

AGENDA

Planning Committee

Date: **Wednesday 16 March 2016**

Time: **10.00 am**

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

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

For any further information please contact:

Tim Brown, Democratic Services Officer

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor 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 meeting held on 24 February 2016.</p>	7 - 20
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	21 - 22
7.	<p>151325 - LAND ADJACENT TO LUSTONBURY, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AP</p> <p>Proposed erection of three dwellings with associated landscaping and infrastructure.</p>	23 - 34
8.	<p>151110 - THREE SHIRES NURSERIES, CANON PYON, HEREFORD, HR4 8NL</p> <p>Proposed change of use to 2 no. Romany gypsy pitches and associated works including 2 no. Static caravans, 2 no. Day rooms, 2 nos. Touring caravans and associated works.</p>	35 - 52
9.	<p>160202 - 48 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NJ</p> <p>Proposed two storey side extension.</p>	53 - 56
10.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 5 April 2016</p> <p>Date of next meeting – 6 April 2016</p>	

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 24 February 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

149. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Hardwick, EL Holton, and JA Hyde.

150. NAMED SUBSTITUTES

Councillor J Stone substituted for Councillor JA Hyde.

151. DECLARATIONS OF INTEREST

There were no declarations of interest.

152. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 February 2016 be approved as a correct record and signed by the Chairman.

153. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

154. APPEALS

A Member commented that an appellant had circulated a letter detailing negotiations between the appellant and the Council about a forthcoming appeal and questioned whether this was appropriate. The Development Manager commented that the applicant's actions did not affect the Council's position or that of third parties and the Inspector would consider the matter of access at the start of the appeal.

The Planning Committee noted the report.

155. 150052 - LAND OFF GINHALL LANE, LEOMINSTER

(Proposed 12 no dwellings with garages.)

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.

He noted that the Committee had deferred consideration of the application to permit consideration of a single access to the two sites: applications 150052 – land off Ginhall Lane, Leominster and 150053 – land at and west of West Winds, Cholstrey Road, Leominster which were adjoining. Application 150053 appeared as a separate application on the agenda. Application 150052 had been revised from an application for 10 dwellings to an application for 12 dwellings. Application 150053 had been revised from an application for 25 dwellings to an application for 23 dwellings.

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council spoke in opposition to the Scheme. Mr J Verity, speaking on behalf of Leominster Civic Society and local residents, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor FM Norman spoke on the application.

She made the following principal comments:

- It was important that there was no access onto Ginhall Lane. However, a common access to the two proposed sites would mean a concentration of more traffic at that point.
- There had been no discussion with the local ward member or the Town Council on the draft S106 agreement. She was particularly disappointed that no pedestrian crossing for the Barons Cross estate was included.
- There were already serious traffic problems at the Bargates to which the developments would add. Other large developments were also proposed at Barons Cross and the strategic urban extension.
- The Bargates Area was an air quality management area and pollution levels contravened EU Directives. Pollution was a serious health issue. Core Strategy (CS) policy L01 stated that new development proposals would be encouraged where (amongst other things) they ensured that they did not exacerbate air pollution levels within the designated air quality management area at Bargates.
- She noted that it had been promised over two years ago that smart traffic lights would be installed at the Bargates to reduce pollution but this had not yet happened.
- Policy L01 also stated that new development proposals would be encouraged where (amongst other things) they had demonstrated engagement and consultation with the community including the town/parish council. The applicants had not properly engaged or consulted.
- Local residents reported that accidents did happen on Cholstrey Road where the access was proposed, contrary to the official record, and one had in fact happened on Friday 19 February. The road crossed the brow of a hill and there was a blind spot especially when the sun was low.
- The Strategic Housing Land Availability Assessment 2011 (SHLAA) stated that the site would not be well integrated as it was divorced from the existing residential area by public open space. The site had significant constraints and there were other more appropriate sites that should be considered first. In particular, she considered land at Barons Cross, as a brownfield site, should be developed first.
- Core Strategy Policy LD3 stated that development proposals should identify and retain existing green infrastructure corridors.
- The Leominster Neighbourhood Development Plan (NDP) was at Regulation 16 stage. This had involved a great deal of effort by the local community. Policy LNP 10 of that Plan reflected the local community's view that retaining the green corridor and rural approach to the Town was essential. The report before the Committee did state that the NDP was a material consideration.

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

- In deferring the application in December the Committee's main concern had been the suitability of the access rather than the principle of development.
- If the application were to be approved the opportunity should be taken to make a number of highway improvements. These should include improved signage including signs warning of the entrance to the development; restricting the speed limit on Ginhall Lane to 30mph, and redesigning the Ginhall Lane junction with Green Lane to manage traffic flow.
- The proposal was contrary to policies L01 and LD3.
- Clarification was sought on the weight that could be given to the NDP, noting the difference in wording at paragraphs 2.3 and 6.8 of the report. It was suggested that there was an issue of prematurity. If the application were to be refused and an appeal lodged, by the time that the appeal was heard the NDP would have been approved and full weight could be given to it at the appeal.
- The area was identified as part of a green corridor of importance to the Town. Paragraph 6.7 of the report referred to mitigation measures if the development proceeded. However, CS policy LD 3 required the retention of existing green infrastructure corridors and their enhancement. The NDP supported the retention of this green corridor.
- The lack of consultation on the draft S106 agreement was regrettable. The Chairman commented that it was important that local ward members were consulted on S106 agreements and requested that Members inform him directly of any concerns about lack of consultation.
- Pollution levels in the Bargates area were a concern.
- There were highway safety issues.
- In response to questions the Development Manager commented that:
 - There was not an issue of prematurity. The NDP was still the subject of consultation. At an appeal it might be at a stage where it would carry more weight but the Committee should not give weight to the NDP in the planning balance at this point.
 - The SHLAA provided an overview and the designation in the SHLAA was not an automatic ground for refusal.
 - The revised application before the Committee was for 12 dwellings, not 10 as incorrectly stated on the report title. Consultation on the revised application had made this aspect of the revision clear and this revision had been included in the Committee update. The legal advisor confirmed that the Committee could proceed to determine the application.
 - It was regrettable that there were concerns about consultation on the draft S106 agreement but it did provide a raft of contributions.
 - The provision of a relief road to alleviate pollution in the Bargates Area was included as part of the strategic urban extension of Leominster proposed within the Core Strategy. Funding Avenues were being explored. Development on the strategic site in Leominster would attract no community infrastructure levy to assist in funding the road.
 - He confirmed that if the application were approved further discussions would take place with the local ward member on S106 projects and a reserved matters application would be subject to a further consultation exercise.

