

AGENDA

Planning Committee

Date: **Tuesday 16 June 2015**

Time: **10.00 am**

Place: **Council Chamber, Shire Hall, St Peters Square,
Hereford. HR1 2HY**

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

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

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 15 April 2015.</p>	7 - 30
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	31 - 38
7.	<p>151204 AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY</p> <p>Proposed single storey 3 classroom extension with associated group rooms and staff area, a new multi-use games area and perimeter fencing is proposed. Also the enclosure of an existing external fire escape stair.</p>	39 - 46
8.	<p>150727 LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE</p> <p>Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access.</p>	47 - 72
9.	<p>143830 LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN</p> <p>Proposed 3 no. Houses (4 bed).</p>	73 - 82
10.	<p>143832 LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE</p> <p>Proposed 6 no. Houses (3 no. 4 bed, 2 no. 3 bed and 1 no. 2 bed).</p>	83 - 92
11.	<p>151165 FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS</p> <p>Variation of condition to convert cottage annexe to provide one bedroom holiday cottage. Remove condition 4.</p>	93 - 104
12.	<p>150379 LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA</p> <p>Proposed erection of three dwellings and construction of associated works.</p>	105 - 116

13. DATE OF NEXT MEETING

Date of next site inspection – 14 July 2015

Date of next meeting – 15 July 2015



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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 15 April 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, JLV Kenyon and DB Wilcox

In attendance: Councillor DC Taylor

205. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, JG Lester, RL Mayo, J Norris, and TL Widdows.

206. NAMED SUBSTITUTES

There were no named substitutes.

207. DECLARATIONS OF INTEREST

Agenda item 8: 142443 Land adjacent to Garnom Bungalow, Clehonger

Councillor FM Norman declared a non-pecuniary interest because she knew the member of the public speaking in objection to the application.

Agenda item 10: Lavender Cottage, Common Hill, Fownhope, Hereford

Councillor PGH Cutter declared a non-pecuniary interest as a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor BA Durkin Councillor PGH Cutter declared a non-pecuniary interest as a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a Member of the Wye Valley AONB Joint Advisory Committee.

(It was noted that Councillor AN Bridges was acting on behalf of the local ward member in relation to a planning application in Clehonger. However, this did not represent an interest in any of the applications in Clehonger to be considered by the Committee.)

208. MINUTES

RESOLVED: That the Minutes of the meetings held on 16 March 2015 and 25 March 2015 be approved as a correct record and signed by the Chairman.

209. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members who had served on the Planning Committee during the four years of the term of the current Council for their work in tackling the difficult task faced in discharging the Committee's functions.

He thanked Councillor PA Andrews and BA Durkin for their support to him as Vice-Chairmen.

He also thanked Governance Services and Legal Services for their work and in particular officers from Planning Services for their support to him as Chairman over the past four years, noting the public scrutiny and challenge they faced.

210. APPEALS

The Development Manager highlighted the appeal decision on application 132536: Land at Ledbury Road West of Williams Mead, Bartestree. The application had been refused by the Committee contrary to officer recommendation. However, the appeal had been dismissed on the grounds advanced by the Committee, in particular the importance of maintaining a strategic gap between Bartestree and Lugwardine.

Councillor DW Greenow thanked Mr E Thomas, Principal Planning Officer, and Mr K Bishop, Development Manager, for their work on the appeal and welcomed the appeal decision as evidence that the Committee could resist inappropriate development where there were grounds to do so.

The Planning Committee noted the report.

211. 140554 LAND AT FORMER MUSHROOM FARM, MUCH BIRCH, HEREFORD, HR2 8HY

(Outline planning application for 5 no. detached dwellings and garages and access onto A49.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Murphy, the applicant's agent spoke in support of the application.

It was noted that the local ward member was unable to attend the meeting for family reasons.

In the Committee's discussion of the application the following principal points were made:

- The development was sustainable and given the absence of the five year housing land supply there were no grounds for refusal.
- It was important that any issues relating to previous contamination of the land were properly addressed.
- The access to the site now appeared to be satisfactory.
- It was to be hoped that care would be taken with the detailed design and that energy efficient buildings would be provided.
- There was some regret at the absence of any community benefit from the scheme.

- It was disappointing that the Parish Council had decided not to produce a Neighbourhood Plan. It was to be hoped that they could be encouraged to do so.

The Development Manager commented that the Scheme represented organic growth. However, as a consequence, the development was not large enough to meet the national threshold requiring the developer to provide community benefits. The development was adjacent to the built up area, Much Birch having no settlement boundary. Negotiations had enabled a satisfactory access to be provided. He noted that the code levels for sustainable homes had now been abolished and had been replaced by Building Regulation standards.

RESOLVED: 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. **A05 - Plans and particulars of reserved matters**
5. **B01 – Development in accordance with the approved plans**
6. **G02 – Retention of trees and hedgerows**
7. **H03 - Visibility splays**
8. **H06 - Vehicular access construction**
9. **H11 - Parking - estate development (more than one house)**
10. **H17 - Junction improvement/off site works**
11. **H20 - Road completion in 2 years**
12. **H21 - Wheel washing**
13. **H27 - Parking for site operatives**
14. **H29 - Covered and secure cycle parking provision**
15. **I18 – Scheme of foul drainage disposal**
16. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**

- c) **if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

17. **The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

19. **C01 Samples of external materials**
20. **G10 – Landscaping scheme**
21. **G11 – Landscaping scheme – implementation**
22. **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. 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. N11C – General

- 3. The contaminated land assessment pursuant to conditions 14, 15 & 16 is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.**
- 4. All investigations of potentially contaminated sites will be required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

212. 142443 LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY

(Outline permission for the erection of three dwellings.)

The Senior Planning Officer gave a presentation on the application. He noted that comments had now been received from Welsh Water overtaking the information issued in the Committee update.

In accordance with the criteria for public speaking, Mrs C Protherough, a local resident, spoke in objection to the application. Mr C Goldsworthy, the applicant's agent, spoke in support.

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

He made the following principal points:

- He requested that as much as possible of the hedgerow bounding the site be retained.
- He considered that the dwellings should be single storey. This would be in keeping with the properties to the north. Two storey dwellings would overshadow neighbouring properties. It was to be hoped that the buildings would be designed to be as unobtrusive as possible.
- There were some difficulties regarding access and it would be helpful if a boundary wall of a property neighbouring the site could be moved back about 1 metre to improve visibility.

In the Committee's discussion of the application the following principal points were made:

- The development represented organic growth and was close to amenities.
- The applicant should be encouraged to provide single storey properties at the detailed design stage to reduce overlooking.
- Quality of design would be important.
- The Traffic Manager had no objection to the proposed access, which would be an improvement on the current situation.

- It was requested that the applicant should be encouraged to work with the Parish Council and local ward member to provide a traffic calming measure at the entrance to the village as a community benefit with an informative to that effect. There was also a request for signing for walkers and others.
- It was asked if the proximity of stables to the proposed dwellings was a concern. The Development Manager indicated that this was not a concern.
- It was observed that no affordable housing could be required as part of a small development and this was a matter that the Committee should be mindful of given the continuing shortage of affordable housing in the County.

The Development Manager commented that the access had been carefully assessed by the Traffic Manager. He advised that a condition could be included restricting the development to single storey dwellings. However, the developer could submit a full planning application for two storey dwellings which would be considered on its merit. The key would be the quality of the design proposed in relation to the surroundings. An informative could be added to encourage the applicant to provide a traffic calming gateway feature in conjunction with the Parish Council.

The local ward member was given the opportunity to close the debate. He reiterated that he considered it was important that the dwellings provided were single storey and repeated his request relating to moving a boundary wall of a neighbouring property.

RESOLVED: 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. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site at an appropriate time of year and ensure there is no impact upon protected species during vegetation clearance of the area. The results and actions from the inspection shall be relayed to the local planning authority upon completion.**

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.

7. **The recommendations set out in the ecologist's evaluation from the ecology practice dated July 2014 should be followed 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

8. H04 Visibility over frontage
9. H06 Vehicular access construction
10. H13 Access, turning area and parking
11. H17 Junction improvement/off site works
12. H27 Parking for site operatives
13. H29 Covered and secure cycle parking provision
14. I18 Scheme of foul drainage disposal
15. I20 Scheme of surface water drainage
16. Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

17. C01 Samples of external materials
18. G10 Landscaping scheme
19. G11 Landscaping scheme – implementation
20. I51 Details of slab levels
21. 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. Negotiations in respect of matters of concern with the application (as originally submitted) have

resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. HN05 Works within the highway**
- 5. HN08 Section 38 Agreement & Drainage details**
- 6 The applicant is encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village.**

213. 141905 LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORD, HR2 9SL

(Proposed erection of four dwellings and construction of vehicular access.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr B Eacock, the applicant's agent, spoke in support of the application.

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

He made the following principal comments:

- The proposed non-mains sewerage solution would prove costly unless a mains solution could be provided soon and this issue therefore needed to be addressed as swiftly as possible.
- The access was ideal.
- The development was in accordance with the Parish Plan which sought small developments of between 5-10 dwellings.

In the Committee's discussion of the application the following principal points were made:

- It was requested that the applicant should be encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village as a community benefit, with an informative to that effect.
- Reference was made to the Parish Council's concerns over access and the potential linkage to a separate larger application that had been submitted by another developer. It was stated that the proposed access for the separate application by another developer for a larger development to the rear of the application site was in a different location.
- It was to be hoped that the condition requested by the Conservation Manager would be enforced.

- It was suggested that the wording of condition 14 proposed in the recommendation should be amended to reflect the wish that a mains solution to sewerage should be provided as swiftly as possible.
- It was requested that open space be included within the development to reduce its impact.
- The Parish Council supported small scale development of the type proposed.

The Development Manager commented that the access to the site was good, as was the site's connectivity. There was a separate application by another developer for a larger development to the rear of the application site. The wording of condition 14 could be slightly modified to reflect the desire for there to be a mains sewerage solution. An informative could be added to encourage provision of a traffic calming gateway feature.

The local ward member was given the opportunity to close the debate. He indicated his support for the application with the hope that a mains sewerage solution would be secured promptly.

RESOLVED: 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. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to the National Planning Practice Guidance revisions dated 28 November 2014, there is no requirement for contributions and affordable housing subject to compliance with this criteria.

8. **G11 Landscaping scheme - implementation**
9. **H06 Vehicular access construction**
10. **H13 Access, turning area and parking**
11. **H27 Parking for site operatives**
12. **I16 Restriction of hours during construction**
13. **H29 Secure covered cycle parking provision**
14. **No foul or surface water discharges from the site shall connect either directly or indirectly at any time to the public sewerage system.**
15. **L04 Comprehensive & Integrated draining of site**

16. The recommendations set out in Section 8 of the ecologist's report from Paul Quinn dated May 2014 should be followed in relation to mitigation and habitat enhancement. Prior to commencement of the development, habitat protection and enhancement plan integrated with the landscape scheme should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

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.

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. HN05 Works within the highway
- 3 The applicant is encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village.

(The meeting adjourned between 11.25 and 11.30 am.)

214. 143833 LAVENDER COTTAGE, COMMON HILL, FOWNHOPE, HEREFORD, HR1 4QA

(Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from orchard to residential.)

The Acting Principal Planning Officer gave a presentation on the application. *(The Committee update noted that at paragraph 2.1 of the Officer's Report there should be reference to Chapter 11 – Conserving and enhancing the natural environment.)*

In accordance with the criteria for public speaking, Mr M Simmons, Chairman of Fownhope Parish Council spoke in opposition to the Scheme. Mr I Jones, a local resident, spoke in objection. Mrs A Hayter, the applicant, spoke in support.

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

He made the following principal comments:

- He supported the views expressed on behalf of the Parish Council and the public speaker opposing the Scheme. The proposal was for a large structure that would dominate the main dwelling.
- The area was rural and unspoilt and development in such areas was tightly controlled.
- The development would overlook neighbouring properties such as Croft Cottage and was close to a listed building. A single storey development with a pitched roof would be more appropriate.

In the Committee's discussion of the application the following principal points were made:

- A Scheme of the size proposed was out of character with the location and would have a detrimental effect on the landscape particularly as it was within the Wye Valley Area of Outstanding Natural Beauty.
- There was support for the views of Fownhope Parish Council opposing the development.
- There were other ways of meeting the need. There did not seem to be any reason, for example, why a small extension could not be made to the existing dwelling. A single storey dwelling would be preferable.
- The applicant had taken pre-application advice from officers. The Scheme did offer economic benefit. The materials to be used in its design were satisfactory. There were grounds for supporting the proposal in accordance with the officer recommendation having regard to the National Planning Policy Framework.

The Development Manager detailed the dimensions of the development noting that these were significantly reduced from the original application for a building of 96sqm. The application now represented a very modest proposal for a development of just over 40sqm. Such applications would normally be dealt with under delegated powers. The proposed office space area was small, situated in what was in effect an attic. The development was at a lower level than the host dwelling and so would not dominate it. A condition could be imposed regulating slab levels.

The local ward member was given the opportunity to close the debate. He reiterated that the development would be dominant in the landscape. The revised application had resulted in a proposal for a building that was only 0.7m lower in height. A single storey development would be more in keeping with the location.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was out of character with the location, would dominate the main dwelling, and would have a detrimental effect on the landscape particularly as it was within the Wye Valley Area of Outstanding Natural Beauty.

The meeting ended at 12.10 pm

CHAIRMAN

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 15 April 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, J Hardwick, JW Hope MBE, JLV Kenyon, RI Matthews, PJ McCaull, FM Norman and DB Wilcox

In attendance: Councillor J Stone

215. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, KS Guthrie, JG Lester, RL Mayo, J Norris, and TL Widdows.

216. NAMED SUBSTITUTES

There were no named substitutes.

217. DECLARATIONS OF INTEREST

Agenda item 4 112834 The Court, Rectory Road, Hampton Bishop

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Agenda item 5 150455 Land Adjoining Ivy Cottage, Ashton, Leominster

Councillor FM Norman declared a non-pecuniary interest because she knew the applicant.

Councillor PJ McCaull declared a non-pecuniary interest because he had served on Leominster District Council with the applicant in the 1970s.

218. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that Mrs D Klein, Principal Planning Officer, was leaving the authority. He thanked her for her work on a difficult portfolio of applications and wished her all the best for the future.

219. 112834 THE COURT, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU

(Retention of on-farm anaerobic digester and associated ancillary works and equipment; alterations to former slurry lagoon to form a digestate store.)

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

In accordance with the criteria for public speaking, Mr S Fleet spoke on behalf of local residents in objection to the application. Mrs M Stoker, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Planning permission had been granted for a significantly smaller plant.
- The plant was being well managed and was environmentally sound.
- No traffic to and from the plant currently used Mordiford Bridge. The main issue was the effect of farm traffic on Eign Road and Ledbury Road in Hereford with concerns about safety and disturbance, noting also that there were three nursing homes on Hampton Dene Road. He noted that a draft traffic management plan had been drawn up.
- The applicant was seeking to provide a private road across his landholding which would avoid Hereford City Centre with an access point to the Ledbury Road at Tupsley.

In the Committee's discussion of the application the following principal points were made:

- It was outrageous that a much larger plant had been constructed than planning permission had permitted, leading to the situation where a retrospective application for planning permission was now having to be considered. The Principal Planning Officer acknowledged that the situation was regrettable. However, the reality was that a large well run business with considerable capital invested within it was now in operation generating clean energy. She noted that if the business were to return to conventional farming this would generate additional traffic which would not be subject to any traffic management plan.
- The development would have a huge impact but little community benefit except to its owner.
- The main issue was the impact of farm traffic. The tractors and trailers used were of considerable size. They could not use Mordiford Bridge and this meant that they had to use streets in the City Centre. Concern was expressed that these large vehicles were being driven by young drivers without sufficient training and experience who were operating under pressure to meet deadlines. This created a safety risk.
- There was concern as to whether a traffic management plan would be effective.
- Many other large vehicles transported material along Eign Road and Ledbury Road without incident and there was a need for perspective.
- It was requested that the applicant should be encouraged to ensure that the drivers employed were trained to a high standard. The Principal Planning Officer commented that the draft traffic management plan included provision for guidance to drivers. The applicant had indicated that he did not propose to employ young drivers for this task.
- It was asked whether a condition could be imposed requiring the applicant to develop a private road that would provide an access to the Ledbury Road avoiding the City Centre. The Principal Planning Officer commented that a condition could not be imposed. The proposed road would need to cross a Site of Special Scientific Interest (SSI), a Special Area of Conservation (SAC) and pass a scheduled ancient monument. However, it was clear that the applicant

wished to investigate the option seriously not least because of the financial saving the much shorter route would entail. In the light of this comment it was requested that, if approved, an informative be added to the decision notice.

- Another view was that the application should be refused on highway grounds and reconsidered if a suitable alternative access was approved.
- The City Council and Parish Councils objected to the proposal and there were 25 letters of objection.
- Some reservations were expressed about the nature of anaerobic digesters, although it was acknowledged they did produce clean energy. It was questioned how many anaerobic digesters could be supported within the County noting their resource requirements, which included the questionable practice of growing food crops to supply them. It was also asked whether these, and other large developments such as chicken houses, could be developed away from the City given the traffic constraints. The Principal Planning Officer commented that 16 applications for anaerobic digester plants within the County had been approved and two had been refused. She added that the applicant had stated that he had a secure contract for the supply of pomace (apple residue) from the UBL factory at Ledbury to supply the plant.
- The site was a large, well managed business.
- It was asked whether the required habitat screening assessment had been undertaken. The Principal Planning Officer commented that the necessary work had been undertaken by the Environment Agency as part of the process for granting an Environmental Permit. She referred also to the comments of Natural England set out at paragraph 4.2 of the report which concluded that the development was unlikely to have a significant effect on the SAC and provided the development was carried out as proposed the SSSI would not represent a constraint.
- The use of the site did mean that untreated effluent was not being spread on the fields.
- It was requested that mature trees were used to achieve effective screening of the site.
- In relation to condition 11 proposed in the recommendation it was asked whether any additional steps could be taken to prevent odour emissions when transporting materials. The Principal Planning Officer commented that there were some logistical issues in requiring the sealing of all vehicles. However, it would be possible to require stricter recording in the site diary. She noted that the digestate itself had no odour and the material being transported to the site was crop material which also had no odour.
- In relation to the reason associated with condition 5 proposed in the recommendation it was asked whether reference could be made to enforcement action being taken within a specified period in response to any complaints.
- It was asked whether the weight limit of the vehicles using the site could be reduced thereby permitting use of Mordiford Bridge. The Principal Planning Officer commented that once a vehicle was on the public highway no planning restriction could be imposed.

The Traffic Manager noted that using smaller vehicles might be more expensive for the applicant. It would also generate more vehicle movements. The proposal would represent no more than a 2% increase in traffic on Eign Road and this was generally considered to be a negligible level, well within the highway capacity. There had been no recorded accidents involving tractors and trailers in the relevant period. The concerns about highway safety were perhaps a question of perception rather than the reality.

The Development Manager commented that the question of highway safety was clearly the main issue. Granting planning permission would provide an opportunity to regulate the operation of the site through conditions. The possibility of an alternative access being created was not a relevant consideration for the Committee at this time. However, an informative could be added encouraging the applicant to pursue such an alternative. The site had been operational without regulation for three and a half years. The proposal including a traffic management plan represented an improvement on the current situation.

The local ward member was given the opportunity to close the debate. He expressed the hope that the alternative access could be pursued. He noted that modern tractors had many safety features.

A motion that planning permission for the application be refused was lost on the Chairman's casting vote.

RESOLVED: (on the Chairman's casting vote) That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary after consultation with the Chairman and local ward member.

1. **B01 Development in accordance with the approved plans**
2. **Within 8 weeks of the date of this permission, a finalised Traffic Management Plan (TMP), based on the revised draft received on 31 March 2015, shall be submitted to and approved in writing by the local planning authority. The final version of the TMP shall include all features previously agreed; shall reflect updated and accurate assessment of all local school times; and shall provide for tool-box talks with drivers and/or contractors, with periodic review or updating. The details shall be implemented as approved for the lifetime of the development hereby permitted.**

Reason: In the interests of road safety and free flow of traffic, to avoid unnecessary congestion, and to meet the requirements of Policies S2, S6, DR1, DR3, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

3. **C10 Details of external finishes and cladding (industrial buildings)**
4. **M07 Flood evacuation management plan**
5. **Within 8 weeks of the date of this permission, details of a site diary and complaints system shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with the terms of the Environmental Permit and shall include in particular:**
 - i) **A named appointed person having a duty to maintain the diary and complaints record;**
 - ii) **Site diary methodology, including the brief recording of daily activities relating to the permitted plant;**
 - iii) **Means of receiving and recording any complaints relating to the development hereby permitted;**
 - iv) **Permanent location for keeping documentation, and its availability for inspection;**

v) **Details of action to be taken in the event that a complaint is substantiated; and**

vi) **Provision for monitoring and review of the complaints system.**

The scheme shall be implemented as approved for the lifetime of the development hereby permitted.

