

AGENDA

Planning Committee

Date: **Wednesday 25 March 2015**

Time: **10.00 am**

Place: **The Shire Hall, St Peter's Square Hereford HR1 2HX**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor PA Andrews

Councillor AJM Blackshaw

Councillor AN Bridges

Councillor EMK Chave

Councillor BA Durkin

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor JLV Kenyon

Councillor JG Lester

Councillor RI Matthews

Councillor RL Mayo

Councillor PJ McCaull

Councillor FM Norman

Councillor J Norris

Councillor TL Widdows

Councillor DB Wilcox

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meetings held on 4 March.</p>	To Follow
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	7 - 8
7.	<p>143517 LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA</p> <p>Proposal for 7 no. Dwellings with garages and parking.</p>	9 - 20
8.	<p>143683 THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP</p> <p>Proposed erection of two dwellings with garages.</p>	21 - 28
9.	<p>143820 SEFTON COTTAGE, VOWCHURCH, HEREFORD, HR2 0RL</p> <p>Proposed subservient single storey self contained annexe, ancillary to existing dwelling house.</p>	29 - 36
10.	<p>P141368/O LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>Proposed site for 14 new residential properties to include 5 no. Affordable properties, vehicle turning and landscaping.</p>	37 - 60
11.	<p>150373 THE LAURELS, WELLINGTON, HEREFORD, HR4 8AT</p> <p>Proposed one and half storey extension (garden room reinstated after extension).</p>	61 - 66
12.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 14 April 2015</p> <p>Date of next meeting – 15 April 2015</p>	

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MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	APPEALS

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 143128

- The appeal was received on 19 February 2015
- 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 Roger Sweetman
- The site is located at Land to the rear of, 31 Highmore Street, Hereford, HR4 9PG
- The development proposed is Proposed erection of a two bedroom bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Withers on 01432 260612

Application 142108

- The appeal was received on 24 February 2015
- 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 J Hickton
- The site is located at Land adjacent to Lea Hall Cottage, Lea, Herefordshire, HR9 7LQ
- The development proposed is Site for up to 44 new dwellings of which 35% will be affordable (16 units)
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

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

Application 143373

- The appeal was received on 2 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr David Adams
- The site is located at Windy Oaks Farm, Birchwood Lane, Storrige, Malvern, Herefordshire, WR13 5EZ
- The development proposed is Proposed change of use from agricultural building to business use B1(c)
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

Application 141889

- The appeal was received on 2 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mr Kevin Rowsell
- The site is located at The Bache, Kimbolton, Leominster, Herefordshire, HR6 0ER
- The development proposed is Proposed variation of condition 2 of planning permission DCNC0009/1980/F (Conversion of redundant farm buildings into two dwellings and associated siteworks) Amendments to approved plan to include additional and relocation of roof lights, solar panels and new window.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application 142008

- The appeal was received on 6 March 2015
- 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 Mrs Jaqueline Thomas
- The site is located at Land between, 39 and 41 Westfaling Street, Hereford, Herefordshire, HR4 0HB
- The development proposed is Proposed development to demolish garage and carport and construct a two storey, two bedroom house.
- The appeal is to be heard by Written Representations

Case Officer: Ms K Gibbons on 01432 261781

Application 141828

- The appeal was received on 6 March 2015
- 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 SC Hardwick & Sons
- The site is located at Mill Field, Fownhope, Herefordshire
- The development proposed is Proposed residential development of 22 open market family homes and 11 affordable homes.
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479



MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143517 - PROPOSAL FOR 7 NO. DWELLINGS WITH GARAGES AND PARKING AT LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA For: Mr & Mrs Crump per John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143517&search=143517
Reason Application submitted to Committee – Contrary to policy	

Date Received: 25 November 2014 Ward: Castle Grid Ref: 329479,247089

Expiry Date: 26 March 2015

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site comprises 0.7 hectares of land located to the north of 'The Courtlands' a row of semi-detached two-storey dwellings. The site forms part of a field laid down to grass, to the north of the site is 'Courtlands Farm'. Vehicular access is obtained along an unclassified highway which runs alongside the western side of the site and this adjoins the A438 approximately 60 metres south from the application site.
- 1.2 This full application originally proposed thirteen dwellings. However following amendment it now proposes the construction of seven detached dwellings with garages and parking. The application form indicates that the dwellings are to be constructed externally of brick and render under either slate or clay tile roofs with timber for the external doors and windows.
- 1.3 The proposal is for two-storey dwellings, and proposes four dwellings with three bedrooms, and three dwellings with four bedrooms, six of the proposed dwellings make use of the roof space for the second floor accommodation. The application also proposes single bay detached garages for each of the proposed dwellings.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- | | | |
|--------------|---|--|
| Introduction | - | Achieving Sustainable Development |
| Section 6 | - | Delivering a Wide Choice of High Quality Homes |

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

- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment.

2.2 Herefordshire Unitary Development Plan 2007 (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H6 - Housing in Smaller Settlements
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- CF2 - Foul Drainage

Herefordshire Local Plan – Draft Core Strategy

- 2.3 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
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-Diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

- 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>

- 2.5 Eardisley Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. An emerging neighbourhood plan may be a material consideration once it has reached submission / local authority publication stage (Regulation 16). In the case of the Eardisley Parish, the Parish Council has prepared a Neighbourhood Development Plan for the area, and a neighbourhood area was designated on 10th April 2014. Work has commenced and the plan has reached draft plan (Regulation 14) stage. However, this

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

is not at a sufficient stage to apply any material weight. 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.

2.6 Supplementary Planning Guidance:

Planning Obligations

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory consultees

4.1 Welsh Water raises no objections.

Internal Council advice

4.2 The Transportation Manager has responded to the amended application recommending a condition be attached to any approval notice requesting visibility splays 2.4 x105 metres to the west, and 85 metres to the east at the entrance of the access road to the site from the adjoining A438 public highway.

4.3 The Conservation Manager (Ecology)

There is no ecological survey submitted in support of the proposal. The Design, Access and Heritage Statement merely states that “The site has no special landscape, ecological or historic significance value.” I visited the site on 25th February and can see how such a statement may have been made. The site is horse/pony grazed and appears to be of a somewhat degraded sward. There would not appear to be breeding habitat on or near to site for great crested newts nor any buildings or trees to be removed which might support bat roosts. I also note that hedgerows will be retained and I would wish to see a proper assessment and management plan for these boundaries. In view of the low apparent risk to protected species, I am willing to accept an ecological survey for the site as a condition of the planning. This survey should inform a species mitigation and habitat enhancement plan which should be required also by condition and be integrated with the landscape proposals. Should any protected species be revealed by the survey, the appropriate mitigation measures should be proposed and included in the above plan.

4.4 The Land Drainage Manager raises no objections subject to details being submitted with regards to a drainage strategy.

The response concludes stating:

‘We have no objections to the proposed development on flood risk and drainage grounds. However, for a development of this size we would expect to see an illustration of the proposed drainage strategy to demonstrate how this will be incorporated into the development proposals. We therefore recommend the following information is requested prior to granting planning approval:

- A drainage strategy showing the proposed location of any soakaways and demonstrating how the development will ensure no increased risk to people and property up to the 1 in 100 year event. The drainage strategy should demonstrate that exceedance of the drainage system has been adequately considered and that suitable

mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties.

- Information regarding the proposed adoption and maintenance of the drainage systems.

Prior to construction, we also recommend that the following information is provided as part of planning conditions and submitted to the council prior to construction:

- A detailed surface water drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.
- A detailed foul water drainage design, with supporting calculations, showing the location of the proposed package treatment plant and soakaway.
- Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level'.

A further response from the Land Drainage Manager seeking clarification with regards to advice in relation to the drainage strategy indicates that for this site, it is not of significant concern as the density of the development and site conditions indicate that a suitable drainage design can be provided. If there are no other issues and drainage is not considered to be of significant concern to the planning committee then I am happy for this information to be provided at a later date. However, if drainage is considered to be of significant concern to the planning committee then I would recommend that this is provided before it goes for final review.

- 4.5 The Conservation Manager (Landscape), raises no objections recommending conditions with regards to protection of existing boundaries and trees and further landscape mitigation be attached to any approval notice issued.

5. Representations

- 5.1 Eardisley Group Parish Council has responded to the application stating:

Comments passed to Winforton Councillors by Winforton residents:

The vehicular access is poor from the main A438. The site access is from Common Lane, which is a single track lane where frequently driveways to domestic premises are used as passing places. The junction from Common Lane to the A438 is obscured, particularly to the eastern end, due to a barn obscuring the view.

Access at the bottom of the lane could easily create a 'bottle-neck' situation.

Serious investigation should take place regarding the drainage and sewage situation on and around this plot of land.

Originally this parcel of land was included in the Neighbourhood Plan and parishioners felt they had the ability to influence the long term planning and strategies for their community. They are now asking the question, what is the relevance of the Neighbourhood Plan.'

In response to the amended plans the Parish Council responded stating:

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

We have consulted the people of Winforton both in public meetings as well as questionnaires and overwhelmingly on each occasion they have said 'that they want small but continuous developments over a number of years'. This application meets neither of the criteria requested by the village as being the way forwards for their community.

With the revision of this application from 13 to 7, there has been no revision of the application form, the design statement or the heads of terms. Residents do not know whether there will be any affordable homes (5 in the original document), or 106 money (clearly stated in the original). Even though there have been changes in the way 106 money is allocated, we believe that, since the original application / design statement / heads of terms are still representing this proposal, there should be 106 money arising from this proposal as of the date of the application.

Also there is no place in the design for waste bins. In these days of 2 wheelie bins per house, it is unacceptable that the future occupiers of these houses will have no place for their bins. And there is no apparent bicycle storage.

This is a sloppy amendment of an application which leaves residents guessing about the proposed provision.'

5.2 Twelve letters of objection have been received from members of the public.

Key issues raised can be summarised as follows:

- Concerns about the sustainability of the proposal.
- No mains drainage in the village.
- Concerns are raised about access.
- There are a number of dwellings for sale within the village.
- Local schools are close to capacity.
- Number of dwellings proposed is to high a density for the village concerned.

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

6. Officer's Appraisal

6.1 The key issues in relationship to this application are:

- Principle of the development.
- Access.
- Drainage.

Principle of the Development

6.2 Winforton appears as a smaller settlement within policy H6 of the UDP. This policy supports limited infill development only, as a consequence the proposal is contrary to that policy.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and became the sole planning policy document at national level. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual

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

policies of the UDP must therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.

- 6.4 Paragraph 47 of the NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 20% "buffer", dependent on each local planning authority's record for housing delivery. The appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.5 Consequently Herefordshire Council are presently failing to meet this requirement and 'relevant policies for the supply of housing should not be considered up to date' as stated in Paragraph 49 of the NPPF. On this basis, the council's housing policies, which define the geographical limits of residential development can be attributed little weight in the determining of an application for residential development.
- 6.6 As the Council's UDP housing policies can no longer be relied upon to determine the principle of residential development, applications should be considered 'in the context of the presumption in favour of sustainable development', as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 The 'social role' of development requires attention to the location for development with respect to local services and facilities. In this instance, the closest facilities and services to the site at approximately equal distant and located at the market towns of Kington and Hay-on-Wye. Both provide amenities which one would associate with a market town. Further still, Winforton is located alongside the A438 on which there is a bus service that provides limited transport to the city of Hereford and in the direction of Hay on Wye.
- 6.8 The application has been amended during the application process and originally proposed thirteen dwellings. Amended plans submitted now propose seven dwellings in a layout and scale considered more satisfactory in relation to the surrounding built environment. The proposal, which includes use of the roof space for the second floor accommodation, is considered to have a negligible impact on the local landscape character and is considered to conform with UDP Policy LA2 and chapter 11 of the NPPF.

Access

- 6.9 Access into the site is proposed off an unclassified public highway. The Transportation Manager has responded to the application requesting a condition for improved visibility splays at the junction of the unclassified public highway and the A438.
- 6.10 The works required refer to land outside of the applicants' control. Confirmation has been received from the land owner that the works to enable visibility splays as requested by the Transportation Manager are acceptable. These works will also benefit other road users. The proposal will give rise to a modest increase in use of the local highway network. The increase in use of the junction will have a negligible impact on highway safety. For these reasons the proposal is considered to have an acceptable impact on the local highway network in terms of safety and movement in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

Drainage

- 6.11 The site is not served by a mains sewage system and therefore a bio-disc sewage treatment plant is proposed. Such systems treat effluent and discharge purified water which can be discharged into the ground. The application proposes a soakaway system as part of the foul drainage discharge.