- The speed survey had been undertaken when there was a 50mph limit. The limit had now reduced to 40mph and a Traffic Regulation Order reducing the limit to 30 mph was proposed if the development proceeded. There would be no access off Ginhall Lane even if the associated application 150053 were to be refused. The Transportation Manager added that the speed survey undertaken in 2014 before the reduction in the limit to 40mph had shown the 85%ile speed as 48mph. His recommendation was that a 30 mph limit should be provided. A number of engineering features were also proposed to reinforce the 30mph limit. There had been an accident on Friday 19 February in the locality although he did not as yet have details of the precise location. The reduced speed limit and engineering measures at the appropriate cost were necessary.
- The Principal Planning Officer commented that neither the application site nor the site the subject of application 150053 were believed to have formed part of a brick works nearby. An informative had been included as recommended by the Environmental Health Officer (contamination) to ensure that any issues of potential contamination of the site were addressed.
- Clarification was sought on the relative weight that it was appropriate to give to various policy issues raised in the debate in applying the planning balance. The Principal Planning Officer commented that having examined the Inspector's ruling in a recent appeal no weight could be given to the NDP in the planning balance. In relation to the protection of the green corridor and policy LD3 the site in question was not classified as green belt and in itself the protection of the green corridor was not a ground for refusal. This factor needed to be weighed against the presumption in favour of sustainable development.

The Development Manager commented that the Core Strategy required the development of 2,300 homes in Leominster. Allowing for the strategic site identified for 1,500 homes and commitments for 130 homes this left a need for a further 670 homes. It was to be hoped that the NDP would identify suitable sites.

The local ward member was given the opportunity to close the debate. She commented that the expansion of Leominster by a minimum of 2,300 homes was excessive. It had been requested that the bypass be developed before any further housing development to help address the current pollution problems in the Bargates. There was no indication that a bypass would be constructed soon. The local community through the Town Council and the NDP had expressed clear, strong opposition to the application. The applicants had not approached the Town Council. Weight should also be given to the protection of the green corridor, and the addition to the current pollution problems in the Bargates.

RESOLVED: That Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms referred to in the report and circulated as part of the committee update, 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. **Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape 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.

- 5 L01 Foul/surface water drainage
- 6 L02 No surface water to connect to public system
- 7. L03 No drainage run-off to public system
- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 9. I20 Scheme of surface water drainage
- 10. I21 Scheme of surface water regulation
- 11 H03 Visibility splays
- 12. H06 Vehicular access construction
- 13. H13 Access, turning area and parking
- 14. H27 Parking for site operatives
- 15 H03 Visibility splays (2.4m x 105m)
- 16 H09 Driveway gradient
- 17 H11 Parking-estate development (more than one house)
- 18 H17 Junction improvements /off site works
- 19 H20 Road completion in 2 years
- 20 H21 Wheel washing
- 21 H29 Secure covered cycle parking provision

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. 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. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement and Drainage details
- 4. HN04 Private apparatus within highway
- 5. HN01 Mud on highway
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8 The proposed development is near to a former brick works and clay pit. These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern.
- 9 HN07 Section 278 Agreement
- 10 HN24 Drainage other than via highway system

156. 150053 - LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE

(Proposed 23 dwellings with garages and car spaces.)

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.

Further to consideration of application 150052, land off Ginhall Lane, Leominster, the previous agenda item, he reiterated that the Committee had deferred consideration of the application to permit consideration of a single access to the two sites: applications 150052 – land off Ginhall Lane, Leominster and 150053 – land at and west of West Winds, Cholstrey Road, Leominster which were adjoining. Application 150052 had been revised from an application for 10 dwellings to an application for 12 dwellings. Application 150053 had been revised from an application for 25 dwellings to an application for 23 dwellings.

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council spoke in opposition to the Scheme. Mr J Verity, speaking on behalf of Leominster Civic Society and local residents, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor FM Norman spoke on the application.

She made the following principal comments:

- She noted that the comments she had made in relation to the previous application (150052) were also relevant to application 150053. In summary these were:
- The report did not consider or address the concerns about air pollution on the Bargates.
- Local residents were concerned about highway safety and believed that a number of accidents had taken place that had not been recorded.
- Insufficient weight was being given to the retention of the site as greenfield land forming part of a green corridor on the edge of the Town.
- Core Strategy (CS) Policy LD3 stated that development proposals should identify and retain existing green infrastructure corridors.
- The Strategic Housing Land Availability Assessment 2011 (SHLAA) stated that the site had significant constraints.
- The Leominster Neighbourhood Development Plan (NDP) wanted the green corridor to be protected. The report stated that the NDP was a material consideration. If the application was refused and an appeal lodged the NDP could well have been adopted and be given weight at the appeal.
- Consideration should be given to the view of the local community that the attractive entrance to the Town should be protected.

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

- The proposal was contrary to policy LD3 as had been argued in the case of application 150052.
- The policy was contrary to policy LO1. The policy stated that in addition to a single strategic urban extension of 1,500 dwellings, the remaining dwellings to be accommodated during the plan period would be "provided through existing

commitments, smaller scale non-strategic sites within the existing built up area; those which come forward through the Leominster Neighbourhood Development Plan, or sites judged as having development potential which are identified in the Strategic Housing Land Availability Assessment.” The application site was not in the existing built up area, not in the NDP and the SHLAA considered that the site had significant constraints. Policy L01 also provided that developments should not exacerbate air pollution levels within the designated air quality management area at Bargates. The applicants had not demonstrated engagement and consultation with the local community as required by the policy.

- Paragraph 184 of the National Planning Policy Framework referred to neighbourhood planning as a powerful set of tools for local people to ensure that they get the right types of development for their community. Account should be taken of the views of the Town Council and the NDP.
- It was asked whether a condition could be imposed to ensure that the developer carried out the required landscaping and funded its future maintenance. The Development Manager commented that the draft Section 106 agreement provided for a raft of contributions that included provision to enhance the open space within the development. Discussions would be held with the local ward member and the Town Council on the S106 agreement.
- A Member suggested that the wording of relevant policies could be interpreted in a way that permitted the development.
- If the application was approved highway improvements would be required as outlined during discussion of application 150052, the subject of the previous agenda item.
- Traffic management proposals were welcomed.
- The Development Manager commented that CS policy L02 did take account of the air pollution issue as it made reference to the provision of the Leominster relief road.
- The relief road had been awaited for some considerable time. A small number of landholders held large landholdings required for the relief road. It was questioned whether they would be inclined to sell their land.
- Having approved application 150052 it was questioned how the Committee could refuse the application.

The Development Manager commented that further discussion with the Council was needed on the NDP even though it was at Regulation 16 stage because it listed the site earmarked for the strategic urban extension as a green infrastructure area and did not identify sufficient housing sites to meet the identified need within the Core Strategy. In relation to policy L01 he remarked that the site at Cholstrey Road was adjacent to the built up area.