Reason: To ensure that any substantiated complaints are adequately recorded and promptly addressed, in accordance with Policies S1, S2, DR4 and DR9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

6. **G10 Landscaping and biodiversity enhancement scheme**
7. **G11 Landscaping and biodiversity enhancement scheme - implementation**
8. **I53 Manure storage**
9. **I33 External lighting**
10. **I09 Sound insulation of plant and machinery**
11. **In relation to the development hereby permitted, no feedstock or digestate materials shall be transported into or out from the site unless they are contained within securely covered or sealed vehicles, trailers or tankers.**

Reason: In the interests of road safety, to prevent the dispersion of materials, dust and bio-aerosols, to prevent odour nuisance, and to protect air quality and local amenity in accordance with Policies S2, DR1, DR4, DR9, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

12. **No vehicles, which are in the control of the applicant and used in connection with the development hereby permitted, shall be fitted with reversing alarms unless those alarms are of a 'white noise' type.**

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

13. **F14 Removal of permitted development rights**
14. **I22 No surface water to public sewer**
15. **I28 No discharge of foul/contaminated drainage**
16. **I25 Bunding facilities for oils/fuels/chemicals**
17. **I43 No burning of materials within the application site except in the CHP unit**
18. **I46 Restriction on height of open air storage**
19. **K4 Nature Conservation – Implementation**

Informatives:

- 1 The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which has been taken fully into consideration in determining this application.**
- 2 The local planning authority has acted positively and pro-actively in determining this application by identifying matters of concern within the application as submitted. The authority has actively engaged in dialogue and negotiations with the applicant and his consultants to secure acceptable amendments. 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 in the National Planning Policy Framework**
- 3 Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. These can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>**
- 4 For information on developing a Flood Evacuation Management Plan see Environment Agency guidance: sub-section 22 of the Flood Risk and Coastal Change Section of the PPG and online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>**
- 5 N11C General**
- 6 HN16 Sky glow**
- 7 HN01 Mud on highway**
- 8 Without prejudice, the applicant is urged to expedite proposals for consideration to upgrading existing internal farm tracks between The Court Farm and Tupsley Court, including an appropriate means of accessing the A438 at Tupsley Pitch, in discussion and negotiation with the local highways authority, the local planning authority and statutory consultees as necessary, with a view to submitting a planning application for the said works at the earliest opportunity. Pre-application advice should be sought under the Council's scheme to enable draft details to be considered in advance and any matters of concern to be fully evaluated.**

220. 150455 LAND ADJOINING IVY COTTAGE, ASHTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DN

(Proposed supported living dwelling house and alteration of an existing vehicle crossover.)

The Principal Planning Officer gave a presentation on the application. He noted that additional information had been circulated by the applicants relating to their personal circumstances. However, no weight could be given to this information in considering the planning application.

In accordance with the criteria for public speaking, Mr G Poulton, Chairman of Luston Group Parish Council, spoke in support of the Scheme. Mr and Mrs King, the applicants, spoke in support.

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

He made the following principal comments:

- The applicants had sought to engage with officers at the pre-application stage. An earlier application had been refused with location of the proposed dwelling being the main reason.
- The applicants wished to remain in the locality despite deteriorating health. The proposal was consistent with the Council's housing policies aimed at helping older people to stay in their homes.
- There was no criticism of the design of the property or the materials to be used. He considered, contrary to the report, that the proposal did have sufficient innovative elements to meet the requirements of paragraph 55 of the National Planning Policy Framework (NPPF) which provided that the development of new isolated homes in the countryside should be avoided unless there were special circumstances.
- There was substantial support in the local community for the proposal including from the applicants' GP.
- The Parish Council supported the proposal.
- There were no letters of objection.
- There was no objection from the Transport Manager.
- The development was not isolated and was sustainable with many local amenities readily accessible. The proposal therefore fulfilled the relevant considerations set out at paragraph 6.8 of the report used to determine whether a site represented a sustainable location, having regard to the NPPF and relevant policies.

In the Committee's discussion of the application the following principal points were made:

- The proposal was consistent with the aim of enabling people to remain in their own homes within their local community.
- The Parish Council supported the proposal and there were also 23 letters of support.
- There were grounds to support the application having regard to the NPPF. The proposal was sustainable and was of innovative design.
- It was to be hoped that the Neighbourhood Plan would make provision for other residents facing similar circumstances.

The Development Manager commented that the applicants already had two properties on the site. The application would provide a third dwelling. The development was in the open countryside and was unsustainable. The proposed building was over 300sqm and would be dominant in the landscape. The proposal was a clear departure from the NPPF together with existing and emerging Council policies.

The local ward member was given the opportunity to close the debate. He reiterated that the development was innovative and sustainable and had no adverse impacts. There was considerable local support and no objections. The Council should seek to meet the wishes of residents to remain in or near their existing homes.

RESOLVED: that officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered

necessary on the grounds that the proposal met a local need and was innovative and sustainable.

221. 143368 POPLANDS LANE, RISBURY, HEREFORDSHIRE

(Proposed new dwelling to support a family with local connections in Risbury.)

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

In accordance with the criteria for public speaking, Mr W Jackson, Chairman of Humber, Ford and Stoke Prior Group Parish Council, spoke in support of the Scheme. Mr P Lawley, a local resident, spoke in objection. Mrs S Wilson, the applicant, spoke in support.

The local ward member, Councillor JW Millar, was unable to attend the meeting because of a prior commitment on Council business. He had submitted a statement to members of the Committee in advance of the meeting. The Chairman allotted time for members and the public speakers to read the submission.

The local ward member made the following principal points in his submission:

- The application was not about a house in the countryside, but about a family home for a local family which would enable them to more easily manage their livestock.
- The building would be innovative, utilising the disused quarry owned by the applicants as a site, and using a range of green and sustainable building methods.
- The dwelling would be well screened, and would result in no additional traffic as the applicants currently travelled regularly up and down Poplands Lane to visit their livestock.
- The report did not give sufficient weight to reasons why the development might be advantageous to both the applicant and the community.
- If the proposed amendments to the Core Strategy were agreed, this would result in some increased housing outside traditional settlement boundaries. This should be considered to be emerging policy.
- The concept of sustainability continued to be unclear. The report referred to the poor pedestrian access to local facilities and services. The village of Risbury had no such facilities or services which may be accessed by any resident other than by vehicular transport. Sustainability was not just about access to facilities, but about the construction and intent for a dwelling. The application met this test by having green and sustainable construction methods and enabling the applicants to manage their lives in a more sustainable way.
- The Parish Council supported the application and regard should be had to its local knowledge and its full response set out at paragraph 5.1 of the report.
- He summarised the points made by those writing in support of the application and those writing in objection to it as set out at paragraph 5.2 and 5.3 of the report.
- He had sympathy with those living closest to the site but did not consider that the objections made refusal appropriate. The site would be screened and the inconvenience to neighbours would be minimal. The proposal was innovative and allowed a local family to more effectively and sustainably manage their livestock, whilst freeing up their former home.

- On balance he therefore supported the application, which would deliver innovative design, add to the housing stock and support the vibrant rural economy and urged the Committee to approve it.

In the Committee's discussion of the application the following principal points were made:

- There was support for giving weight to the views expressed by the local ward member. It was noted that the development would provide a family home for a local family. There was consensus that the building would be of innovative design and therefore permitted by paragraph 55 of the NPPF.
- Weight should also be given to the Parish Council's support for the application.

The Development Manager commented that he remained of the view that the recommendation that the application should be refused was correct. A number of similar applications had been dismissed at appeal. The development was in the open countryside in an isolated location, unsustainable and contrary to policy.

RESOLVED: that officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that the proposal met a local need and was innovative and sustainable.

222. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 4.30 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 15 April 2015

Schedule of Committee Updates/Additional Representations

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

Afternoon

143368 - PROPOSED NEW DWELLING TO SUPPORT A FAMILY WITH LOCAL CONNECTIONS IN RISBURY AT POPLANDS LANE, RISBURY, HEREFORDSHIRE

For: Mr Wilson per RRA Architects, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

The applicant's agent states that Risbury is still in the Core Strategy. Inspectors refer to sites adjacent to or within the built form of identified villages. Local needs should be referred to in report.

The report states the dwelling is 4 bedroom. It is a 3 bedroom dwelling. It is not predominantly vertically clad but horizontally clad. Six letters of objection are quoted in fact seven letters received and the same family provides 5 of the letters. Also, there are eight letters of support not six letters as stated

Closest facilities in Stoke Prior incorrect, village hall, bus stop at Risbury and public house at Stoke Prior open since Christmas. Dwelling is not 3 storey in height as stated in report.

The dwelling is innovative as per Paragraph 55 of NPPF. Appeal decision referred to at Wharton was a commercial one for six dwellings. Site may or may not be described as brownfield, still unsuitable for agriculture. Risbury needs eighteen houses, this dwelling provides one of them.

OFFICER COMMENTS

The proposed dwelling has three bedrooms and is clad horizontally not vertically. Eight letters of support have been received raising issues similar to those raised in the report. There is one extra letter of objection again not raising new matters.

There is a Village Hall and bus stop at Risbury and a Public House at Stoke Prior which is 4.5 kilometres away. The dwelling is just under 9.7 metres high when measured from ground level to the ridge of the roof. Strictly speaking it does provide only two floors of accommodation.

Paragraph 55 requires that dwellings are truly innovative. Should this application have been submitted as constituting exceptional and outstanding development it would have been anticipated that it would have been the subject of preliminary discussion with groups such as CABI. It should be noted that the proposal has not been recommended for refusal on design grounds only on the principle of development in the open countryside.

This is not a sustainable location lying adjacent to or within a settlement. The Core Strategy has only limited weight at this time as confirmed by a recent appeal decision for a site for a single affordable dwelling at Bleathwood dated 7 April 2015. (P141234/F/APP/W1850/W/14/3001311)

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 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 142743

- The appeal was received on 27 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 Mr Colin Russell
- The site is located at 1 The Byre, Bridge End Farm, Much Cowarne, Herefordshire, HR7 4JL
- The development proposed is Proposed porch to north elevation; two additional windows to north and west elevations and two Velux rooflights to east elevation
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

Application 142744

- The appeal was received on 27 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mr Colin Russell
- The site is located at 1 The Byre, Bridge End Farm, Much Cowarne, Herefordshire, HR7 4JL
- The development proposed is Proposed porch to north elevation; two additional windows to north and west elevations and two Velux rooflights to east elevation
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

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

Application 142461

- The appeal was received on 2 May 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 John Hopcutt
- The site is located at Land at Holly Barn, Risbury, Leominster, Herefordshire, HR6 0NQ
- The development proposed is Proposed erection of a dwelling and garage/workshop.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 143568

- The appeal was received on 7 April 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 Robin Cheeseman
- The site is located at Ganarew Care Home, Ganarew, Nr Monmouth, Herefordshire, NP25 3SS
- The development proposed is Proposed construction of unit to form assisted living accommodation.
- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Application 141550

- The appeal was received on 30 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 The Church Commissioners for England
- The site is located at Land West of Upper Court Road, Bosbury, Ledbury, Herefordshire
- The development proposed is Proposed site for up to 46 dwellings, new access from Upper Court Road, with open space, parking and associated infrastructure
- The appeal is to be heard by Hearing

Case Officer: Mr C Brace on 01432 261947

Application 143022

- The appeal was received on 1 May 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 & Mrs B & A Harris
- The site is located at Site adjacent to Parrowfield Cottages, Brimfield, Herefordshire
- The development proposed is Proposed erection of one house and garage
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 143452

- The appeal was received on 7 May 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 C/O Sally Topham
- The site is located at The Knoll, Orleton, Ludlow, Herefordshire, SY8 4JA
- The development proposed is Proposed conversion of existing timber frame agricultural building into a single dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 142215

- The appeal was received on 29 April 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 L W D Developments LLP
- The site is located at Land off Rosemary Lane, Leintwardine, Herefordshire
- Residential development of up to 45 dwellings (Use Class C3) means of access and associated works (with all other matters relating to appearance, landscaping, layout and scale reserved.
- The appeal is to be heard by Inquiry

Case Officer: Mr A Banks on 01432 383085

Application 142710

- The appeal was received on 11 May 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 & Mrs Emmett
- The site is located at Land adjacent to Nellies Oak, Dinedor, Hereford, HR2 6LG
- The development proposed is Proposed four bedroom detached house and three bedroom detached bungalow
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 141413

- The appeal was received on 11 May 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mrs Susan Evans
- The site is located at The Nest, Moreton Eye, Leominster, Herefordshire, HR6 0DP
- The development proposed is Proposed provision of two external porches to south elevation
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 142629

- The appeal was received on 12 May 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 & Mrs Gibbs
- The site is located at Land adjacent to Underhill, Hoarwithy, Hereford, HR2 6QG
- The development proposed is Proposed outline application for new single storey residential dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 141687

- The appeal was received on 10 April 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 Miss Lizzie Janes
- The site is located at Mid Summer Orchard, (Land at Oakley Cottage), Ridge Hill, Herefordshire, HR2 8AG
- The development proposed is Change of use of land from agriculture to a one family traveller site, with stationing of one mobile home, one touring caravan, parking and turning area, re-designed access and septic tank.

- The appeal is to be heard by Hearing

Case Officer: Mr C Brace on 01432 261947

Application 141859

- The appeal was received on 7 May 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 Hereford Islamic Society
- The site is located at 36 Holme Lacy Road, Hereford, Herefordshire, HR2 6BY
- The development proposed is Proposed change of use of ground floor retail unit to day centre (D1)
- The appeal is to be heard by Written Representations

Case Officer: Ms K Gibbons on 01432 261781

Application 142356

- The appeal was received on 19 May 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 & Mrs C & G Poultney
- The site is located at Fodder store adj The Old Rectory, Boat Lane, Whitbourne, Worcester, Herefordshire, WR6 5RS
- Proposed removal of condition 4 of planning permission DCNC2004/2013/F (Conversion of cottage annexe to provide one bedroom holiday cottage) to allow 'Fodder Store' to be used as a dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 150067

- The appeal was received on 15 May 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 Paul Smith
- The site is located at Land adjacent Vine Tree Close, Withington, Herefordshire
- The development proposed is Proposed erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of no 5 Vine Tree Close.
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479

Application 142612

- The appeal was received on 28 May 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 Brilley Court Farms Ltd
- The site is located at Cefn Farm, Brilley, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JN
- The development proposed is Proposed erection of an agricultural workers dwelling
- The appeal is to be heard by Hearing

Case Officer: Mr Andrew Stock on 01432 383093

APPEALS DETERMINED

Application 142712

- The appeal was received on 30 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by J M & M E Harrington & Son
- The site is located at Land at Blackway Farm, Lower Eggleton, Ledbury, Herefordshire, HR8 2UN
- The development proposed was Proposed erection of an agricultural workers dwelling
- The main issue was: It was agreed at the Hearing that the appeal site is located within the open countryside and thus is subject to policies restricting residential development. The main issue is therefore whether there is an essential need for a rural worker's dwelling at the appeal site in the countryside.

Decision:

- No decision on the application was made by Herefordshire Council.
- The appeal was Dismissed on 7 April 2015

Case Officer: Mr Andrew Stock on 01432 383093

Application 141234

- The appeal was received on 31 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Matthew Ord
- The site is located at Land at, Bleathwood, Middleton, Little Hereford, Herefordshire, SY8 4LQ
- Proposed erection of one detached dwelling with detached double garage.

- The main issue was whether the proposed development accords with national and local policy concerning new housing in the open countryside.

Decision:

- The application was Refused under Delegated Powers on 5 November 2014
- The appeal was Dismissed on 7 April 2015

Case Officer: Mr A Prior on 01432 261932

Application 141233

- The appeal was received on 8 January 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr David Richard Mark Mutlow
- The site is located at Steppe House Farm, Pencraig, Ross-On-Wye, Herefordshire, HR9 6HR
- Proposed variation of conditions 12 & 13 of planning permission DCSE2004/2744/F (Conversion of existing farms barns and outbuildings to form 4 no dwellings) - to allow the retention of the existing access.
- The main issue was whether the conditions are necessary for the safety and convenience of users of the highway and of the access which serves Steppe House Farm and dwellings.

Decision:

- The application was Refused under Delegated Powers on 20 June 2014
- The appeal was Dismissed on 16 April 2015

Case Officer: Mr M Tansley on 01432 261815

Application 140855

- The appeal was received on 6 October 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr John Bothamley
- The site is located at Yew Tree House, Llangrove, Ross on Wye, Herefordshire, HR9 6HA
- The development proposed was Demolition of existing building and construction of two semi-detached houses
- The main issues were:
 - a) The effect of the proposal on the character and appearance of the area,
 - b) Whether the proposal provides satisfactory parking arrangements,
 - c) Whether the proposal would comprise sustainable development

Decision:

- The application was Refused under Delegated Powers on 27 June 2014
- The appeal was Dismissed on 20 April 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr Roland Close on 01432 261803

Application 141134

- The appeal was received on 20 November 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Paul Smith

- The site is located at Land adjacent to Vine Tree Close, Withington, Herefordshire
- The development proposed was Proposed erection of up to 45 dwellings, construction of a new vehicular access and associated works
- The main issues were:
 - The Council cited four reasons for refusal. The fourth of those referred to the lack of an Obligation to secure affordable housing and various contributions. This has been addressed through an Agreement under Section 106 dated 13 March 2015.
 - In their statement of case, the Council acknowledges that their third reason for refusal, relating to flood risk, could be addressed by a suitably worded condition requiring the submission of a surface water drainage scheme for approval. On my analysis, that is correct.
 - On that basis, the main issues to be considered are the effect of the proposal on (1) the living conditions of the occupiers of Nos.4 and 6 Vine Tree Close through noise and disturbance; and (2) the landscape setting of the village, its conservation area and listed buildings within it. That analysis needs to take place in the light of the Council's acknowledged inability to demonstrate a five year supply of deliverable housing sites.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 29 October 2014
- The appeal was Dismissed on 23 April 2015

Case Officer: Mr Edward Thomas on 01432 260479

Application 132643

- The appeal was received on 5 December 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Draycott Developments
- The site is located at Land adjacent to Linton Court, Bromyard, Herefordshire
- The development proposed was Development for five dwellings.
- The main issue is whether the proximity of the development to existing sources of noise is such that satisfactory living conditions for occupiers of the proposed dwellings would be provided and whether future activity at the nearby Linton Trading Estate would be unacceptably compromised.

Decision:

- The application was Refused under Delegated Powers on 3 June 2014
- The appeal was Dismissed on 29 May 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Enforcement Notice 142928

- The appeal was received on 18 September 2014
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr John Charlton Gaunt
- The site is located at Land to the North of Wigmore Castle, Wigmore, Herefordshire
- The breach of planning control alleged in this notice is:
Without planning permission, the removal of soil to re-profile the sloping land thus creating a flat terrace being an engineering operation. The works also include the importation of stone in preparation for the creation of a hard standing area being operational development.

- The requirements of the notice are:
 - i) Remove all imported stone from the land;
 - ii) Replace all of the soil that has been disturbed or removed from the land and return the land to its former profile prior to these works taking place. The former profile can be seen by observing the adjacent land;
 - iii) During the next planting season following the date on which this notice takes effect, re-seed the land with a mixture of meadow grasses and flowers.
- The main issue in this appeal is the effect of the unauthorised works on the setting of Wigmore Castle as a SAM and listed building. The castle dates from the mid C11th and was one of the largest castles built along the Welsh border. The castle is wild in character as a result of it being presented as a 'romantic ruin'. The ruins and earthworks are extensive and the keep occupies a prominent position on the hill which rises to the south of the appeal site.

Decision:

The Appeal dismissed, planning permission refused and notice upheld after correction and variation on 22 April 2015.

