application:

H5 - Bartestree is a main village in which no land was allocated within the UDP for development.

H7 - Policy seeks to restrict housing in the open countryside, outside of defined settlement boundaries.

HBA4 - New build should not adversely affect listed buildings and their settings (proximity of site to Prospect Cottage, a listed building)

If saved policies have no bearing on current planning applications, then what is their function?

#### Other Comments Included:

It is immoral that the absence of a "5-year housing supply" should be sufficient grounds to allow building on a green field site which is located outside the previous settlement boundary established through the previous local development plan.

There is an established Neighbourhood Development Plan Steering Group presently working on a detailed consideration of all SHLAAs and about to launch a consultation of local residents. It is considered premature to allow any such large housing estate to proceed before the NDP conclusions are known.

There is already another Planning Application, for 30 houses on Quarry Field in the Parish. Five other lots of land have been sold by auction as 'parcels of land and building', and housing plans are likely to be submitted for those. We understand that pre-application consultation has also taken place regarding yet another site of potentially 30 properties. We believe that these various sites should not be considered each in isolation, but that the cumulative effect on the Parish must be taken into account. If all were permitted, the 20-year Core Strategy target of 118 houses could already be exceeded within the next two or three years.

#### Localism Act 2011

The Localism Act 2011 is expressly designed to give residents a powerful voice in the ongoing development of their communities.

The developers have no consideration for the views of local people. As reported in DWH's own Community Update, 68% of those who responded rejected the proposal and only 7% of local people supported the proposal.

A recent petition of local people echoed this view when 825 residents living in the Parish signed their agreement to the following statements.

- 1) I accept that the Herefordshire Council Core Strategy guideline of 18% expansion (about 118 houses) up to 2031 is reasonable.
- 2) I accept that sites should be chosen taking into account the recommendations of the Neighbourhood Development Plan now being developed by local residents and to be voted on in a Parish Referendum.

## Demand for housing

There is little demand for this number of homes here and now. The people who might purchase them will not be employed locally but in Hereford, the local market towns or beyond.

Finally, in virtually all aspects, this proposal has nothing positive to offer the people of Bartestree and Lugwardine.

5.2 Over 90 letters of objection have been received from local residents. The content is summarised as follows:

- The scale of development sought in terms of number will dominate and transform the notion of village life.
- Other large-scale developments are likely to come forward, transforming the feel of the village, resulting in coalescence with Lugwardine and turning the village into nothing more than a suburb of Hereford;
- The development represents poor design. The houses are not in keeping with the locality;
- The pressure brought to bear by the response to the Council's apparent housing land supply issue is wholly prejudicial to the Parish's Neighbourhood Plan. A steering group has been enacted;
- The Draft Local Plan – Core Strategy 2013-2031 envisages proportionate growth of 118 dwellings over the plan period. This equates to 7/8 a year. Parishioners are supportive of a staged and progressive approach, utilising the redevelopment of brownfield sites rather than a headlong rush to meet a shortfall that only exists because of the planning policy position;
- At various times existing dwellings suffer from reductions in water pressure. Adding 50 dwellings will exacerbate this issue. Assurances given by the developer and Welsh Water are not sufficient;
- The proposed access is close to the brow of a hill. The road is designated a 'road for concern' by the West Mercia Safe Roads Partnership and speed measurements reveal that a high proportion of vehicles break the 30mph speed limit;
- The demand for housing does not derive from the existing local community. These houses will become the preserve of executives who work elsewhere and commute long distances to work;
- There is no continuous pavement link between Bartestree and Lugwardine. This is particularly relevant given the developer's assertion that the site is well served by footpaths. School children walking to the high school in Lugwardine have to cross the A438 at two points. Pedestrians coming to the primary school in Bartestree from Lugwardine have to do the same;
- The development will result in the loss of privacy for residents in Williams Mead;
- The schools are at capacity and without the ability to expand on their sites. This has been confirmed by the head-teacher of Lugwardine Primary School (located in Bartestree);
- The submitted layout would appear to enable access into fields beyond – something that the developers readily admitted to at the consultation event;
- The infrastructure locally does not support large-scale housing. There are no local employment opportunities, medical facilities and only one comparatively modest convenience store;
- Drainage is a significant constraint. The existing mains sewer is considered over capacity, as is evidenced by frequent flooding locally;
- The adverse impact on views from north of the village is not referenced. The impact on views from public footpaths locally will be significant;
- The historical and cultural narrative of the villages would be better served through smaller development;
- The development delivers nothing for the existing community;
- The proposed dwellings do not meet the needs of the elderly. There are no bungalows;

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- The development would result in the loss of prime agricultural land at a time when we should be producing more food for ourselves;
- The cumulative impact of this and other proposed development should be considered in relation to the impact upon existing residents, infrastructure and traffic congestion;
- The surface water drainage strategy is likely to have an adverse impact on local watercourses, which are tributaries of the River Lugg/Wye SSSI/SAC;
- There are no allotments or public open space and the site does not enjoy good links to existing facilities;
- The houses are over-powering and not well suited to the village environment;
- The bus service is poor and it is ludicrous to suggest that people will car share;
- The developers own statement confirms the strength of local opposition to the proposal;

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 application seeks planning permission for the erection of fifty dwellings on an open field immediately adjacent the residential development known as Williams Mead, Bartestree. The site lies to the west of the village, outside but adjacent the UDP settlement boundary. The site has been subject to the Strategic Housing Land Availability Assessment (SHLAA) and categorised as having low/minor constraints. The key issues are considered to be:-

- An assessment of the principle of development at this location in the context of 'saved' UDP policies, the NPPF and other material guidance;
- An assessment of the sustainability of the scheme having regard to the presumption in favour of sustainable development;
- An assessment of the scheme's impact on the existing settlement in terms of privacy, character and amenity;
- An assessment of impacts on highway safety.

The Principle of Development in the context of 'saved' UDP policies the Framework and other material guidance

6.2 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). UDP policy S3 sets out provision for the erection of 800 dwellings per year between 2001 and 2007 and 600 per year thereafter. The distribution for housing is split between Hereford and the market towns, main villages and the wider rural area. The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan/Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF. Essentially, the greater the degree of consistency, the greater the weight that can be attached.

6.4 Bartestree is defined as a main village under saved UDP Policy H4. This site falls outside the settlement boundary, which ends at Williams Mead. Development is thus contrary to 'saved'

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479



UDP policy H4 and none of the exceptions under Policy H7 are met. It is clear, therefore, that the proposal is contrary to the housing delivery policies of the UDP.

- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but only where saved policies are consistent with the NPPF:-

*“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

- 6.6 The effect of this paragraph is to effectively supersede the UDP with the NPPF where there is inconsistency in approach and objectives. The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15.

Paragraph 47 states: *“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 supply of deliverable housing sites.”*

- 6.7 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This was the published position in April 2012 and again in July 2012, since when there has been no further published figure. However, the position has recently been clarified by the Inspector’s decision following the Public Inquiry for Home Farm, Belmont – APP/W1850/A/13/2192461. The Inspector concluded that housing sites identified in the emerging Core Strategy could not be taken into account as there can be no guarantee that they will deliver housing within the first 5 years of the plan.

- 6.8 The Inspector also judged that on the basis of the Council’s housing requirement it does not have a five year supply, is significantly short of being able to do so, and persistent under-delivery over the last 5 years would render the authority liable to inclusion in the 20% bracket.