The local ward member was given the opportunity to close the debate. She reiterated that the application was contrary to policy L01. A relief road would not be provided in advance of the site being developed if the application were approved. Air pollution issues would therefore remain. The proposal was contrary to the SHLAA, CS policies LD3 and L01, the NDP and local wishes.

A motion that the application be approved was lost.

It was proposed that the application should be refused on the grounds that it was contrary to policies L01, LD3 and LD1 and the NPPF.

RESOLVED: That planning permission be refused and that 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

application should be refused because it was contrary to policies LO1, LD3 and LD1 and the NPPF.

157. 153764 - 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF

(Proposed extension, dormer loft conversion and replacement of conservatory/lean to with glazed extension.)

The Development Manager gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor AJW Powers, spoke on the application.

He noted that the link to the consultation responses in the report had been incorrect and emphasised the importance of ensuring that access was provided to the responses to all applications and that all responses were published to the website.

He had no objection to the proposal itself but sought assurance that as a the extension would be south facing the zinc cladding proposed would not create a nuisance by reflecting sunlight.

In the Committee's discussion of the application it was requested that provision be made regarding the Party Wall Act. The Development Manager confirmed that an informative could be added to that effect.

The local ward member was given the opportunity to close the debate. He had no additional comments.

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

1. **A01 - Time limit for commencement (full permission)**
2. **B01 - Development in accordance with the approved plans (drawing nos. 004/1/15, 005/1/15 (Ground and first floor layouts) and 005/1/15 (Proposed Elevations)**
3. **C01 - Samples of external materials**
4. **I16 - Restriction of hours during construction**

Informative:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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 **I48 Party Wall Act**

158. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 12.25 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 24 February 2016

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES AT LAND OFF GINHALL LANE, LEOMINSTER,

For: Mr Owens & Parry per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

The Council's Transportation Manager states :

1. The 40 mph speed limit adjacent to the site was extended in Jan 2015 past the proposed site entrance.
2. Using Mfs2 - (Manual for streets 2 2.0 sec), The submitted speed survey shows the 85%tile speed as 48 mph over a 6 day period, the survey was undertaken in 2014 before the speed limit had been reduced. The visibility splays would equate to 105m in each direction, therefore the proposed visibility splays would exceed the requirements. Traffic/speed calming measures should be sort as part of this application. A 30 mph should be provided as a s278 requirement. To enhance the provision of a 30 mph speed limit, dwellings **MUST** have a presence on the highway, therefore screening of the site on the highway side should be minimal. The site should be in keeping with other historic developments in the area of having a presence near the highway, therefore promoting a change in drivers perception of the site/highway. The forward visibility for vehicles approaching a turning vehicle can also be met.
3. There have been no recorded accidents within the official 5 year period adjacent to the site. However it has previously been a historic accident cluster site adjacent to Ginhall Lane.
4. Width of the access needs to be 5 m wide from its junction with B4360 for approximately 25+ metres.
5. The turning head to the north west of the site does not meet HC design guidance.
6. A footway runs along site boundary, no footway connections have been provided both onsite and adjacent to the access. Drop crossings should be provided at the site access. The site should look to connect to footways/cycleway in the area to provide safer routes.
7. Forward visibility on site should meet HC design guidance.
8. Cycle parking needs to be provided, it should be secure, covered and individual to each property.
9. All developments should meet HC design speciation and should be to adoptable standard.

Conditions

CAB – 2.4, 105M

CAE, CAH, CAL, CAJ, CAQ, CAP, CAS, CAT, CAZ, CB2,

I11, I09, I45, I08, I07, I05, I47, I35

6 letters of objection have been received raising the following additional points. Ginhall Lane will be used as a rat –run. No need for houses given site opposite not developed. Calming measures required for Ginhall Lane. Back draft from lorries for pedestrians walking along Cholstrey Road. Strategic green corridor in The Green Infrastructure Study, incorporated in

draft Neighbourhood Plan Study. Protection is afforded by Policy LD3 in Core Strategy and Paragraph 5.1.42 of Core Strategy

S106 headline figures subject to legal scrutiny

Transportation

2 bed - £1966

3 bed - £2949

3 bed – 3932

Open Space

2 bed - £965

3 bed - £1640

4 bed - £2219

Recycling

£80 per dwelling including affordable

Affordable

25% of the dwellings being Affordable units covering the whole site

OFFICER COMMENTS

Removal of the Ginhall Lane access retains hedgerow that contributes to the green corridor. The access provided on Cholstrey Road will have the required visibility based upon a speed survey carried out when the speed limit was higher than 40 mph. The additional conditions recommended by the Transportation Manager are set out below

It should be noted that the indicative layout provides for 12 dwellings and 23 on the adjoining site. The descriptions for each site relate to 10 and 25 dwellings respectively.

CHANGE TO RECOMMENDATION

Add the following conditions

H03 Visibility splays (2.4m x 105m)

H09 Driveway gradient

H11 Parking-estate development (more than one house)

H17 Junction improvements /off site works

H20 Road completion in 2 years

H21 Wheel washing

H29 Secure covered cycle parking provision

Additional Informatives :

HN07 Section 278 Agreement

HN24 Drainage other than via highway system

150053 - PROPOSED 25 DWELLINGS WITH GARAGES AND CAR SPACES AT LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE,

For: Mr And Mrs Preece per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

The Council's Transportation Manager states :

1. The 40 mph speed limit adjacent to the site was extended in Jan 2015 past the proposed site entrance.
2. Using Mfs2 - (Manual for streets 2 2.0 sec), The submitted speed survey shows the 85%tile speed as 48 mph over a 6 day period, the survey was undertaken in 2014 before the speed limit had been reduced. The visibility splays would equate to 105m in each direction, therefore the proposed visibility splays would exceed the requirements. Traffic/speed calming measures should be sort as part of this application. A 30 mph should be provided as a s278 requirement. To enhance the provision of a 30 mph speed limit, dwellings **MUST** have a present on the highway, therefore screening of the site on the highway side should be minimal. The site should be in keeping with other historic developments in the area of having a presents near the highway, therefore promoting a change in drivers perception of the site/highway. The forward visibility for vehicles approaching a turning vehicle can also be met.
3. There have been no recorded accidents within the official 5 year period adjacent to the site. However it has previously been a historic accident cluster site adjacent to Ginhall Lane.
4. Width of the access needs to be 5 m wide from its junction with B4360 for approximately 25+ metres.
5. The turning head to the north west of the site does not meet HC design guidance.
6. A footway runs along site boundary, no footway connections have been provided both onsite and adjacent to the access. Drop crossings should be provided at the site access. The site should look to connect to footways/cycleway in the area to provide safer routes.
7. Forward visibility on site should meet HC design guidance.
8. Cycle parking needs to be provided, it should be secure, covered and individual to each property.
9. All developments should meet HC design specification and should be to adoptable standard.