Case Officer: Mr M Tansley on 01432 261815

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



MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	<p>151204 - PROPOSED SINGLE STOREY 3 CLASSROOM EXTENSION WITH ASSOCIATED GROUP ROOMS AND STAFF AREA, A NEW MUGA AND PERIMETER FENCING IS PROPOSED. ALSO THE ENCLOSURE OF AN EXISTING EXTERNAL FIRE ESCAPE STAIR AT AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY</p> <p>For: Ms Davidson, Children's Wellbeing, Herefordshire Council per Mrs Sharon Bacha, Scape Group, 7th Floor City Gate East, Tollhouse Hill, Nottingham, Nottinghamshire, NG1 5FS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151204&search=151204
Reason Application submitted to Committee – Council application	

Date Received: 20 April 2015

Ward: Aylestone Hill

Grid Ref: 352361,240862

Expiry Date: 30 June 2015

Local Member: Councillor MD Lloyd-Hayes

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a 3 classroom single-storey extension to G-block at Aylestone Business and Enterprise College, Broadlands Lane, Hereford (hereafter referred to as 'Aylestone'). The extension, together with internal alterations to G-block and Broadlands Cottage, is intended to enable the relocation of Broadlands Primary School from its current location to the immediate east of the high school, on Prospect Walk.
- 1.2 Access to the Aylestone campus is via Broadlands Lane. Broadlands Lane is a no-through road also serving private dwellings and leading to public footpath HER12, which runs through to Prospect Walk, enabling off-road pedestrian access to the site from the residential properties beyond. The boundary of the Aylestone Hill Conservation Area stands a short distance to the west, with several Grade II listed buildings in close proximity; notably nos. 76, 78 and 80 Aylestone Hill, which frame the entrance to Broadlands Lane.
- 1.3 Pupil numbers at both Broadlands and Aylestone have reduced over recent years, with the effect that the latter, subject to the work described in the application, has the capacity to accommodate Broadlands Primary School as a single form entry school. The submitted Design and Access Statement confirms that based on current and projected pupil numbers the existing Broadlands Primary School buildings are too large, underutilised and

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

disproportionately expensive to maintain. The proposals will also provide facilities that will comply with Building Bulletin 103 "Area Guidelines for Mainstream Schools".

- 1.4 The plans are dependent on Aylestone relinquishing the use of its most recently constructed teaching block (known as Block G), together with Broadlands Cottage and a section of playing field.
- 1.5 G Block is a two-storey detached brick built block located adjacent to Broadlands Lane and Broadlands Cottage. The proposed single-storey extension will provide sufficient accommodation alongside G Block to function as a one form entry primary school with the required amount of teaching (6 classrooms, a reception class and a pre-school) and ancillary accommodation (including administration & staff welfare). The extension is single storey and located to the rear of the existing 2 storey building.
- 1.6 The site will be fully enclosed with existing boundary treatments and a new 1.8m high fence. A two court multi-use games area (MUGA) is also proposed. This would be used principally by the primary school as well as the wider college. The existing external fire escape route will also be fully enclosed to comply with Building Bulletin 100 as part of this development.
- 1.7 The construction of the existing main two storey school buildings comprises of traditional brick walls with pitched tiled roofs whereas the proposed extension will be a single storey building of construction consisting of highly insulated walls faced with pre-treated timber cladding to the elevations that face the sports pitch and proposed MUGA in order to blend with the existing building and the 'semi-rural' nature of the site. The area around the courtyard created against the existing building will have a self-coloured rendered coating to increase the natural light levels. Windows will be powder coated aluminium, finished to contrast with the existing windows on site.
- 1.8 The application is accompanied by a Design and Access Statement, Transport Statement, Ecology Survey and Arboricultural Report.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Communities
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities (Paragraph 72)
Chapter 11	-	Conserving and Enhancing the Natural Environment
Chapter 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
T6	-	Walking

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

T7	-	Cycling
LA5	-	Protection of Trees, Woodlands and Hedgerow
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF5	-	New Community Facilities

2.4 Herefordshire Local Plan - Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SC1	-	Social and community facilities
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

2.5 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 S100327CD – Demolish Art block and remove two existing mobile classrooms and replace with five new mobile classrooms. Approved 21 May 2010.
- 3.2 DCCE2008/1575/F – Extension to Broadlands Cottage and creation of 40no. new car parking spaces. Approved 21 August 2008.

4. Consultation Summary

Statutory Consultees

4.1 Sport England: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection (see officer's appraisal).
- 4.3 Conservation Manager (Trees): No comment.
- 4.4 Conservation Manager (Historic Buildings): No objections.
- 4.5 Schools Capital and Investment Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 There has been one objection from R M Addison, 2 Home Cottage, Broadlands Lane, Hereford. The objection focusses solely on the proposed reopening of the pedestrian gate

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

from Broadlands Lane, which currently accesses the playing fields. Concern is expressed that reopening this gateway will encourage parents to drop their children off immediately outside, which will have the potential to block the flow of traffic on Broadlands Lane.

- 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 The application seeks planning permission for the erection of an extension that has the effect of enabling the relocation of the existing Broadlands Primary School to the Aylestone campus. The decision on the planning application relates solely to the acceptability of the extension relative to its context and not the principle of relocating the primary school.

Planning Policy

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

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

- 6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). 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. At the time of writing the Core Strategy Policies, which have been examined in public, attract only very limited weight for the purposes of decision taking.

- 6.4 In this case, the UDP, in common with the NPPF, has the pursuit of sustainable development at its core. There is not, however, a UDP policy specific to school development. The NPPF contribution to school-related policies (paragraph 72), states as follows:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted."*

- 6.5 Taking the characteristics of the site into account the main issue is whether, having regard to the relevant policies of the Development Plan and other material considerations, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area and nearby heritage assets in the form of the listed buildings nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development. This is the 'test' prescribed by paragraph 14 of the NPPF.

Transport Impacts

- 6.6 Due to the proximity of the existing and proposed sites, and the vehicular, cycling and pedestrian routes that the sites have in common, the relocation of Broadlands primary school to the proposed site will result in little if any change to the existing travel patterns, and therefore minimal impact upon the transport network. A Transport Statement has been submitted with the application, and this identifies a reduction in pupil numbers of the Aylestone School from the maximum permitted situation with a consequent reduction in vehicular traffic. The proposals are therefore considered acceptable. Secure covered cycle parking should be provided and this is suggested to be covered by planning condition, with the quantity and the location to be agreed at the time of discharge of condition.
- 6.7 The contents of the objection are noted, but the pedestrian gate referred to does not offer direct access to the main school entrance. Due to the site layout it is unlikely that the access gate would be utilised to any significant degree as a means of pupil access and egress. Clarification is being sought on the likely use of this gate and Members will be updated accordingly.

Impacts on Heritage Assets

- 6.8 The scheme is limited in extent and reasonably well divorced from the designated heritage assets to the west – Nos.76, 78 and 80 Aylestone Hill and the Conservation Area in which they are located. The scheme reads very much as part of the Aylestone campus rather than the settled residential development lining Aylestone Hill and it is concluded that the proposal would have no more than a neutral impact on the setting of these assets. There is, therefore, no harm to be weighed in the planning balance and the scheme accords with saved UDP policy HBA4 and the objectives of the NPPF outlined at chapter 12 in particular.

Impacts on neighbours

- 6.9 The extension is shielded in the main from properties to the north by the existing building and extends only slighter further westwards than the existing G-block. Local residents will doubtless be aware of school-related noise and traffic, but for the reasons expressed by the Traffic Manager above at 6.6, officers do not consider the additional impact caused by the relocation of the primary school to be unreasonable in the context.

Impacts on Ecological Interests

- 6.10 The Council's Ecologist has read the Bearwood Associates ecological assessment and concurs with its findings. The intention to create a wildlife garden in a future programme is noted and so a condition seeking ecological enhancement is not considered to be necessary at this stage. The inclusion of two ecological informatives is recommended in order that any protected species issues can be properly addressed in the unlikely event that they arise.
- 6.11 The installation of the multi-use games area would appear to necessitate removal of T18 and 19; both category B trees (a Blue Cedar and a Horse Chestnut). A condition is recommended requiring replacement tree planting, with tree protection measures included for retained trees.

7. Conclusions

- 7.1 The proposal has no adverse impacts on the characteristics of the local area or the setting of the adjoining designated heritage assets. In combination the pupil numbers associated with the single-form entry primary school and Aylestone will be less than those associated with Aylestone when it was at its former capacity of approximately 1,200 pupils.

7.2 The proposal would not, in your officer's opinion, adversely affect the amenity associated with nearby residential properties and is considered to represent sustainable development. The application is recommended for approval accordingly.

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. **H13 Access, turning area and parking**
4. **H27 Parking for site operatives**
5. **H29 Secure covered cycle parking provision**
6. **I16 Restriction of hours during construction**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G09 Details of Boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme - implementation**

Informatives:

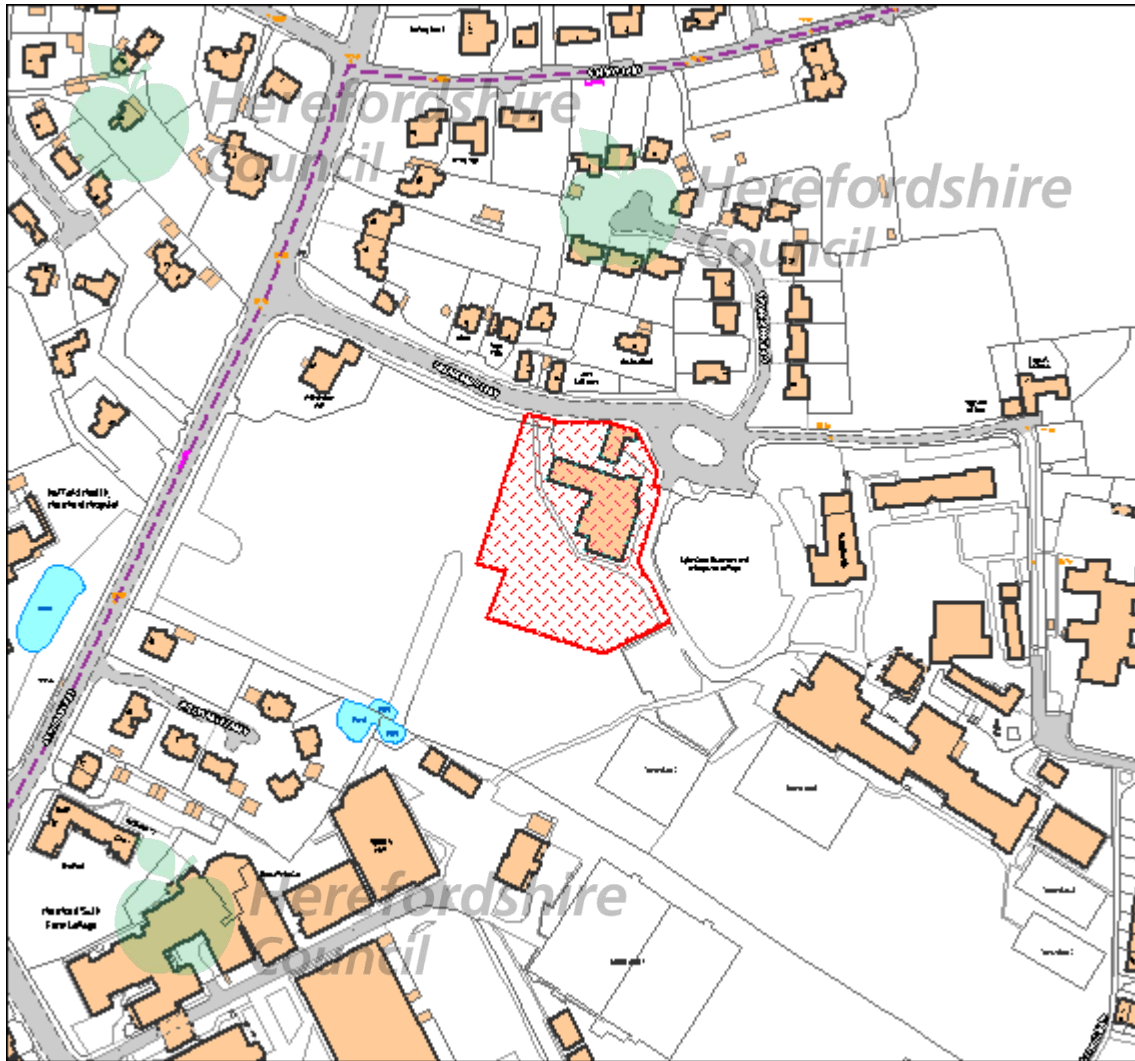
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C General**
4. **HN01 Mud on highway**
5. **HN05 Works within the highway**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151204

SITE ADDRESS : AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

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



MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	<p>150727 - OUTLINE APPLICATION FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING WITH ALL OTHER MATTERS RESERVED, EXCEPT ACCESS AT LAND OFF, PENCOMBE LANE, BROMYARD, HEREFORDSHIRE</p> <p>For: The Gladman Developments Ltd., Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150727&search=150727
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 11 March 2015

**Wards: Bromyard
West and Bishops
Frome & Cradley**

Grid Ref: 364360,254271

Expiry Date: 18 June 2015

Local Members: Councillors A Seldon, and PM Morgan

1. Site Description and Proposal

- 1.1 The site is located on the western edge of Bromyard, to the immediate south of Worcester Road (A44) and comprises around 4.7 hectares of agricultural/pastoral land divided into two fields by an established hedgerow boundary. The site boundaries are defined by established hedgerows and trees.
- 1.2 Existing residential areas lie to the north east of the site. To the east of the site are several residential properties fronting Panniers Lane, a cricket ground, Queen Elizabeth Humanities College and established residential areas beyond. Established trees and hedgerows line Pencombe Lane, which forms the southern boundary of the site. A group of woodland trees line the western boundary.
- 1.3 The site lies within an area described by the Council's Landscape Character Assessment as a Timber Plateau Farmlands landscape type. Such areas are defined by the presence of field boundary hedgerows, linear woodland and medium scale open views and all of these features are evident on site. It is located in open countryside and has a rural setting to the south and west. However, it also has a recognisable residential context due to inter-visibility with the edge of Bromyard to the north and east, and the more scattered development along Panniers Lane.
- 1.4 The site rises steadily in an approximate south to north direction, with the gradient increasing more considerably towards the northern boundary with the A44.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.5 There are no listed heritage assets within the immediate context of the site. Bromyard Conservation Area lies approximately 1 km to the east of the site, and incorporates the town centre and its immediate surroundings.
- 1.6 The application seeks outline approval for development of the site for up to 120 dwellings, 35% of which are to be affordable. It is a re-submission of an application refused by Planning Committee on 4 March 2015; the reasons for refusal are detailed in the Planning History section of this report below.
- 1.7 All matters apart from access are reserved for future consideration and this is to be achieved through the establishment of a single point of access onto the A44. This will require the removal of the existing roadside hedgerow in order to accommodate the required visibility splays. The submission indicates that these hedgerows will be set back and replanted in order to mitigate for their loss and to retain the landscape character of the road frontage.
- 1.7 A new footway is proposed along Worcester Road (A44) between the proposed access and the existing junction with Panniers Lane, providing a connection for pedestrians to the nearby bus stop and convenience store and linking into the site at its north eastern corner.
- 1.8 The application is supported by an indicative master plan. This demonstrates a housing density of approximately 30 dwellings per hectare and includes the provision of a public open space in the north eastern corner and an attenuation pond at the site's lowest point to the south west.
- 1.9 The application is submitted with the following documents:
- Design & Access Statement
 - Planning Statement
 - Affordable Housing Statement
 - Landscape and Visual Impact Assessment
 - Ecological Appraisal
 - Arboricultural Assessment
 - Archaeological Assessment
 - Framework Travel Plan
 - Transport Assessment
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Noise Impact Assessment
 - Statement of Community Involvement
- 1.10 The applicant's agent has also commissioned a Stage 1 Road Safety Audit. This was completed in response to concerns raised during the determination of the first application about the capability of the existing road network to safely accommodate the proposed vehicular access to this site, and a separate access to serve the proposed strategic housing allocation that is being promoted as part of the Core Strategy on land opposite known as Hardwick Bank.
- 1.11 The application has also been screened under Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (Amendment) 2015, and the Council has issued a formal screening opinion which concludes that the development does not constitute EIA development.

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction - Achieving sustainable development

Further information on the subject of this report is available from Mr A Banks on 01432 383085

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

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H15 - Density
- H19 - Open Space Requirements
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Core Strategy Deposit Draft:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land For Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning

Bromyard and Winslow Town Council are not producing a Neighborhood 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:-

Further information on the subject of this report is available from Mr A Banks on 01432 383085

3. Planning History

3.1 142175/O - Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access – Refused by Planning Committee on 4 March 2015 for the following reasons:

1. The site occupies a prominent position in an open countryside location on the western edge of Bromyard. It represents an important visual approach to the town and is visually prominent from a number of public vantage points, particularly further to the west from the A44 and from Panniers Lane and Pencombe Lane and is considered to be important to the town's landscape setting. The proposal would result in the introduction of a large suburban development on the edge of the town that lacks any visual link to it and would be of a scale, character and appearance that would have a significant and demonstrable adverse effect upon the landscape setting of Bromyard. The topography of the site is such that this cannot be readily mitigated through the implementation of a landscaping scheme to filter views of the development and it is therefore considered that the proposal is contrary to Policies LA2, LA3 and LA5 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
2. By virtue of its unacceptable landscape impacts the proposal fails to meet the environmental dimension towards sustainable development as described by paragraph 7 of the National Planning Policy Framework. The impacts of the development are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to the National Planning Policy Framework and Policy S1 of the Herefordshire Unitary Development Plan.
3. The development of the site would be premature and prejudicial to the delivery of the strategic housing land allocation at Hardwick Bank as defined by Policy BY2 of the emerging Herefordshire Local Plan – Core Strategy 2011 – 2031. It would undermine the plan-making process by predetermining decisions about the scale and phasing of new development on the strategic site and it would serve to pre-determine the provision of vehicular access via the A44. The emerging plan is considered to be at an advanced stage, having been subject to an Examination in Public in February 2015, and therefore the tests to justify grounds of prematurity as outlined by Paragraph: 014 Reference ID: 21b-014-20140306 of the National Planning Practice Guidance are met.
4. The application is not accompanied by a completed Section 106 Agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.

3.2 The applicant has lodged an appeal with the Planning Inspectorate against the Council's decision to refuse the application and have asked that it be considered at a hearing. At the time of writing your officers are still awaiting confirmation of a start date for the appeal.

4. Consultation Summary

Statutory Consultations

4.1 NHS England - I have reviewed the application to assess the impact of the proposed development on primary health care infrastructure. The development will impact upon Nunwell Surgery which is already fully utilising all of its available clinical space so is unable to provide services to this increased population. I therefore request a Section 106 capital contribution from the developer for primary medical care facilities required to support this residential development as per the analysis below:

Further information on the subject of this report is available from Mr A Banks on 01432 383085

Capacity Analysis

Planned Number of dwellings 120
Forecast increase in population 288
Average No. of consultations per annum 6
Forecast No. of consultations per annum 1,728
Consulting Room Capacity 6,300
No of consulting rooms required 0.27

Cost Analysis

Consulting room floor area required 4.39 sq m
Clinical/Non clinical support (excluding circulation) 2.93 sq m
Total floor area required 7.31 sq m
Forecast outturn costs (fully inclusive) £26,043

NHS England requests a capital contribution of £26,043 to be allocated under Section 106 of the Town and Country Planning Act as part of this application. As can be seen from the capacity and cost analysis above this request is directly related to the development and is fairly and reasonably related in scale and kind to the development.

- 4.2 Welsh Water – No objections subject to the imposition of conditions to ensure that foul and surface water are discharged separately.

Internal Council Consultations

- 4.3 Transportation Manager – no objection subject to the imposition of conditions
- 4.4 Conservation Manager (Ecology) – no objection subject to condition
- 4.5 Conservation Manager (Landscape)

The site slopes from the northeast to southwest from approximately 174m AOD to 157m AOD and forms part of a gently rolling plateau with an expansive area of pastoral land, defined by visually prominent boundary hedgerows and hedgerow trees. Views of open countryside extend westwards in the direction of Hegdon Hill.

- The site is considered to typify its Landscape Character Type; Timbered Plateau Farmlands: These landscapes are an upstanding version of Principal Timbered Farmlands and in Herefordshire occur in their greatest concentration on the Bromyard Plateau. They are varied agricultural landscapes of hedged fields, scattered farms, woods and wooded valleys associated with undulating relief. The dominant landform is one of the most prominent characteristics and tends to override the pattern of tree cover and field shape. Variations in topography within this landscape create a changing sequence of visual perspectives ranging from open vistas on plateau summits to more secluded scenes along valley bottoms.
- There are no statutory designations within the site. However the landscape is identified as being of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence. It is further referenced within the Green Infrastructure Strategy Herefordshire (Feb 2010) as forming part of the BroLSC2 strategic corridor and part of BRoLEZ2 Enhancement Zone and BroFZ2 Fringe Zone because of its degree of visual sensitivity.
- Flaggoner's Green forms part of a gently rolling plateau, of open countryside, which contrasts with heavily incised slopes to the north and east of the settlement. This visually

sensitive plateau contains the settlement of Bromyard. The open space forms part of the gateway to the settlement and serves to preserve its rural setting.