- 6.12 Welsh Water raises no objections and the Land Drainage Manager also raises no objections subject to a drainage strategy to include reference to a detailed surface and foul water drainage design with evidence of infiltration testing in accordance with BRE365.
- 6.13 Further clarification from the Land Drainage Manager has confirmed that this is not a significant concern as the density of the development and site conditions indicate that a suitable drainage design can be provided.
- 6.14 The site lies in Flood Zone 1- lowest risk, of the Environment Agency Flood data maps. Access into and out of the site is also achievable over land in the lowest risk category and whilst it is acknowledged that there is a higher risk flood area within the locality, it is noted that drainage from the site can be achieved without increasing flood risk potential in the surrounding locality.
- 6.15 With consideration to the location and intensity of development on site, drainage proposals are considered acceptable in principle and it is recommended that conditions are imposed requiring a detailed drainage strategy for the site.
- 6.16 Consequently the proposal is considered acceptable and in accordance with Policies S1 and DR4 of the UDP on drainage issues and chapter 10 of the NPPF.

Other Matters

Residential Amenity and Privacy

- 6.17 The development of seven dwellings is of an acceptable scale in relationship to the village, and can be accommodated without compromising the privacy of surrounding neighbouring dwellings or the privacy of the individually proposed dwellings.

Ecology

- 6.18 Whilst it is acknowledged that no ecology report was submitted in support of the application, the ecology value of the site is considered low, the site lacking ecological habitat of value, and with no known protected species on site or located adjacent to the site. As such it is recommended that the condition recommended by the Conservation Manger (Ecology) be imposed.

Neighbourhood Plan

- 6.19 Letters of objection received refer to concern about the prematurity of the application with regards to the neighbourhood plan. Refusal of planning permission on grounds of prematurity can seldom be justified and it is noted that, notwithstanding its status, this site is proposed for development in the Eardisley Neighbourhood Plan. Members may also note that 'Planning Practice Guidance', supporting the NPPF, states that circumstances where prematurity may constitute a reason for refusal are likely to be limited.
- 6.20 It is officer opinion that the emerging Core Strategy and Neighbourhood Plan are still at a relatively early stage of preparation and as such, prematurity cannot be argued as a reason to refuse this application.

Planning Obligations

- 6.21 The Government has recently introduced new legislation indicating that affordable housing and tariff style section 106 contributions should not be sought from developments of 10-units or less, where there is a maximum combined gross floor space of no more than 1000 square metres.

The gross floor space is calculated per m² of all new build floor space within the external walls of the building, including circulation and service space such as corridors, storage, toilets, etc. It includes attic rooms that are useable as rooms, but excludes loft space accessed by a pull-down loft ladder. It also includes both integral and detached garages and any other buildings ancillary to residential use.

- 6.22 If a residential scheme exceeds the gross floor space of 1000 square metres the developer will be required to deliver a policy compliant scheme thereby requiring 35% affordable housing and section 106 contributions in accordance with the Council's Planning Obligations Supplementary Planning Document.
- 6.23 During the application process the proposal was amended as a result of concerns about impact of the scale of the development, (13 dwellings). The proposal now falls below the 1000 sq.m threshold and subsequently no Section 106 Planning Obligation is required.

Conclusions

- 6.24 In light of the above, the principle, scale and design of the development is considered acceptable having particular regard to the location of the site in relation to the built up area of the village, local services and facilities. It is considered that drainage issues can be adequately addressed by the imposition of conditions. The intensification of vehicle numbers on the local highway, and impacts in relation to transportation issues are considered acceptable. On this basis it is recommended, in accordance with the presumption in favour of sustainable development as referred to in the NPPF and giving weight to the Council's inability to demonstrate a five year housing land supply, that planning permission be granted.

RECOMMENDATION

That officers named in the Scheme of Delegation are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
 - **Amended block plan - drawing number 1412/S/1A**
 - **Amended elevations and floor plans - Plots 1, 2 and 4 - drawing number 1412.12**
 - **Amended elevations and floor plans - Plot 3 - drawing number 1412/14**
 - **Amended elevations and floor plans - Plots 5 and 7 - drawing number 1412/15**
 - **Amended elevations and floor plans - Plot 6 - drawing number 1412/1G**
 - **Amended garage and elevations and floor plan - drawing number 1412/17**
- 3. CAB Visibility splays, (access lane((2.4) (105) metres to the west, 85 metres to the east)**
- 4. F14 Removal of permitted development rights**
- 5. C01 Sample of external materials**
- 6. D04 Details of window sections, eaves, verges and barge boards**

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

7. **D05 Details of external joinery finishes**
8. **D10 Specification of guttering and downpipes**
9. **G09 Details of boundary treatments (Detail will also be included with regards to boundary treatments between individual dwellings which will not be of close boarded fencing.**
10. **G10 Landscaping scheme**
11. **G11 Landscaping scheme implementation (11)**
12. **Prior to commencement of the development, a Preliminary Ecological Assessment (extended Phase 1 Habitat Survey) must be carried out and submitted to the local planning authority and approved in writing. The survey shall inform and specify any works to be included in a species mitigation and habitat enhancement also to be submitted to the local planning authority for approval, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must 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 National Planning Policy Framework and the NERC Act 2006'.

13. **CCO Site Waste Management**
14. **CBK Restriction of hours during construction**
15. **CCK Details of slab levels**
16. **L04 - Comprehensive & Integrated drainage of site which must include reference to the location of any soakaways and demonstrate how the development will ensure no increased risk to people and property up to the 1 in 100 year event. The drainage strategy must demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties and Information regarding the proposed adoption and maintenance of the drainage systems.**
17. **No development shall commence on site until the developer has prepared a detailed a detailed surface water drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event. A detailed foul water drainage design, with supporting calculations, showing the location of the proposed package treatment plant and soakaway. Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice indicating the invert levels of soakaways are a minimum of 1m above the groundwater level.**

Reason: To ensure effective drainage facilities are provided for the development as indicated and to ensure that no adverse impacts occurs to the environment and to comply with Policies DR4 and CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. N11A**

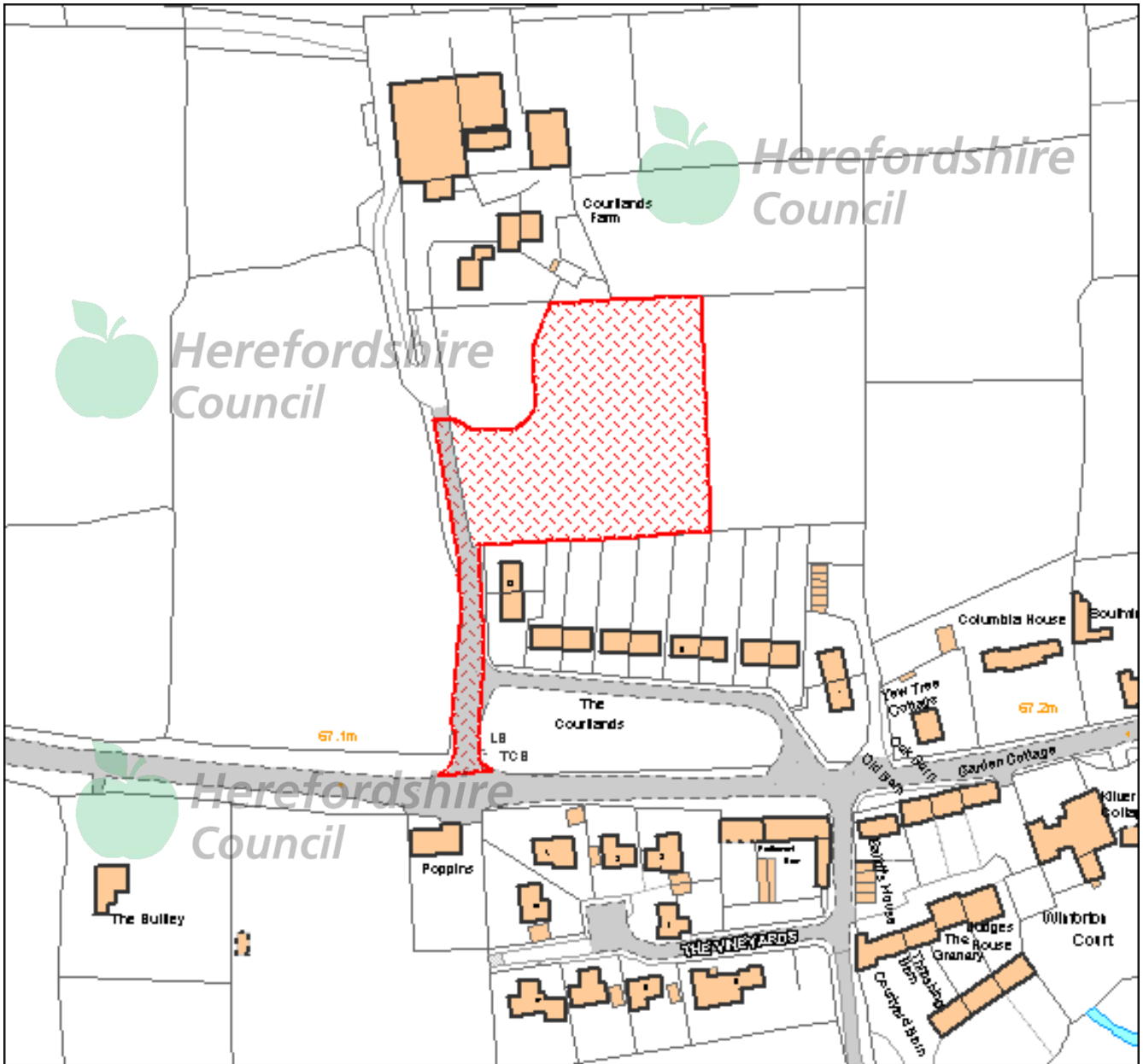
- 3. N11C**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143517

SITE ADDRESS : LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA

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



MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143683 - PROPOSED ERECTION OF TWO DWELLINGS WITH GARAGES AT THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP For: Mr & Mrs Parker per Mr Bryan Thomas, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143683&search=143683
Reason Application submitted to Committee - Contrary to Policy	

Date Received: 10 December 2014 **Ward: Frome** **Grid Ref: 365893,248345**
Expiry Date: 6 February 2015
 Local Member: Councillor P M Morgan,

1. Site Description and Proposal

- 1.1 The application is located outside of but adjacent to the defined settlement boundary of Bishops Frome, a main village identified under policy H4 of the HUDP as a sustainable location for new development in the rural areas. The site is a rectangular shaped parcel of land associated with The Olde Shop, a semi detached dwelling. Open countryside adjoins south and the post War residential estate Mudwalls is located opposite and is within the settlement boundary. Immediately adjacent to the application site are two dwellings under construction as permitted by planning permission reference 140377/F. The site is accessed from a C Class road which links to the village. There are no formal landscape designations hereabouts.
- 1.2 The proposal is the erection of two dwellings and garages.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements

Further information on the subject of this report is available from Mr C Brace on 01432 261947

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages
H7	-	Housing in the Open Countryside Outside Settlements
T8	-	Road Hierarchy
HBA4	-	Setting of Listed Buildings
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

2.4 Neighbourhood Plan

Bishops Frome has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 8 November 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 140377/F – Erection of two dwellings – Approved 3 April 2014 (adjoining site)

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection, however, it requests conditions be attached to any planning permission if it is granted.

Internal Council Advice

4.2 Transportation Manager has no objection and notes adequate visibility is now achievable with modifications to the existing wall in the applicant's ownership and adequate off road parking is proposed. There is it is considered no highway implications.

- 4.3 Conservation Manager (Ecology) has no objection and confirms reading the ecological appraisal and the further appraisal in respect of the potential impact of this development on great crested newts (GCN) produced by Swift Ecology.

This is a procedure which allows for the potential presence of GCN in a neighbouring pond and is effectively a risk appraisal of the likely presence of GCN together with precautionary measures to be adopted. This is considered to satisfactorily assess the GCN issue raised by objectors and recommends specific ecological conditions are attached to any planning permission.