Conditions

CAB – 2.4, 105M

CAE, CAH, CAL, CAJ, CAQ, CAP, CAS, CAT, CAZ, CB2,

I11, I09, I45, I08, I07, I05, I47, I35

6 letters of objection have been received raising the following additional points. Ginhall Lane will be used as a rat –run. No need for houses given site opposite not developed. Calming measures required for Ginhall Lane. Back draft from lorries for pedestrians walking along Cholstrey Road. Strategic green corridor in The Green infrastructure Study, incorporated in draft Neighbourhood Plan Study. Protection is afforded by Policy LD3 in Core Strategy and Paragraph 5.1.42 of Core Strategy

S106 headline figures subject to legal scrutiny

Transportation

2 bed - £1966

3 bed - £2949

3 bed – 3932

Open Space

2 bed - £965

3 bed - £1640

4 bed - £2219

Recycling

£80 per dwelling including affordable

Affordable

25% of the dwellings being Affordable units covering the whole site

OFFICER COMMENTS

Removal of Ginhall Lane access retains hedgerow that contributes to the green corridor. The access provided on Cholstrey Road will have the required visibility based upon a speed survey carried out when the speed limit was higher than 40 mph. The additional conditions recommended by the Transportation Manager are set out below

It should be noted that the indicative layout provides for 23 dwellings and 12 on the adjoining site. The description for each site relates to 25 and 10 dwellings respectively.

CHANGE TO RECOMMENDATION

Add the following conditions

H03 Visibility splays (2.4m x 105m)

H09 Driveway gradient

H11 Parking-estate development (more than one house)

H17 Junction improvements /off site works

H20 Road completion in 2 years

H21 Wheel washing

H29 Secure covered cycle parking provision

Additional Informatives :

HN07 Section 278 Agreement

HN24 Drainage other than via highway system

MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2016
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 DETERMINED

Application 152016

- The appeal was received on 16 November 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Spriggs
- The site is located at The Kilns, Avenbury, Bromyard, Herefordshire, HR7 4LD
- The development proposed was Proposed replacement of conservatory with dining room.
- The main issue was: is the effect of the proposed extension on the character and appearance of The Kilns and the surrounding area.

Decision:

- The application was Refused under Delegated Powers on 18 September 2015
- The appeal was Dismissed on 12 February 2016

Case Officer: Mr A Prior on 01432 261932

Application 150727

- The appeal was received on 5 January 2016
- 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 Gladman Developments Ltd
- The site is located at Land off, Pencombe Lane, Bromyard, Herefordshire

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

- The development proposed was Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access.

Decision

- The appeal was Withdrawn on 15 February 2016

Case Officer: Mr K Bishop on 01432 260756

Application 143808

- The appeal was received on 27 November 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 Paul Ross
- The site is located at Land at Oldfield House, Wyson Lane, Brimfield, Ludlow, Shropshire, SY8 4NL
- The development proposed was Proposed erection of four detached dwellings and alteration of existing access.
- The main issue(s) were: 1) Whether the proposal is a sustainable form of development with particular reference to its location and 2) The effect of the proposed development on the safety of pedestrians, cyclists and drivers using Wyson Lane

Decision:

- The application was Refused under Delegated Powers on 12 May 2015
- The appeal was Dismissed on 23 February 2016
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr A Prior on 01432 261932

Application 142215

- The appeal was received on 29 April 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 L W D Developments LLP
- The site is located at Land off Rosemary Lane, Leintwardine, Herefordshire
- The development proposed was 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 main issues were:
- Whether or not the relevant policies of the development plan for the supply of housing are out-of-date, having regard to whether the Council can demonstrate a five-year supply of deliverable housing land;
- The effect of the proposal on the character and appearance of the area and the surrounding landscape, with particular regard to its effect on the setting and significance of nearby heritage assets; and
- Whether, considered overall, the proposal would amount to sustainable development.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 21 January 2015
- The appeal was Allowed on 24 February 2016

Case Officer: Mr A Banks on 01432 383085

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



MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2016
TITLE OF REPORT:	<p>151325 - PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT LAND ADJACENT TO LUSTONBURY, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AP</p> <p>For: Mr Morgan per Owen Hicks Architecture, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151325&search=151325
Reason Application submitted to Committee – Redirection	

Date Received: 29 April 2015

Ward: Bircher

Grid Ref: 348798,262657

Expiry Date: 31 March 2016

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The proposal site is accessed off the northern side of the B4361 road. The access passes Bury Croft, a grade II listed building on the western side before descending along a gravel based track. The proposed site comprises an area of concrete apron, covered in part by vegetation on which stood a modern portal framed agricultural building that was removed in the last few years, together with an area just to the north of the concrete apron.
- 1.2 The proposal is a pair of three bedroom dwellings on the eastern side of the aforementioned track that are aligned roughly parallel to the existing track and a detached three bedroom dwelling to the north aligned roughly east to west. The external appearance of all three dwellings seeks to reflect the character of barn conversions. The roofs will be covered with natural slate and the first floor area will be horizontal oak timber cladding that will be left to silver naturally. The floor below will comprise local natural stone walling.
- 1.3 The ground floor of each dwelling has a two bay parking area with horizontal oak clad doors and two en-suite bedrooms. The first floor will provide a master bedroom and an open plan sitting room and kitchen/dining room area. The rear gardens will be defined by native species hedgerow and the existing partially treed eastern boundary will be supplemented by further tree planting. It is proposed to remove one tree and provide tree root protection to trees as required.
- 1.4 This site is within the Luston Conservation Area.

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

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 NPPF

The following chapters are of particular relevance to this proposal:
Introduction - Achieving sustainable development

Section 4	-	Promoting sustainable communities
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 historic environment
Section 12	-	Conserving and enhancing the natural environment

2.3 Neighbourhood Planning

The Neighbourhood Plan area for Luston was designated on 4 September 2013. The plan is scheduled to reach the Regulation 14 stage on 6 March 2016 and whilst it is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.4 The Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

3.1 NC2000/2007/F – Erection of three detached dwellings – Refused 26/9/2000. Dismissed on Appeal 24/5/2001

3.2 98/0058/N – 4 dwellings with private garages and estate roadway – Refused 10/3/1998

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

4. Consultation Summary

Statutory Consultations

4.1 Historic England

The proposed scheme will take place within the Luston conservation area and the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when making its decision.

Development within in this site should seek to promote or reinforce the local distinctiveness of the conservation area in line with NPPF paragraphs 58 to 61. This should be reflected in the materials, rhythm, style of architectural details and form of the proposed development. And we therefore advise you to consider whether the proposed design takes these matters into consideration.