Visual and Public Amenity:

The visual envelope to the north and east is defined by the topography, to the west and southwest the gently rolling terrain affords views of open countryside.

- It is anticipated that a number of residential properties will experience a potential change in view as a result of the proposal. Properties adjacent to the site including Flaggoner's Green House, Chanctonbury, Winslow View and Cedarwood will experience unimpeded views. Those north of the proposal at Broxash Close, Winslow Road and Upper Hardwick Lane will experience second storey views and properties along Pencombe Lane partial filtered views. Partial middle distance views of the proposal are envisaged from existing development along Panniers Lane including Birchyfield, an unregistered historic park and garden, and users of Queen Elizabeth Humanities College.
- Clear views are envisaged along sections of Public Right of Way AV8 in addition to middle distance views along sections of PRoW WN7 where the proposal will be seen as part of a vista of open countryside against the backdrop of the Malvern Hills.
- Users of the A44 Worcester Road will experience clear views of the proposal as the road aligns with the northern boundary at the western approach to Bromyard. Road users of Pencombe Lane will experience a similar degree of change as the road aligns with the southern boundary. Further glimpsed transient views are anticipated from the southern approach along Panniers Lane.

Conclusions:

Whilst it is understood that the Urban Settlement Boundary runs close to the proposed site and existing development lies therein. The prominent nature of the landform is such that development on this site would be viewed in relative isolation, thus making it incongruous with the surrounding open countryside and in turn detrimentally affecting the rural setting of the settlement of Bromyard.

Summary Reason For Recommendation:

It is considered that the proposal is not in accordance with The Herefordshire Unitary Development Plan:

S1 Sustainable Development (2) respecting patterns of local distinctiveness and landscape character in both town and country and safeguarding landscape quality and visual amenity.

LA3 Setting of Settlements - Development outside the built up areas of Hereford, the market towns and rural settlements, which is acceptable in terms of other Plan policies will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned. Important visual approaches into settlements, views of key buildings open areas into development, green corridors ridgelines and surrounding valued open countryside will be particularly protected and where necessary enhanced.

4.6 Conservation Manager (Archaeology)

As the submitted assessment indicates, there are no significant archaeological issues in relation to this development. I therefore have no objections.

4.7 Parks & Countryside Manager

UDP Policy H19 requires schemes in excess of 60 to provide outdoor playing space to include children's play areas for all ages and outdoor sports pitches in accordance with standards provided in UDP Policy RST3.

A site of up to 120 dwellings at an average rate of 2.3 persons (276) in accordance with UDP Policy RST 3 would require the following:

- POS (0.4 ha per 1000 population) – 0.11 ha (on site)
- Play area provision (0.8 ha per 1000 population) - 0.22 a (on site)
- Outdoor sports provision (1.6ha per 1000 population) - 0.44 ha (off site)
0.77 ha in total

It is noted in the design and access statement the quantum on public open space will be met through the provision of 0.62ha SUDs area which will act as public open space in the south west corner and 0.29ha public open space / play in the north eastern corner. There is no mention of formal outdoor sports provision either on or off site, and whilst the offer on site does appear to meet the POS and Play provision adequately of 0.32ha, a contribution towards off site sports will still be required.

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. In this instance the Playing Pitch Assessment for the Bromyard Area 2012 and the draft Investment Plan currently being prepared have identified a number of deficiencies in provision to meet the current and future population needs.

Play Area Provision: On site provision should include a combination of both formal and informal play opportunities including natural play. Using the Fields in Trusts standards for play provision, this would equate to approx. 0.07ha formal (700 sq m) and 0.15 ha informal play which could include natural play opportunities and play and fitness trails for example.

Formal provision should ideally be one larger facility and a kick-about area to be located within easy access and surveillance of the residential areas. It is noted all detail will be reserved matters and at this stage we will be able to provide more details of the play requirement, value, size etc.

POS/SUDS areas: All on site provision, including play should be fully integrated and accessible and consider including community gardens and neighbourhood green spaces. If SUDs areas are to be provided on site, with careful design (to take account of health and safety issues of standing water) SUDs areas can be included as additional areas of POS providing natural play opportunities and valuable areas for wildlife and biodiversity.

4.8 Education

No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement.

4.9 Housing Development Manager

Whilst the application meets the requirement to provide 35% affordable and the local authority's required standards, the tenure mix does not reflect the need for Bromyard. In addition to this, Herefordshire Council's Tenancy Strategy does not support affordable rent as a tenure on S106 sites.

4.10 Land Drainage Engineer

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. It is recommended that the surface water drainage system is provided in accordance with the Information provided in the FRA and that the Applicant submits the following information as part of any reserved matters application:

- Detailed drawing showing the proposed surface water and foul water drainage strategy, Including SUDS, attenuation measures and pollution prevention measures;
- Demonstration that other SUDS techniques, specifically Infiltration of surface water runoff and the use of on-ground conveyance techniques, were considered further during detailed design and incorporated into the design where appropriate;
- Evidence that the attenuation storage is provided for 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;
- Confirmation that Dwr Cymru Welsh Water are prepared to adopt the proposed foul and surface water drainage network (Including the attenuation pond and discharge to the drainage ditch);
- Evidence that appropriate pollution prevention measures are in place prior to discharge.
- Prior to construction, 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.

4.11 Environmental Health & Trading Standards Manager

Our team has already made reference to the requirement for the development to achieve the satisfactory internal and external noise levels as specified in BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' as the proposal abuts the A44.

In order to assess the impact of the road traffic noise the applicant would need to supply a noise report which includes a full survey of the impact of road traffic noise using the Department of Transport's Calculation of Road Traffic noise (CTRN) 1988 methodology and also using the Highways Agency Design Manual for Roads and Bridges Volume 11 Section 3 part 7 to include calculations for night-time noise levels and which looks at the impact of noise on the proposed residential premises.

The report must include all proposed mitigation measures and demonstrate rigorously that the standards of internal day and night time noise at a minimum reach the standard of reasonable as defined by BS8233: 2014 (design criteria for internal sound pressure levels within residential properties) for each residential property both inside and maximum levels of 50dB LAeq to be achieved in individual occupant's residential amenity areas (gardens, patios etc).

The applicant has requested that a full noise assessment not be made at the outline planning stage. I have no objection to this.

4.12 Waste Management Team Leader

I have a concern over the collection of refuse & recycling from many of the properties which look like they are located down private drives and over 30m from the primary street. Can it be

confirmed what standard the secondary streets will be constructed to and whether these will be able to accommodate travel each week by the 26 tonne refuse collection vehicle?

The informal lanes will not be accessible therefore for those properties over 30m from the point on the highway that the vehicle will be able to travel to, collection points should be established with enough space available to position a bin for each property up to the dimensions of (665mm wide by 880mm deep).

5. Representations

5.1 Bromyard & Winslow Town Council

Resolved not to support the application for the following reasons:

Prematurity

Both tests for prematurity, as advised by section 21b-14 of the National Planning Policy Guidance, are met in this case. The Council's Local Plan is at an advanced stage (having undergone its examination in public) and in the local context the development proposed is significant and the cumulative effect of granting permission would be to undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development on strategic sites that are central to the Local Plan.

Since Application number 142175/O for the same site was refused at Herefordshire Council Planning Committee on 4th March 2015 Herefordshire District Council has issued "MAIN Modifications" to the Core Strategy subject to a six week public consultation process ending 1st May 2015. The MAIN Modifications as they affect Bromyard BY1 and BY2 are that there will be a minimum of 250 dwellings North West of the town, that a majority of dwellings shall be in the North West area of the town and that further work will be carried out to identify other strategic allocated sites North West of the town. It is the view of this Town Council that this advances the Core Strategy even further and the issue of Prematurity becomes more critical in any determination, given that the Application site is South West of the town and not under consideration for housing allocation.

Highway Safety

The proposed single point of access into the application site would severely jeopardise highway safety.

Landscape

The proposed development would be severely detrimental to the rural setting of the settlement of Bromyard, does not respect local distinctiveness and landscape character, and does not safeguard landscape quality and visual amenity, contrary to policies S1 and LA3 of the UDP and paragraph 109 of the National Planning Policy Framework.

Noise

The noise report submitted with the application indicates that to maintain satisfactory noise levels (in accordance with BS8233) the occupiers of properties fronting the A44 and Pencombe Lane would have to keep their windows closed at all times. Given the outline nature of the planning application permission should not be granted where the residential amenity of an unspecified number of properties would be adversely affected by noise.

Loss of Agricultural Land

Granting permission would result in the loss of 4.7ha of Grade 2 agricultural land. The applicant has not demonstrated that the development is necessary given that there are other sites available to accommodate all of the Local Plan's housing requirements for Bromyard in the next plan period. To grant permission would therefore be contrary to paragraph 112 of the National Planning Policy Framework.

Employment Land

There is no available employment land of 1.2ha, as required by both UDP and Local Plan policies, to justify the development of 120 houses.

Affordable Housing

The tenure mix proposed does not reflect the need for Bromyard. In addition the Council's tenancy strategy does not support affordable rent as a tenure on Section 106 sites.

5.2 Avenbury Parish Council – Comments are awaited.

5.3 Letters of objection have been submitted by a planning consultant on behalf of Bovis Homes and Mosaic Estates. Both parties are promoting the land at Hardwick Bank for residential development. He points out that the current application is exactly the same as the scheme previously refused by the Planning Committee and reiterates the original objection. In summary the points raised by both parties are as follows:

- The implementation of the proposed vehicular access arrangement would prejudice the ability to achieve a safe vehicular access into the draft strategic allocation at Hardwick Bank.
- With reference to paragraph 14 of the National Planning Policy Guidance (NPPG) the application at Pencombe Lane would pre-determine decisions about the scale and location of new development central to the emerging Core Strategy, which is at a significantly advanced stage.
- Whilst approval of the Pencombe Lane site could result in additional houses being built in Bromyard, these would not outweigh the loss of the strategic site, either in whole or in part.
- The potential negative effects of the application significantly and demonstrably outweigh the potential benefits of granting permission.

5.4 A letter of objection has been received from Bromyard & District Chamber of Commerce. In summary the points raised are as follows:

- Access to the major employment site at Porthouse on Tenbury Road is poor and the town suffers from large vehicles passing along narrow streets.
- Development at Hardwick Bank would, with a comprehensive scheme, provide the means to deliver a relief road.
- If this proposal is allowed much of the critical mass of development in the Hardwick Bank area would be lost. The application is therefore considered to be premature.

- Housing needs to be put in areas to promote employment and trade and therefore needs to be close to employment and town facilities. To develop on the outer reaches of the town is contrary to the needs and wishes of existing businesses.

5.5 Four letters of objection from local residents have also been received. In summary the points raised are as follows:

- The application is identical to the one previously refused. There have been no changes in circumstances and the refusal reasons stand.
- This is a speculative application that seeks to take advantage of the Council's lack of a five year housing land supply.
- If permission is granted for 120 on this site the reduction in housing for Hardwick Bank will mean developers of the site would not be able to afford to construct a relief road.
- Approval could damage the ambition to build a link road between the A44 and Tenbury Road.
- 500 new houses have been identified for Bromyard in the emerging Core Strategy and it identifies Hardwick Bank as the preferred location. If 500 homes are built here then developers will also build the much needed relief road.
- The application is premature. Granting planning permission would undermine the plan making process as the access to the draft strategic allocation site would be compromised.
- The site was considered for housing development under the SHLAA and was found to be unsuitable for development due to its landscape impact.
- The site is isolated and does not relate well to the rest of the town.
- The application site is Grade 2 agricultural land. The proposal is contrary to paragraph 112 of the NPPF as it will result in the loss of good quality and versatile agricultural land and the applicant has not demonstrated that the development is necessary.
- Access to public transport from the site is limited. There is no regular bus service along the A44 and the bus stop is on the northern side of the A44, requiring pedestrians to cross the road.
- The proposal does not represent a sustainable form of development.
- The Hardwick Bank site is much closer to shops, services and employment sites. It would have greater access to local bus services and is considered to be more sustainable.
- The proposal will significantly increase flood risk from surface water run off to a property immediately to the south west of the site.
- The public consultation undertaken by the applicant was misleading and fundamentally flawed.

5.6 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>

Further information on the subject of this report is available from Mr A Banks on 01432 383085

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 current application is an identical re-submission of the application refused by Planning Committee on 4 March 2015, contrary to officer recommendation. Following the completion of the Examination in Public, the proposed modifications for the Core Strategy were published and subject to a further round of public consultation. The consultation period expired on 22 May 2015.
- 6.2 With regard to Bromyard, the critical change to the wording of Policy BY1 is the requirement to provide a minimum of 500 new homes in Bromyard, where previously the policy required *approximately 500*. Policy BY2 requires that a minimum of 250 new homes are provided at Hardwick Bank.
- 6.3 The Council's justification for the proposed modifications is quite clear - to ensure that wording in the Core Strategy is in line with the NPPF by not restricting growth.
- 6.4 Previous references to a 'link road' have also been removed from Policies BY1 and BY2 and are replaced with the words *route, connection, and a connection for vehicular access*. The reasoning for these changes is to clarify that the route from the A44 to the B4214 is not part of any major infrastructure delivery requirement.
- 6.5 The modifications to the Core Strategy also acknowledge the fact that the Town Council has decided not to produce a Bromyard Neighbourhood Plan. Proposals for Herefordshire Council to produce Bromyard Development Plan are now included in revisions to the Local Development Scheme.
- 6.6 Whilst the proposed modifications have been subject to a further round of public consultation and do not currently have any weight as a material planning consideration, they demonstrate a greater degree of flexibility in order to accommodate growth that is sustainable.
- 6.7 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 that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development, and whether the development is premature and prejudices the delivery of the strategic housing allocation at Hardwick Bank; particularly due to the access arrangements that are proposed.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

- 6.8 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."*
- 6.9 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.
- 6.10 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

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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).”

- 6.11 The practical 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*.
- 6.12 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.13 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.14 In this context, therefore, the proposed erection of up to 120 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.15 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.16 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*.
- 6.17 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 movement towards a low-carbon economy.
- 6.18 Bromyard is one of the county’s market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population. It has a good range of shops, services and

employment opportunities and the site lies on the south western fringe of the developed area; the residential environs of Winslow Road located on the opposite side of the A44. It is your officers view that the site is sustainably located where the delivery of up to 120 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character

- 6.19 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 geo-diversity sites or landscape areas will be judged. It also 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), and LA3 are broadly consistent with chapter 11 of the NPPF.
- 6.20 The application site has no formal landscape designation. It lies in open countryside outside but adjacent to Bromyard's settlement boundary and is considered to be of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence and importance in providing a transitional gateway between town and countryside. Accordingly it was classified as a site with significant landscape constraints in the Strategic Housing Land SHLAA. The Conservation Manager (Landscape) has maintained this opinion in her consultation response, objecting to the application on the basis that the development would be relatively isolated in relation to the rest of the town and would consequently be detrimental to its setting, contrary to policies S1 and LA3 of the HUDP.
- 6.21 It is accepted that the site is at the fringes of the town and that development in this location will undoubtedly change the character of the immediate locality from countryside to a more urban environment. The site is opposite the strategic allocation of Hardwick Bank and the areas of this site adjacent to the A44 are on land at a higher level than this application site. It is your officer's view that when the area is viewed from public vantage points to the south; particularly Panniers Lane, the land at Hardwick Bank is most prominent and not the site to which this application relates. Indeed, the site at Hardwick Bank is similarly constrained in landscape impact terms and is also considered to have Medium to High Sensitivity in the Urban Fringe Landscape Sensitivity Analysis. The development of the strategic site will change the character of the area and on this basis it is not considered that this proposal would cause such harm in its own right to warrant the refusal of this proposal. As noted previously, the site does not have any specific landscape designation and the landscape impacts that will arise are not considered to outweigh the council's lack of a five year housing land supply. Furthermore, the requirement of the Core Strategy to make provision for a minimum of 500 new homes will inevitably require areas of land to be released for housing that have previously been identified by the most recent Strategic Housing Land Availability Assessment as having no potential during the plan period. This includes the Hardwick Bank site.
- 6.22 On the basis that conditions will be imposed requiring the protection of hedgerows where possible and the formulation of a detailed planting regime 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.

Pedestrian and Public Transport Access to Local Facilities

- 6.23 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*
- 6.24 The application shows the provision of a single point of vehicular access directly onto the A44 and this will be considered later in the report. It also indicates the provision of a footway extension along the southern side of the A44 from the point of access to the site for approximately 170 metres in an easterly direction to link to an existing controlled pedestrian crossing. Bus stops are located on either side of the A44 a further 50 metres further east. The plan also shows a further pedestrian link from the site at the junction of Pencombe Lane / Panniers Lane and a further extension of an existing footway on the eastern side of Panniers Lane. This provides a direct pedestrian link to the Queen Elizabeth Humanities College.
- 6.25 Your officers are satisfied that the proposed footway improvements create satisfactory links to the existing pedestrian network and would provide future residents of the site with genuine opportunities to access services by foot and public transport. The proposed site access would consist of a 5.5m carriageway, with 1.8m footways linking to the proposed footway along the A44. A new pedestrian access is also proposed at the southern end of the site. It is proposed dropped crossings and tactile paving will link the proposed footways. The drawing also demonstrates that the visibility splays of 2.4m x 105m to the east and 2.4m x 95m to the west can be accommodated. The improvements can be secured through a Section 278 Agreement and the imposition of an appropriately worded condition should planning permission be forthcoming.

Land Drainage and Flood Risk

- 6.26 Neither Welsh Water nor the Council's Land Drainage Manager have any objection to the development subject to the imposition of planning conditions. The site lies wholly with Flood Zone 1 and is at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultant's comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.27 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Prematurity and Prejudicial Impacts of the Development

- 6.28 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:
- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
 - b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

- 6.29 The objections raised on the grounds of prematurity and prejudice are made on the basis of two presumptions: that the creation of an independent access to the application site will compromise the provision of a new roundabout access on the A44 to serve the strategic site and that the erection of 120 dwellings will affect the deliverability of 500 homes and the provision of a link road between the A44 and Tenbury Road at Hardwick Bank.
- 6.30 In response to the concerns raised about the impact of the proposed access, the applicant commissioned the completion of a Stage 1 Road Safety Audit, based on a presumption that the development would be served by its own access as shown on the plans originally submitted, and that the development of the strategic site would be provided for by a separate roundabout further to the west.
- 6.31 The Audit represents an independent assessment of the assumption that the two sites would be served by independent accesses. It identifies a number of issues to be addressed through the detailed design of each junction and makes a number of recommendations as to how this would be achieved. It does not conclude that the approach is unviable or that it would unduly compromise the highway safety of road users. The Council's Transportation Manager has considered the contents of the Audit and concurs with its findings. Therefore it is your officers view that the proposed access arrangements would not prejudice the delivery of the Council's strategic allocation at Hardwick Bank.
- 6.32 Policy BY1 of the Herefordshire Local Plan – Core Strategy sets out the requirements for residential development in Bromyard. As stated previously, the modifications to the policy require the provision of a minimum of 500 new homes during the plan period. Policy BY2 then deals specifically with the strategic allocation at Hardwick Bank and advises that a minimum of 250 dwellings will be provided on the site.
- 6.33 Contrary to the inference of the objections received, the emerging policies for Bromyard do not require 500 dwellings to be provided at Hardwick Bank. The presumption of the objection letters seems to be that a development of 500 dwellings would fund the creation of a link road between the A44 and Tenbury Road. This is not substantiated with any viability assessment to demonstrate that a development of 500 dwellings would provide adequate funding for a link road, nor does Policy BY2 envisage that a residential development will provide it in isolation. The proposed modifications to the policy are also clear that the provision of a vehicular route

from the A44 to the B4214 is not to be seen as part of any major infrastructure delivery requirement.

- 6.34 Policy BY1 envisages that the remainder of the minimum allocation of 500 dwellings would be provided through a combination of existing commitments, windfall developments and sites allocated through a Neighbourhood Development Plan. Seventy six dwellings have been granted in outline at the Porthouse Farm site and, combined with the strategic allocation of 250 at Hardwick Bank, this leaves a minimum shortfall of 184 dwellings. The proposal provides a significant proportion of this shortfall.
- 6.35 The Town Council do not intend to complete a Neighbourhood Development Plan and the responsibility to complete it will fall to the Council once the Core Strategy is adopted. The expressed preference to allocate all of Bromyard's housing on the Hardwick Bank site would not appear to be compliant with the emerging Core Strategy policies, nor would the ambition to create a formal link road between the A44 and B4214. Given the Council's stated position with regard to housing land supply and the lack of any other significant material planning objections to the proposal, officers do not consider the proposal to be either premature or prejudicial to the delivery of the strategic housing site.