5. Representations

- 5.1 Bishops Frome Parish Council '*are in favour of this application and believe the Planners should agree and give planning consent*'. The Parish Council adds:

This application is near to two new dwellings which received planning permission this year and are in the process of being built. (The applicant) approached the four nearest neighbours, two of which had no objection to the planning application. The two others did object and will send their own objections. The objections are mainly that the new development is effecting their view and space, which they have enjoyed up to this year on their side of the village. The Parish Council having asked the parishioners their feelings on future development in Bishops Frome parish this summer one of the results from the questionnaire with a high percentage of agreement is that any development that is agreed on in the future should be of small numbers of houses. This application is just what the villagers stated developments should be.

- 5.2 Five letters of support have been received. Comments are summarised as:

- The plans are very similar to that of the adjoining permission and if similar quality materials are used in both the four bed and the bungalow then the two developments would complement each other and bring a high end feel to the area.
- The proposal is a well thought-out scheme that will benefit the area
- Bishops Frome needs small individual developments such as this is
- The proposal is infill so is the most natural place to expand the village
- The proposal is 1 bungalow and 1 house which is what the village needs
- The proposal is in keeping with the character of the area
- The proposal will help support existing local services and facilities
- The proposal will help new services and facilities come to Bishops Frome
- There is a need for this type of housing in Bishops Frome

- 5.3 Ten letters of objection have been received. Comments are summarised as:

- Impact on the setting of listed buildings
- Great Crested Newts have not been considered
- Impact on adjoining amenity
- The proposal is not infill development
- The proposal is not in keeping with the area
- Does not believe houses are the best type of property to be built on this site bungalows would be less invasive to other properties adjacent to this land.
- Herefordshire Council continually gives planning permission on "two property" at a time in Bishops Frome they are continuing to ignore the need to update the general services in and out of the village.
- Object on the premise that allowing more properties to be built without addressing these issues opens the door to even more planning applications being passed within the village which will have further detrimental effects on the village as a whole.

- There are problems with the drainage of sewage and land water. Sewers have become blocked and the road from the village to Burley Gate has been flooded on several occasions.
- Cumulative impact of this and other development will put extra pressure on the sewers and runoff from the development will lead to increased flooding.
- The road leading to the sites from the Ledbury to Bromyard road is regularly close to being blocked by cars parked on both sides, especially by customers of the 2 pubs in the village. Not only does this make it difficult to travel through but is dangerous for pedestrians (including children catching the school bus) as there is no pavement. The cars from the extra houses can only make these matters worse.
- Access to the development itself is particularly dangerous, being on a significant bend in the road.
- New housing should be on brownfield sites or on the outskirts of the village where existing properties are not affected.
- There are currently 23 new properties under construction in the village (two to five bedroomed properties). This figure exceeds the 14% (21 properties), identified by Herefordshire Council in its draft Core Strategy. Hence no further development is required at this time as at least four other houses are for sale in the village, and have been for some time, people are concerned as to whether all these houses will sell.
- This development will separate the old farm house and barn from areas that historically they will have been linked to, with the dwelling attached to the Olde Shop, having once been the forge for the community. It will also have the effect of closing off the open perspective of the farmland that again was part of the heritage of the farmhouse and bam. There is a strong functional and historic link between a farm and its farmland, and any development which severs that link will cause harm to its setting and would fail the statutory presumption in favour of preserving the setting of listed buildings.

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

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

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'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'*.
- 6.2 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.3 Paragraph 14 of the NPPF states that there *"is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning permission 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 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could

result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable as regards its location and material constraints and considerations.

- 6.5 The site whilst it does not immediately adjoin the defined settlement boundary of a main village, is surrounded by and in between existing residential development and is read as part of the built form area of the village. The site is within walking distance of various local shops and facilities to the east, and the Village Hall to the West. From a landscape and streetscape assessment, the plot represents a natural infill or rounding off to the existing built form of the village that will not undermine the historic character and setting of Bishops Frome hereabouts or the overall character and appearance of the wider landscape or countryside. Adjoining to the East and under construction are two dwellings permitted under reference 140377/F.
- 6.6 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.7 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of means whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA3 and HBA9.
- 6.8 The proposal features a bungalow that would have an external floor area of 104 sq metres with an eaves height of 2.45m and ridge height of 4.95m and a house that would have a floor area of 180 sq metres with an eaves height of 5.05m and ridge height of 8m. Both units are orientated East/West with the East elevation forming the principal elevation and benefit from a detached garage.
- 6.9 This application represents 'backland' development, however, that in itself is not unacceptable providing matters of amenity, privacy and access are adequately addressed. Both units and The Olde Shop have adequate private amenity areas and having regard to the scale and layout proposed, and intervening distances, there is no significant adverse impact upon existing adjoining properties, including those under construction. In respect of impact from the access upon amenity it is the Olde Shop and adjoining under construction dwelling that are the most impacted upon, however, the movements generated from the two dwellings are not considered significantly harmful to their amenity. In particular the adjoining dwelling has some separation and protection from the boundary treatments proposed and existing.
- 6.10 The design quality is comparable with the adjoining development approved under reference 140377/F and is considered to be higher than the Mudwalls estate opposite. Indeed this application and the adjoining approved dwellings are considered to raise the design standards and quality of the streetscene hereabouts. Conditions ensure suitable materials and external finishes, along with the landscaping proposed including native species hedgerow planting, are implemented.
- 6.11 The site is not located within a protected landscape or conservation area and no designated heritage assets immediately adjoin the site. The nearest listed buildings, the Grade II Broadfield Court and Broadfield Court Barn, are located approximately 100 and 50 metres to the East and separated in part by the residential development permitted under reference 140377/F. As such

it is reasonably concluded the proposal will have no adverse impact upon heritage assets or their setting.

- 6.12 The Council's Ecologist has considered the comments made in respect of protected species and habitats and indeed the applicant was required to assess Great Crested Newts. The Ecologist was satisfied with the recommendations and findings of these reports and has no objection. Precise conditions are recommended to ensure protected species and habitats are not impacted upon and mitigated.
- 6.13 The comments from Welsh Water and the Transportation Manager are noted. It is emphasised neither object and requested conditions from them are attached to the recommendation ensuring drainage and highways matters are secured and mitigated.
- 6.14 As such approval is recommended as relevant local plan policies are satisfied along with the relevant aims and objectives of the NPPF. It is considered there are no sustainable grounds to refuse this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C01 – Planning permission**
- 2. C06 – Development in accordance with approved plans**
- 3. C13 – Samples of external materials**
- 4. Foul water and surface water discharges shall be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
- 5. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
- 6. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
- 7. C65 – Removal of Permitted Development Rights**
- 8. C67 – No new windows**

9. The recommendations of Swift Ecology’s Preliminary Ecological Report dated October 2014 and supplementary Great Crested Newt appraisal dated February 2015 should be followed. Prior to commencement of the development, a precautionary species mitigation and habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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, the NERC Act 2006 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

10. C95 – Details of Boundary treatments
11. C96 – Landscaping scheme
12. C97 – Landscaping scheme implementation
13. CAC – Visibility over frontage
14. CAL – Access, turning area and parking
15. CAZ – Parking for site operatives
16. CBO – Scheme of surface water drainage
17. CBP – Scheme of surface water regulation

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. N11A
3. N11C

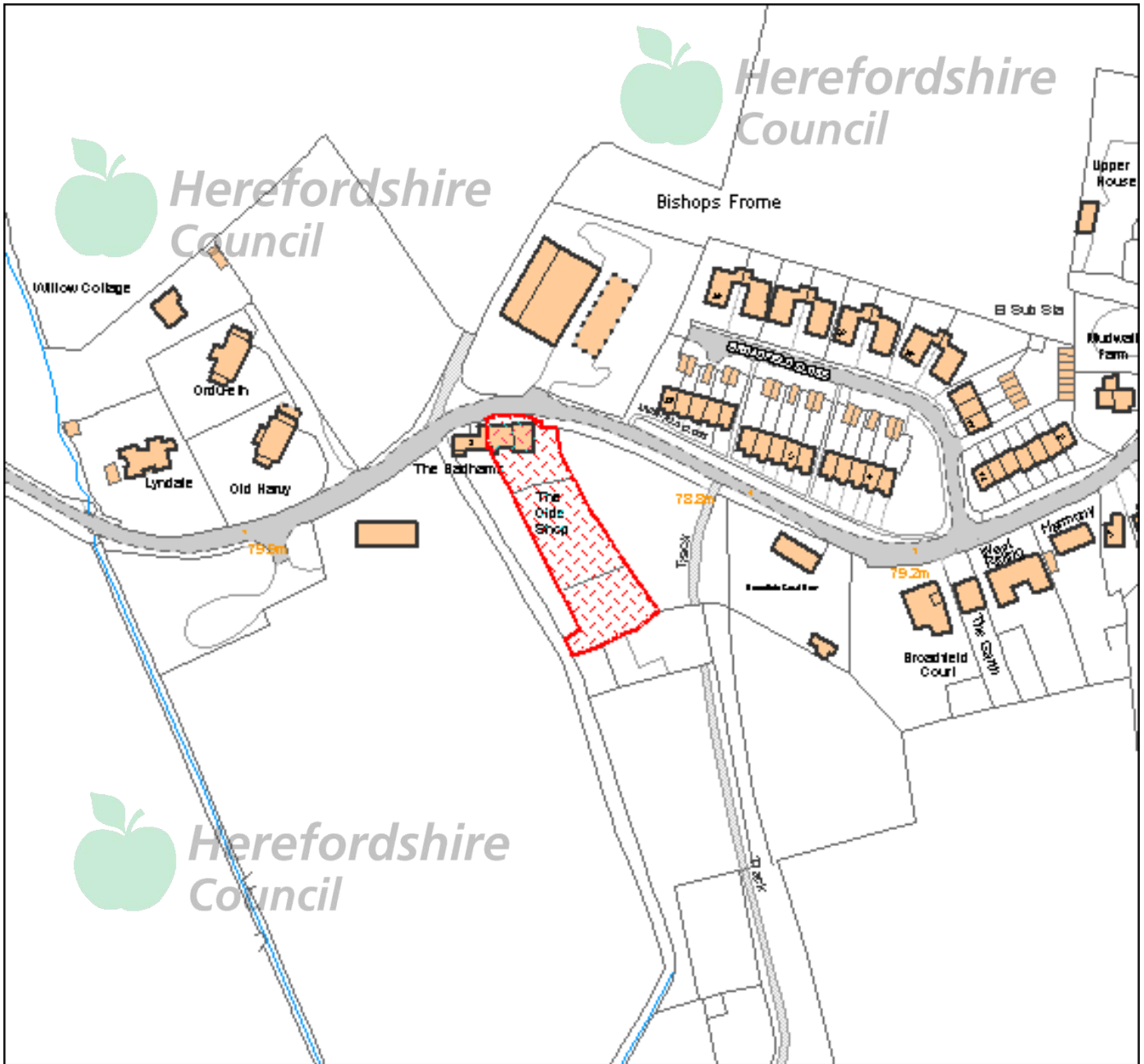
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143683

SITE ADDRESS : THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143820 - PROPOSED SUBSERVIENT SINGLE STOREY SELF CONTAINED ANNEXE, ANCILLARY TO EXISTING DWELLING HOUSE AT SEFTON COTTAGE, VOWCHURCH, HEREFORD, HR2 0RL For: Mr Painting per Mr Alex Coppock, Studio 1, The Grange, Shelwick, Hereford HR1 3AW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143820&search=143820
Reason Application submitted to Committee – Re-direction	

Date Received: 23 December 2014 **Ward: Golden Valley** **Grid Ref: 336547,236858**
South

Expiry Date: 5 March 2015

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 Sefton Cottage is located on Vowchurch Common, 2km to the south-east of the identified settlement of Peterchurch and 250 metres to the north-east of the B4348. The dwelling is located off a private, unadopted road which is accessed off the U75402 which in turn is off the B4348. The land rises sharply and steadily between the B4348 and the application site and continues to rise to the north east. Land within the site boundaries is reflective of the wider, steep gradient.
- 1.2 Sefton Cottage is located within a small cluster of residential development comprising 5 dwellings and associated outbuildings. The wider area of Vowchurch Common is typified by open fields and woodland with small clusters of residential development of varying character and design.
- 1.3 The application is described as the erection of a “subservient, single storey self contained annexe, ancillary to the existing dwellinghouse” referred to as ‘the annexe’ from hereon. The annexe would be sited 9 metres to the north-west of Sefton Cottage and would be accessed via a set of remodelled steps. It would measure 6.4 metres by 10.5 metres in plan form with an eaves height of 2.3 metres and a ridge height of 4.2 metres (both measured relative to the lowest ground level adjacent to any part of the proposed building). The annexe would be ‘dug in’ to the site’s natural slope which rises some 1.2 metres in height from front to back so that the eaves height at the rear of the building is 1.3 metres from the ground. The annexe would be of timber frame construction with weatherboard cladding under a natural slate roof. A large proportion of glazing would also be provided, particularly to the front (west) elevation which would be entirely glazed. The scheme also includes a landscaping scheme, the predominant provision of which would be an area of hard standing to the fore of the annexe.