4.2 Natural England

Natural England has received notification from a member of the public, stating that hedgehogs, grass snakes and numerous species of breeding birds (e.g. hen harriers, lesser spotted woodpecker, tree sparrow, the creeper, nuthatch, house martins, swallows and owls) are present within and around the above-mentioned site.

It is the responsibility of Herefordshire Council to ensure that all protected species are a material consideration and that ecological surveys have been carried out where appropriate, and the Council may wish to seek advice on whether further survey effort is required from their in-house or County ecologist. Natural England is not a statutory consultee for planning applications just affecting protected species and we will only provide species advice during the consultation period if the Local Planning Authority raises specific queries when applying our Standing Advice to an application.

Internal Council Consultations

4.3 Transportation Manager has no objections

4.4 Conservation Manager (Historic Buildings) has no objections following the revision to the principal elevations of the pair of dwellings and clarification of the eaves/guttering detail

4.5 Conservation Manager (Ecology) has no objections following receipt of further details and information.

A pre-commencement herpetological site survey inspection for the presence of amphibians and reptiles needs to be carried out. I seek this because of the uncertainty regarding protected fauna within these groups to be assured there will be no unmitigated impact on them. To ensure this I recommend that a non-standard compliance condition is attached.

4.6 Conservation Manager (Archaeology) recommends

The site is a sensitive one, being a former grange of Leominster Priory with clear potential for buried archaeological remains (Ref HHER 8920).

In accordance with Para 141 of the NPPF, and saved Policy ARCH6 of the UDP, I would recommend a suitable archaeological condition (E01 / C47) to secure appropriate archaeological recording as mitigation.

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

5. Representations

5.1 Luston Group Parish Council object:

Luston Group Parish Council does not believe the proposed development is appropriate for the site. The proposed dwellings will overlook neighbouring properties, particularly the bungalow opposite the proposed detached dwelling. The proposed development is outside the settlement boundary, and in the centre of a unique group of listed buildings. The listed buildings will be affected adversely by the proposed dwellings. The parish council believes the reasons for denying planning permission for an earlier application on the site in 2001 (NC2000/2007/F) apply to this application as well.

5.2 Leominster Civic Society

Leominster Civic Society believes the Council needs to consider this application very carefully and with expert advice. Lustonbury is one of the four granges that supported Leominster Priory since Anglo-Saxon times. It deserves more archaeological investigation.

5.3 Eleven letters of objection have been received making the following points:-

1. Archaeological investigation first: medieval Bury site. One of seven Burys
2. Found skeletons. Pond and dovecote to be found.
3. Impact on ancient monk's pond
4. Compromises setting of listed buildings; new dwellings will screen views of listed buildings
5. Overlooked by upside down houses i.e living accommodation on first floor. And site overlooked by existing properties
6. Noise. Light pollution
7. Access onto fast bend of B road -30mph speed limit not respected
8. Needs FRA
9. No amenities or footpath, pub closed, school to north. Question need as 15 houses for sale as regards housing shortfall.
10. Footpath through site on 1928 OS map
11. Below water table , boggy ,drainage not guaranteed
12. Pond used for outfall is ours
13. Need ecological impact assessment .Great number of species use site
14. 80% of Parish poll said no to development in and around Lustonbury.
15. One better designed dwelling a possibility

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

<https://www.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

Policy Context

6.1 Section 38 (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.”

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.3, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *“where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”*
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy out-of-date. Policy SS3 ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Core Strategy Appendix 4. In this respect the recent appeal decision for development at Rosemary Lane, Leintwardine confirms that as this point, the Council is not able to demonstrate a 5 year supply of housing land and the Core Strategy policies relevant to the supply of housing cannot be given weight. Instead the planning balance as per NPPF paragraph 14 (referred to in NPPF Para 49) is the appropriate test.
- 6.5 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Luston is identified as one of the rural settlements within the Leominster Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Leominster rural HMA the indicative minimum housing growth is 14%. The minimum indicative growth target for Luston Group Parish between 2011 and 2031 is 55 dwellings, with 13 commitments or completions between 2011 and 2014.
- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Luston Group Parish Council has not progressed the NDP to draft stage. Accordingly, the Neighbourhood Plan is not presently sufficiently advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.
- 6.7 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will *“assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.”* Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

6.8 Policy RA2 states that housing proposals will be permitted where the following criteria are met:

- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
- *Their locations make the best and full use of suitable brownfield sites wherever possible.*
- *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
- *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*

6.9 Thus it can be seen that Policy RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting.

6.10 This application also needs to be determined in accordance with policies relating to the setting of listed buildings and the designated Conservation Area and historical context, the biodiversity of the site, the means of access from the B4361 road and the impact on the amenity of residents living in the vicinity of the site.

NPPF/Housing Land Supply

6.11 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the CS are thus out-of-date and the full weight of the NPPF is applicable. CS 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.

6.12 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.

6.13 The site adjoins the settlement of Luston and is, having regard to the NPPF and CS, a sustainable location as confirmed by its listing within RA2.

6.14 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. In providing a greater supply of housing and breadth of choice officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

Impact on Setting of Settlement and Heritage Assets

6.15 The proposal site is within Luston Conservation Area, a heritage asset and is within the vicinity(setting) of listed buildings to the west that have been converted into dwellings and the original Bury Farmhouse to the south-east and Bury Croft to the south and therefore the proposal needs to be determined in accordance with Policies SS6 (environmental quality and local distinctiveness), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3

(green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with Chapters 11 and 12 of the NPPF.

- 6.16 This is a sensitive site given the relationship of the the three proposed dwellings to listed buildings to the south, south-east and west and the siting within the Conservation Area. It is not though a greenfield site; it is one that had previously had a portal framed building erected on it evidence of which is the concrete apron. There is also a track that runs along the western side of the site which does not enhance this part of the designated Conservation Area and in turn impacts upon the the setting of listed buildings in the vicinity of the site. This proposal utilises a developed area of the site and reflects with the siting and design of materials of the dwellings proposed a farmstead comprising buildings of proportion, scale and massing that compliment the setting of the listed buildings. It is a significant revision from the last scheme submitted for the site in 2000, referred to in representations of the Group Parish Council, that was refused and dismissed on appeal. That scheme comprised three detached plain tiled brick faced detached dwellings; it was also refused as being detrimental to the setting of listed buildings and constituting development outside of the settlement boundary as defined in the Adopted Leominster District Local Plan. The current proposal adjoins the built form of Luston and unlike the application determined 15 years ago needs to be determined in the context of current policy in the Core Strategy which is informed by the NPPF and with regard to the merits of the current scheme. It should be noted that neither English Heritage nor the Council Conservation Manager raise objection to the current proposal.