Summary and Conclusions

- 6.36 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.
- 6.37 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 in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.38 The site lies outside but adjacent to the settlement boundary for Bromyard and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. This includes improvements to pedestrian facilities beyond the extent of the application site and these will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.39 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, including 35% affordable and in offering enhancements to footways in the locality, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.40 The Conservation Manager (Landscapes) has objected to the development on landscape impact grounds. However, the Council's strategic housing allocation at Hardwick Bank is similarly constrained and parts of it are, in your officer's opinion, more visually prominent. The site has no landscape designation and impacts can be mitigated through detailed design and the imposition of conditions to retain and protect existing landscape features where possible. There are no designated heritage assets within the locality and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.

- 6.41 The development proposed is not considered to be so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development on the strategic housing site at Hardwick Bank. It has been demonstrated that separate access arrangements can be provided for the application site and the strategic housing site at Hardwick Bank without compromising highway safety and therefore the proposal is neither premature or prejudicial.
- 6.42 Officers conclude that there are no highways, drainage, ecological or archaeological 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.
- 6.43 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 120 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish and Town 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:

1. **A02 – Time limit for submission of reserved matters (outline permission)**
2. **A03 – Time limit for commencement (outline permission)**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **C01 – Samples of external materials**
6. **The development shall include no more than 120 dwellings and no dwelling shall be more than two storeys high.**

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

7. **The development shall not begin until a scheme for the provision of affordable housing as part of the development on the site, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:**
 - 1) **The numbers, type, tenure and location on the site of the affordable housing provision to be made;**
 - 2) **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no Registered Social Landlord is involved;**
 - 3) **The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**

- 4) **The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

Reason: To secure satisfactory affordable housing provision in accordance with saved Policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. **H03 Visibility splays**
9. **H11 Parking – estate development (more than one house)**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads – submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion**
14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **H29 Covered and secure cycle parking provision**
17. **H30 Travel plans**
18. **The recommendations set out in the ecologist’s report from fpcr dated July 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a habitat enhancement plan should be submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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

19. **G04 Protection of trees/hedgerows that are to be retained**
20. **G09 Details of boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **L01 Foul/surface water drainage**
24. **L02 No surface water to connect to public system**
25. **L03 No drainage run-off to public system**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

26. L04 Comprehensive and integrated draining of site

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 Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. N11C General**
- 4. HN04 Private apparatus within highway**
- 5. HN28 Highways Design Guide and Specification**
- 6. HN05 Works within the highway**
- 7. HN07 Section 278 Agreement**
- 9. HN10 No drainage to discharge to highway**
- 10. HN08 Section 38 Agreement & Drainage details**
- 11. HN01 Mud on highway**
- 12. HN25 Travel Plans**

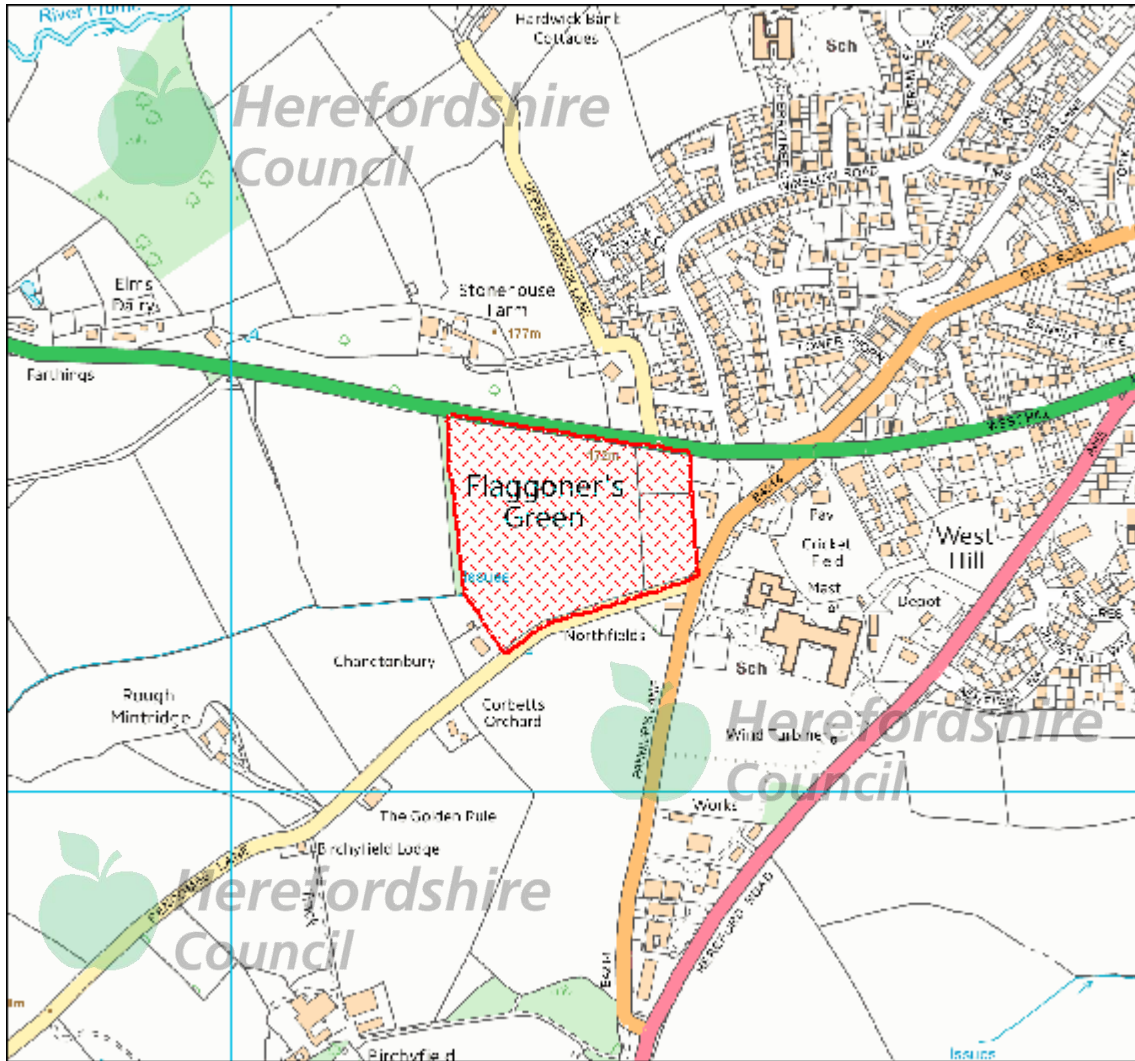
Decision:

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: 150727

SITE ADDRESS : LAND OFF, PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – P150727/O

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 on general market units only.

Site for residential development of up to 120 dwellings with associated open space and landscaping – Land off Pencombe Lane, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council a contribution of £184,507 (index linked) towards providing improved education facilities at Bromyard Early Years, St Peters Primary School, St Marys RC High School, Post 16, Youth and Special Education Needs. The contribution will be spent according to the need at the schools at the point of receipt of the monies. The sums 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 sums of (per open market unit):

£2,458	(index linked) for a 2 bedroom open market unit
£3,690	(index linked) for a 3 bedroom open market unit
£4,917	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
 - b) New pedestrian and cyclist crossing facilities
 - c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
 - d) Public initiatives to promote sustainable modes of transport
 - e) Safer routes to school
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £124,320. The contributions will provide for off-site outdoor sport facilities at to be spent at either Bromyard Cricket Club, Bromyard Rugby Club or Bromyard Football Club, or on priorities at the time of receiving the contribution. The contribution will be sought in consultation with the local parish council, community and club. The sum may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS) and Attenuation Basins, if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs. Alternatively, 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.
5. The developer covenants with Herefordshire Council to pay the sum of £10,000 towards community infrastructure improvements at the Queen Elizabeth Humanities College. The contribution will provide new audio visual housing facilities that will be used for community activities. The sum shall be paid on or before the occupation of the 39th open market dwelling.
6. The developer covenants with Herefordshire Council to pay the sum of £26,043. The contribution will be used for the improvement of primary medical care facilities at Nunwell Surgery. The sum shall be paid on or before the occupation of the 39th open market dwelling.
7. The developer covenants with Herefordshire Council that 35% (42 units – on basis of development of 120) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Bromyard
 - 10.2. in the event of there being no person with a local connection to Bromyard any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working

days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.

11. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. The sums referred to in paragraphs 1, 2, and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. 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.

Andrew Banks
Principal Planning Officer

4th June 2015



MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	143830 - PROPOSED 3 NO. HOUSES (4 BED) AT LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire, HR5 3JN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143830&search=143830
Reason Application submitted to Committee – Re-direction	

Date Received: 23 December 2014

Ward: Arrow

Grid Ref: 333453,255398

Expiry Date: 17 February 2015

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site is located on the south western side of the village alongside a public highway which leads from Lyonshall towards Kingswood (Links up from the A480 to the A4111) and comprises agricultural land laid down to grass.
- 1.2 In policy terms the site is located in open countryside and does not adjoin the recognised settlement boundary identified in the Herefordshire Unitary Development Plan Inset Map.
- 1.3 The application proposes three individually designed four bed roomed detached two-storey timber framed dwellings, using weatherboarding, brick and stone for their external construction with either tiled or slate roofs.
- 1.4 The three designs of local firm Oakwrights propose a 'Woodhouse', 'Kempley' and 'Weald Manor', type dwellings. Their total floor area does not exceed 1000 square metres, (794.2 square metres, in accordance with information submitted in support of the application), and therefore no section 106 agreement for affordable housing or financial contributions towards local infrastructure is required.
- 1.5 The application is accompanied by a design and access statement, landscape and visual impact assessment, ecological assessment, flood risk and drainage assessment, transport assessment, archaeology report and set of elevation and floor plans of the proposed dwellings.

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- H7 - Housing in Open Countryside Outside Settlements
- H13 - Sustainable Residential Design
- LA2 - Landscape Character
- NC1 - Biodiversity and Development

2.2 National Planning Policy Framework:

Introduction

- Delivering a Wide Choice of High Quality Homes
- Requiring Good Design
- Conserving and Enhancing the Natural Environment
- Conserving and Enhancing the Historic Environment

2.3 Herefordshire Local Plan – Draft Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire Villages
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning

Lyonshall Neighbourhood Plan Area was designated on 26 July 2012, at the present time the plan is still being drafted therefore no weight can be attached to the designation.

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 None.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water - raises no objection recommending conditions are attached to any approval notice issued with regards to surface and foul water drainage from the site. In addition an advisory note with regards to water connection.

Internal Consultees

- 4.2 Transportation Manager - No objection, although internal garage space appears small.
- 4.3 Conservation Manager (Ecology) - No Objection subject to imposition of condition if approved.
- 4.4 Conservation Manager (Archaeology) - No objection.

5. Representations

- 5.1 Lyonshall Parish Council:

The Parish Council is strongly supportive of this application as an essential part of the efforts to regenerate the local economy in the parish. This is based on the overwhelming support (3:1 in favour) of the electors following formal consultations.

The proposal is for individually-designed dwellings with varying external finishes and with well-considered landscaping. They all have good-sized plots, and accommodate off-road car parking. These aspects of the design all directly reflect the wishes of parishioners as collected in formal consultations carried out during the development of Lyonshall's Neighbourhood Development Plan.

The Applicant consulted widely by arranging three open sessions locally prior to submitting the application and has taken all reasonable steps to address potential local concerns – such as traffic management, pavement provision, footpath enhancements and landscaping to avoid visual intrusion.

Lyonshall Parish Council has undertaken a full, more formal, consultation of the community as recommended in the National Planning Policy Framework (para 69 and elsewhere). The Parish Council arranged a well-attended parish meeting where the community came to hear about the proposal and to question the applicant. A formal consultation document was sent to every elector with a reply form to gather opinion.

The question posed was:- Do you, in principle, agree with the three current planning proposals? Yes / No

The results of the ballot were:

Total Electors 516 adults

Reply YES 139 (74.3%)

Reply NO 48 (25.7%)

Total Number of returns 187 (100%) (36.2% response rate)

The applicant has made it clear in the application that he will be making contributions to local infrastructure and will be giving funds to Lyonshall Parish Council towards a fund for the development of a vibrant village centre. The development of the Village Centre came out with overwhelming local support (81%) in previous formal consultations for the Neighbourhood Development Plan. It must be a condition of the approval of this application that the benefits to the parish be subject of a legal agreement (prior to development) with the Parish Council for the financial contributions and Herefordshire Council where highways are involved'.

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

5.2 Four letters of objection has been received. Issues raised can be summarised as follows:

- Proposal represents over development with consideration to the neighbourhood plan which proposed 40 houses over next 20 years.
- Development is not considered sustainable and on green field not brown field land.
- Site not within settlement boundary.
- Design not appropriate for Lyonshall.
- Garages too small, presumably to pick development below 1000 sq m to avoid s106 financial contribution.
- The £10,000 offered per house will only be made available if the subsequent 30 houses are built.

5.3 Six letters of support have been received. Key issues raised can be summarised as follows:

- Proposed development will ensure the future vitality of the settlement.
- Development will have minimal impact on neighbouring dwellings.
- Designs are pleasing and in keeping with countryside living.
- Mr Hern has stated he will restore the pub regardless of decision on housing applications.
- The anonymous objector has their own agenda.

5.4 The Design and Access statement sets out supporting information from the applicant.

These applications for housing fall within our overall proposed future development of housing on the side of Lyonshall to raise funds to:

- 1) Redevelop the Royal George Public House in Lyonshall, including WIFI and shop.
- 2) Improve footpath access links between Lyonshall village centre and Holmes Marsh.
- 3) Improve Spond Lane access, including passing bays and improved roadside infrastructure.
- 4) Raise funds to contribute towards a 'New Village Centre Concept' derived from the Parish Neighbourhood Development Plan consultation with the Lyonshall residents.
- 5) Help introduce traffic calming measures where necessary within the village centre.

In the past few years, Lyonshall has lost the Hairdressers, Post Office, Farm Shop and now Public House.

We now have an opportunity to breathe life back into the centre of Lyonshall by bringing the Public House back into full use, and hopefully incorporate as much as we can with a shop and other amenities that the village will be able to use.

The reasoning behind the size of the applications ahead:

We are fortunately placed to have the opportunity to

- 1) make some profit,
- 2) give the Royal George the new lease of life the village so desperately needs, and
- 3) offer a significant start up fund for the possible new village centre concept.

From consultation outside of this application but within the Neighbourhood Development Plan Consultation, 'A Vision for Lyonshall', 183 out of 200 respondents within the village agreed or strongly agreed with this statement:

"There was very strong support for keeping and Improving the facilities offered by the Royal George which, was considered to be most Important to the community. "

We recently purchased the Royal George in Lyonshall, and wish to completely refurbish the property into a fully functioning Public House. After nearly 3 years of closure under the

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

ownership of Punch Taverns, who had tried to get planning for a house in the car park, we managed to secure the property to ensure it stays as a pub and is not lost forever.

We also intend to financially support the ambitious idea of creating a new village centre which again came out of the Lyonshall Neighbourhood Development Plan Consultation process, where 162 out of 200 respondents supported the conceptual Idea of a new 'Village Centre'. The financial support will be averaging approximately £10,000 per property built within the total scheme of this proposal. It will be scaled according to the total amount of approved application plots received by Hereford planning department, and then built and sold.

The key to this whole proposal is creating a critical mass, where the scheme will work when the total number of houses proposed are subsequently approved, and anything less than that makes it very difficult to commit any funds to the new 'Village Centre' concept.

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

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

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

<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 application proposes residential development on a site not located within or adjoining a recognised development boundary as identified in the Herefordshire Unitary Development Plan inset map and as such the site is considered to be open countryside to which the key relevant policy is Policy H7: Housing in the countryside outside settlements. This proposal is contrary to that policy.
- 6.2 Given the current absence of a 5-year housing land supply, as required by the National Planning Policy Framework, sites outside but adjacent to recognised development boundaries are presently being considered for housing development. Any sites suggested for such development are considered on their merits, being assessed against the Framework and other relevant policies in the Herefordshire Unitary Development Plan.
- 6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4 The site subject to this application has not been subject to the Council's Strategic Housing Land Availability Assessment, (SHLAA) schedule of sites.
- 6.5 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for sustainable housing development unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

- specific policies in this Framework indicate development should be restricted.

- 6.6 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.7 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. 'Sustainability is a key word with regards to residential development in the NPPF.
- 6.8 The Council's Draft Core Strategy is evolving and at present carries no planning weight for the purposes of decision making. The National Planning Policy Framework is the key current policy consideration.
- 6.9 Paragraph 215 of the NPPF recognises the primacy of the Development Plan but only where saved policies are consistent with the NPPF. The effect of this paragraph is to effectively supersede the UDP with the NPPF where there is inconsistency in approach and objectives. The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer.
- 6.10 Paragraph 47 states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." 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.
- 6.11 The Presumption in Favour of Sustainable Development
- In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.
- 6.12 In terms of those three dimensions, notwithstanding the later comments about providing funds for community projects, the economic element can reasonably be argued to be met. In terms of the social role no evidence has been submitted to indicate whether or not this proposal meets identified housing needs. In terms of the environmental element it has not been demonstrated how this proposal contributes 'to protecting and enhancing our natural, built and historic environment...'
- 6.13 Whilst it is acknowledged that the housing delivery policies of the UDP are considered out of date. Other policies still apply. A key policy in relation to this application is Policy DR1: Design. This policy indicates where relevant to the proposal all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials. The policy further states that development which does not adequately address design principles or is of poor design, including scheme which are out of scale or character with their surroundings, will not be permitted.

- 6.14 The NPPF in paragraph 56 confirms that the Government attaches great importance to the design of the built environment, confirming that “good design is a key aspect of sustainable development” and “indivisible from good planning.” Good design should contribute positively to making places better for people. The NPPF recognises it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Within this overarching approach it is recognised that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.15 Paragraph 60 states:- “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”
- 6.16 It is also noted that paragraph 64 of the NPPF states:

‘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’.
- 6.17 The application proposes three large scale dwellings with some timber frame elements. The Weald Manor design in particular, illustrates that rather than consider the site and its setting to inform the design, as the design and access statement requires, standard off the peg styles are proposed. The layout of the site shows no comparison with the general frontage style development of the older parts of the village. It is therefore considered that the scale, layout and character of the development fails to reflect the surrounding local built character and environment and is therefore contrary to Policies S1 and DR1 of the UDP and the NPPF.
- 6.18 The applicant has indicated that this proposal forms part of a wider overall development proposal for Lyonshall, in order to help raise funds towards redevelopment within the village and in particular to the Royal George Public House (also in the applicant’s control) which is presently subject to an application to refurbish. Information in support of the application also indicates that funds raised from the development subject to this application will also contribute towards a new village centre concept and traffic calming measures where considered necessary within the village centre.
- 6.19 The comments of the Parish Council are noted, their response states that the applicant has made it clear in the application that he will be making contributions to local infrastructure and will be giving funds to Lyonshall Parish Council towards a fund for the development of a vibrant village centre. The reference they make to 3 applications are this one, another for 6 houses (ref 143832) later on this agenda, and another for 6, (ref 143831), elsewhere in the village that was not subject to re-direction and refused under delegated powers in March.
- 6.20 The Government has recently introduced new legislation indicating that affordable housing and tariff style section 106 contributions cannot 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 applications have been submitted in reduced numbers and size to avoid Section 106 payments.
- 6.21 Therefore the Council is unable to secure the funds, assuming they could be otherwise justified, in the manner the Parish Council require as part of their conditional support for the application. It remains open to the applicant to submit a unilateral undertaking to this end.

Conclusions.

This application proposes development which is considered out of context and character with the surrounding built environment, and landscape character, with consideration to its scale, massing and overall design. The site is located in open countryside and does not adjoin a recognised development boundary, being separated from the settlement boundary by a strip of agricultural land. This will create scattered development in the open countryside. It is not considered that the current lack of a 5 year housing supply gives sufficient weight to this proposal to outweigh those policy concerns.