- 6.9 In this context, therefore, the proposed erection of 50 dwellings, including 18 affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

#### Hereford Local Plan – Draft Core Strategy 2013-2031

- 6.10 The Draft Local Plan is not sufficiently advanced for its policies to be attributed weight for the purposes of decision making and this has been borne out by the Home Farm decision. It is the case, however, that Bartestree is identified as a settlement within policy RA1 where it is anticipated that proportionate growth will occur during the plan period to 2031. This equates to approximately 118 dwellings. It is clear, therefore, that Bartestree can expect to accommodate proportionate growth over the plan period and this is generally accepted. It is the timing of and location of development that are in dispute; the Parish Council and a number of local residents stating that large-scale development of this nature is prejudicial to emerging neighbourhood plan proposals; although recent appeal decisions confirm that emerging neighbourhood plans cannot be given significant weight for the purposes of decision taking.

- 6.11 On this basis officers conclude that in the absence of a five-year housing land supply the presumption in favour of *sustainable development* set out at Paragraph 14 of the NPPF should apply (if it should be concluded that the development is sustainable) and the principle of

development cannot be rejected on the basis of its location outside the UDP settlement boundary.

#### The presumption in favour of sustainable development

- 6.12 In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.13 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present *and* future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Although not allocated for housing development; it being the intention in Herefordshire that neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having low/minor constraints and being capable of delivery within the first five years of the plan period. The current application is testimony to this. In the context of persistent under-delivery, including some large-scale UDP allocated housing sites on which development is still yet to commence; officers consider the immediate deliverability of this site to be a material consideration.
- 6.14 Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impact 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.
- 6.15 The requirement to ensure the supply of housing is boosted is further reinforced at paragraph 47 and paragraph 49 confirms that housing policies within the adopted development plan cannot be considered up to date in the absence of a five-year supply of deliverable housing sites.
- 6.16 NPPF paragraph 56 confirms that the Government attaches great importance to the design of the built environment, confirming that “good design is a key aspect of sustainable development” and “indivisible from good planning.” Good design should contribute positively to making places better for people. The NPPF recognises it is important to plan positively for the achievement of high quality and *inclusive* design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.17 Within this overarching approach it is recognised that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Paragraph 60 states as follows:-

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

- 6.18 ‘Saved’ UDP Policy DR1 (1) echoes the general aims and objectives of this approach, avoiding prescription, but advocating design that where relevant seeks to “promote or reinforce the distinctive character and appearance of the locality in terms of a range of issues including layout, density, scale, height and design. The appearance of individual buildings is not mentioned specifically and this is considered consistent with the NPPF guidance that policies should guide in relation to scale *et al* rather than prescribe an architectural approach. DR1 (3) also requires, where relevant that development should “respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines.”

#### Accessibility to goods, services and employment

- 6.19 As regards the sustainability of the site in locational terms, a number of representations refer to the lack of access to necessary goods, services and employment opportunities. It is argued that the bus service, although relatively good by comparison with other rural services, is not a genuine alternative to the private motor car. It is stated that Bartestree does not have employment opportunities within the parish and there is no access to medical care. The conclusion is that Bartestree is not equipped to accommodate large-scale housing development of this sort, but should be allowed to grow at a consistent rate throughout the Core Strategy plan period – about 8 completions per year.

- 6.20 Whilst taking this into account, it is relevant that Bartestree has been identified as a main village in the UDP and it is intended that this remain the case in the Draft Local Plan – Core Strategy. Emerging policies anticipate that rural settlements such as Bartestree will accommodate proportionate growth over the plan period; it is the means by which the need is met that it at issue. However, given that Bartestree is identified as a main village in the existing and emerging Development Plans, officers do not consider it can be argued simultaneously that such villages are unsustainable locations for proportionate housing growth. On this point officers are mindful of the Inspector’s conclusion in relation to the recent appeal at Whitehouse Drive, Kingstone, where the sustainability of the settlement was also at issue. The Inspector identified Kingstone’s inclusion as a main village in the UDP and the proposed inclusion as a RA1 settlement in the emerging Core Strategy – as is the case with Bartestree. Whilst noting that Kingstone did not contain all of the facilities necessary for day-to-day existence he held the view that it did support sufficient facilities to warrant its status as a sustainable location for future housing growth. Officers consider that this conclusion is equally applicable to Bartestree, which by comparison to Kingstone is very much closer to the County’s main population centre and also reasonably well-related to employment opportunities. To conclude that Bartestree is not a sustainable location for housing delivery would seriously undermine the evidence base supporting the Core Strategy; specifically the housing delivery policies and is not, in the opinion of your officers, arguable. The scale of the Whitehouse Drive development relative to Kingstone was also argued, but not supported by the Inspector.

#### Design, layout and architecture

- 6.21 It is acknowledged that good design is indivisible from sustainable development. Neither local nor national policy seeks to impose a straitjacket on designers. Good, innovative design is actively encouraged, particularly where it has the ability to promote or reinforce local distinctiveness. The local planning authority acknowledges the challenge that creating a sense of place can pose designers; particularly on mid-size schemes on discrete parcels of land at the edge of a rural settlement such as Bartestree. The Council acknowledges the

benefits to be derived from the provision of a good housing mix, but also that on schemes of 50 dwellings this in itself can present challenges in terms of giving a scheme qualities that ground it within the local context but also a unity within the scheme itself. In this instance the mix is such that provision is made for one-bedroomed affordable units and large, 5-bedroomed detached properties within the same scheme, whilst also including mid-sized dwellings. Incorporating a divergence of house-types is illustrative of the difficulty inherent in unifying manifestly different 'products' and thereby creating a 'sense of place'. It is the case, however, that traditional villages that have grown organically and less rapidly over time do have just such a mix – the large manor house and farmhouse, the small and medium sized cottages, the bakery and the smithy etc.

- 6.22 Officers agree that the submitted Design and Access Statement is accurate insofar as its assessment of the existing built form is concerned and believe it reasonable to describe Bartestree as comprising period properties, typically timber-framed or brick under natural slate aligned along the A438, with mid/late C20th expansion further to the north of the main road, in long cul-de-sacs with poor legibility and inter-connectivity. Thus the prevailing character can be hard to identify and the Summary Statement of Community Involvement correctly asserts that there is no strong prevailing architectural character. Bartestree is not without numerous examples of traditional Herefordshire vernacular, it is just that in terms of volume these examples are outnumbered by the more modern development which now serves as a backcloth to the period properties lining the A438.
- 6.23 From vantage points to the north, Bartestree is defined by this mid/late C20 expansion. There is a hard edge to the settlement when viewed from public vantage points to the north. Existing properties in Williams Mead, Croft Close and Burden Drive are often viewed in stark relief when seen across open countryside in the foreground. These developments are frequently inward looking with either rear or side elevations presented to open countryside in a manner that fails to engage or interact with the rural setting. Whilst it is not uncommon for traditional ribbon development to present flank or rear elevations to open countryside, this is often in a different context to that proposed here, where 2 ½ storey dwellings will stand in close proximity to each other and the boundary with open countryside.
- 6.24 The geometry of the application site is such that it is hard to conceive a response other than a relatively long estate road, with dwellings fronting on either side. It is unfortunate, but a consequence of circumstance, that connection cannot be made to existing developments and despite the relative proximity to the school, there is no means of accessing it directly from the application site. This lack of integration with existing development and the does challenge the development's sustainability from the perspective of social cohesion, but is largely unavoidable.
- 6.25 Revisions to the layout and housing mix and appearance have been undertaken in response to officer concerns. Principally the entrance to the site has been reviewed, with the plots at the entrance orientated to front the main road in a manner consistent with the period properties elsewhere along the A438. The house-types proposed are variations on the standard units used by the applicant and through an iterative process these have been reviewed in a manner that officers are now broadly satisfied with. The applicants have also responded to concerns expressed in relation to the layout of the affordable units in the northwest corner of the site, which are now arranged as a terrace of one-bed units with rearward outlook over open countryside. Previously these had been arranged as back-to-back units with shared amenity space. The palette of materials has also been reviewed, with some principal elevations throughout the scheme faced in painted render. This alleviates the regimented uniformity associated with the use of brick throughout and is considered more appropriate in a village scenario, where there is often a diverse range of architecture and consequently building materials. On certain units chimneys are incorporated as a reflection of local vernacular.