Archaeology

- 6.17 This site as evident from representations received is an historic one dating back over centuries in relation to Leominster Priory, as confirmed by the Council's Archaeological Advisor. However, the recommendation received is that whilst there is a historical context for this development site as there is across other sites in Luston that have burgage plots, this factor is not one that prohibits development of the site subject to a watching brief condition recommended by the Council's Archaeological Advisor.

Transport

- 6.18 It is stated in representations received that the existing means of access, already used by residents living in the vicinity of the site and historically used as an access to farm buildings, is not of sufficient standard to provide a satisfactory means of access onto a bend in the B4321 road. Notwithstanding these local concerns, there is no objection from the Transportation Manager and it is considered that the existing access arrangements which allow vehicles to turn off the B class road whilst traffic joins the highway are of sufficient standard to allow increased traffic to utilise this access point without detriment to highway safety as required by the provisions of Policy MT1 of the Core Strategy.

Ecology

- 6.19 This is an issue that has protracted determination of the proposal, particularly in respect of the presence of ponds in the vicinity of the site. The proposal had otherwise anticipated the presence of bats by incorporating bat boxes into the new buildings. The site is just to the north-west of a traditional orchard close to Bury Farmhouse which provides a good habitat for bats and birds, as well as ground cover for invertebrates. The proposal has been further supplemented by details for fruit tree planting, bird boxes, bat boxes, hedgehog domes and an arboricultural assessment. Support is though conditional upon a herpetological survey being carried out ideally in the Spring or possibly in the Autumn. It is with this proviso that notwithstanding the representations received relating to wildlife observed in the locality, this proposal accords with the provisions of Policy LD2 of Core Strategy as the submitted scheme provides the required mitigation for the biodiversity interest of the site.

Impact on Residential Amenity

- 6.20 Representations have been received in relation to the perceived impact on residential amenity from residents living in the new properties overlooking existing properties particularly to the north and west of the three dwellings proposed and alternately by said properties overlooking the three dwellings. However, there is sufficient distance between proposed Units 2 and 3 and the Upper Court dwellings to the west of at minimum 31 metres and 21 metres between Unit 1 and the dwelling to the north such that the amenity of existing and proposed dwellings will not be adversely impacted upon. Therefore, the proposal accords with Policy SD1 of Core Strategy, in this respect.

Summary and Conclusions

- 6.21 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. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.22 When considering the three indivisible dimensions of sustainable development as set out in the paragraph 14 of the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site adjoins the settlement of Luston. Also, based upon the Inspector's finding in a recent appeal in Leintwardine, since there is not a 5 year housing land supply at the present time, it is concluded that, as Luston has been identified as a settlement for growth, this proposal is not only environmentally acceptable in relation to this part of the settlement but it will also provide a modest contribution to the dwellings required given the stated shortfall in housing land supply. It is considered to be a sustainable location with good access to a wide variety of services and facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.23 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 of sustainability.
- 6.24 The tension, in this case, relates to the environmental impact on an historically sensitive site. Whilst it is acknowledged that the site is of historic interest as stated in representations and as confirmed by the Council's Archaeological advisor, it is, nevertheless, a previously developed site that was part of a working farm and the scheme proposed is sensitively executed and landscaped such that the setting of the grade II listed buildings around the site will not be adversely impacted upon and the archaeological interest of the site, a heritage asset, will be safeguarded.
- 6.25 Additional traffic will join the B4361 however this road is capable of taking the increased traffic volumes without having an adverse impact on highway safety
- 6.26 Acceptable foul and surface water drainage can be provided. There is sufficient land available for the treatment of foul drainage and service water drainage details will be the subject of the prior approval of the planning authority.
- 6.27 Ecological issues can be addressed by submission of a herpetological assessment at the appropriate time of the year. This requirement, together with the additional planting of fruit trees, native species hedgerow planting and protection of existing and provision of bat boxes across the three dwellings, will provide measures for improving biodiversity in and around the development site.

- 6.28 The residential amenity of residents living in the vicinity of the site will not be adversely impacted upon and nor will the residents of the three properties proposed be adversely overlooked particularly given the private areas of screened garden areas provided with the dwellings proposed.
- 6.29 Officers conclude that there are no overriding landscape, highways, drainage, recreation and ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits in accordance with the provisions of the NPPF. It is therefore recommended that planning permission be granted subject to planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

- 2. B01 Development in accordance with approved plans**
- 3. C01 Samples of external materials**
- 4. F08 No conversion of garages to habitable accommodation**
- 5. G03 Retention of existing trees /hedgerows**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G11 Landscaping scheme –implementation**
- 8. H13 Access , turning and parking**
- 9. E01 Site investigation – archaeology**
- 10. The recommendations for species and habitat enhancements set out in the Herpetological Research and Consultancy report dated April 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A site survey for herpetological species shall be carried out in-season prior to any site clearance. On completion of the ecological survey and enhancement measures, confirmation of findings and any mitigation proposals required should be made to the local planning authority in writing together with photographic evidence of the measures implemented.**

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

11. I20 Scheme of surface drainage
12. 121 Scheme of surface water regulation
13. I18 Scheme of foul drainage disposal
14. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

15. H27 Parking for site operatives
16. I32 Details of floodlighting/external lighting
17. 144 No burning materials/substances during construction phase
18. I16 Restriction of hours during construction
19. CE6 Water Efficiency - Residential
20. C65 Removal of permitted development rights