Neither do the potential economic benefits, in the absence of a means to secure them, add sufficient weight to overcome the significant harm to the rural landscape and its character. As a consequence the proposed development is not considered to be appropriate sustainable development and is therefore considered contrary to the overall aims and objectives of the NPPF and Policies S1, DR1, H7 and LA2 of the UDP.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal is not considered sustainable development in accordance with the three dimensions of sustainable development in accordance with policy as set out in the National Planning Policy Framework. Furthermore the layout, scale and design of the development is not considered to be reflective of the surrounding built and rural character and therefore considered contrary to Policies S1, DR1, H7 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

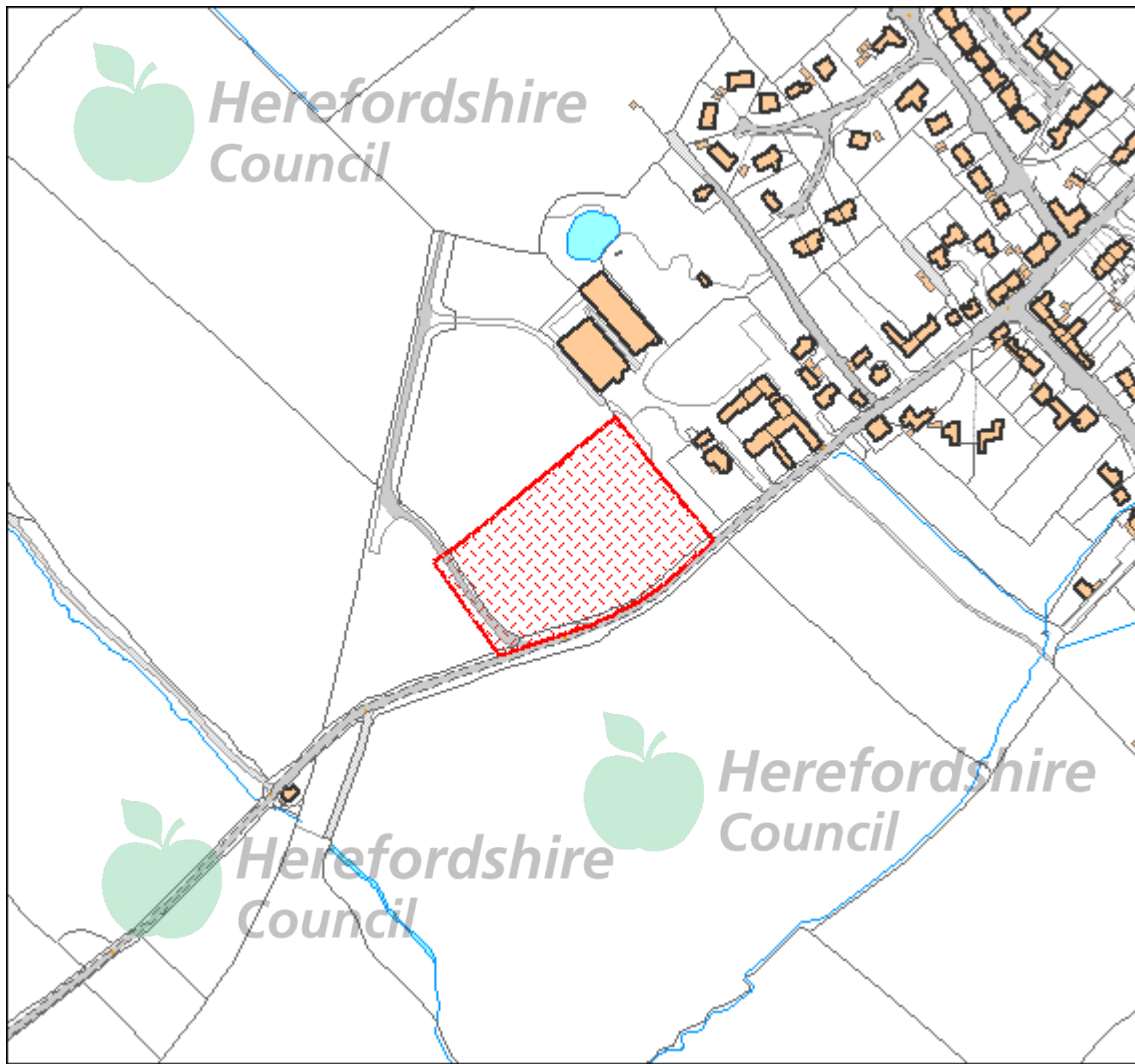
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143830

SITE ADDRESS : LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN

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MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	143832 - PROPOSED 6 NO. HOUSES (3 NO. 4 BED, 2 NO. 3 BED AND 1 NO. 2 BED) AT LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire HR5 3JN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143832&search=143832
Reason Application submitted to Committee – Re-direction	

Date Received: 23 December 2014 **Ward: Arrow** **Grid Ref: 333673,255389**
Expiry Date: 6 March 2015
 Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site is located on the south side of the C1031 road, Lyonshall to Kingswood, opposite the converted barn group at Upper House Farm, Lyonshall.
- 1.2 The site is outside of the identified settlement boundary in the Herefordshire Unitary Development Plan.
- 1.3 The proposal is for 6 dwellings, 3 four bed, 2 three bed and a single 2 bed dwelling. The two bed is a bungalow, the 3 beds dormer style bungalows, the four beds are much larger imposing dwellings, being standard Oakwright designs. A mixture of materials are proposed and include weatherboarding, brick, render, stone and oak frames all under slate or tile roofs.
- 1.4 Access to the site is via an existing field access with the larger dwellings arranged in linear manner and the three smaller ones clustered at the end of a cul-de-sac. The access road has been designed with the future development of the site in mind.
- 1.5 The total floor area of the dwellings is less than 1000 sq. m so avoids the need for S106 contributions. The recent change to government policy means that the requirement for affordable housing is also no longer engaged.

2. Policies

2.1 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- H7 - Housing in Open Countryside Outside Settlements
- H13 - Sustainable Residential Design
- LA2 - Landscape Character
- NC1 - Biodiversity and Development

2.2 National Planning Policy Framework:

Introduction

Delivering a Wide Choice of High Quality Homes
 Requiring Good Design
 Conserving and Enhancing the Natural Environment
 Conserving and Enhancing the Historic Environment

2.3 Herefordshire Local Plan – Draft Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire Villages
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning

Lyonshall Neighbourhood Plan Area was designated on 26 July 2012, at the present time the plan is still being drafted therefore no weight can be attached to the designation.

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 None.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: Raise no objection recommending conditions are attached to any approval notice issued with regards to surface and foul water drainage from the site. In addition an advisory note with regards to water connection.

Internal Consultees

- 4.2 Public Rights of Way: Commented that the site location plan did not indicate the presence of public footpath LZ8, and wanted to see that it was not obstructed before approving the application.
- 4.3 Transportation Manager: No plans of garages, nor covered and secure cycle storage shown. Parking layouts required.
- 4.4 Conservation Manager (Ecology): No Objection subject to imposition of condition if approved.
- 4.5 Conservation Manager (Archaeology): No objection.

5. Representations

- 5.1 Lyonshall Parish Council is strongly supportive of this application as an essential part of the efforts to regenerate the local economy in the parish. This is based on the overwhelming support (3:1 in favour) of the electors following formal consultations.

The proposal is for individually-designed dwellings with varying external finishes and with well-considered landscaping. They all have good-sized plots, and accommodate off-road car parking. These aspects of the design all directly reflect the wishes of parishioners as collected in formal consultations carried out during the development of Lyonshall's Neighbourhood Development Plan.

The Applicant consulted widely by arranging three open sessions locally prior to submitting the application and has taken all reasonable steps to address potential local concerns – such as traffic management, pavement provision, footpath enhancements and landscaping to avoid visual intrusion.

Lyonshall Parish Council has undertaken a full, more formal, consultation of the community as recommended in the National Planning Policy Framework (para 69 and elsewhere). The Parish Council arranged a well-attended parish meeting where the community came to hear about the proposal and to question the applicant. A formal consultation document was sent to every elector with a reply form to gather opinion.

The question posed was:- Do you, in principle, agree with the three current planning proposals? Yes / No

The results of the ballot were:

Total Electors 516 adults

Reply YES 139 (74.3%)

Reply NO 48 (25.7%)

Total Number of returns 187 (100%) (36.2% response rate)

The applicant has made it clear in the application that he will be making contributions to local infrastructure and will be giving funds to Lyonshall Parish Council towards a fund for the development of a vibrant village centre. The development of the Village Centre came out with overwhelming local support (81%) in previous formal consultations for the Neighbourhood Development Plan. It must be a condition of the approval of this application that the benefits to the parish be subject of a legal agreement (prior to development) with the Parish Council for the financial contributions and Herefordshire Council where highways are involved'.

- 5.2 Seven letters of support have been received from members of the public. Key issues raised can be summarised as follows:
- Proposed development is considered to be in keeping with surrounding development.

- Small scaled development is vital to the future of the village.
- The development shows consideration for surrounding dwellings and residential amenity and will maintain the public footpath through a somewhat boggy field.
- Concerns about comments made in other letters of comment in relationship to the application.

5.3 Four letters of objection have been received from members of the public. Key issues raised can be summarised as follows:

- Proposal represents over-development which does not comply with the Neighbourhood Plan and its proposals for growth of the village.
- Proposed development is not considered sustainable in relationship to local services and the character of the settlement concerned.
- Layout and scale of the proposed development is not sympathetic to the existing built environment of the village.
- Proposal appears to be an attempt to avoid Section 106 contributions in accordance with Council policy.
- Houses appear large with little consideration to garages and domestic storage.
- Restoration and refurbishment of the public house cannot be used as an attempt to construct dwellings subject to this application and other applications in the neighbourhood

5.4 The Design and Access statement sets out supporting information from the applicant.

These applications for housing fall within our overall proposed future development of housing on the side of Lyonshall to raise funds to:

- 1) Redevelop the Royal George Public House in Lyonshall, including WIFI and shop.
- 2) Improve footpath access links between Lyonshall village centre and Holmes Marsh.
- 3) Improve Spond Lane access, including passing bays and improved roadside infrastructure.
- 4) Raise funds to contribute towards a 'New Village Centre Concept' derived from the Parish Neighbourhood Development Plan consultation with the Lyonshall residents.
- 5) Help introduce traffic calming measures where necessary within the village centre.

In the past few years, Lyonshall has lost the Hairdressers, Post Office, Farm Shop and now Public House.

We now have an opportunity to breathe life back into the centre of Lyonshall by bringing the Public House back into full use, and hopefully incorporate as much as we can with a shop and other amenities that the village will be able to use.

The reasoning behind the size of the applications ahead:

We are fortunately placed to have the opportunity to

- 1) make some profit,
- 2) give the Royal George the new lease of life the village so desperately needs, and
- 3) offer a significant start up fund for the possible new village centre concept.

From consultation outside of this application but within the Neighbourhood Development Plan Consultation, 'A Vision for Lyonshall', 183 out of 200 respondents within the village agreed or strongly agreed with this statement:

"There was very strong support for keeping and Improving the facilities offered by the Royal George which, was considered to be most Important to the community. "

We recently purchased the Royal George in Lyonshall, and wish to completely refurbish the property into a fully functioning Public House. After nearly 3 years of closure under the ownership of Punch Taverns, who had tried to get planning for a house in the car park, we managed to secure the property to ensure it stays as a pub and is not lost forever.

We also intend to financially support the ambitious idea of creating a new village centre which again came out of the Lyonshall Neighbourhood Development Plan Consultation process, where 162 out of 200 respondents supported the conceptual Idea of a new 'Village Centre'. The financial support will be averaging approximately £10,000 per property built within the total scheme of this proposal. It will be scaled according to the total amount of approved application plots received by Hereford planning department, and then built and sold.

The key to this whole proposal is creating a critical mass, where the scheme will work when the total number of houses proposed are subsequently approved, and anything less than that makes it very difficult to commit any funds to the new 'Village Centre' concept.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<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 application proposes residential development on a site not located within or adjoining a recognised development boundary as identified in the Herefordshire Unitary Development Plan inset map and as such the site is considered to be open countryside to which the key relevant policy is Policy H7: Housing in the countryside outside settlements. This proposal is contrary to that policy.
- 6.2 Given the current absence of a 5-year housing land supply, as required by the National Planning Policy Framework, sites outside but adjacent to recognised development boundaries are presently being considered for housing development. Any sites suggested for such development are considered on their merits, being assessed against the Framework and other relevant policies in the Herefordshire Unitary Development Plan.
- 6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of five or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4 The site subject to this application has been subject to the Council's Strategic Housing Land Availability Assessment, (SHLAA) schedule of sites and was identified as a site with 'minor constraints', on which housing at low density is considered acceptable in principle. On that basis and with the following in mind, it is considered that the principle of development of the site is acceptable and outweighs the content of Policy H7.
- 6.5 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

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

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

6.6 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.

6.7 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. 'Sustainability is a key word with regards to residential development in the NPPF.

6.8 The Council's Draft Core Strategy is evolving and at present carries no planning weight for the purposes of decision making. The National Planning Policy Framework is the key current policy consideration.

6.9 Paragraph 215 of the NPPF recognises the primacy of the Development Plan but only where saved policies are consistent with the NPPF. The effect of this paragraph is to effectively supersede the UDP with the NPPF where there is inconsistency in approach and objectives. The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer.

6.10 Paragraph 47 states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." 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.

6.11 The Presumption in Favour of Sustainable Development

In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.

6.12 In terms of those three dimensions, notwithstanding the later comments about providing funds for community projects, the economic element can reasonably be argued to be met. In terms of the social role no evidence has been submitted to indicate whether or not this proposal meets identified housing needs. In terms of the environmental element it has not been demonstrated how this proposal contributes 'to protecting and enhancing our natural, built and historic environment...'

6.13 Whilst it is acknowledged that the housing delivery policies of the UDP are considered out of date. Other policies still apply. A key policy in relation to this application is Policy DR1: Design. This policy indicates where relevant to the proposal all development will be required to

promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials. The policy further states that development which does not adequately address design principles or is of poor design, including scheme which are out of scale or character with their surroundings, will not be permitted.

- 6.14 The NPPF in paragraph 56 confirms that the Government attaches great importance to the design of the built environment, confirming that “good design is a key aspect of sustainable development” and “indivisible from good planning.” Good design should contribute positively to making places better for people. The NPPF recognises it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Within this overarching approach it is recognised that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.15 Paragraph 60 states:- “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”
- 6.16 It is also noted that paragraph 64 of the NPPF states:

‘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’.
- 6.17 The application proposes six dwellings of different designs but with some common elements. The designs illustrate that rather than considering the site and its setting to inform the design, as the design and access statement requires, standard off the peg styles are proposed. The layout of the site shows no comparison with the general frontage style development of the older parts of the village. It is therefore considered that the scale, layout and character of the development fails to reflect the surrounding local built character and environment and is therefore contrary to Policies S1 and DR1 of the UDP and the NPPF.
- 6.18 The applicant has indicated that this proposal forms part of a wider overall development proposal for Lyonshall, in order to help raise funds towards redevelopment within the village and in particular to the Royal George Public House (also in the applicant’s control) which is presently subject to an application to refurbish. Information in support of the application also indicates that funds raised from the development subject to this application will also contribute towards a new village centre concept and traffic calming measures where considered necessary within the village centre.
- 6.19 The comments of the Parish Council are noted, their response states that the applicant has made it clear in the application that he will be making contributions to local infrastructure and will be giving funds to Lyonshall Parish Council towards a fund for the development of a vibrant village centre. The reference they make to three applications are this one, another for six houses (ref 143830) earlier on this agenda, and another for six, (ref 143831), elsewhere in the village that was not subject to re-direction and refused under delegated powers in March.
- 6.20 The Government has recently introduced new legislation indicating that affordable housing and tariff style section 106 contributions cannot 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 applications have been submitted in reduced numbers and size to avoid Section 106 payments and the requirement for affordable housing.

- 6.21 Therefore the Council is unable to secure the funds, assuming they could be otherwise justified, in the manner the Parish Council require as part of their conditional support for the application. It remains open to the applicant to submit a unilateral undertaking to this end.
- 6.22 A revised plan indicating the route of the path has been submitted. It remains unobstructed by the proposal.
- 6.23 Garages are only proposed for two of the 4 bed houses. The addition of garages to the other 4 plots would take the scheme over 1000 sq. m and thus invoke the need for S106 contributions.

Conclusions

- 6.24 This application proposes development which is considered out of context and character with the surrounding built environment, in terms of its scale, massing, overall design and layout. The potential economic benefits, in the absence of a means to secure them, do not add sufficient weight to overcome this concern. As a consequence the proposed development is not considered to be appropriate sustainable development and is therefore considered contrary to the overall aims and objectives of the NPPF and Policies S1, and DR1 of the UDP.

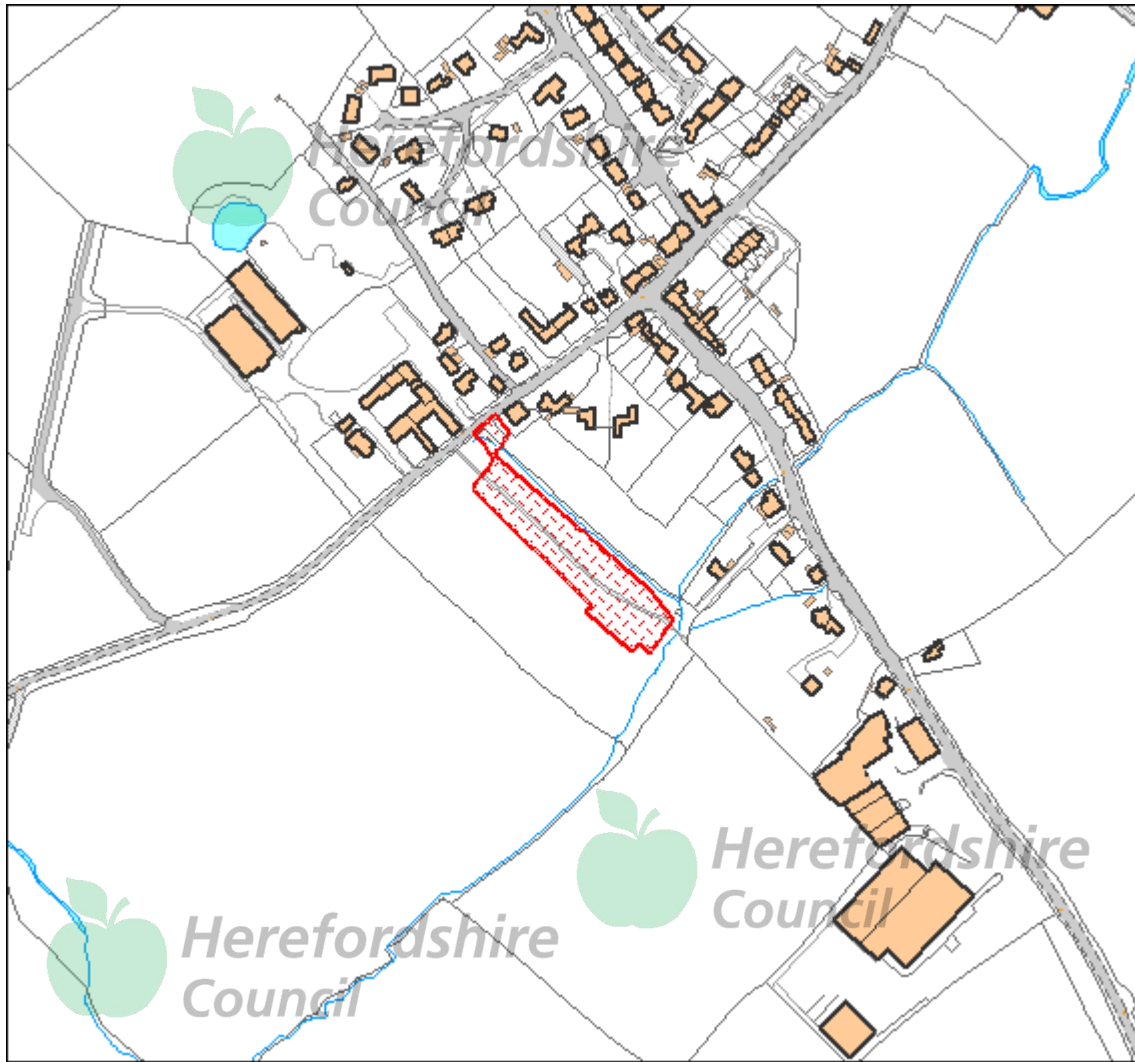
RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The layout, scale and design of the development is not considered to be reflective of the surrounding built and rural character and therefore considered contrary to Policies S1 and DR1, of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide further pre-application advice in respect of any future application for a revised development.**



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APPLICATION NO: 143832

SITE ADDRESS : LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2016
TITLE OF REPORT:	<p>151165 - VARIATION OF CONDITION TO CONVERT COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE. REMOVE CONDITION 4 AT FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS</p> <p>For: Mr & Mrs Poultney per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151165&search=151165
Reason Application submitted to Committee – Re-direction	

Date Received: 14 April 2015

Ward: Bromyard
Bringsty

Grid Ref: 372477,256995

Expiry Date: 9 June 2015

Local Member: Councillor NE Shaw

1. Site Description and Proposal

- 1.1 The Fodder store is physically attached to The Olde Rectory a grade II listed building in Boat Lane, within the Whitbourne Conservation Area. The application seeks removal of condition 4 in order to permit its use as an unrestricted dwelling.
- 1.2 This application is a re-submission of that refused at Planning Committee on 4 March 2015. That decision is the subject of a current appeal.