- 6.26 Given the eclectic mix of architectural styles and periods present in Bartestree it is difficult to reconcile policies that require the reinforcement or promotion of local distinctiveness with proposals for modern housing development, particularly where local distinctiveness has been blurred over time by comparatively large-scale C20th expansion; as is the case here. Certainly in views from the north the scheme will extend the panorama of mid/late C20th dwellings that already exists, ranging from St James Close at one end to Williams Mead at the other.
- 6.27 In conclusion, whilst officers accept that there is more than one potential approach to architecture on the site, the context is one of existing predominantly mid-late C20th dwellings that have grown up as small estates and now serve as the backdrop to the period properties that remain. In this context the use of standard house-types is not considered inherently unsustainable as a design approach but is broadly consistent with prevailing character locally.

#### Coalescence of Bartestree and Lugwardine

- 6.28 Many letters of representation and internal Council advice make reference to the importance of the application site as a physical break between the built up parts of Bartestree and Lugwardine, which are distinct villages. Officers have considered this issue and acknowledge that development here would erode the gap. It is concluded, however, that in the weighing of issues, and mindful of the low/minor constraints assessment via the SHLAA, that this issue is not one that warrants refusal in isolation. This is particularly so in the light of a significant housing land supply deficit.
- 6.29 As such, whilst officers do acknowledge that the scheme is contrary to 'saved' policy LA3 – setting of settlements, this conflict is not sufficient in the light of prevailing housing land supply deficiency to warrant refusal on this issue alone. Clearly this is an issue that must be weighed in the balance.

#### Benefits arising from the proposal

- 6.30 S38 (6) of the Planning and Compulsory Purchase Act necessitates review of other material considerations alongside the provisions of the Development Plan in exercising the 'planning balance'. The main material consideration in the context is the National Planning Policy Framework, which supersedes the housing supply policies of the UDP. As such the acknowledged shortfall in deliverable housing sites represents a consideration of significant weight in favour of the scheme. The scheme would also boost the supply of housing and go some way to addressing the current need for affordable housing within the parish. In terms of the economic dimension of sustainable development, the development would introduce benefits in terms of the New Homes Bonus, as well as investment in jobs and construction in the area.
- 6.31 S106 contributions of around £450,000 have also been confirmed after a review of the viability report submitted with the scheme. It is agreed that contributions towards education infrastructure, open space and sustainable transport strategies are compliant with the CIL regulations (122(2)). A Unilateral Undertaking is in the process of preparation. In this respect the scheme complies with 'saved' UDP policy DR5, the Planning Obligations SPD and the Framework.

#### Other Matters

##### *Water and drainage*

- 6.32 There are no objections from Welsh Water, the Environment Agency or Council's Drainage Consultant on the issues of flood risk, pollution control, water supply or foul drainage conveyance. Welsh Water does recommend a Grampian-style condition to ensure that a fully integrated drainage scheme is designed prior to the commencement of development.

#### *Highway matters*

- 6.33 A substantial number of representations have raised highway safety as a significant area for concern. It is highlighted that the junction is close to the brow of a hill and that the road is designated a 'road for concern' by the West Mercia Safer Road Partnership. Parish Council organised surveys reveal that the majority of vehicles travel in excess of the 30mph speed limit. Speed measuring devices (SIDS) are frequently employed as a deterrent.
- 6.34 Objectors have also identified deficiencies with the pavements locally and take issue with the developer's position that the site is well served by pavements with onward access to the range of goods and services available in Bartestree. The traffic generation associated with the development is also queried; although the peak hour trip generation assessment has been revisited to the satisfaction of the Council's Traffic Manager. A number of objectors, the Parish Council included, find the submitted Travel Plan entirely unrealistic in its projections for car-sharing.
- 6.35 Saved UDP policy DR3 requires, where relevant, that development should provide a safe, convenient and attractive pattern of movement into, out of and across development sites, particularly for pedestrians, people with disabilities and the elderly. The NPPF has concise guidance at paragraph 32. It concludes that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In this instance the development would be served by an access onto the A438 that meets the Council's Highways Design Guide. Visibility is acceptable across the frontage, where a pavement also exists. Whilst the lack of a continuous footway between Bartestree and Lugwardine is noted, it is not considered that this pre-existing situation should be used as a basis for refusal of the scheme; particularly when the developer has given an undertaking that S106 contributions could reasonably be used to scope the potential for delivery of signalised crossings and/or pavement improvements and bus shelters. Taken as a whole, it is not considered that the scheme would result in severe residual cumulative impacts necessary to justify a refusal on transport grounds.

#### *Schools*

- 6.36 Lugwardine Primary School is found on Barnaby Avenue, Bartestree a short distance to the east of the application site. Although the distance from the north-east part of the application site is less than 100m the route to school would necessitate a walk via the public footpaths or otherwise back out onto the main road and then via the public footpath LU5. The school is at capacity and without obvious means of expansion. The Schools Capital and Investment Officer has confirmed that admission to non-catchment based pupils is characteristically high and that the Council may have to revert to a policy of giving priority to pupils resident within the catchment area. It is the case that 29% of pupils presently at Lugwardine Primary live outside catchment.
- 6.37 The NPPF identifies the importance of ensuring a sufficient choice of school places for existing and new communities and recognises that local planning authorities will need to work proactively in order to meet this requirement (paragraph 72). In this context the tension is obvious, but on balance, it is considered that the single issue of school capacity is not sufficient to warrant refusal of the proposal.

#### *Overlooking*

- 6.38 Residents of Williams Mead have referred to loss of amenity. Having enjoyed an aspect over open countryside this is understandable. Loss of view is not, however, a material planning consideration.
- 6.39 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, whilst the Council does have concerns in relation to the proximity of plots 34-41 to the common boundary with Williams Mead, the relationships in terms of window-to-window distance are not considered so poor as to warrant a refusal based on loss of amenity.