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

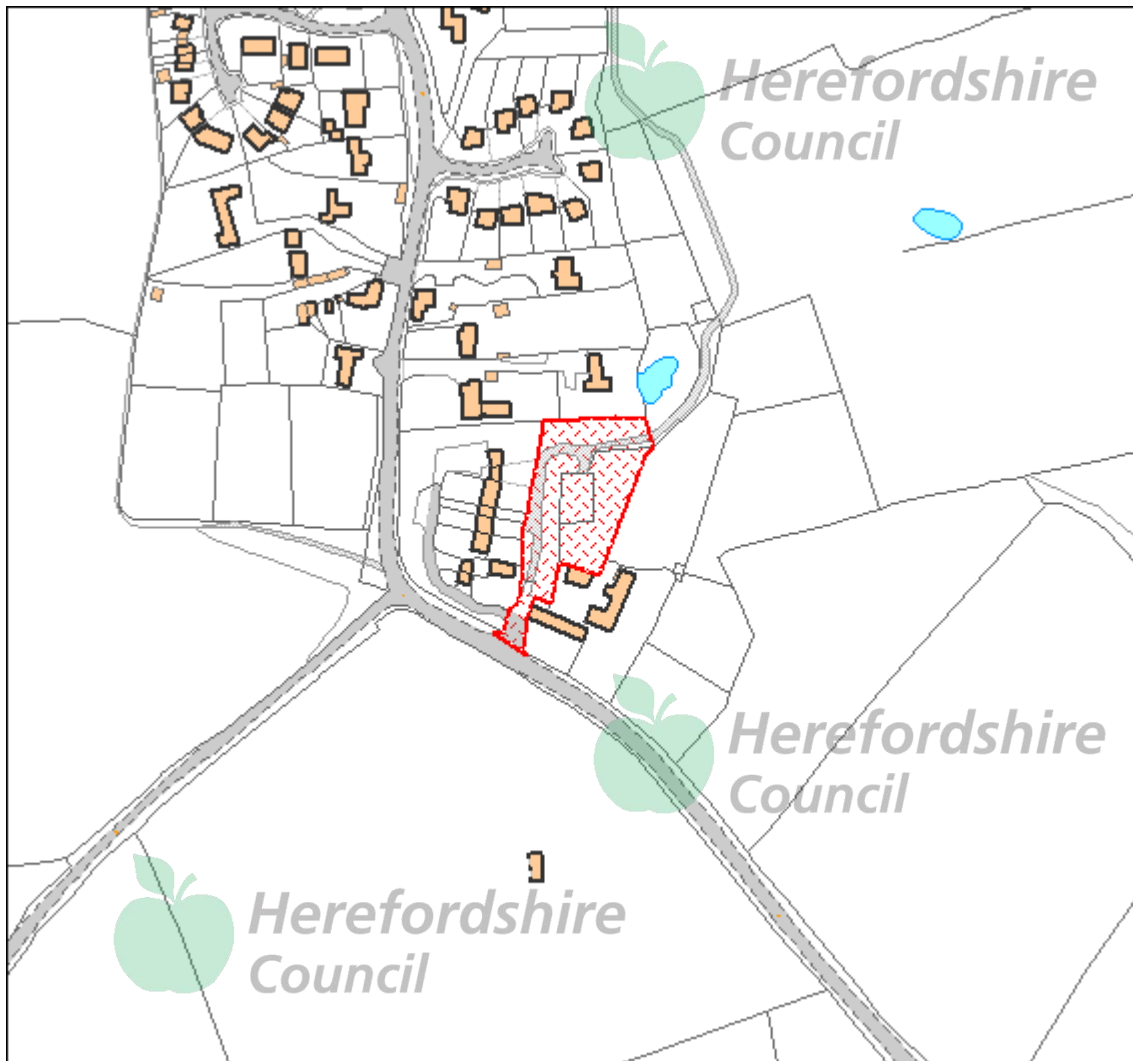
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151325

SITE ADDRESS : LAND ADJACENT TO LUSTONBURY, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AP

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



MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2016
TITLE OF REPORT:	<p>151110 - PROPOSED CHANGE OF USE TO 2 NO. ROMANY GYPSY PITCHES AND ASSOCIATED WORKS INCLUDING 2 NO. STATIC CARAVANS, 2 NO. DAY ROOMS, 2 NOS. TOURING CARAVANS AND ASSOCIATED WORKS AT THREE SHIRES NURSERIES, CANON PYON, HEREFORD, HR4 8NL</p> <p>For: Ms Jones per The Picton Street Centre, 10-12 Picton Street, Montpelier, Bristol, BS6 5QA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151110&search=151110
Reason Application submitted to Committee – Redirection	

Date Received: 9 April 2015

Ward: Queenswood

Grid Ref: 348280,246642

Expiry Date: 18 March 2016

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 The 0.24 hectare site, which formerly comprised a small horticultural enterprise that traded under the name of 'Three Shires Nursery', lies on the southern side of the C1109 (Wellington Lane), some 290 metres to the east of its junction with the A4110. Canon Pyon is situated some 3 kilometres to the northwest and Wellington approximately 2 kilometres to the northeast. Immediately to the east of the site lies a detached dwelling known as 'The Butridge' and opposite the eastern access into the site a detached dwelling known as 'Wellington Lane Cottage'.
- 1.2 The site is essentially rectangular, with a road frontage of approximately 70 metres that includes two existing, gated vehicular accesses, one at each end of the frontage and has a depth of between 33 metres and 42 metres. It is relatively flat with a roadside hedgerow and some areas of hardstanding within the site. A shed occupies the rear eastern corner of the site, next to 'The Butridge'.
- 1.3 Permission is sought to change the use of the land to provide two pitches for Romany Gypsies, and associated works, including the siting of two static caravans, two day rooms, two touring caravans and associated landscaping. The existing shed is shown to be retained on the submitted block plan. The pitches would each occupy approximately half of the site, with separate vehicular access provided by the existing accesses. The caravans and day rooms would be sited towards the rear (south) of the site, with a stone hardstanding area for parking and a grassed play area between them and the lane. The day rooms would be attached to one another and would be some 6 metres by 5 metres per unit, with a ridge height of 4 metres.

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

They would be of a dual pitched roof design, with rendered elevations, slate roof and uPVC fenestration. They would provide a kitchen/living area, utility room and bathroom. An area for bin stores is indicated next to the two accesses. An amended block plan has been provided which revises the originally proposed 1.8 metre high close boarded fence proposed along the northern boundary to the road to a 1.2 metre high post and rail fence with planting to the rear. The scheme proposes to utilise the existing septic tank on the site and includes planting to the boundaries and grassed area to the rear of the statics and dayrooms.

- 1.4 The application has been accompanied by a covering letter, which serves as a Planning Statement, and copies of a number of appeal decisions for gypsy sites. Supplementary correspondence has advised that the proposal is to meet the needs of the applicant, her two children, her partner and her brother. The applicant's brother currently resides with his mother, but it is proposed that he would occupy one of the pitches, whilst the applicant and her family would occupy the other and provide care and support to him.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA3	-	Herefordshire's Countryside
H4	-	Traveller Sites
LD1	-	Landscapes and Townscapes
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD4	-	Wastewater Treatment and River Water Quality

- 2.2 Draft Burghill Parish Neighbourhood Development Plan – Regulation 14 Stage (Consultation period 20.1.2016-2.3.2016).

- 2.3 National Planning Policy Framework (NPPF)

The following sections are considered to be of particular relevance:

Introduction - Achieving Sustainable Development
Core Planning Principles
Section 3 - Supporting a Prosperous Rural Economy
Section 4 - Promoting Sustainable Transport
Section 7 - Requiring Good Design
Section 8 - Promoting Healthy Communities
Section 11 - Conserving and Enhancing the Natural Environment
Decision Making

- 2.4 Other Material Considerations:

Planning Policy for Traveller Sites August 2015 (PPTS)
Technical Guidance to the National Planning Policy Framework
Manual for Streets 2

- 2.5 The Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 SH87/1582/PO Nursery worker's bungalow - Refused 13.1.1988.
SH88/0202/PF Mobile home for a nursery worker - Approved 9.3.1988.
SH88/0833/PF Installation of a septic tank and soakaways for mobile home - Approved 20.7.1988.
SH92/1361/PF Continued use of the site for mobile home - Approved 16.12.1992.
SH96/1347/PF Continued use of the site for mobile home - Approved 5.3.1997.
CW2002/1123/F Continued use as site for mobile home (previous application SH961347PF) - Approved 13.8.2002.
CW2004/3589/F Re-use of former nursery including temporary planning consent for mobile home – Approved 9.12.2004 (temporary permission).
CW2007/3591/F Retention of existing nursery including temporary planning consent for existing mobile home – Approved 15.1.2008.
120659/F Retention of use of site for stationing mobile home with storage area for landscaping and log business – Refused 26.4.2012.