2. Policies2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance

Section 12 Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR2	-	Land Use and Activity
HBA4	-	Setting of Listed Buildings

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- HBA3 - Change of Use of Listed Buildings
- HBA13 - Re-use of Rural Buildings for Residential Purposes
- H17 - Sub-Dvision of Existing House

2.3 Core Strategy

- LD4 - Historic Environment and Heritage Assets

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:-

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

3. **Planning History**

- 3.1 142356 - Proposed removal of condition 4 of planning permission DCNC2004/2013/F (Conversion of cottage annexe to provide one bedroom holiday cottage) to allow 'Fodder Store' to be used as a dwelling. Refused 11 March 2015.
- 3.2 131973/F - Replacement of extant planning permission DMNC/101265/F (see below) Approved 2 September 2013.
- 3.3 DMNC/101265/F - Removal of condition 4 of planning permission DCNC2004/2013/F. To allow use as annex accommodation to The Olde Rectory. Approved 19 July 2010, subject to condition that it be used as annex to the Olde Rectory.
- 3.4 DCNC2004/2013/F - Conversion of cottage annexe to provide one bedroom holiday cottage. Approved 29 July 2004, subject to holiday use condition (subject of this application).
- 3.5 DCNC/2004/2014/L - Listed building consent for above works, also 29 July 2014. These works included an extension to provide the kitchen and new entrance, the bricking up of a door in what was a yard wall, a number of replacement windows and new glazed openings, a replacement staircase and an opening from the original element to the kitchen addition.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water: No comment.

Internal Council Advice

- 4.2 Conservation Manager (Historic Buildings): I've reviewed this case and confirm that there is nothing further to add to the Senior Building Conservation Officer's previously submitted comments. (see 6.10).
- 4.3 Transportation Manager: No objection may wish to include condition re secure cycle parking.

5. **Representations**

- 5.1 Whitbourne Parish Council – unanimously oppose, this was previously refused on basis of privacy and amenity issues, these considerations remain decisive. Also oppose anything which would damage the physical integrity of The Olde Rectory.
- 5.2 Mr and Mrs Wood the new owners of the Olde Rectory summarise their 16 page objection as follows:

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

1. The application is misconceived. Even if condition 4 were removed, planning permission (and listed building consent) would still be required to create an independent dwelling.
2. The evidence submitted as to non-implementation of the 2013 permission is weak and contradictory. The evidence in support of implementation reflects the true position. The applicants, by their representations and acts and omissions have made it quite clear that there has been a change of use of the property from “holiday let to residential”. Their arguments to the contrary are not tenable.
3. The applicants should be required to make an application for LBC before progressing this application. The application is contrary to HBA3 in that unauthorised works have been carried out in order to facilitate the application and which are not compatible with the preservation of the existing building, its features and setting. These works are also not in keeping with the fact that the property is in a conservation area.
4. The planning history overwhelmingly supports the importance of conditions to protect the privacy and amenity of those living on the site. They should not be relaxed and (subject to 1, 2 and 3 above and 7 and 8 below) the previous decision of the Council should be upheld.
5. The external amenity area neither has planning permission nor listed building consent. The surrounding trellis fencing should be removed (as the Senior Conservation Officer has stated) as it also doesn't have listed building consent. The amenity area has little or no privacy and is too small to meet the day to day requirements of a household. It is contrary to policies H17 and H18.
6. There is very significant potential overlooking from three windows and from the amenity area of the annex. The proposal is also contrary to policies H17 and H18. Further it is contrary to policy H14 as it does not protect the existing residential amenity – rather it exacerbates the likely degree of overlooking and traffic movements.
7. The proposal is contrary to the Human Rights Act as it is prejudicial to the quiet enjoyment of our home.
8. The application is contrary to paragraph 55 of the NPPF and policy H7 which prohibit development in the open countryside.

If a truly objective overview is taken of the facts and circumstances surrounding this application there are several important matters which are clear and which should guide and inform the proper consideration of this application.

In particular, the applicants' own approach in the use and development of the site is instructive.

Although the applicants had originally sought to sell the site as one going concern (the holiday let business), it became clear to them (post 2008) that a different strategy would have to be considered so that they could sell off the component parts of the estate. This led them to apply (in 2010) for residential status for the “Potting Shed”, “Coach House”, “Barn” and “Hooch Hall” and for the “Fodder Store” to revert to being an annex to the Old Rectory. A successful foray into the lucrative wedding function business caused them to delay the implementation of this strategy but when they lost the appeal against the subsequent enforcement proceedings in 2013, they obviously had to revert to their strategy of selling the component parts. Not surprisingly they had made sure that the 2010 permissions were extended – to all the properties. They put the properties on the market in October 2013 and wound down the remaining holiday let business. They obviously intended that there should be a change of use of the site and certainly as from April 2014, if not before, the site had reverted to being purely for residential occupation, with all the properties being marketed for sale in one form or another. Only one has been sold, but the “Coach House”, “Barn” and “Hooch Hall” remain for sale and/or on long lets. Taken overall, it seems obvious that the applicants have, by their actions, implemented a change of use for this site, including the “Fodder Store”.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

As an aside, we have noted that the applicants' agent previously questioned whether the 2013 "Fodder Store" ancillary accommodation permission is valid. This is a surprising contention given that if he were correct, the residential permissions for the other properties would also be invalid. We doubt whether this concern has been raised with any prospective purchasers.

During their tenure, the applicants have also amply demonstrated that they have little regard for the requirements of the planning and listed building legislation (nor to the concerns of those living in neighbouring properties). The Council should be slow to ignore and condone the unauthorised alterations to the property in the consideration of this application. As leading Counsel has made clear "*It is therefore essential to consider the implications for the listed building and its setting before any planning application is granted*".

As has been described above, there is also a long history of conditions being imposed by the Council to control and/or protect the occupants of the Old Rectory and the site. It is highly significant that these were imposed when the site was under the entire control of one owner (the applicants) who could decide and dictate the extent of usage by third parties. This is no longer the case. In these circumstances, the Council should not disregard the relevant planning history but rather give it significant extra weight. Given the views expressed by Leading Counsel (as to the importance of consistency in the application of planning law and policy) and the fact that it was the applicants themselves who decided to split up the site, they should not now be permitted to disregard this history to the prospective prejudice of others.

- 5.3 In addition 7 letters of objection have been received from local residents and the Rev Williams, summarised as follows:

The physical integrity of the Olde Rectory would be compromised;

Anything which affects the Olds Rectory also affects Ring O' Bells;

Support comments of Mr and Mrs Wood;

Committee should examine afresh the issues;

Council should investigate unauthorised work to listed building;

Agree with previous objection of the parish council.

- 5.4 The applicant's agent has submitted the following:

I enclose documents and plans submitted as part of an application to remove a planning condition to enable a one bedroom holiday cottage, known as the 'Fodder Store', to be used as a dwelling. In the absence of the need to make any physical changes to this structure as part of this proposal, listed building consent is not required.

Background

The Fodder Store lies amid a group of dwellings within the village. Its principal aspect faces away from The Old Rectory to which it is attached.

An identical planning application was refused last March by the Council for the following single reason:

'It is considered that the proposal is contrary to Policies H17 and H18 of the Herefordshire Unitary Development Plan in that there is inadequate open amenity space available for the property and it would have an adverse impact upon the privacy and amenity of the occupiers of The Olde Rectory.'

Therefore, in all other respects the Council has accepted the proposal including the

principle of development and that it does not entail any physical change to this listed building. The applicants' objective of submitting the current application is to respond to these specific objections to obtain planning permission.

Planning History

Planning permission DCNC2004/2013/F was granted in 2004 to use the Fodder Store as a 'holiday cottage'. Condition 4 of this permission restricted the use of this building to this purpose although no other restrictions were imposed upon its occupation. Condition 4 allows the Fodder Store to be occupied in a range of ways from a series of short term holiday lets to a holiday home for those whose principal home is elsewhere.

Two planning permissions were granted after 2004 to use the Fodder Store as an annex to The Olde Rectory although these permissions have not been implemented. Therefore, the lawful planning use of the Fodder Store is that of an independent holiday cottage. The Council accepted this assertion when deciding upon the earlier planning application.

Justification for the Proposal

The Council's only objections to the earlier planning application were that (i) there would be inadequate external space and (ii) the proposed dwelling would adversely affect the privacy and amenity of those occupying the Olde Rectory.

External space

The Fodder Store has its own external area of about 25 square metres and not 6 square metres as was assumed by the March Planning Committee whilst refusing planning permission for the earlier application. This area is large enough to accommodate an oil tank, bin store, a plant bed, a circular drier and outdoor table and chairs. Tall trellis fencing demarcates this area and provides privacy.

This external area is considerably larger than the external areas approved by the Council for the neighbouring dwellings on the same site: 'Potting Shed Cottage' and the 'Coach House' have exclusive courtyards of about 17 square metres each. Further, the Council raised no objection last July to the conversion of office units 5 and 6 at Moor Court, Bromyard Road, Whitbourne to dwellings one of which lacked any external area Council reference: 140094/U.

I am unaware of any planning justification why the Council should adopt a much stricter approach toward the residential occupation of the Fodder Store than it adopted with these nearby comparable properties. Further, there is no national or development plan policy requiring a minimum garden size for new dwellings although national policy guidance does advocate the creation of gardens that are private and large enough to meet the day to day requirements of a household. The external area to the Fodder Store would fully meet these requirements. Therefore, in absolute and relative terms the existing external space to the Fodder Store is sufficient to meet the reasonable requirements of occupants of the Fodder Store consistent with the Council's previous decisions relating to similar proposals on neighbouring buildings.

Privacy and Amenity of Occupants of The Olde Rectory

Most openings to The Fodder Store face away from The Olde Rectory. A rear-facing bathroom rooflight does face The Olde Rectory building although there is no direct line of sight between the roof light and windows of the neighbouring property.

There exist a ground floor, lounge window and a small, high sill bedroom window in the eastern gable end of the Fodder Store facing towards the large grounds of The Olde Rectory. Views out of these windows are very limited by the dense canopy of four evergreen Yew trees, other vegetation and a large oil tank. There is an oblique view from the bedroom window of a small part of The Olde Rectory grounds but that garden area is already overlooked from public and semi-public viewpoints and its owners enjoy little privacy using it.

Further, the Council approved these windows as part of the 2004 planning permission to use the Fodder Store as a holiday cottage independent of The Olde Rectory. I am unaware of any planning reason why the Council should now adopt a stricter approach toward the protection of privacy and amenity of occupants of The Olde Rectory than it did in 2004. I presume that in 2004 the Council was satisfied the degree of overlooking arising from these windows in their current form was acceptable.

Finally, the only policies the Council claims would be breached by the proposal are UDP Policies H17 and H18. These policies relate to the sub division of a dwelling and alterations and extensions of dwellings and residential outbuildings (as opposed to their change of use) respectively. Therefore, it cannot be claimed that these policies would be breached when they do not relate to a proposal which entails only the change of use of a holiday cottage to a dwelling.

Conclusions

The Council's previous objections to the proposal related only to the size of the external area available to potential occupants of The Fodder Store and its effect upon the privacy and amenity of occupiers of The Olde Rectory. I firmly believe that if judged objectively, these concerns do not justify the refusal of planning permission.

The size of the existing external area exceeds those included in conversion schemes approved by the Council in the same village in recent times. The everyday needs of a household would be met by this external space in accordance with national policy guidance.

Those residing at the proposed dwelling would overlook The Olde Rectory and impinge upon the living conditions of its occupants to a very limited degree and then, no more than currently arises from the continued occupation of The Fodder Store as a holiday cottage.

Due to the foregoing I do not believe that it can be reasonably argued that the proposal would be contrary to the development plan or national planning policy. As such, planning permission should be granted for this proposal.

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

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

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

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

6. Officer's Appraisal

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- 6.1 The matters raised by Mr Wood were also made during consideration of the previous application, including the submission on his behalf from Counsel, and were considered by the Committee on 4 March 2015. As previously reported the matter is effectively one of a change of use from holiday let to separate dwelling. Unauthorised work to the listed building undertaken is the subject of investigation and negotiation with the Council's Historic Buildings' Officer and is not a matter for consideration at this time.
- 6.2 The previous application was refused contrary to recommendation for the following reason
- It is considered that the proposal is contrary to Policies H17 and H18 of the Herefordshire Unitary Development Plan in that there is inadequate open amenity space available for the property and it would have an adverse impact upon the privacy and amenity of the occupiers of The Olde Rectory.*
- 6.3 Notwithstanding that Members have previously considered a number of the following matters and not found issue with them it is appropriate given the nature of the objections to go over them again. The main considerations to be considered in this matter are therefore:
- (i) evidence of implementation of the earlier permissions ref 101265 and 131973 respectively
 - (ii) listed building consent
 - (iii) amenity issues.
- 6.4 Evidence of implementation of the 2010 (renewed in 2013) planning permission. This is relevant because, should there be evidence that it has been implemented, on a balance of probabilities, then this particular application would be seeking relief from a condition which was no longer extant.
- 6.5 The applicants maintain that the annex use was not implemented, and that the existing use remains as holiday accommodation, additional evidence, as described above, has been submitted on that behalf.
- 6.6 Evidence to the contrary is that a car parking area has been created, thus implementing the annex permission, ref 131973, that the council tax banding is no longer business use, a reference to the Inspector dealing with the planning appeal in August 2013 and the law society form completed prior to sale referring to holiday change to residential.

In turn,

- 6.6.1 A car parking area has been created, prior to submission of the details required by condition 3 of that permission. The applicants advised that this was created in mid 2014 for the use generally of the adjacent properties. Mr Wood, the neighbour subsequently submitted details in September 2014 to retrospectively satisfy that condition. On the face of it this is further unauthorised development, however as it causes no harm there are no grounds to pursue this matter.
- 6.6.2 The Council tax section received details from the applicant that the holiday use had ceased, as a consequence, that section sought revaluation on the basis of residential use. The ceasing of operation for holiday use does not of itself mean that the holiday use is not still the authorised planning use.
- 6.6.3 The enforcement notice appeal decision, in relation to the larger site at the Olde Rectory has been referred to as evidence of use of the Fodder Store as ancillary accommodation to the Olde Rectory. In this regard it should be noted that the planning Inspector's decision letter states (inter alia): ' Then, the appellants (the applicants in this case) started using the site for functions, nearly all of which have, so far, been weekend wedding receptions following a ceremony at the church across the lane. Anyone wishing to use the venue has to rent all the

holiday accommodation, along with the main house itself, which together provide about 47 bed spaces’.

The enforcement notice which resulted in the appeal was on the basis that a material change of use had occurred from a single dwelling house (the Old Rectory) to a mixed use for holiday accommodation and function venue. Consequently it is submitted that the Fodder Store could not have been used as an annex at this time, since, for planning purposes, the house was not being used as a dwelling.

- 6.6.4 It has also been submitted that the completion by the applicants, as sellers, of the Law Society sales enquiry is evidence that they understood that there had been a change of use of the Fodder store to ancillary accommodation for the Olde Rectory. Their planning agent advises that the applicants were under the misapprehension that the grant of the 2010 planning permission meant there was automatically a change of use and they had not realised that this was incorrect and actual use must be in evidence. It is the case officer’s opinion that the applicants could indeed have inadvertently misunderstood this area of planning law.
- 6.7 The applicants’ agent also considers that the renewal of the permission ref 131973 was invalid as the original permission had expired prior to its determination. There was no challenge to the validity of this decision at the time.
- 6.8 On balance therefore, it is considered that the weight of evidence suggests that the 2013 planning permission ref 131973 (being a renewal of the 2010 permission) has not been implemented and that the authorised use of the Fodder Store is as holiday accommodation. If members consider otherwise, and that the authorised use is as an annex, then the position is that there is a listed building, with a restriction on its use which cannot be complied with, since the main house is now in separate ownership.
- 6.9 The proposal, in seeking to remove the holiday occupancy condition would permit the Fodder Store to be used as a separate dwelling.
- 6.10 The Conservation Manager (Historic Buildings) previously advised that unauthorised works had been carried out to the Fodder Store including the blocking of an internal door, removal of external steps and covered lobby area. Originally those comments considered that the unauthorised works should be resolved before the planning application could be determined. This is no longer the opinion of the Conservation Manager (Historic Buildings), furthermore there is no intention to obscure glaze the windows. In this regard the provisions of S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘In considering whether to grant planning permission special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’
- 6.11 It is considered that the resolution of these matters, which is currently under discussion, do not significantly impact upon the use of the building as a dwelling and need not be an impediment to the determination of this application. Notwithstanding the comments about integrity, this building and the main house are already in separate ownership. It is considered therefore that the ‘special regard’ test, contained in S.66 is satisfied.

6.12 Amenity Issues

The main consideration is whether the use as a dwelling compared to holiday use creates sufficient additional amenity issues to justify refusal. Policy HBA3 sets out the criteria for change of use, namely:

The change of use of part or the whole of a listed building will be permitted where it can be demonstrated that:

1. The building is structurally capable of accommodating the proposed use without requiring substantial rebuilding;
2. The proposed use is compatible with the preservation of the existing building, its features and setting and where relevant those of any immediately adjacent listed buildings;
3. The proposed use complements any other existing uses of the building which are to be retained;
4. The proposal assists the retention and beneficial use of a historic building; and
5. In relation to reuse and adaptation of traditional rural buildings, the use complies with policies HBA12 and HBA13.

6.13 Reference has been made to the reason for imposition of conditions on the previous annex applications to comply with policy H18 of the Unitary Development Plan, which relates to the alteration or extension to dwellings, not the creation of new dwellings as objections suggest, the relevant criteria being:

3. the proposal would not be cramped in its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on the privacy and amenity of occupiers of neighbouring residential property; and
4. The level of resulting off street parking provision is in accordance with policy H16.

6.14 Whilst the proposal would result in a small dwelling with limited amenity space of its own it is not considered that the occupation for this purpose would result in an unacceptable level of privacy and amenity either for its own purposes or those of the adjoining property. It is not considered that the use as a separate dwelling is incompatible with the adjoining listed building, nor the setting thereof or of the other adjacent properties. It is considered that the proposal complies with policy H17 of the Herefordshire Unitary Development Plan. In terms of sustainability Whitbourne is considered to be a sustainable location. Members of the previous committee will recall the recent resolution to grant planning permission for 20 houses on that basis, and that S55 of the NPPF is satisfied.

6.15 The Transportation Manager suggests a condition to require secure cycle parking may be considered. Given the setting such provision is not considered to be appropriate.