*Impact on adjoining listed building*

- 6.40 The Council is under a statutory duty to consider the impact of the proposal upon the adjoining heritage asset; the Grade II listed Prospect Cottage. The cottage lies to the west of the application site in what is, given the proximity to Bartestree and Lugwardine, a secluded position. A tall hedgerow bounds the cottage to the east, separating it from the application site. The cottage is set back from the highway's edge. The pre-submission layout saw a large two-storey dwelling sited parallel to the cottage in very close proximity to the common boundary. The revised layout has sought to address this by pulling development away from this boundary behind a small amenity area.
- 6.41 The position of the Building Conservation Officer is noted and accepted. It is clear that a development of this scale, which builds over the green space that presently separates the listed building from the rest of Bartestree, will have a pronounced impact on the setting of the heritage asset. However, when assessing the impact against the NPPF, officers conclude that the impact upon the building's setting constitutes less than substantial harm in the context of the housing land supply issue.

*Ecology*

- 6.42 The Council's Ecologist concurs with the findings of the submitted appraisal and it is considered that the proposal will have no worse than a neutral impact on ecological interests. The development is considered to accord with the provisions of the Development Plan and NPPF guidance in this regard.

*Community Engagement*

- 6.43 The developer undertook to carry out pre-application consultation events, including one-to-one stakeholder meetings and an open exhibition. The application is accompanied by a summary Statement of Community Involvement, which confirms that of the 120 respondents only 7% were in favour of the principle of development, whilst 25% were non-committal. It is clear that the developer has discharged its duty as regards the publicity of the proposal and associated engagement. What is less clear, however, is the extent to which the scheme has been modified as a direct consequence of local feedback.

*The proposal is premature and contrary to localism in the guise of the neighbourhood plan*

- 6.44 Bartestree and Lugwardine Parish Council has designated a neighbourhood plan area, although the plan itself is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking. Whilst acknowledging that large-scale schemes such as this appear contrary to the intended aims of localism, the Council cannot reject schemes purely because they are potentially prejudicial to the neighbourhood plan; particularly where the plan is in the earliest stages of preparation. In the same way that the Council cannot rely on emerging Core Strategy policies, emerging neighbourhood plan proposals cannot be attributed weight.

## *Energy Efficient Design*

- 6.45 The submitted Sustainability Report focusses on measures undertaken by the applicant to reduce energy demand across their standard house-types. Construction follows the 'fabric first' approach, which looks to reduce energy demand through high levels of insulation and a number of other measures as follows:
- *Upgraded heating controls such as weather compensation devices, delayed start thermostats and zone controls*
  - *Efficient hot water controls and storage cylinders*
  - *Energy Saving Trust recommended condensing boilers*
  - *Design air permeability of 5m<sup>3</sup>/hr/m<sup>2</sup>.*
  - *Bespoke thermal bridging details*
  - *100% Low E Lighting*
- 6.46 The improved fabric specification employed brings the performance of the two typical house designs to a level in excess of that required by the 2010 Building Regulations without recourse to renewable technologies. The H500 house-types reduces carbon emissions a further 7% over 2010 requirements, while the P382 achieves an approximate 3% betterment.

## **7. Conclusion**

- 7.1 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 7.3 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. S106 contributions are also noted (although a signed undertaking has not been completed). The ability of an increased population to underpin local services is also recognised.
- 7.4 Officers consider that in the context of existing development within Bartestree, the design of the proposal in terms of its layout and architecture is acceptable, albeit other approaches to the appearance of the dwellings could quite legitimately be considered. Furthermore, the concerns identified about the increased coalescence of the distinct villages of Bartestree and Lugwardine are noted and there is an acknowledged tension with regard to Policy LA3 of the UDP. However, when considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. It is also the case that the examples cited at footnote 9 to paragraph 14 are not applicable to this site i.e. the site is not subject to any national or local designations that indicate that development ought to be restricted. Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

## **RECOMMENDATION**

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479



That subject to the completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990, officers named in the scheme of delegation be authorised to issue planning permission subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **H06 Vehicular access construction**
4. **H09 Driveway gradient**
5. **H11 Parking - estate development (more than one house)**
6. **H13 Access, turning area and parking**
7. **H18 On site roads - submission of details**
8. **H19 On site roads - phasing**
9. **H20 Road completion in 2 years**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Secure covered cycle parking provision**
13. **G09 Details of Boundary treatments**
14. **G10 Landscaping scheme**
15. **Before construction works commence on site, a hydraulic modelling assessment shall be undertaken by the developer in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.  
Reason: To protect the integrity of the existing water supply system.**
16. **There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.  
Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run-off to public system**
20. **L04 Comprehensive & Integrated draining of site**
21. **I16 Restriction of hours during construction**

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- 22. I51 Details of slab levels
- 23. I55 Site Waste Management

**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. HN04 Private apparatus within highway
- 5. HN28 Highways Design Guide and Specification
- 6. HN13 Protection of visibility splays on private land
- 7. HN05 Works within the highway

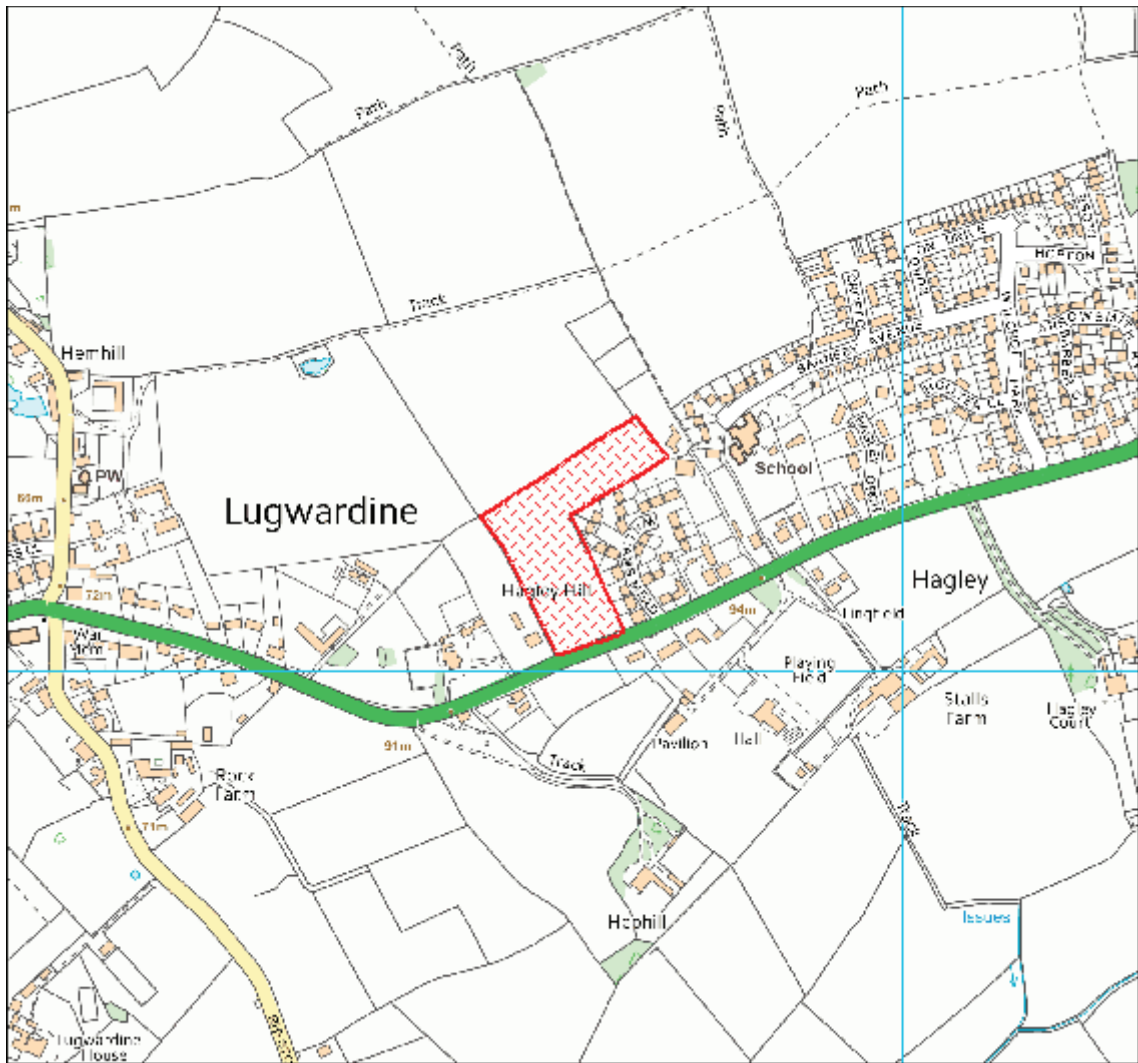
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 132536/F