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

2. Policies

2.1 National Planning Policy Framework (NPPF)

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
H7	-	Housing in the Countryside Outside Settlements
H18	-	Alterations and Extensions
LA2	-	Landscape Character and Areas 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
SD1	-	Sustainable Design and Energy Efficiency

3. Planning History

3.1 None applicable to this site or application

4. Consultation Summary

4.1 No consultation responses

5. Representations

5.1 The Parish Council object to the application:

"So far as the Parish Council is aware, under the current planning policy, no new developments would be permitted in open countryside, other than those associated with agriculture, forestry or rural enterprise.

The proposal to construct a separate building at Sefton Cottage has to be considered in the light of this policy.

The policy may be amended slightly with adoption of Herefordshire Council's Core Strategy, by setting a target for some limited development within the settlement boundary for Vowchurch Village. The Parish Council has supported this relatively minor change.

The planning application is quite wrong to claim that Vowchurch Common is currently included in the Vowchurch settlement boundary and therefore that some development might be permitted. This has never been the case. Moreover the work on the neighbourhood plan has shown that there is no significant local support to extend Vowchurch's settlement boundary to

include Vowchurch Common. The neighbourhood plan will therefore confirm the existing settlement boundary as the area in which some proportionate development might take place.

The current proposal would create a dangerous precedent which could lead to many similar applications for developments which would have a detrimental impact on Vowchurch Common and the surrounding area. This is to say nothing of the adverse impact on existing roads and services.

The Parish Council and local people are concerned about the possibility that at some future date the new building could be separated from the existing house and be sold as a separate dwelling. This would cause considerable resentment, especially amongst those who have failed to obtain approval for their own new houses.

The Parish Council has consulted the neighbours who would be most affected by the proposed development and who are making objections to the application. It is aware of and shares the significant concerns these people have about the impact of the development on them personally.

Although a rear extension to the house had been effectively ruled out in the applicant's Design and Access statement, it is quite probable that some sort of retaining structure will be required to support the adjacent road in the not too distant future. This would make a rear extension feasible and much more acceptable to the Parish Council and local people.

The Parish Council has come to the conclusion therefore that the application should be refused."

5.2 27 written representations have been received comprised of 18 letters of objection and 9 supporting letters.

Letters objecting to the proposed development are summarised as follows:

- A detached annex is, in effect, a separate dwelling and may raise the possibility of it being sold separately from the main dwelling at a later date;
- Future development of the area is in question. The annexe could be developed in the future to create a much larger property. This would increase traffic on an already very busy single track road;
- This application is on an unadopted lane. Local residents have had to maintain their lane for many years and increased usage is a concern;
- The local road network is already blocked at times by delivery vehicles, even to pedestrian traffic.
- The village plan states that the area for development within Vowchurch is in the village area, not on the common;
- Other local residents have had similar proposals refused, if this is accepted then many others will be applying using this as a case for acceptance;
- The proposal could affect the view from the bungalow known as Fair View;
- The Council has for at least 20+ years had a firm policy that no additional free-standing houses should be built on Vowchurch Common given the poor access and fully stretched public services;
- Verges and hedgerow of the road leading to the common are being eroded and further traffic would erode these further;
- The pleasant rural character of the common would be spoilt if more houses were built;
- Objections have been lodged by neighbours whose support is claimed within the submission;
- The economics of building an extension should not be a reason to approve the application;

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

- The application site is outside of Vowchurch village boundary which is to the other side of the B4348 both historically and in emerging local plans; and
- Many objecting letters state that they would not object to an extension.

Letters supporting the proposed development are summarised as follows:

- As a result of the development, no further people would be living at the property. It is a matter of providing more accessible accommodation for the members of the family who already live within Sefton Cottage;
- The annexe would provide the family with the space which they need to function providing a sensible extension for now and in the future;
- The family have a need for further space given the recent health concerns of the applicant's mother who has had a stroke and many falls;
- The applicants could not have planned for such an event when moving in August 2013;
- There will be no additional traffic as the proposed user already lives in the house and presumably she will actually stop driving in the future;
- The applicants would prefer to have an extension but attached to the house but such a provision has been deemed unsafe;
- Each application should be considered on its own merits;
- Neighbours have been kept informed of the development, making amendments to plans demonstrating their efforts to cause minimal impact on their neighbours;
- The applicants are willing to sign an agreement saying the building will not be sold off separately; and
- The design of the proposed building would be of good quality using materials that compliment the setting and dug into the bank to minimise its potential impact.

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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 HUDP Policy H7 seeks to resist residential development in the open countryside outside of identified settlements other than in exceptional circumstances. One such exceptional circumstance is for the providing of ancillary development to a building which benefits from an established residential use. In proposing ancillary accommodation, an annexe, to the established residential unit of 'Sefton Cottage' it is considered that the principle of the proposed development is broadly acceptable.

6.2 The first issue is therefore whether or not the annexe represents accommodation which is truly ancillary to the main dwelling or whether it represents a new dwelling. It is officer opinion that the annexe does represent ancillary accommodation, the principle of which is supported by HUDP Policy H7, for the reasons outlined below.

6.3 In defining development, Section 55(1) of the Town and Country Planning Act (1990) defines development as being, "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land (officer underlining)." Section 55(2)(d) goes on to state that "the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse" shall not be considered to amount to development. It can therefore be inferred that no material change of use of the land will have taken place if a part of an existing residential unit is used for purposes incidental to the predominant use.

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

- 6.4 Interpretation of this part of the legislation has, over time, given rise to the now well-established principle that the right to use land for a singularly defined purpose includes the right to use it for purposes which would be ancillary to that primary purpose. The inherent requirement of an ancillary use is that there should be a functional relationship with the primary use of the planning unit.
- 6.5 In this instance, the annexe would be occupied by the mother of the occupant of Sefton Cottage who would be provided with a degree of care by the son and his family. The building would provide a kitchen, bedroom, living room, dining area and bathroom. Furthermore, it is stated that the applicant's preference was to provide the requisite increase in accommodation as an attached element. However the engineering difficulties in providing an extension to Sefton Cottage rendered such an approach unfeasible. This statement is supported by an engineer's report which raises significant concerns for the stability of land both within and outside the application site should an extension be provided. Whilst the economics of a proposal is not a reason to approve an otherwise unacceptable application, it can contribute towards an appraisal of the applicant's intended use of the proposed building. On the basis of the information provided, it is your officer's opinion that the proposed annexe would be used for purposes ancillary to the use of the main dwelling and as such a separate planning unit would not be created and no change of use would transpire.
- 6.6 In reaching this conclusion regard has been had for the High Court case of Uttlesford DC v SSE & White [1992] where it was found that even if detached accommodation were provided with a level of facilities rendering that building capable of independent occupation, it would not necessarily become a separate planning unit from the main dwelling; it would remain a matter of fact and degree. That case involved the altering of a garage to provide the occupant with the facilities of a self-contained unit although it was intended to function as an annexe to the main dwelling only, with the related occupants of both the annexe and main dwelling continuing to use the site as a single planning unit. There is no reason in law therefore why the provision of a level of facilities within a building rendering that building *capable* of independent occupation should automatically be considered to have created a separate planning unit from the main dwelling. It remains a matter of fact and degree. If a dwelling and outbuilding with complete range of facilities remains in single family occupation and continues to function as a single household, no separate planning unit will have been created and no material change of use is involved.
- 6.7 If Members find the annexe to be ancillary to the use of Sefton Cottage as recommended, then the detail of the proposal falls to be considered against HUDP Policy H18 which makes provision for buildings incidental to the enjoyment of a dwelling. HUDP Policy H18 is broadly compliant with the design objectives of the NPPF found at chapter 7 and as per the test of development plan policies laid out at paragraph 215 of the NPPF, continues to attract significant weight in the determination process.
- 6.8 HUDP Policy H18 requires that outbuildings within an existing residential planning unit allow the original dwelling to remain the dominant feature of the site whilst being in keeping with the existing dwelling in terms of detailed design, scale and massing. Regard is also had to the resultant level of parking and amenity space and the residential amenity and privacy enjoyed by occupiers of neighbouring dwellings.
- 6.9 The proposed building is located away from the existing parking area of the site and would not therefore reduce the level of parking available to Sefton Cottage. Similarly in occupying a large plot, the reduction to the outdoor amenity space of Sefton Cottage would not be unacceptable either in terms of the character of the area or the ability to enjoy the space associated with the property.

- 6.10 The annexe would be 25 metres south-west of Fairview and 26 metres south-east of Evandine. By virtue of these distances, the proposed building's low height and its comparatively lower slab level (significantly in respect of Fairview), the annexe would not unduly reduce the outlook, privacy or daylight levels of occupants of those dwellings or any other dwelling.
- 6.11 Being provided downslope from Sefton Cottage between the host dwelling and the B4348 the annexe does have the potential to visually dominate the original building from this key public vantage point. However, by virtue of the proposed annexe's detachment, lower ground level, digging into the slope, modest scale, low height and simple, gabled profile, the original dwelling would retain its dominance from this perspective. Furthermore, the tall and dense roadside hedgerows significantly filter views of the existing site and the proposed building. Similarly from within the site and the other immediate vantage points of the U75402 and the unadopted road to the north of the site, the annexe's afore-described attributes serve to ensure that it would not be seen to be competing with Sefton Cottage for visual prominence in terms of siting, scale and massing.
- 6.12 The exposed thick timber posts would be appropriate for an outbuilding in this rural locality whilst the glazing panels serve to lighten the structure so as not to unduly erode the rather modest appearance of the main cottage. Resultantly the development would also be in keeping with the traditional rural vernacular of Sefton Cottage.
- 6.13 In terms of the impact of the proposal on the landscape character of the area, Vowchurch Common is comprised of open fields and woodland inconsistently interspersed with dwellings accessed immediately off the steep roads and bridleways which wind their way northwards. At some points dwellings are found in small clusters, at others they are very much remote from other residential development. Sefton Cottage is within a small group of 5 dwellings and their associated outbuildings – Sefton Cottage, Atholl Cottage, Evadine, Fairview and Hillside. Thus the proposed building's immediate visual environment is a built residential one, particularly when viewed from the B4348, and by virtue of its suitable design and the level of vegetative filtering on offer, the building would be appropriate for its context. In being 'dug-in' to the site's natural slope, the building would respect and work with the character of the landscape. The proposed building is therefore considered to be appropriate for the character of the area and it would not detrimentally impact on the appearance of the landscape as required by HUDP Policies DR1, LA2 and H18 and the NPPF at paragraphs 17 and chapter 7.
- 6.14 By virtue of its specified manner of occupation, the proposed outbuilding is considered to represent a building whose use would be ancillary to that of the Sefton Cottage. In this respect, the relevant policies of the HUDP are considered 'up-to-date' as per the guidance for decision taking laid out at paragraph 14 of the NPPF and as such the first bulleted instruction of that paragraph can be engaged and the application determined in accordance with the policies of the UDP. The resultant development would not unduly reduce parking, outdoor amenity space or the privacy and amenity of occupiers of neighbouring dwellings. The building's design would reflect its ancillary functioning to the main dwelling and as such would be subservient to the original building whilst the character of the existing dwelling and its context would be upheld. Therefore and as held against the requirements of HUDP Policies DR1, H7, H18 and LA2 it is recommended that the application be approved. A condition should be attached to any permission given requiring the functioning of the annexe to be ancillary to the use of the main dwellings to avoid the potential establishment of a new dwelling.
- 6.15 A number of concerns have been raised with regards the potential for similar development to be repeated elsewhere on Vowchurch Common. Members will, however, be aware that each case must be determined on its own merits. Other proposals for annexes on Vowchurch Common would be similarly appraised for their ancillary functioning and for their suitable design.
- 6.16 Alternatively, if in addressing the first issue highlighted at paragraph 6.2, Members find the proposed scheme to represent a separate dwelling rather than a building ancillary to Sefton

Cottage, a new planning unit would be created and a material change of use would occur. Subsequently, the presumption against providing a new residential planning unit in this location should prevail and the application should be refused by virtue of the site's remoteness from a serviced settlement, contrary to the requirements of the NPPF and the HUDP.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **F28 Occupation ancillary to existing dwelling only (granny annexes)**
- 4. **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.