6.16 It is therefore considered that the proposal complies with relevant policies, in particular, HBA3 and H17 the principles of the NPPF, and notwithstanding the previous committee decision, is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

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.**

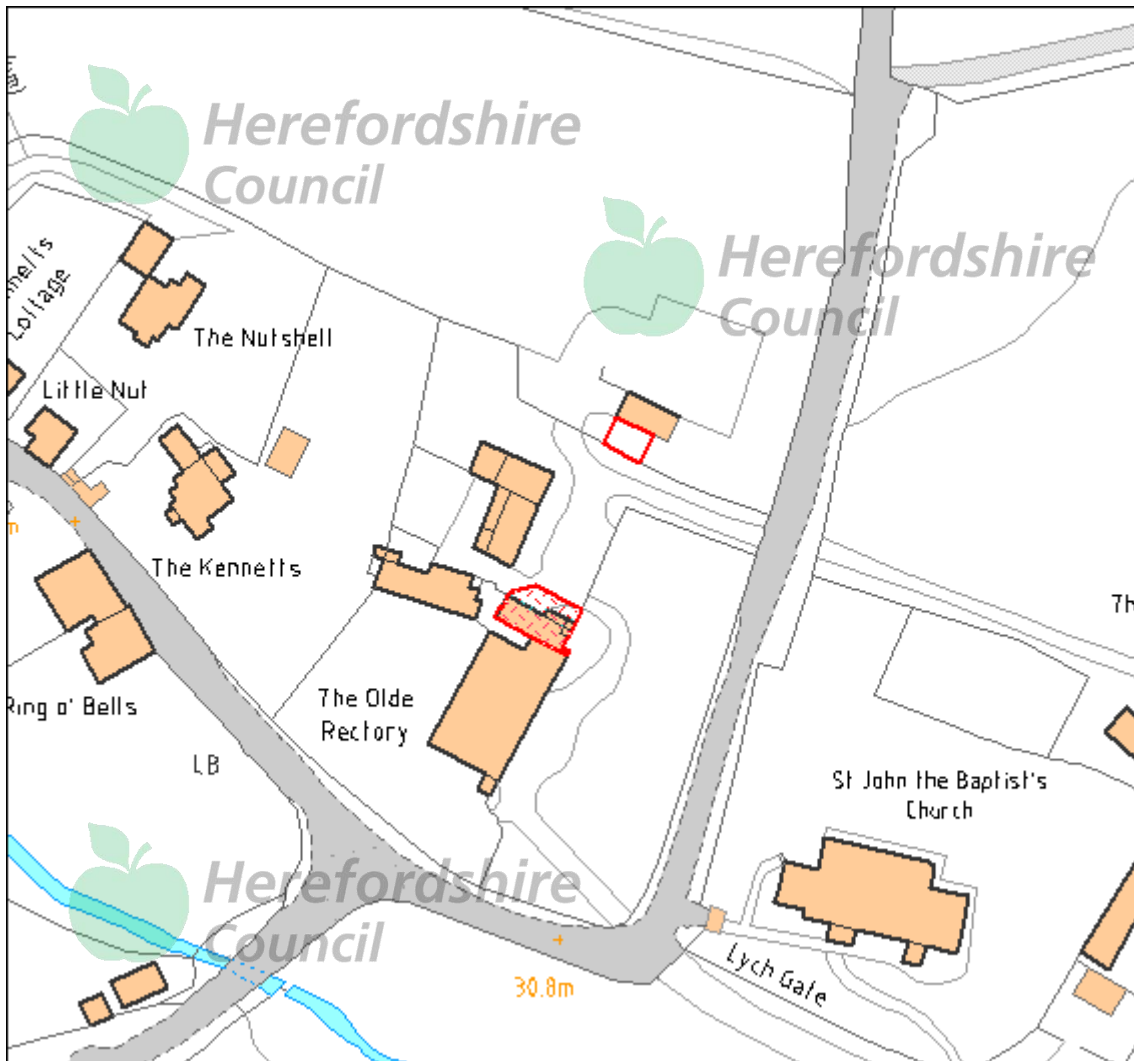
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151165

SITE ADDRESS : FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	150379 - PROPOSED ERECTION OF THREE DWELLINGS AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA For: Mr Gee per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150379&search=150379
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 6 February 2015 **Ward: Kerne Bridge** **Grid Ref: 355196,217481**

Expiry Date: 3 April 2015

Local Member: Councillor PD Newman OBE

1. Site Description and Proposal

- 1.1 The application site lies to the south-east of the A40 on the southern side of the B4164. The site that forms part of a larger field has an area of approximately 0.196 hectare. At the north-eastern point of the application site is an existing vehicular access, albeit an agricultural access. Immediately to the south-east of the application site within the larger field, which is the same ownership, is a public footpath which runs parallel to the south-eastern boundary of the larger field. The land rises to the south.
- 1.2 The River Wye is in excess of 400 metres to the east with intervening existing development.
- 1.3 The site is actually centrally located within Whitchurch, with the Old Court Hotel some 50 metres to the south-east, the Primary School opposite and the village hall, employment facilities, village shop, public house and bus stop all within easy, and safe, walking distance.
- 1.4 The application is made in outline form with all matters except appearance, in this case full details of materials, reserved for future consideration. The negotiation process has essentially resulted in a high level of detail being provided. The proposed access would utilise the position of the existing vehicular access with a 4.5 metre driveway providing access into the site and then turning in a westerly direction with a turning facility at the end. A cycle link would be provided to the pavement on the southern side of the B4164.
- 1.5 It is then proposed to erect three houses, in the form of a single detached four bed roomed house and a pair of three bed roomed semi-detached houses.
- 1.6 The house designs deliberately have limited spans (i.e. 7.05 metres) and eaves height (4.85 metres) to limit their mass. The designs in many ways reflect the designs of the houses known

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

as 'Greenlands', 'Falklands' and 'Torwood' on the opposite side of the road towards the A40. The materials are indicated to be a mix of lime render and natural stone to the elevations, slate roofs and timber windows.

- 1.7 Beyond the rear gardens of the proposed gardens it is proposed to plant an extensive woodland belt of between 15 and 35 metres depth. This would comprise a mix of ash, oak, hawthorn, hazel, field maple, elder and dog rose.

2. Policies

- 2.1 National Planning Policy Framework (March 2012) (NPPF)

- 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Environment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR13	-	Noise
DR14	-	Lighting
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T11	-	Parking Provision
LA1	-	Area of Outstanding Natural Beauty
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC8	-	Habitat Creation
NC9	-	Management Features of the Landscape Important for Fauna and Flora

- 2.3 Herefordshire Core Strategy:-

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SS2	-	Delivering New Homes
Policy SS4	-	Movement and Transportation
Policy RA1	-	Rural Housing Strategy
Policy RA2	-	Herefordshire's Villages
Policy LD1	-	Landscape and Town Scape
Policy LD2	-	Bio-diversity and Geodiversity

- 2.4 Neighbourhood Plan

Whitchurch and Ganarew Group Parish Council designated the Neighbourhood Plan Area on 4 December 2013. They are only in the drafting stages and have not yet produced a Draft Regulation 14 Plan for public consultation.

- 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 P141897/O - Outline application for erection of four dwellinghouses – Withdrawn.

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency: No objection subject to conditions.

4.2 Historic England: No objection.

4.3 Welsh Water: No objection.

Internal Consultees

4.4 Transportation Manager: No objection.

4.5 Conservation Manager (Ecology): No objection.

4.6 Conservation Manager (Historic Buildings): No objection.

4.7 Land Drainage: Recommend condition.

4.8 Public Rights of Way: No objection.

5. Representations

5.1 The Parish Council objected to the originally deposited application on the basis of:-

- a) lack of information with respect drainage;
- b) clarity re: movement of electricity lines;
- c) they make the point that the site is within the AONB; and
- d) the entrance is not considered to be suitable.

5.2 No views have been received from the Parish Council with respect to the further details submitted.

5.3 One local resident has made observations with respect existing highway conditions and surface water drainage issues.

5.4 The Whitchurch Primary School expresses concerns as to the impact of the proposal upon highway safety. They point out that the access is in close proximity to the pedestrian crossing for school children and where cars are parked. They also express concerns re: surface water drainage.

5.5 A representation of support has been received from the occupier of 6 Ridgeway Crescent who welcomes the development and compliments the design.

5.6 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

Principle

- 6.1 The application site does not lie within the defined settlement boundary of Whitchurch, the defined boundary being on the west side of the A40. The village is a defined main village in the Herefordshire Unitary Development Plan (HUDP). As a consequence in planning policy terms the site lies within the open countryside where policy H7 of the HUDP essentially establishes a presumption against new residential development. Whilst exceptions are provided for, none apply to this particular case.
- 6.2 The law is clear that planning decisions should be made in accordance with the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply of deliverable housing sites."

- 6.3 In June 2012 Cabinet effectively resolved to address this matter by looking more favourably on releasing sites adjacent to Hereford, the market towns and main settlements (i.e. those defined in policy H4 of the HUDP). No significant weight can be attached to this as it was not the subject of consultation. However, it has some limited weight. Essentially one needs to consider each such housing proposal on its individual merits with regard to the overall planning balance (i.e. the economic, environmental and social roles of sustainable development set out in the NPPF).

Economic and Social

- 6.4 The provision of additional housing clearly would contribute both economic and social benefits in terms of supporting the construction industry during the implementation of any planning permission and providing new housing that would support existing local services.

Sustainability

- 6.5 Whitchurch is a defined main settlement which is, to a degree, a reflection of its sustainability credentials. It should also be noted that the emerging Core Strategy in Policy RA2 identifies Whitchurch as a village that could accommodate housing growth of at least 14% (approximately 65 dwellinghouses). This said, at the time of writing this report, only very limited weight can be attributed to Core Strategy policies and given the current level of objection to policy RA2, I attribute no weight to this policy.
- 6.6 The maximum walking distance one would expect in rural areas is approximately 1200 metres. In this case Whitchurch has the following amenities within that distance:-
- Shop & Post Office;
 - Primary school;
 - Motor vehicle garage;
 - Hotel with restaurant and bar;
 - Public House;
 - Employment site;
 - Village Hall; and

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

- Bus stops with regular service to Ross-On-Wye and Monmouth (Service 34).

The walk to these services is considered safe being on footways.

- 6.7 In terms of the context of Herefordshire as an essentially rural County, Whitchurch is considered to be a sustainable location.

Landscape Impact

- 6.8 The site lies within the Wye Valley Area of Outstanding Natural Beauty and forms part of a larger arable field on rising land at the foothills of The Doward. There is no doubt that the proposal by using part of a larger arable field would alter the existing field pattern and hence character. If this were to be delineated by merely fencing and /or a hedge it would appear contrived but negotiations have secured a significant woodland belt to the rear of the proposed development reflecting the woodland blocks in the wider landscape of The Doward and Symonds Yat.
- 6.9 It is therefore considered that the proposal would not harm the character or appearance of the Wye Valley Area of Outstanding Natural Beauty.

Siting and Design

- 6.10 The proposed houses are considered to be well laid out fronting the road but with a sufficient set back. The design of the houses are considered to be of a high standard. The limited spans and eaves heights mean that the scale and mass of the proposed houses is considered acceptable. The palette of materials indicated is considered acceptable but more precise detail and samples are required.

Setting of Listed Building

- 6.11 Given the acceptable nature of the proposal in terms of layout, siting and design and the intervening development, it is not considered that the proposal would harm the setting of the Grade 2* 'Old Court' to the east. The Historic Building Officer states:-

“...it is considered that the scale, form and materials of the proposed dwellings would relate well to the neighbouring Old Farmhouse and would not harm the setting of the Old Court Hotel.”

As a consequence the proposal is not considered to conflict with policy HBA4 of the HUDP 2007 and the relevant parts of the NPPF.

Highways

- 6.12 It is considered that the highway network has sufficient capacity to cater for the additional 18-24 movements a day that the proposed development would generate. The vehicular means of access and associated visibility splays are considered to be satisfactory.
- 6.13 Full parking provision would be provided off the road within the curtilage of each dwellinghouse, in accordance with adopted standards. On-site vehicle manoeuvring / turning space would enable motor vehicles to enter and leave the site in a forward gear.
- 6.14 It is considered that the proposal would not prejudice highway safety including existing highway users.

Drainage

- 6.15 The foul sewerage would be disposed of to the mains sewer. Welsh Water has no objection.
- 6.16 With respect surface water, the submitted Flood Risk Assessment (FRA) demonstrates that infiltration techniques are feasible on-site. It also suggests that the access road, driveways and turning areas should be constructed with a permeable material or alternatively that surface water run-off generated in these areas should be discharged to infiltration trenches. The FRA states that surface water run-off generated on roofs is proposed to be discharged to soakaways.
- 6.17 If it is found that surface water runoff from the development cannot be discharged solely via infiltration, the FRA states that it is proposed to discharge to attenuation tanks located beneath driveways and / or landscaped areas. The report also states that soakaways will be designed based on the results of infiltration tests undertaken in accordance with BRE365 guidance, and will consider a 30% increase in rainfall intensity to allow for climate change effects.
- 6.18 It is considered that the proposals relating to surface water drainage are acceptable. However, a condition is required to ensure more detail is provided.

Flood Risk

- 6.19 The location of the proposed houses is in Flood Zone 1 (lowest probability) although the north-eastern section of the site is in Flood Zone 2 (Medium Probability). The Environment Agency has carefully considered the reviewed Flood Risk Assessment and do not object to the proposed development. Conditions that they recommend are included in the recommendation.

Other Matters

- 6.20 It is considered that the site is not unduly affected by road traffic noise from the A40.
- 6.21 It is considered that the proposal would not adversely affect the amenities of the occupiers of the neighbouring dwellinghouse to the south-east known as 'The Old Farmhouse'. Similarly, it is considered that the occupiers of the proposed dwellinghouses would enjoy a satisfactory level of amenity.
- 6.22 The movement of electricity lines would be a separate matter between any developer and the statutory undertaker.

Conclusion

- 6.23 In summary, whilst the proposal is contrary to the provisions of the Development Plan in that it would provide new houses outside of the existing settlement boundary, in this instance it is considered that planning permission should be granted as:-
- Herefordshire has a shortfall in its five year housing land supply;
 - The site is very close to the defined settlement boundary, a defined main settlement;
 - The site is in a relatively sustainable location;
 - The design of the houses are of a high standard;
 - The proposal, with the woodland belt, would not harm the landscape;

- The proposal would not prejudice highway safety;
- The amenities of the occupiers of the neighbouring dwellinghouse would not be unduly affected; and
- In all other respects the proposal is considered to be acceptable in planning policy terms.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development shall not commence until approval of the following reserved matter has been obtained from the Local Planning Authority:-**

- **Appearance in the form of a written schedule and samples of all external materials).**

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:-**

- **Application Site Plan (Scale 1:1250) received 6 February 2015**
- **Site Plan & Entrance Detail - Drawing number 772.03 Rev. C (Scale 1:500) received 6 May 2015**
- **Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014**
- **Dwelling 1 (4 bedroomed detached) - Drawing number 772.04 (Scale 1:100) received 6 February 2015**
- **Dwelling 2 (2 x 3 bedroomed semi-detached) - Drawing number 772.05 (Scale 1:100) received 6 February 2015 and**
- **Street Elevation – Proposed – Drawing number 772.06 (Scale 1:100) received 6 February 2015**

except where stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework.

- 3. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Full details of surface water drainage arrangements including supporting**

calculations and detailed drawings

- Full details of permeable materials to be used in relation to the driveway, vehicle parking areas and vehicle manoeuvring areas
- Full details of all external lighting (if any)
- Full details of all boundary treatments (i.e. gates, walls, fences or other means of enclosure).

The development shall not commence until the Local Planning authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such;

Reasons:

a) To ensure that there are adequate surface water drainage arrangements that do not result in the discharge of surface water arising from the development outside the confines of the development site, in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

b) To ensure that the landscape hereabouts is not adversely affected by light pollution, in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

c) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary Development Plan 2007.

4. The finished floor levels of the dwellinghouses hereby permitted shall be set no lower than 25.12 metres above ordnance datum (AOD), which is 600mm above the 1 in 100 year plus climate change River Wye flood level of 24.52m AOD as identified in Section 6 of the Hydro-Logic's FRA Revision 1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the dwellinghouses from flood risk for the lifetime of the development, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year plus climate change flood plain, has been submitted to and agreed in writing by the Local Planning Authority. The route must be in place before any occupancy of the dwellinghouses.

Reason: To prove safe access and egress during flood events and reduce reliance on emergency services, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2m x 50 m in a north-westerly direction and 2m x 90m in a south-easterly direction shall be provided and kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Prior to the first occupation of any of the dwellinghouses hereby permitted the garages and parking spaces together with the cycle link shown upon the approved plan shall be provided. Thereafter these garages and car parking spaces shall be kept free of obstruction and available for use free from any obstruction.

Reason: To ensure adequate on-site parking / garaging is provided preventing on-street parking in the interests of highway safety and in accordance with Policies DR3 and T11 of the Herefordshire Unitary Development Plan 2007.

- 8. The recommendations for species and habitat enhancements set out in Section 4 of the ecologist's report from Wider Ecology dated July 2014 shall be followed unless otherwise agreed in writing by the Local Planning Authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation shall be made to the Local Planning Authority in writing together with photographic evidence of the measures implemented.**

Reasons:

a) 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 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

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

Reasons:

a) 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 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 10. The initial 6 metres of the access shall not have a gradient exceeding 1 in 12. Thereafter the access shall not exceed 1 in 8.**

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 11. No gates shall be erected within 6 metres of the public highway.**

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 12. Foul and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewage system.

- 13. No surface water shall be allowed to connect either directly or indirectly, to the public sewage system unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To prevent hydraulic overloading of the public sewage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

- 14. 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 sewage system and pollution of the environment.

- 15. All planting, seeding and turfing in the approved details of landscaping (i.e. Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or on completion of the development (whichever is the sooner). Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

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

- 16. Other than any external lighting approved pursuant to condition 3) above, no external lighting shall be placed on-site or attached on any building without the express consent of the Local Planning Authority.**

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

- 17. Other than development permitted by this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of part 1 and Classes A and C of part 2 of schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.**

Reasons:

a) To secure the integrity of this high quality design in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework; and

b) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary development Plan 2007 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. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. HN05 Works within the highway**
- 5. HN10 No drainage to discharge to highway**

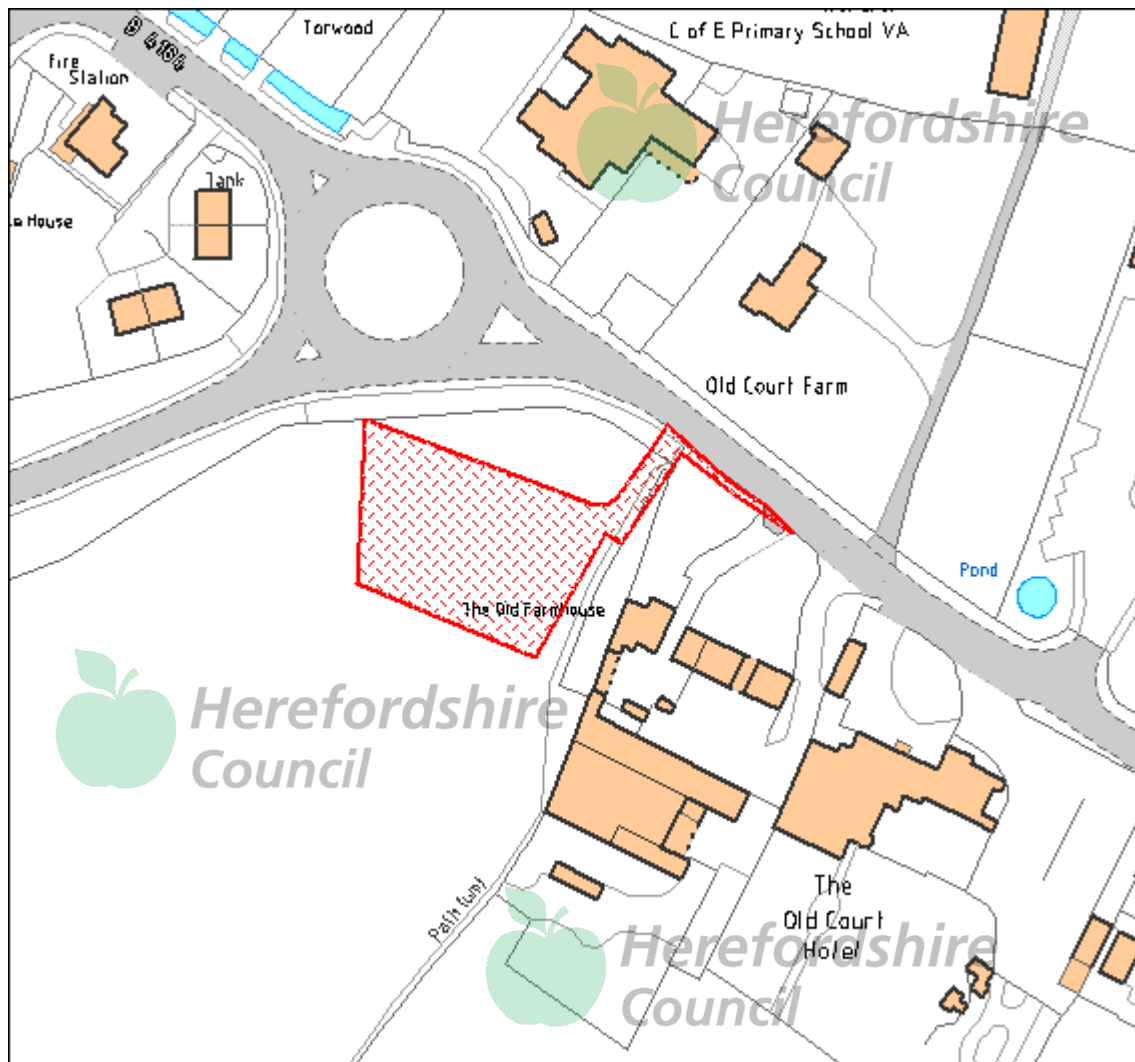
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150379

SITE ADDRESS : LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA

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