**SITE ADDRESS :** LAND ON LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

## **DRAFT HEADS OF TERMS**

### **PROPOSED PLANNING OBLIGATION AGREEMENT**

#### **Section 106 Town and Country Planning Act 1990**

**Planning Application: 132536/F**

Proposal: Residential development comprising 50 dwellings, including 18 affordable dwellings on land off A438 (Ledbury Road) Bartestree, adjacent to Williams Mead.

1. **The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £246,010.00 (index linked) for enhanced educational infrastructure at North Hereford City Early, Lugwardine Academy, St Francis Xavier Primary School, The Bishop of Hereford Bluecoat School, Hereford City youth service and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.**
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£101,480.00** (index linked) for sustainable transport infrastructure to serve the development. The sustainable transport infrastructure may include improvements to public transport facilities, improvements to cycling and pedestrian facilities, including off road routes to and from Hereford and the colleges, widening of splay and entrance to the village hall and playing fields. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£65,218.00** (index linked) for off-site play facilities. This contribution would be used in consultation with the local community and Parish Council on off-site play facilities within the village at Frome Park and the Village Hall in accordance with the Play Facilities Study and Action Plans. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£24,716.00** (index linked) for off-site sports facilities. This contribution would be used in consultation with the local community and Parish Council on off-site sports facilities in accordance with the Playing Pitch Assessment for Hereford and Indoor Facilities Strategy. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£7,282.00** (index linked) for enhanced Library facilities in Hereford City. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£3,840** (index linked). The contribution will provide for waste reduction and recycling in Hereford City. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse or on a phased basis in agreement with the Council and may be pooled with other contributions if appropriate.

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

7. The developer covenants with Herefordshire Council that 18 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. Of those Affordable Housing units, at least 9 shall be made available for social rent with the remainder 9 being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or 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:-
  - 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 10.2 satisfy the requirements of paragraph 11 of this schedule
  - 10.3 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 who has:-
    - a local connection with the parish of Bartestree and Lugwardine.
    - in the event there being no person having a local connection to the parish of Bartestree and Lugwardine a person with a local connection to one of the following parishes: Holmer, Hampton Bishop, Mordiford and Dormington, Weston Beggard and Withington
    - in the event there being no person with a local connection to any of the above parish any other person ordinarily resident within the administrative area of Herefordshire 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 10.3 above
11. For the purposes of sub-paragraph 10.3 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
  - 11.1 is or in the past was normally resident there; or
  - 11.2 is employed there; or
  - 11.3 has a family association there; or
  - 11.4 a proven need to give support to or receive support from family members; or
  - 11.5 because of special circumstances
12. 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 a 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.

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. 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.
14. In the event that Herefordshire Council does not for any reason use the sum specified 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.
15. 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.
16. 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.
17. 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.

Yvonne Coleman  
Planning Obligations Manager



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<b>132221/O - SITE FOR PROPOSED DWELLING AT TALBOTS FARM, THE RHEA, SUTTON ST NICHOLAS, HEREFORDSHIRE, HR1 3BB</b>  <b>For: Mrs Major per Mr C Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132221">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132221</a>

**Date Received: 29 August 2013**

**Ward: Sutton Walls**

**Grid Ref: 353494,245155**

**Expiry Date: 15 November 2013**

Local Member: Councillor KS Guthrie

## 1. Site Description and Proposal

- 1.1 Planning permission is sought in outline with all matters reserved for the erection of a dwelling on land at Talbots Farm, The Rhea, Sutton St. Nicholas. The land forms part of a larger field used presently for grazing. The indicative layout proposes a means of vehicular access direct from The Rhea, an unclassified road, utilising the existing driveway presently serving three separate dwellings; The Talbots, Longview and Century House.
- 1.2 The application site falls outside but immediately adjacent the settlement boundary for Sutton St. Nicholas as defined under policy H4 of the Unitary Development Plan. The application site area is irregular in shape and the indicative layout envisages a single, detached dwelling positioned to the south-east of The Talbots and north-east of Lower House.
- 1.3 The access and neighbouring dwellings lie within the conservation area, the boundary for which is broadly coincidental with the domestic curtilages of the adjoining dwellings. The bulk of the site is outside the conservation area.
- 1.4 The application is accompanied by a Phase 1 habitat survey and Design and Access Statement.

## 2. Policies

### 2.1 The National Planning Policy Framework 2012:

- Paragraph 7 - Sustainable development
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy design

### Paragraph 215

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Further information on the subject of this report is available from Mr D Dugdale on 01432 261566

## 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
HBA6	-	New Development Within Conservation Areas
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H16	-	Car Parking
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development

2.3 Sutton St. Nicholas Parish Council have recently designated a Neighbourhood Plan Area. However, this is in the early stages of development.

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 None.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions requiring the separation of foul and surface water drainage.

### Internal Council Advice

4.2 Traffic Manager: Access is shown from the existing shared private driveway from The Rhea. The single property proposed would bring the number of properties served off the private drive to five, which is the maximum indicated in our design guide. The Rhea is narrow with limited passing opportunities, but one additional property is considered acceptable.

4.3 Conservation Manager: The application site is located to the south of the village of Sutton St Nicholas. Part of the site is within the Sutton St Nicholas Conservation Area, though most lies immediately outside the boundary. Most of the site is also located outside the settlement boundary of the village.

Adjacent to the application site to the southwest is The Talbots, an unlisted but locally important dwelling, which probably dates from the 17th century though with 18th century alterations. To the south of The Talbots are the associated barns of the farmyard and these buildings all form an important view in the Conservation Area.

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Further information on the subject of this report is available from Mr D Dugdale on 01432 261566



The application is for the construction of one dwelling of four or more bedrooms on a plot with a partially shared access off The Rhea. As it is only an Outline application with all matters reserved there is very little information given on which to assess the impact of a dwelling on the Conservation Area and the views into and out of the area. Consequently it is necessary to register an objection.

4.4 Conservation Manager Ecology: No objection subject to adherence to the recommendations set out in the submitted ecological survey.

4.5 Conservation Manager HRA: On the basis of Welsh Water's confirmation that there is capacity in the main foul sewer, there is no objection.