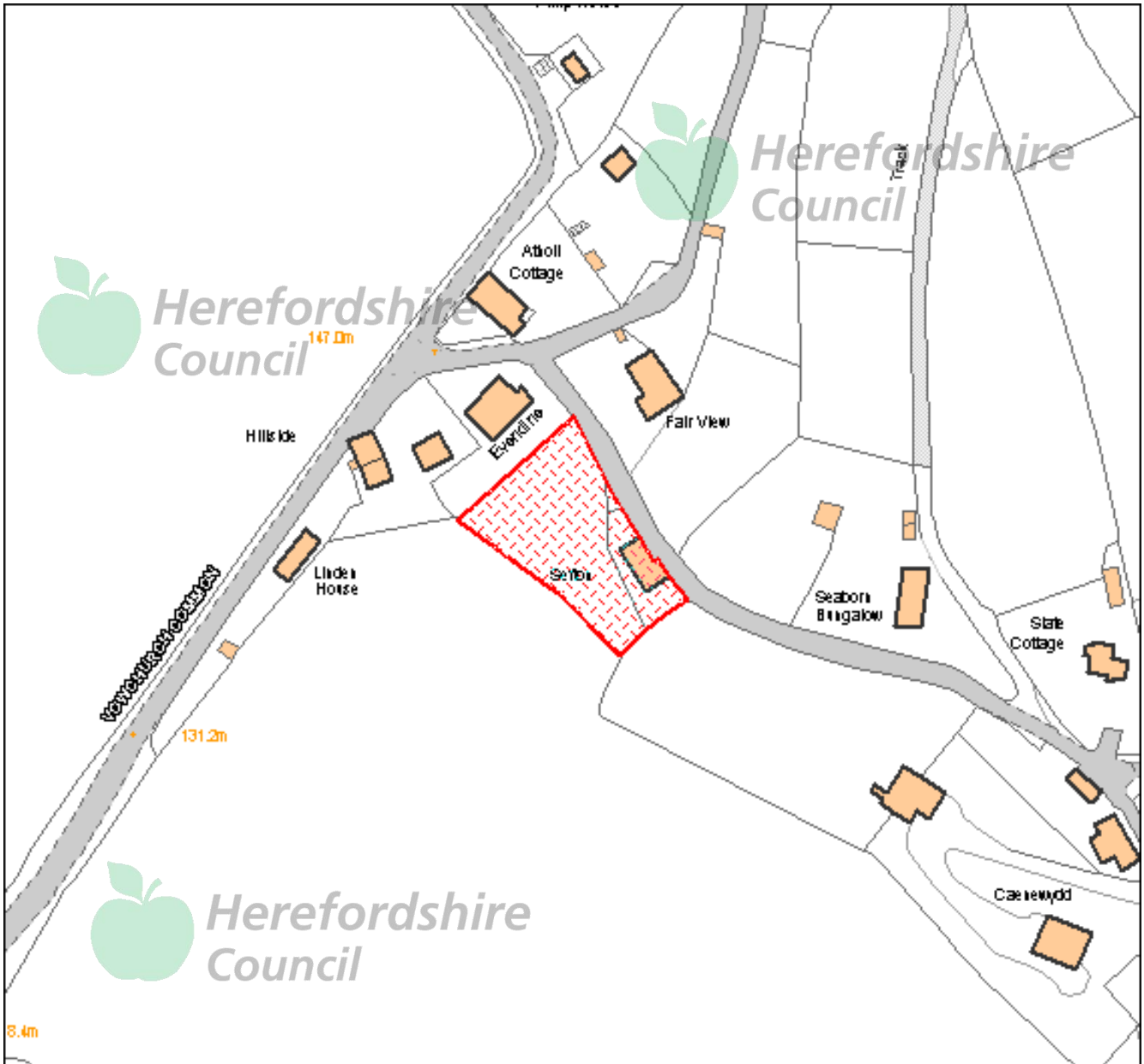
Decision:

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: 143820

SITE ADDRESS : SEFTON COTTAGE, VOWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0RL

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



MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	<p>P141368/O - PROPOSED SITE FOR 14 NEW RESIDENTIAL PROPERTIES TO INCLUDE 5 NO. AFFORDABLE PROPERTIES, VEHICLE TURNING AND LANDSCAPING AT LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>For: Bell Homes Ltd per Procuro Planning Services, St Owens Cross, Ross-on-Wye, Herefordshire, HR9 9EF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/details?id=141368&search=141368

Date Received: 9 May 2014

Ward: Penyard

Grid Ref: 365470,221830

Expiry Date: 11 September 2014

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site is located on the western side of the A40 Ross-on-Wye to Gloucester Road at Lea. It comprises a rectangular parcel of land slightly raised above road level and laid to grass. Castle End Farm is located to the north with residential dwellings to the south (The Lodge) and housing Estate called The Brambles. Opposite the site to the east is a parcel of land which originally formed part of this application this is also laid to grass a vehicular access to the rear of Lea Primary School is located immediately to the south of this land. Castle End a Grade 2* listed dwelling is located to the north of the site on the opposite side of the road.
- 1.2 The proposal, which is in outline, seeks planning permission for 14 dwellings located around a single access point and includes a pedestrian crossing across the A40 road. The application has been substantially amended during processing with the land on the opposite side of the A40 having been removed and therefore a reduction in dwellings from 28 to the now proposed scheme of 14 dwellings.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:
 Introduction - Achieving Sustainable Development
 Section 6 - Delivering a Wide Choice of High Quality Homes
 Section 7 - Requiring Good Design
 Section 8 - Promoting Healthy Communities
 Section 11 - Conserving and Enhancing the Natural Environment
 Section 12 – Conserving and Enhancing the Historic Environment

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

2.2 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- E15 - Protection of Greenfield Land
- H4 - Main Villages Settlement Boundaries
- H7 - Housing in the Countryside Outside Settlements
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Parking
- H19 - Open Space Requirements
- HBA4 - Setting of Listed Buildings
- HBA9 - Protection of Open Areas and Green Spaces
- T6 - Walking
- 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
- CF2 - Foul Drainage

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
- SS7 - 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
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning:

The neighbourhood area for Lea has been designated, but there have been no consultations on issues or options to date and the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Development Plan at this stage.

2.5 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
Annual Monitoring Report
Five Year Housing Land Supply (2013-2018) Interim Position Statement
Planning for Growth – 2011
Laying the Foundations – 2011
Housing and Growth – 2012
Green Infrastructure Strategy – 2010

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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 120447 - Outline application for a four bedroom dwelling.
Refused 30 May 2012.
Appeal Dismissed 13th March 2103
- 3.2 132004 - Erection of 30 dwellings including 11 affordable.
Withdrawn 27 March 2014

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water

Welsh Water have outlined strong concerns regarding overland flooding downstream of this proposal, which in turn is having significant detrimental effect of the public sewerage network. The responsibility of land drainage rests with the local authority and/or the Environment Agency. Therefore Welsh Water recommends that the Local Authority and other agencies investigate this matter further so that appropriate solutions can be identified to address the issues surrounding flooding from overland flows.

Notwithstanding the above, we request that if planning permission is granted the following conditions are attached to any planning consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

WATER SUPPLY

Welsh Water has no objection to the proposed development.

SEWAGE TREATMENT

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

4.2 **English Heritage**

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

We note that this application now concerns only the site on the west side of the A40, and not that on the east side. This response is given on that proviso.

Recommendation:

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Internal Consultees

4.3 **Transportation Manager**

The proposal now only proposes to develop the western side of the A40, as such the crossing is still required due to the volume of traffic and the desire to cross to the school and access bus stops. The Safety Audit states that this is in a traffic calmed zone though the removal of the permanent camera has meant that speeds are higher. The audit has recommended a controlled crossing, this will be subject to a stage 2 safety audit and a S278 Agreement, this will include the footpath links to the crossing. The optimum point for the crossing is yet to be detailed, forward visibility is key.

Visibility splays at the access are not as detailed, only 76m can be achieved to the north and the splay to the south needs to be protected by a footpath and requires the 90m as detailed. Due to the numbers the access off the A40 serving the existing and the housing development will need to be adopted, the plans supplied haven't taken on board the detailed discussions previously but RM will need to incorporate the following:

- Access from the A40 into the site will be through to Castle End Farm, there will need to be a junction to the south to serve the housing site.
- The extent of the access from to the farm will need to be built to adoptable standards including drainage.
- Drainage will need to be restricted to green field run off.
- The housing site road and drainage will need to be adopted, a drainage plan for the site will need to be provided and conditioned.
- A footpath from the access road along the A40 to the crossing will need to be provided linking to other accesses.
- The internal turning head is not sufficient, the size must incorporate the councils design guide turning head as per the design guide.

- Parking outside plots 11 to 14 is not adequate, this will need to be set back of the footpath to provide visibility and to allow for people to access, 2.4m is not sufficient to access cars if vulnerable users, therefore, wider bays are required.
- If garages are to be used, the internal dimensions should be 3m x 6m.
- A plan needs to be provided for RM showing the adoptable extent of the highway.

If you are minded to approve, conditions are recommended:

4.4 Conservation Manager (Historic Buildings)

Following a site meeting on 5 December 2014 the previous application description has been amended so that the site to the north east of the A40, adjacent to Castle End, has been excluded from the scheme. It is on this basis that the following comments are made.

Castle End Farm dates from about 1900 and the proposed 14 dwellings would occupy land to the south of the farm buildings, linking up with Long Orchard and the four new dwellings (2007) to its south boundary.

It is noted that part of the south boundary of the application site adjoins the settlement boundary for Lea and the site is near to Castle End, a grade II* dwelling with outbuildings, walled garden and a grade II listed dovecote.

Until the end of the 20th century Castle End Farm and Castle End were separate from the main hub of Lea village. This gave both sites a very rural character without being entirely isolated from the village. The introduction of Long Orchard, the Brambles, village hall and school have all tended to increase the importance of the small cluster of buildings near the former village school and have consequently diminished some of the rural character to the west of the main village hub.

The application site would effectively be linking the expanded village to Castle End Farm on a plot with a relatively small frontage. However the landscaping to the south/west of the A40 is mature and dense enough at present to mask the early 21st century housing of Long Orchard, thus retaining the rural character for longer than might otherwise be the case.

The application site is particularly prominent when approached from the north on the A40 due to the road layout. The clear view over the fields to the south of the Farm would be lost post-development and would also significantly reduce the rural character of the A40 to the south-west.

In heritage terms the Castle End Farm is not considered to be of sufficient worth to be adversely affected by the proposed housing, except that the farm would be in less rural surroundings. Across the A40, Castle End and its associated buildings are not visible from the application site however its rural surroundings and distance from the village buildings will be significantly reduced.

Unfortunately this gradual erosion of the rural landscape along the A40 was already well under way before this scheme was proposed. With the recent granting of other housing sites within Lea and closer to its centre it is not clear whether the extra 14 houses proposed are absolutely necessary – a position that has changed during the process of this application.

Overall, and in consideration of the number of permissions recently granted, the retention of the rural landscape adjacent to Castle End Farm would be fundamentally preferred in order to restrict the sprawl of Lea village without improving its core. The proposed development would change the character of the surroundings to the Farm and to a more minor extent to Castle End

but it is not considered that this change alone is sufficient to recommend refusal, though it could be an added reason for refusal on other grounds.

4.5 **Conservation Manager (Landscape)**

Having reviewed the Landscape and Visual Impact Report, prepared by Anthony Jellard Associates, dated June 2014 and the Landscape layout North West Plan, Dated April 2014, Drg Nr 2327.03, I have no landscape objections to these housing proposals.

4.6 **Conservation Manager (Ecology)**

I have read the ecological assessment for the site dated 2012 which is no on the limit of its time acceptability. I note the nature of the site and the potential suitability of the site for reptiles and proposals for pre-commencement checks. I would concur with this and suggest that this is conditioned with a compliance condition as below:

The amended plans do not affect my original comments with regard to this application.

4.7 **Land Drainage Manager**

Overview of the Proposal

The Applicant's proposals are for development of 28 new dwellings on existing Greenfield land, including access and parking. The Application Form states that the site occupies an area of 1.3 hectares (ha) and is split between two fields to the east and west of the A40 measuring 0.59ha and 0.71 ha respectively.