## 5. Representations

5.1 Sutton St. Nicholas Parish Council: Object.

Resolved to object as it is outside the village envelope and the Parish Council is waiting for its Neighbourhood Plan to be developed. There is no independent access to the main highway.

5.2 Eighteen letters of objection have been received from local residents and the CPRE. The content is summarised as follows:-

- The Rhea is unsuitable for additional traffic with little room for manoeuvre. This scheme will increase the danger for existing road users;
- The site is agricultural land beyond the existing settlement boundary and this development would represent an encroachment in to open countryside;
- Approval would set a precedent and increase the likelihood of development in the adjoining field;
- Development of the application site would be contrary to the Strategic Housing Land Availability Assessment, which concluded that the field as a whole is subject to significant constraints;
- The Draft Herefordshire Local Plan – Core Strategy 2013-2013 Policy SS3 states that in releasing residential land priority will be given to brownfield sites. The proposed site does not qualify as such;
- This proposal is not consistent with the theme of sustainable development enshrined in the NPPF;
- The indicative plan and Design and Access Statement is misleading as it is based on the supposition that Longview and Century House will purchase the land to extend their gardens and thus preserve their views. This cannot be substantiated and should not be taken into account when making a decision;
- The proposed dwelling would, as recognised by the Conservation Officer, have a detrimental impact on the visual and environmental quality of the area;
- The proposal is prejudicial to proper consideration of neighbourhood plan proposals;
- The site is of considerable visual amenity and provides habitat for a number of protected species including Barn Owls, other predatory birds and bats. All are protected by law and would be endangered should development proceed;
- The construction phase associated with any development would adversely affect the living conditions associated with adjoining property;
- Low water pressure is an existing problem, whereas it is reported that there may be difficulty in providing other services to the site e.g. gas and electricity.

5.3 The submitted Design and Access Statement explains that land within the red line application site area has been included on the premise that it could be transferred to Longview and Century House at a later date. It is the view of officers that this is immaterial to the planning judgement and a matter that cannot be attributed any weight.

5.4 The Design and Access Statement also refers to the use of sustainable construction techniques, micro-generation and sustainable drainage systems as positive aspects of the development and that the proposal could be designed so as not to result in overlooking of adjoining property or loss of view.

5.5 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 proposal is the erection of a single property on land accessible via an existing field access off a short residential cul de sac served by the narrow, unclassified lane known as The Rhea. The site is irregular in plan and located in the north-west corner of a larger parcel of land, which appears to be remnant orchard and is presently used for grazing. The site is bounded to three sides by existing residential development. Vehicular access would be via the existing access serving Century House, Longview and The Talbots.

6.2 The Development Plan is the Herefordshire Unitary Development Plan 2007 (UDP). Within this document Sutton St. Nicholas is defined as a main village, within which residential development is acceptable in principle. The application site falls outside but is immediately adjacent the settlement boundary. For planning purposes, therefore, the site is in open countryside and residential development would, if considered against the UDP in isolation, be contrary to adopted policies. The UDP does, in exceptional circumstances, permit the development of land adjoining settlement boundaries where required in connection with an identified need for affordable housing within the parish. This proposal is not for affordable or low-cost market housing.

6.3 It is the Council's acknowledged position, however, that the housing delivery policies of the UDP are, in the context of a housing land supply deficit, out of date. In such circumstances these policies, which include H4 and H7 must be considered out of date, with the National Planning Policy Framework (NPPF) taking precedence as a significant material consideration. Paragraph 14 of the NPPF confirms that where the development plan is absent, silent or relevant policies are out-of-date, there is a presumption in favour of granting permission for sustainable 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.

6.4 It is clear therefore that reliance cannot be placed upon UDP policies which would categorise the application site as being in open countryside. Instead it is necessary to consider whether, in the context of a housing land supply deficit, the application is one that would promote sustainable development as envisaged by the NPPF. If a proposal is held to represent sustainable development then the NPPF presses for the prompt grant of planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole or specific policies of the Framework indicate that development should be restricted." Paragraph 14 NPPF. The footnote to paragraph 14 identifies that the specific policies referred to are those that operate to protect specified designations, including AONBs and other heritage assets.

- 6.5 The NPPF refers to the three dimensions of sustainable development (economic, social and environmental) and confirms that in pursuit of sustainable development these dimensions are to be considered holistically. It is clear from appeal decisions that defining sustainable development goes beyond the former PPG13 test of locational sustainability and that consideration should be given to potential economic, social and environmental benefits arising from development. It is clear that NPPF paragraph 14 envisages a 'planning balance' with the presumption taking effect unless significant and demonstrable harm can be identified.
- 6.6 In terms of its location, case officers consider the site to be well related to the current built form. In accordance with the Council's interim protocol the site is immediately adjacent the settlement boundary and seen within the context of existing dwellings. As the application is in outline form a detailed assessment of the impact on visual amenity and the living conditions at adjoining residential property cannot be undertaken. Officers are content, however, that it would be possible to design a dwelling that would preserve the existing levels of residential amenity at adjoining properties. In this respect care would have to be taken to ensure that position on plot, scale, and orientation of windows are carefully considered and this can be considered fully at the Reserved Matters stage should permission be granted.
- 6.7 The Sutton St Nicholas conservation area bounds the site to the north west and south east and extends partially into the site beyond its north west boundary. However the bulk of the site, including the indicative siting of the house, is outside the conservation area. The character of the two existing dwellings backing on to the north west boundary may be described as conventional two storey gable ended and linked by garages beyond these properties towards the church and within the conservation area, there is a modern housing layout. Backing on to the north east boundary of the site are the rear gardens of semi-detached dwellings fronting Millway a residential street. To the south west is Talbots Farm recently converted into two dwellings, a site for which permission has been previously granted for two dwellings with access on to the Rhea beyond which is an existing dwelling fronting the Rhea. In this context it is considered that an appropriately designed dwelling would not harm the character of the surrounding area and would be achievable at the reserved matters stage in a manner that would preserve or enhance the character of the neighbouring part of the conservation area. In this respect the scheme is capable of complying with saved HUDP policy HBA6 and the NPPF with regard to the protection of heritage assets.
- 6.8 A report providing the results of a Phase 1 Habitat survey has been submitted and provides recommendations with respect to lawful practice and planning policy. The recommendations are not onerous and fall within the scope of a planning condition
- 6.9 Likewise, and in recognition of the edge of village location, officers would recommend a condition to require the prior approval of boundary treatments that are appropriate to the area. Officers would recommend native species hedgerow in preference to more suburban brick walls and/or close-boarded fences.
- 6.10 The Traffic Manager has identified issues with the U72600 in terms of its narrowness, but concludes that one further dwelling could be accommodated under the existing scenario provided that appropriate parking and turning areas are provided within the proposed site. The site is large enough to make adequate provision for parking and private amenity space and conditions are recommended to ensure this. Moreover it is considered that the one additional dwelling proposed would not compromise vehicular or pedestrian safety in the existing cul-de-sac or the Rhea.
- 6.11 The local concerns have been given due consideration. Overall, in the context of the above mentioned policies and other material considerations it is considered that the application site location is sustainable with regard to the NPPF in particular paragraphs 14 and 49.

- 6.12 With regard to the precedent concerns the proposal has been considered on its merits as is appropriate. Moreover the use of the proposed access for any further dwellings is unlikely to be viable.
- 6.13 The applicant has opted to submit the application without a Section 106 Agreement but on a condition that any permission will be subject to a condition requiring the submission of reserved matters within two years of the grant of permission

## **RECOMMENDATION**

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

- 1. Details of the layout, scale, appearance, access and landscaping of the development permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and development shall be carried out as approved**

**Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and having regard to the Council's suspension of the Requirements of Policy DR5 of the Herefordshire Unitary Development Plan.**

- 3. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.**

**Reason: To comply with the provisions of Section 9(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.**

- 4. G11 Landscaping scheme - implementation**
- 5. L01 Foul/surface water drainage**
- 6. L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**
- 8. H09 Driveway gradient**
- 9. H27 Parking for site operatives**
- 10. G14 Landscape management plan**

11. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

12. **I16 Restriction of hours during construction**

**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. **Welsh Water Advice:**

**If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.**

**Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

**The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.**

**Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)**

**Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)**

3. **HN01 Mud on highway**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.









<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>131899/F - EXTENSION OF TIME TO PLANNING PERMISSION DMCW100570/F - GOLF DRIVING RANGE, GOLF SHOP, FENCING &amp; FLOODLIGHTS. AT HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD</b></p> <p><b>For: Halo Leisure per Mr M Copson, 3 Land Oak House, 411 Chester Road North, Kidderminster, Worcestershire, DM0 1TB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131899">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131899</a>

**Date Received: 10 July 2013**

**Ward: Three Elms**

**Grid Ref: 350331,241650**

**Expiry Date: 9 October 2013**

Local Members: Councillors PA Andrews, EM K Chave and C Nicholls

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

- 1.1 The application site lies to the west of Holmer Road (A49) and comprises the leisure centre building together with its associated facilities that are sited within the race course. These include the golf course, running track and floodlit artificial football pitch and other sports pitches.
- 1.2 This application takes the form of an extension of time to implement a previously approved application CW100570/F) for the erection of a building that would accommodate a golf pro shop, café / circulation area (locker room), office and repairs area along with a video room and club fitting, teaching bay and 14 bay driving range.
- 1.3 The proposed building would be sited to the north west of the leisure centre building and directly to the north of the running track. The building itself would be single storey, the main section having a footprint of 28.5m by 8m with a smaller part extending to form an L having a footprint of 6.6m by 6m.
- 1.4 The driving range bays then extend to the rear along the full the length of the building and beyond having a total length of 49.5m. The eaves height of the building is 3 m with a maximum height of 4.4m (to top of driving range bay facing out into the race course).
- 1.5 The proposal also requires a 10m high net to be erected around the perimeter of the driving range and lights are also proposed to illuminate the driving range.

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

## 2. Policies

2.1 National Planning Policy Framework.

2.2 Herefordshire Unitary Development Plan:

S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR7	-	Flood Risk
RST1	-	Criteria for Recreation, Sport & Tourism Development
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
HBA9	-	Protection of Open Spaces & Green Spaces

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>

## 3. Planning History

3.1 CW093190/F - New golf driving range, shop, 10 metre ballstop fencing and ground floodlighting – Withdrawn

CW100570/F - New golf driving range, shop, ballstop fencing, ground floodlighting - Approved with conditions 29<sup>th</sup> September 2010.

## 4. Consultation Summary

### Statutory Consultees

4.1 The Environment Agency raise no objection and comment that since the initial application the flood map has been updated (Nov 2012) and as such, the driving range and shop are confirmed as being in Flood Zone 1 – the low risk zone).

### Internal Consultation Responses

4.2 The Transportation Manager raises no objection and recommends that previous conditions should apply.

## 5. Representations

5.1 Hereford City Council raises no objections.

5.2 A letter of objection has been received from Burgess Salmon, on behalf of Arena Racing Corporation Limited (operator and leasehold occupier of Hereford Racecourse) who makes the following comments:

- There has been a change in policy since the last decision with the introduction of the NPPF and its requirements in relation to the three roles of sustainable development;
- The client still holds race meetings 'Arabian Race days' between June and September;

- The client currently benefits from an uninterrupted line of sight around the racecourse and the proposed development could have a significant impact upon the success of the racecourse in the future as it will impede views onto the back straight. The siting of the building and ball stop fence will be incongruous and disproportionate where there are no other large structures.
- The frequency of the use of the driving range as proposed and impact of lighting will adversely affect the ability to hold race meetings
- As this was not implemented since 2010 would question the need for such a development?
- The building is isolated and will dominate the vistas and openness of the area
- The fencing is likely to be seen as a solid structure which will restrict all views
- The introduction of such a development will prejudice future use and set a precedent for a strategic development of the area.
- The area is set in a Flood Zone 3 and has not adequately considered the flooding issues.
- A continuous, unimpaired and uninterrupted view of any race is vital for race goers. Should the quality of the racing experience at Hereford be compromised because of the visual impact of the development, it could have repercussions on the popularity of any future racing events at the racecourse which will, in turn jeopardise the economic success of the clients business. The dis-benefits of the development outweigh the benefits.

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:

- The principle of development
- Impact upon the character of the area and open space
- Parking issues and highway safety
- Flood Risk

6.2 The application site lies within the area designated by saved policy RST4 of the Herefordshire Unitary Development Plan (UDP) as being 'Safeguarded existing recreational space'. This policy restricts proposals that would result in the loss of public or private open space with recreational value. It is considered that this proposal would enhance the existing use of this land as a golf course, with the facilities providing a wider choice of leisure and sports facilities rather than result in a loss. This approach is also supported, in principle, by policy RST1 of the UDP, on the basis that the proposal is considered to be appropriate to the needs of the community it serves; would not harm amenities of nearby residential properties and would respect environmental character and offer a choice of modes of transport. In this context, it is considered that the saved policies of the UDP are consistent with the broad principles of sustainable development set out in the National Planning Policy Framework (NPPF) given that it would support both social and economic roles without compromising the environmental qualities of the area. Section 8 of the NPPF recognises the importance of the planning system in facilitating social interaction and creating healthy, inclusive communities. The provision of enhanced facilities would in your officers' opinion meet these aims in a well connected location.

6.3 This application requests an extension of time to implement an identical application that was previously approved. This previous application followed a period of consultation and discussions with Council officers relating to where structures were erected and this process involved consideration of vantage points from the concourse and buildings at the Race Course to ensure that views of the 'jumps' were not obstructed and that there was minimal impact on the racing use

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

and character of the area. The plans detail the site lines from key positions within the racecourse complex and following the receipt of the objection, photographs were supplied by the applicant that identify the structure and how this was considered.