Existing Flood Risk

Review of the EA's Flood Map for Planning (Figure 1) indicates that the Applicant's proposed development is located entirely in Flood Zone 1 where the annual probability of fluvial flooding is less than 0.1% (1 in 1000). In accordance with EA Standing Advice, as the site is greater than 1 ha in area a Flood Risk Assessment (FRA) is required to be prepared in accordance with National Planning Policy Framework (NPPF).

The Applicant has submitted a completed Pro-Forma for Undertaking a Flood Risk Assessment that formed Appendix C of the Practice Guidance to PPS25. As PPS25 was superseded by NPPF in 2012, this pro-forma is no longer valid and the Applicant is advised that a standalone FRA should be prepared in accordance with NPPF and EA Standing Advice. However, following review of the submitted Pro-Forma for Undertaking a Flood Risk Assessment and the Surface Water Management Report, we consider that the relevant information has been provided and that a separate standalone FRA does not need to be provided to support this current Application.

The Applicant's Pro-Forma for Undertaking a Flood Risk Assessment confirms that the site is located in Flood Zone 1 and that this meets the requirements of the Sequential Test.

Other Consideration and Sources of Flood Risk

The Applicant's Pro-Forma for Undertaking a Flood Risk Assessment assesses the risk of flooding from other sources (namely groundwater, sewers, surface water and infrastructure failure) and concludes that the risk from these sources is low.

The bedrock geology comprises Sandstone that is classified as Secondary A aquifer. There are no reported superficial deposits and Cranfield University Soilscape mapping describes the soils

as freely draining. The site is not located within a designated groundwater Source Protection Zone.

Surface Water Drainage

The Applicant's proposed surface water drainage strategy is discussed within the submitted Surface Water Management Report.

Under Schedule 3 of the Flood Water Management Act 2010 (due to be enacted in 2015) all new drainage systems for new and redeveloped sites must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Systems that are approved by Herefordshire Council and that serve more than one property may be eligible for adoption by Herefordshire Council. Further guidance will be provided in 2015.

In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. Infiltration measures are to be used unless it is demonstrated that infiltration is infeasible due to the underlying soil conditions.

Infiltration testing undertaken by the Applicant reported infiltration rates of between 2.8×10^{-4} m/s and 1.4×10^{-4} m/s. Whilst rates in the order of 1×10^{-4} m/s or less are slightly lower than we would usually consider for infiltration of surface water runoff, the use of infiltration to manage surface water runoff is considered a suitable approach, subject to the submission and review of detailed design information prior to construction. This should include calculations to demonstrate that the proposed soakaways will drain by 50% within the 24 hour period as recommended in BRE Digest 365 and assuming the lower of the infiltration rates obtained.

If drainage of the site cannot be achieved solely through infiltration (noting that opportunities for partial infiltration should still be maximised), the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to, at minimum, the pre-development Greenfield values. Reference should be made to Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) for guidance on calculating Greenfield runoff rates and volumes.

The Applicant proposes to construct private driveways using a permeable surfacing material. Whilst we agree with this approach, we recognise that private driveways are often altered by the homeowner during the design life of the home in conflict with planning policy. We therefore recommend that the Applicant ensures sufficient capacity within the adjacent highway drainage system (noted to comprise permeable paving or soakaways) to accommodate flow from private driveways should alterations be made.

Figure 4-1 in the Applicant's Surface Water Management Report illustrates the recommended location of proposed soakaways. We note that the figure indicates that the soakaways may be located within private gardens and that these may be within 5m of building foundations. The location of soakaways in private gardens is not the preferred approach for a number of reasons, namely:

- i. There is a high risk that homeowners could alter/impact/reduce/damage the soakaways and reduce their effectiveness.
- ii. If homeowners are responsible for maintenance, they may not undertake the routine maintenance required to ensure effective operation of the soakaways.
- iii. If another organisation is responsible for maintenance, access to the soakaways could be problematic and cause disruption.

iv. Soakaways may be inaccessible for future maintenance works, particularly for high pressure jetting that may be required to remove sediment/silt build up and/or other blockages.

v. Depending on the design of the soakaways, they may require replacement during the design life of the housing development and this would cause major disruption to residents.

No information regarding the proposed adoption and maintenance of the proposed soakaways has been provided. This must be provided by the Applicant as part of a reserved matters application.

Soakaways should not be located within 5m of building foundations in accordance with Building Regulations Part H, although the proposed use of permeable paving within private driveways (solely for the purpose of draining the driveway) would be acceptable.

The Applicant's Surface Water Management Report confirms that the soakaways will be designed to cater for the 1 in 100 year rainfall event and allow for the potential effects of climate change. We agree with this approach, but also require confirmation of the design of the below ground drainage system, overland flow routes and designing for exceedance. In accordance with Sewers for Adoption, the below ground drainage system should ensure no flooding up to the 1 in 30 year event. For events greater than the 1 in 30 year event, some flooding of the drainage system can occur, but the Applicant must demonstrate the safe management of this water to ensure no flood risk to people and property within the development and no increased risk of flooding to people and property elsewhere up to the 1 in 100 year plus climate change scenario. This information will need to be submitted as part of a reserved matters application.

In addition to the above, the Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant must consider treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site. We note that the Applicant's current proposals to discharge surface water to ground via a granular soakaway media would provide sufficient treatment for 'clean' or lightly trafficked roads as per the development proposals. However, if the applicant proposes an alternative means of discharge (for example plastic 'void formers') that do not offer the same treatment potential, we may require that treatment is provided prior to discharge.

The Applicant proposes that the main access road and its associated drainage will be adopted by Herefordshire Highways Authority. We therefore recommend that the proposed highway drainage is reviewed and approved by the Herefordshire Highways Authority prior to construction.

Foul Water Drainage

The Application Form states that foul water will be discharged to the mains sewer. We assume that this will be discussed and agreed with Welsh Water. We are aware of previous incidents of flooding of the foul drainage system in Lea and therefore recommended that these discussions take place at an early stage to confirm they can accept discharges from the development.

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Provision of drainage calculations demonstrating the appropriate sizing of infiltrations systems in accordance with BRE635 including demonstration that the proposed soakaways will drain by 50% within a 24 hour period assuming the lower of the site's infiltration rates;
- Provision of information regarding the proposed adoption and maintenance of surface water drainage systems, noting that we recommend against locating SUDS features within private gardens where possible;

Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities:

- Evidence that the Applicant is providing sufficient on-site storage to ensure that site-generated surface water runoff is controlled for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change, to ensure no increased runoff from the site when compared to existing Greenfield conditions;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

We recommend that the proposed highway drainage strategy is reviewed and approved by the Herefordshire Highways Authority prior to construction.

4.8 Parks and Countryside Manager

Thank you for consulting with me. I can confirm that I have no additional comments to make with reference to the amended plans and changes to the south west part of this development which are as a result of landscape comments.

4.9 Waste and Recycling Manager

My previous concerns regarding collection points for refuse and recycling remain a concern for properties located off the adoptable highway.

4.10 Schools Organisation & Capital Investment Manager

The educational facilities provided for this development site are Ryefields Early Years, Lea Primary School, John Kyrle High School, St Marys RC High School and Ross Youth.

The Childcare Sufficiency Assessment highlighted that within the Ryefields area 12% of parents are unable to seek work and 16% are prevented from getting a better job due to childcare issues. The Ryefields area has the largest significant percentage in the County who require childcare at the weekends, for shift work and overnight. An anecdotal need for child minders was also noted in both supply and demand.

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

The youth service within Ross-on-Wye has close working links with the extended schools service, however a major need that been identified in Tudorville and the local Councillors keen for the youth services to provide activities in this area. The youth service is also requested to work with the youth of other rural parishes but is unable to provide this as they do not currently have the resources.

Lea Primary School has a planned admission number of 15. As at the schools Summer Census 2014-

- 2 year groups were at or over capacity- YR-17, Y2-19

John Kyrle Secondary School has a planned admission number of 210. As at the schools Summer Census 2014-

- 4 year groups were at or over capacity-Y9- 225, Y10-212, Y1 1-233

St Marys RC Secondary School has a planned admission number of 135. As at the schools Summer Census 2014:-

- 4 year groups are over capacity- Y7- 155, Y8- 148, Y9- 150, Y10-149, Y1 1-132

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Kyrle High School that we would otherwise be able to do.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+bedroom/apartment	£117	£1,084	£1,036	£87	£432	£89	£2,845
2/3 bedroom house/bungalow	£244	£1,899	£1,949	£87	£583	£138	£4,900
4+ bedroom	£360	£3,111	£4,002	£87	£1,148	£247	£8,955

5. Representations

5.1 Lea Parish Council

The Lea Parish Council met on the 4th February 2015 to discuss Planning Application P141368/O. The meeting was attended by 4 Parish Councillors and 10 members of the public and the following matters were discussed.

Surface Water Drainage

Flooding in the centre of the village remains a major concern. Although the proposals contained some S.U.D.S. it was thought that these were inadequate when compared to those included in

the recent A40/Mill Lane application and would only compound the existing flooding problems in the village.

Impact on Foul Drainage System

It was generally felt that no more clarity regarding foul drainage had been given to the amended application as opposed to the original application

Impact on Highways

Concerns about the location of the pedestrian crossing were expressed, fearing backing up of traffic towards the blind bend on the A40 a section of road well known for speeding. Concerns were raised regarding potential restrictions caused by traffic, to and from the proposed site, to get to the school.

Type of Housing Provision

There is provision for 6 affordable houses or flats on the site. Concerns were raised about the significant proportion of affordable housing that was already available in the village. Concern was also raised regarding the amount of different styles of houses planned throughout the village.

Environmental and Visual Impact

Concerns were raised regarding the applications houses were not set back far enough from the A40 and that the indicative layout was very suburban.

Having heard the discussions, parishioners were asked to vote on the application, all were against the application.

The Parish Councillors voted, all were against the application.

5.2 57 Letters of objection and a 222 signed petition have been received some of which related to the original application and some objectors have submitted more than one representation. The comments pertaining to the amended application are as follows:-

1. Serious concerns regarding access and road safety particularly regarding the road geometry and proposal for a Pelican crossing
2. The height of the houses on the edge of the A40 will dominate the surrounding area and be very intrusive in what has been a natural and rural break in the landscape.
3. The development is not sustainable and would suburbanise the area near Castle End and the village school
4. Barnwell Manor Case which ruled on the duties of a Local Authority under S 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and pointed out that the more recent High Court Judgement in the case of The Forage Field Society & Ors R (On the Application Of) v Sevenoaks District Council [2014] which has reinforced the interpretation of the Barnwell Manor Case in law "the scales are not evenly balanced and it is not sufficient to weigh simply the harm (to a listed building) against the public benefits. If harm will be caused to a listed building or its setting, there is a strong presumption against granting planning permission and that it is now settled in law that preserving a listed building or its setting means doing no harm".
5. The urbanisation will be supported by the Pelican crossing and lighting which will also create harm to the setting of Castle End Grade 2*.
6. This proposal will stimulate more development under the guise of infill within the village.
7. Outline planning permission has already been granted for a significant number of houses near the petrol filling station to cover the need for Lea.
8. Flooding in the centre of Lea is a serious consideration and this will further exacerbate the situation with more hard surfaces.
9. The setting of the Grade 2* listed building, Castle End will be compromised.

10. The site has not been assessed under the SHLAA process and preferable alternative sites have been identified.
11. Other applications have been refused in Lea recently and this should also be refused for similar reasons
12. Lea Primary School does not have the capacity to take further children.
13. Impact on the amenity of adjoining neighbours

5.3 One letter of support has been received stating:-

1. Makes full use of the village area
2. It relieves the intense pressure to build in the centre of the village
3. Least impact to the flooding situation in the centre of the village
4. Development will blend into the existing village
5. Better access to school with a proper road crossing in the northern end of the village

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

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

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Lea is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period. This equates to approximately 31 dwellings when this is viewed in relation to the number of dwellings in the village, however this is likely to be more when compared to the dwellings within the Parish as is envisaged following the examination of the Core Strategy. The application is made in the context of the housing land supply deficit. The scheme has been significantly reduced following consultation responses and now only seeks planning permission for one parcel of land for 14 dwellings. The parcel of land on the opposite side of the road adjacent to the Lea Primary School having been removed from the application.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests and highway safety and heritage assets, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'Saved' UDP Policies the NPPF and Other Material Guidance

6.3 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."

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). 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; the greater the degree of consistency, the greater the weight that can be attached.

- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, 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 maybe given).”

- 6.6 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

Assessment of the Scheme’s Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.7 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.8 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. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and moving towards a low-carbon economy.
- 6.9 In this instance officers consider that in terms of access to goods and services the site is sustainably located whereas the delivery of up to 14 dwellings, together with contributions towards public open space, sustainable transport, flood defences(or affordable housing) and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character

- 6.10 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *‘distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.’* Appeal decisions have also confirmed that although not containing the ‘cost-benefit’ analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapter 11 of the NPPF.
- 6.11 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. It is noted that the Conservation Manager (landscape) has confirmed no objection to the amended scheme. It is therefore accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape.

The Conservation Manager (Landscape) considers that the site can accommodate development, although this is contingent on the Reserved Matters submission reflecting the need to enhance landscaping around the site. The Development Framework plan partly reflects this requirement with enhanced green infrastructure identified.

- 6.12 On the basis that conditions will be imposed requiring the protection of hedgerows and SUDS scheme, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on Heritage Assets

- 6.13 Sited to the north and across the opposite side of the road is the Grade 2* listed Castle End with a walled garden protruding south. This property forms an important focal point at the entrance to the village when you approach from the north and west. Views of the application site from the upper floors will be seen but due to the topography of the area, walled garden and ground floor level of Castle End visual intrusion of the application site and Castle End is restricted and the two do not cause harm to each other. This is confirmed by English Heritage who have removed their objection to the application.
- 6.14 The Conservation Manager (Historic Buildings) considers the proposal would change the character of the surroundings to the Farm and to a more minor extent to Castle End but having regard to NPPF paragraph 134 it is not considered that this change alone is sufficient to recommend refusal.
- 6.15 Reference has also been made to the intrusion of the Pelican Crossing to the setting of Castle End with the urbanisation of the area. Whilst the provision of the crossing and lights will create an urban feel to the area it is note considered to create a detrimental impact on the setting of Castle End. This feature was included within the development framework plan which raised no objections from English Heritage and the Conservation Manager (Historic Buildings).
- 6.16 The proposal is therefore considered to be in compliance with policies HBA4 of the HUDP and Para 134 of the NPPF

Impact on Ecological Interests

- 6.17 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions and informatives as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Transport

- 6.18 The Transportation Manager is content that a suitable access and crossing can be achieved although further detailed work will be required as part of the reserved matters application. Comments relating to the development framework plan are noted however these can be incorporated within the subsequent submission.
- 6.19 Therefore the Transportation Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF

Land Drainage and Flood Risk

- 6.20 The centre of Lea suffers from flooding and is an identified flood risk area. The Council has commissioned a report to identify the issues and means to alleviate the situation. The findings of this report confirm that solutions can be achieved and further work is to be progressed. Due to the topography of the area and with the centre of Lea located within the 'dip' all waters

gravitate towards the centre of the village. This has resulted in flooded properties and the closure of the main A40 road.

- 6.21 This planning application through the S106 seeks to provide a significant sum (£300,000) towards a flood attenuation scheme. The monies have been calculated on reduced affordable housing provision as identified by the housing needs survey for the village. The six required affordable units are being provided on the site adjacent to the Petrol Filling Station and the agent has confirmed his client is agreeable for the funding to be used for flooding or affordable housing elsewhere. This sum will enhance the contribution already achieved giving a combined figure of £780,000.
- 6.22 The exact figure for the flood attenuation works is not yet known however by establishing funding towards a scheme its implementation will inevitably be brought forward and enable additional inward investment from other agencies to fund the scheme. Any monies remaining will be used to provide additional off site-affordable housing. This is considered to be a key economic and social aspect to the scheme which should be given significant weight in the decision making process.

S106 Contributions

- 6.23 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated. The agent has confirmed agreement to the Draft Heads of Term which provide for a raft of contributions.

Impact on Adjoining Residential Amenity

- 6.24 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the north east and south. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. The development framework plan provides for dwellings fronting the main road with gable end onto properties to the south on the roadside. This is considered acceptable.
- 6.25 Adoption of this approach would ensure adequate separation distances, although care would need to be taken to ensure that dwellings on the site's periphery are constructed at a level that does not result in an undue overbearing impact. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Foul Drainage and Water Supply

- 6.26 The Water Authority has outlined strong concerns regarding overland flooding downstream of this proposal which in turn has had significant detrimental effect on the public sewerage network. However it should be noted that this proposal seeks to fund substantial works of improvement to resolve this matter. They raise no objection to the development in terms of the capacity of the treatment works to cater for the additional foul waste flow or provision of a water supply subject to appropriate conditions as recommended.

The Neighbourhood Plan

- 6.27 Lea Parish Council has designated a neighbourhood plan area. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.

- 6.28 However there have been no consultations on the issues or options to date and therefore the draft plan is somewhat off being finalised. Therefore no weight can be attached to the Neighbourhood Plan at the present time.

Summary and Conclusions

- 6.29 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.30 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. The site lies outside but directly adjacent the settlement boundary. Lea is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. In addition the contribution towards the flood attenuation scheme is considered to carry significant weight in the planning balance.
- 6.32 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development and raises no objections. The site does not exert any influence on the setting of the heritage asset that is considered harmful as confirmed by both English Heritage and the Conservation Manager (Historic Buildings) as identified in the report. Certainly any impact such as there may be is likely to result in less than substantial harm to the significance of the heritage assets.
- 6.33 Officers conclude that there are no highways, ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 14 and to formulate an integrated foul and surface water run-off scheme. The commencement of the development will also be controlled to run in parallel with the flood alleviation scheme. Finally officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline

planning permission, subject to the conditions below and any other further conditions considered necessary

That 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. The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

- 5. The development shall include a mix of dwellings of no more than 14 dwellings.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.

- 6. H03 Visibility Splays**
- 7. H06 Vehicular Access Construction**
- 8. H09 Driveway Gradient**
- 9. H11 Parking - Estate Development (more than one house)**
- 10. H13 Access Turning Area and Parking**
- 11. H17 Junction Improvement/Off Site Works**
- 12. H18 On Site Roads - Submission of Details**
- 13. H19 On Site Roads – Phasing**
- 14. H20 Road Completion in 2 years**
- 15. H21 Wheel Washing**
- 16. H27 Parking for Site Operatives**
- 17. H29 Secure Covered Cycle Parking Provision**
- 18. H30 Travel Plans**
- 19. L01 Foul/Surface Water Drainage**
- 20. L02 No Surface Water to Connect to Public System**
- 21. L04 Comprehensive & Integrated Draining of Site**

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

22. L03 No Drainage Run-Off to Public System
23. G04 Protection of Trees/Hedgerows that are to be Retained
24. G10 Landscaping Scheme
25. G11 Landscaping Scheme – Implementation
26. K4 Nature Conservation – Implementation
27. Prior to commencement of the development, reptile survey and mitigation should be carried out in accordance with the recommendations set out in Section 6 of the ecologist’s report from Penny Anderson Associates dated April 2012.

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 the Herefordshire Unitary Development Plan

To comply with Policies NC8 and NC9 of Herefordshire’s Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

28. The recommendations set out in Section 6 of the ecologist’s report from Penny Anderson Associates dated April 2012 should be followed in relation to habitat enhancement unless otherwise agreed in writing by the local planning authority. 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.

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.

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.

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

2. **HN10 No Drainage to Discharge to Highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private Apparatus Within Highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN27 Annual Travel Plan Reviews**
8. **HN25 Travel Plans**
9. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
10. **N11C General**

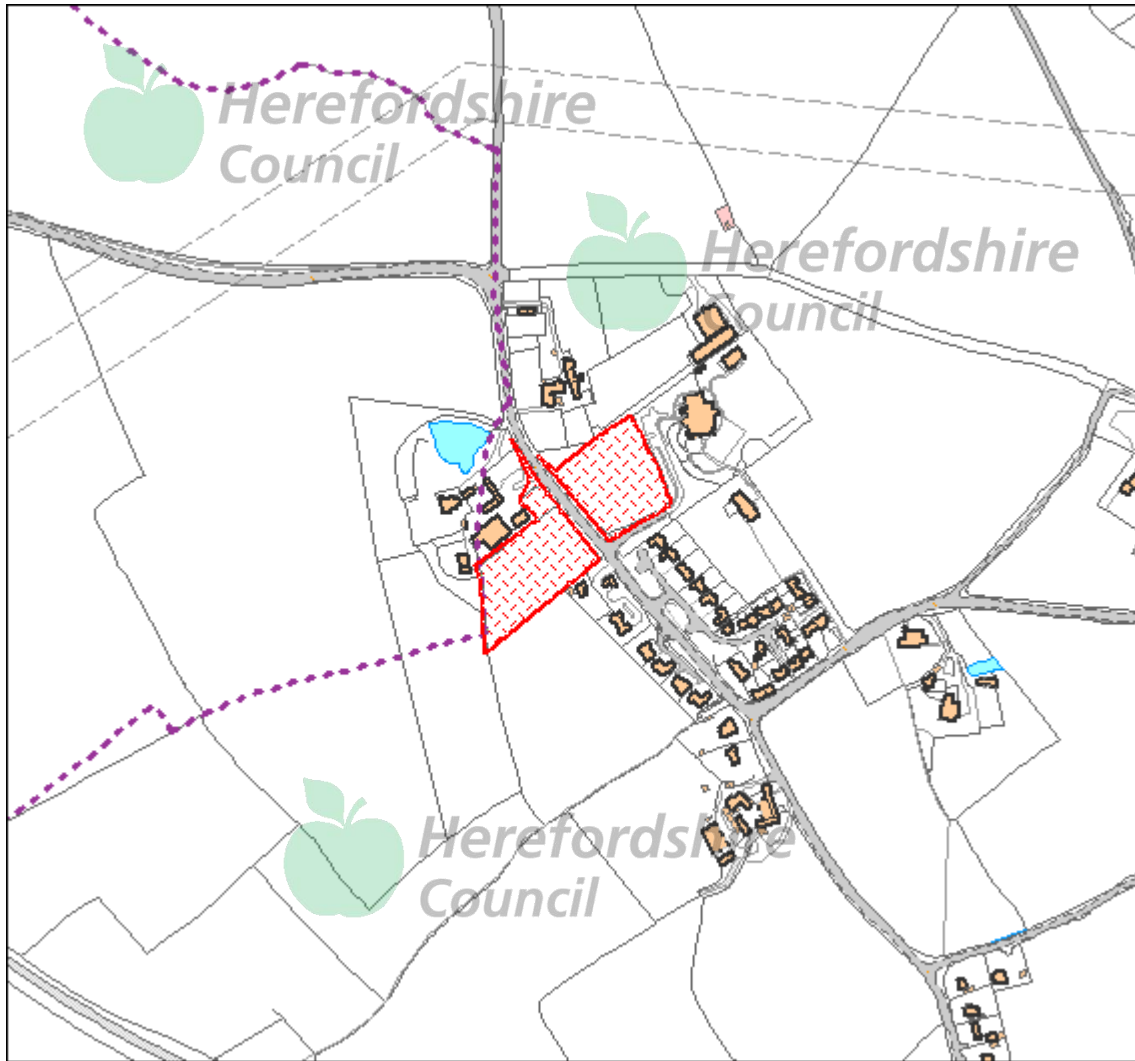
Decision:

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: 141368/O

SITE ADDRESS : LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application reference: P141368/O

Proposed site for 14 new residential properties, vehicle turning and landscaping on land at Castle End, Lea, Ross-on-Wye, Herefordshire

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

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

£4,900.00 (index linked) for a 3 bedroom open market dwelling

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

The contributions will provide for enhanced educational infrastructure at Ryefield Early Years, Lea Primary School, John Kyrle High School, St Mary's Roman Catholic School, Ross Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

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

£2,457.00 (index linked) for a 2 bedroom open market dwelling

£3,686.00 (index linked) for a 3 bedroom open market dwelling

£4,915.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development including improvements to the bus stop to the north east of the development site and pedestrian and bus infrastructure improvements at the crossroads in the village centre. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

Note: the new footpath adjacent to the A40 and the pedestrian crossing will be a condition of the planning permission delivered through a section 278 agreement

3. In accordance with UDP Policy H19, developments of 14 dwellings are expected to provide a small children's play area. It is noted that none is provided on site and this is supported as they offer little in play value and are costly to maintain. Therefore, the developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£965.00 (index linked) for a 2 bedroom open market dwelling

£1,640.00 (index linked) for a 3 bedroom open market dwelling

£2,219.00 (index linked) for a 4 bedroom open market dwelling

The contributions will be used off-site and in consultation with the local community. There is an existing play area and recreation ground in Lea which is owned and maintained by Gloucestershire Housing Association. It is a medium sized well used play area but is in need of some improvements to make it a better site as identified in the Play Facilities Study and Investment Plans.