- 6.4 It is acknowledged that the building is of quite significant size and scale but it is considered that its minimal height and relatively discrete location are such that it will be read in the context of the other buildings, sports pitches, tracks and fencing alongside the leisure centre building, race course and stands and as such would not be out of character with, or cause significant harm to the character of the surrounding area. There are no residential properties that would be directly affected by the development.
- 6.5 Concern has also been raised about the height and impact of the netted structure. Although this is 10m in height, it is designed to be demountable during races or at other times if required and this is detailed on the plans. The nature of the netting / fence would not be intrusive or harmful to the character of the area.
- 6.6 The floodlighting, when read against the other floodlit sports facilities would not be uncharacteristic and it is considered that neither the building or its use would adversely affect the amenities of the residents, whose properties are a considerable distance away in any case. The application includes details of the hours of operation of the facility and hours of lighting (previous condition restricted this as follows: The floodlighting/external lighting hereby permitted shall not be switched on outside of the following times: - 7.15 am - 9.45 pm Mondays to Fridays, 7.15 am - 5.30 pm on Saturdays and Sundays). As with all other activities within the Race Course, these do not take place during race meets. As such the proposal complies with policy DR14 of the UDP.
- 6.7 In order to provide car parking for the additional / complementary use, the application requires the provision of car parking. Whilst this has not been included in this application it has been provided through the submission of a separate application (CW/100824/F) for 22 additional car parking spaces. Accordingly, this application is considered to be acceptable, subject to conditions, and it is suggested that any approval of this proposal be tied to the provision of the otherwise approved car parking and access improvements prior to its first use. These works also included improvements to the access that have been undertaken as part of the footway/ cycleway improvements.
- 6.8 The proposed driving range formerly lay within Flood Zone 2 and 3. However the Environment Agency has reassessed these maps and confirms that the buildings now lie within a Flood Zone 1. The applicants had previously addressed the concerns against the higher risk Flood Zone and officer's consider that the flooding of the site would be negligible and as such they raise no objection. As such the proposal would comply with the requirements of policies DR7 and those of the National Planning Policy Framework.
- 6.9 In conclusion, it is considered that this identical proposal to one previously approved accords with the saved policies of the UDP and that whilst the publication of the NPPF is an additional material consideration now, it is consistent with the UDP on the provision of recreational facilities in sustainable locations and as such the recommendation is for approval.

## **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. No development shall take place until details or samples of materials to be used**

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

externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

4. Prior to the first use of the building hereby permitted, the improvements identified in the drawing entitled "Job - Golf Range Visibility Splay" at Hereford Leisure Centre, Dated July 2010 shall be implemented in full.

**Reason:** In order to ensure that vehicles accessing and existing the site ensure the safety of users on the A49 having regard to Policy DR3 of the Herefordshire Unitary Development Plan.

5. Prior to the first use of the building hereby permitted the car parking approved under application number DMS/100824/F on the 28 September 2010 shall be implemented in full.

**Reason:** To prevent indiscriminate parking on the highway in the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

6. None of the existing trees and/or hedgerows on the site other than those specifically shown to be removed on the approved drawings (plan received 30 July 2010) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the Local Planning Authority.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

7. No development shall take place until a scheme of hedge planting has been submitted to and approved in writing by the Local Planning Authority as per the scheme detailed in the letter dated 29 July 2010 and plan received 30 July 2010. All hedge planting shall be carried out in accordance with those details and shall be carried out concurrently with the development hereby approved and shall be completed no later than the first planting season following the completion of the development.

The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

8. The floodlighting/external lighting hereby permitted shall not be switched on outside of the following times: - 7.15 am - 9.45 pm Mondays to Fridays, 7.15 am - 5.30 pm on Saturdays and Sundays.

**Reason:** To minimise the impact of the floodlights and to protect the residential

amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

9. The proposed floodlighting shall be carried out strictly in accordance with the proposed plan (UKS6328 - Berm Lighting) and the details supplied in the Abacus Lighting Limited Technical Report received on 9 April 2010.

Reason: In the interests of local amenity having regard to Policy DR15 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

10. Notwithstanding condition 9, no light source shall be visible from outside the extremities of the application site or produce more than 1 Lux of horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and 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, 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.

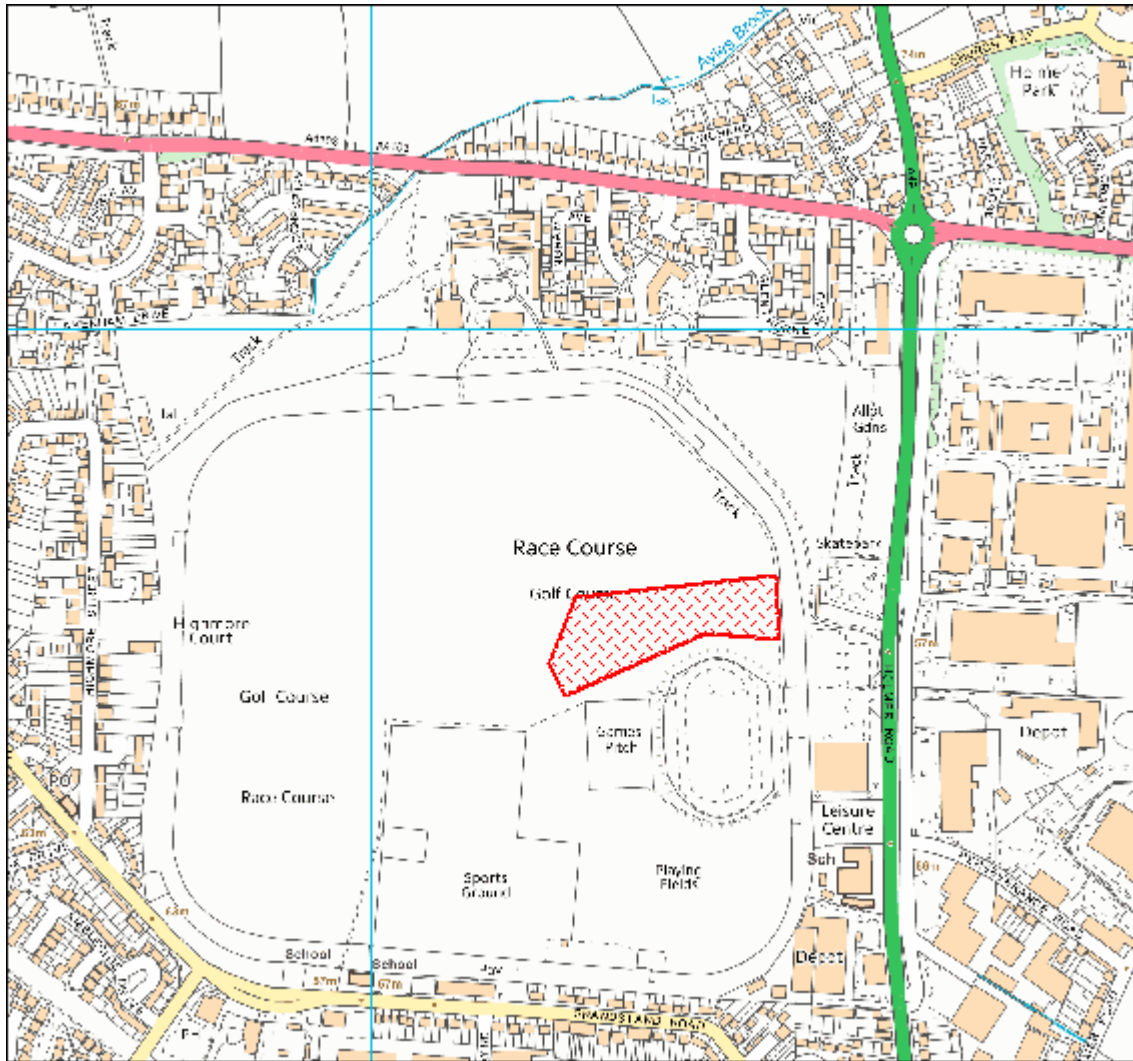
Decision: .....

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:** 131899/F

**SITE ADDRESS :** HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD

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