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

£408.00 (index linked) for a 1 bedroom open market dwelling

£496.00 (index linked) for a 2 bedroom open market dwelling

£672.00 (index linked) for a 3 bedroom open market dwelling

£818.00 (index linked) for a 4 bedroom open market dwelling

The contributions will provide for off-site indoor play facilities within Ross-on-Wye. In the more rural areas such as Lea if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning Process, this should also be considered as a local priority. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

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

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

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Ross-on-Wye. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council **£300,000.00** (index linked) for the delivery of a flood attenuation system in Lea. In the event that the monies are not required for the flood attenuation system the monies will revert to the delivery of off-site affordable housing. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

8. Given the location of the development Herefordshire Council would not wish to adopt any on site Public Open Space. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: If an attenuation basin is proposed it will be transferred to the Council with a 60 year commuted maintenance sum. This will be done as part of the Section 38 process.

9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 6 and 7 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.
10. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
11. 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.
12. 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

17/3/15



MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	<p>150373 - PROPOSED ONE AND HALF STOREY EXTENSION (GARDEN ROOM REINSTATED AFTER EXTENSION) AT THE LAURELS, WELLINGTON, HEREFORD, HR4 8AT</p> <p>For: Mr Willimont per Border Oak Design & Constuction Ltd., Kingsland Sawmills, Kingsland, Leominster, Herefordshire HR6 9SF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150373&search=150373
Reason Application submitted to Committee – Staff Application	

Date Received: 5 February 2015

**Ward: Wormsley
Ridge**

Grid Ref: 349032,248099

Expiry Date: 28 April 2015

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application site (The Laurels) lies on the southern side of the C1108 Road in the village of Wellington. Although the front door of the property is located on the north elevation, there is associated car parking sited to the rear of the dwelling and accessed off a small cul-de-sac which also serves three other dwellings. There is a detached garage located to the eastern boundary of the garden and accessed directly off the cul-de-sac. The building is a two storey, semi detached dwelling situated on a reasonably large plot. The main part of the dwelling is on an east-west axis with a gable projecting north off the front elevation and directly onto the road. Currently there is a single storey lean-to on the rear of the property leading onto the rear garden as well as the associated car parking. There is fencing and vegetation along the eastern and western boundaries with thick hedges and outbuildings, including a shed and greenhouse, on the southern boundary.
- 1.2 The existing dwelling is constructed of render and stone with some timber frame construction on the front elevation.
- 1.3 The site is directly to the south of Wellington House, a two storey Grade II listed building.
- 1.4 The dwelling located to the west, Wood View, is sited further back off the road than The Laurels. There are windows on the front elevation of this property, with a blank gable facing the application site.
- 1.5 The site lies within the Wellington Conservation Area.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- 1.6 The proposal is for the erection of a two storey extension to the rear, with an additional lean-to structure erected to the rear of this. The extension will carry on from the west elevation and site boundary, between this and a chimney breast. The main two storey extension will measure approximately 3.9m out from the rear elevation and is 6.7m in width. The height will be approximately 3.6m to the eaves and 7m to the ridge. The small lean-to element will measure 2.3m from the rear of the proposed one and a half storey extension and 4.5m in length. The height will be approximately 2m to the eaves and 3.3m where it meets the rear elevation of the proposed one and a half storey element.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction - Achieving Sustainable Development
Section 7 - Requiring Good Design
Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
H16	-	Car parking
H18	-	Alterations and Extensions
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development within Conservation Areas

Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
LD1	-	Landscape and Townscape
LD4	-	Historic Environment and Heritage Assets

2.4 Neighbourhood Plan

Wellington has a designated Neighbourhood Plan area but this plan has not reached a stage whereby it attracts any weight for the purpose of determining planning applications.

- 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 DCCW2005/1480/F – Proposed detached garage – Approved 27 June 2005.
- 3.2 SH980271SZ – Construction of rear facing stone and hardwood conservatory (Certificate of Lawfulness) – Approved 27 February 1998.

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water provides the following comments:

SEWERAGE

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.

Internal Consultees

4.2 Historic Buildings Officer provides the following comments:

The Laurels is a stone and timber-framed dwelling probably dating from the 17th/18th century. Situated to the south of the main village street, it is not a designated heritage asset but is within the Wellington Conservation Area. Opposite the site to the north is the grade II listed Wellington House, another timber-framed dwelling of a similar scale to the application property.

The relevant heritage policies for the application are HBA4 and HBA6.

The proposal to add an extension to the rear of the property consisting of kitchen and garden room with an en suite bedroom above, is considered acceptable in principle. The scale of the existing property is considered capable of accepting the proposed increase without detriment to its character and appearance.

The extension is proposed to be of timber-frame construction with some stone being used in addition. This reflects the existing character of the property so that it would not appear out of place. It would be visible from the road, both to the east and west, but its scale and construction would be sympathetic to the conservation area character. It is considered therefore that the proposal is acceptable in relation to the conservation area policy HBA6.

The setting of Wellington House, across the road, will be changed to a relatively minor degree when both buildings are visible when approaching from the east or west along the road. However the change in outline and scale of The Laurels is not considered to represent any detrimental impact on the setting of the listed building. It is therefore considered that the proposal accords with policy HBA4.

Conditions will be required for samples of the slates and any new stone, rainwater goods should be cast metal, joinery details for new windows and doors, rooflight manufacturer and details (roof light should be set flush with the slate roof).

5. Representations

5.1 No representations have been received to the proposal.

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

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

6. Officer's Appraisal

- 6.1 In respect of extensions to dwellings planning policy H18 of the Herefordshire Unitary Development Plan (HUDP) is applicable. This states that proposals for extensions must ensure that the original dwelling remains the dominant feature, it would be in keeping with the character and appearance of the existing in terms of scale, mass, siting, detailed design and materials, would not adversely impact upon the living conditions of neighbours, amongst other criteria. This policy is considered to be in conformity with the National Planning Policy Framework (NPPF), which at paragraph 17 states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Design

- 6.2 The proposed materials for the extensions are a stone base with timber frame construction above on the two storey element. The lean-to garden room will be constructed out of matching stone. There will be slate on the roof of both elements. Given that these materials will match the host dwelling, they are considered to be acceptable.
- 6.3 With a step down in the ridgeline between the existing dwelling and the proposed, the extension is considered to be suitably subordinate from the host dwelling. Furthermore, due to being located to the rear of the dwelling, it will be largely obscured from public view when looking from the road.

Impact on Residential Amenity

- 6.4 There are windows proposed on the rear of the two storey element, one serving a bedroom, the other a bathroom. Noting that Wood View, the property to the west, has windows on the front elevation, and the proposed windows will face these, issues of overlooking could arise. However, given that there are existing windows on the first floor of the south elevation on The Laurels, the proposed windows will not result in any undue loss of privacy. Indeed it could be argued to be better than existing arrangement. The view from the proposed windows will be oblique and therefore they are not considered likely to lead to new detrimental issues of overlooking for the neighbouring dwelling.
- 6.5 There are two rooflights proposed on either side of the two storey extension. Given that their cills are 1.8m above floor level, they are unlikely to lead to issues of overlooking.
- 6.6 With the function of the garden room accommodated within the proposed lean-to, there will be windows on the east and south elevations as well as two rooflights. As these will look onto the applicants own rear garden, they are considered to be acceptable.
- 6.7 Some overshadowing of the neighbouring property is anticipated. However, due to the orientation of the proposal, this will be in the morning and onto the front garden of the neighbouring dwelling, Wood View. With this in mind, the proposal is not considered likely to be detrimental to the amenity of the neighbouring occupants.

Impact on wider Conservation Area and opposite Grade II Listed Building

- 6.8 Given that the extension will be to the rear of the host dwelling, and largely obscured by the existing dwelling, as well as the comments received from the Council's Historic Buildings Officer, the proposal is not considered to be detrimental to the Conservation Area or the setting of Wellington House.

Conclusion

6.9 Given the above, the proposal is considered to be compliant with the relevant HUDP policies and NPPF and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **C01 Samples of external materials**
- 4. **D09 Details of rooflights**
- 5. **D05 Details of external joinery finishes**
- 6. **D10 Specification of guttering and downpipes**
- 7. **I16 Hours of 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, 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.**

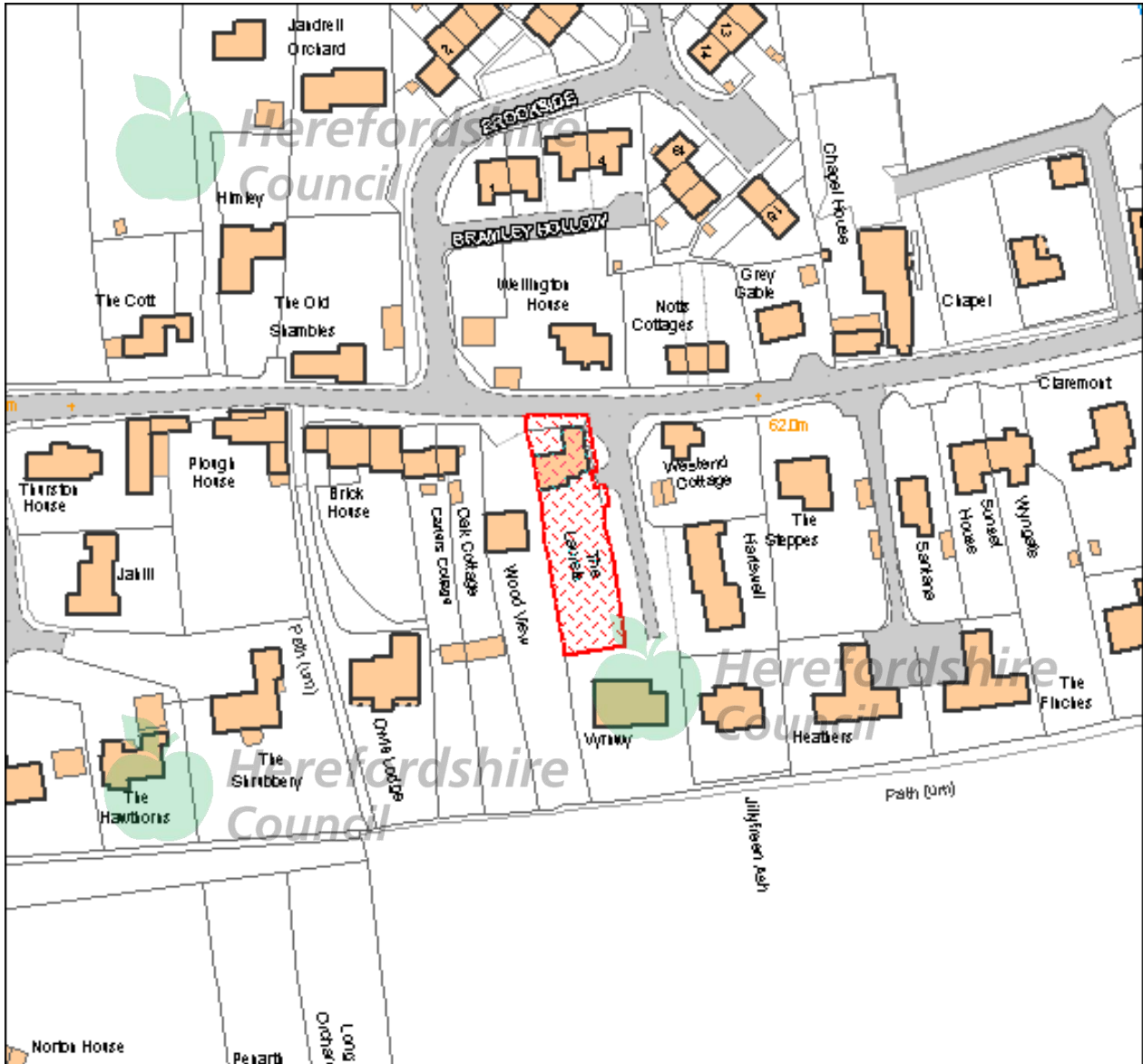
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150373

SITE ADDRESS : THE LAURELS, WELLINGTON, HEREFORD, HR4 8AT

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