4. Consultation Summary

4.1 Statutory Consultations

None

Internal Council Consultations

4.2 Transportation Manager

Original comments:

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

The visibility splays at both entrances are well below required standards, and the adjacent hedges are not under the applicant's control. The road is used as a rat run, with vehicles travelling faster than appears prudent for the nature of the lane. Consequently, the risk to highway users is too high without improvements to the visibility splays.

Further comments:

The hedge has been trimmed, and the visibility at the eastern access is acceptable at the moment. However, the western access is still partly obscured by vegetation.

My concern is the growth of the hedge will shortly intrude into the visibility splays, creating a risk to vehicles leaving the site. If the hedge along the frontage was set back behind the existing hedge line, visibility would be acceptable. The use of the site as a nursery probably existed before the current visibility requirements were introduced. As this is a change of use, I believe current requirements should be met.

4.3 Program Director Housing and Growth

Five year Supply:

A Gypsy and Traveller Accommodation Needs Assessment for Herefordshire was finalised in November 2015. This will form part of the evidence base for the emerging Travellers Site Development Plan Document (DPD). The assessment identifies a need for 48 pitches to be provided by 2031 with 19 of these being required in the period between 2014/15 to 2018/19. The assessment also suggests a further requirement of 18 pitches between 2014/15 to 2018/19 in relation to need arising from Gypsy and Travellers living in Bricks and Mortar housing. Our records indicate that one pitch has received planning permission to date in 2014/2015 and therefore there is not a five year supply of deliverable sites available. If this application is granted planning permission it will contribute to the identified need for Gypsy and Traveller accommodation in the County.

Herefordshire Core Strategy 2011-2031

This site is located on previously developed land outside of a settlement in the countryside. Policies RA3, Herefordshire's Countryside, and H4, Traveller Sites, of the adopted Core Strategy are relevant.

Policy RA3 limits development outside of settlements in rural areas to certain criteria including sites providing for the needs of gypsies or other travellers in accordance with Policy H4. Policy H4 – Traveller Sites sets out a number of criteria where sites are proposed on non-allocated land in the absence of a DPD as in this case. These are considered in turn as follows:

- Criterion 1 refers to sites having reasonable access to services and facilities including health and schools. . Taking the availability of a range services and facilities available in Wellington, Canon Pyon and Hereford, together with the public bus service on the A4110, it is considered that there is reasonable access to services and facilities in this location in the context of Policy H4.
- Criterion 2 requires that appropriate screening and landscaping is included within the proposal. The acceptability of the screening and landscaping proposed is a matter for the Landscape Officer if considered appropriate
- Criterion 3 requires proposals to promote peaceful and integrated co-existence between the site and the local community.

There are opportunities for integration with the local community given the availability of services and facilities in the local villages. The provision of authorised sites with suitable facilities will contribute to this objective.

- Criterion 4 refers to the enabling of mixed business and residential accommodation (providing for the live-work lifestyle of travellers). It is understood from the supporting information provided that this is not a particular requirement for the applicant.
- Criterion 5 requires proposals to avoid undue pressure on local infrastructure and services.

It is considered that it is unlikely that development of this scale would place undue pressure on local infrastructure and services but this would be subject to the advice from the relevant infrastructure and service providers

- Criterion 6 states that the size of the site does not dominate nearby settled communities. The site is located in the open countryside and there are two dwellings adjacent to the site. The proposed two pitches on a previously developed site are not considered to dominate these or other nearby settled communities.
- Criterion 7 relates to the provision of onsite facilities which appears to have been addressed in the application.

4.4 Commissioning Officer (Housing Strategies)

Housing would support this application subject to compliance with all planning duties. There is currently a need for additional pitches in Herefordshire, the draft GTAA has yet to agree the need, (considering the consultation results) but it varies between 6 and 50, so there is a need for these sites.

4.5 Environmental Health (Team Manager Licensing and Travellers)

I am afraid I don't know this site or the applicants so I cannot comment.

4.6 Environmental Health Manager (noise and lighting):

I have no objections to this development.

Informative 1

The development may mean that non mains drinking water is necessary for the scheme. All new non-mains water supplies must be wholesome and comply with the standards set out in the Private Water Supplies Regulations 2009. Shared and commercial private water supplies must be risk assessed and sampled by the Environmental Health and Trading Standards Division in accordance with the Regulations.

Informative 2

The proposed caravan site may require a site licence issued by the Licensing section of the Council's Environmental Health and Trading Standards Division.

5. Representations

- 5.1 Burghill Parish Council objects to the application on the grounds that the site is in an unsustainable location, the occupants of the site would be reliant on vehicle use to access all services. The site access is very close to an increasingly hazardous junction with below standard visibility for traffic emerging onto the A4110 where the national speed limit applies. Additional volume of traffic in the lane generated by the use of the site will exacerbate the existing road safety problem; there have been 2 fatalities in this area in recent years. There is a history of flooding in the immediate area around the site. The proposal includes connection to an existing septic tank sewage system; the existing system is considered by the PC to be inadequate to support an additional 4 families, and combined with the existing flooding problem in the area potential faecal ground contamination is of considerable concern. The application suggests that approval of this application would improve a derelict and untidy site. Such a decision would set a dangerous precedent, encouraging land owners to allow sites to become an eyesore to support applications for development in open countryside simply to improve a deliberate deterioration of a landscape. Development of the site, as suggested in the planning application, would seriously harm the rural character of the area and breach development plan policies. The site has already had a refusal of planning permission for a dwelling.

5.2 In total eleven representations have been received. Of these six object; four support and one is mixed. The main points raised, in summary, are:

Objection:

- Narrow lane is not suitable for touring caravans
- Unsustainable location – distance to schools, shops etc.
- Junction with A4110 is dangerous and should be upgraded
- Proposal could accommodate up to 6 families, in the 2 statics, 2 tourers and 2 dayrooms
- Two vehicles per unit = 8, so minimum of 16 movements per day
- No permanent structures should be allowed
- Inadequate foul drainage
- Flooding (2013/2014) – site is in Flood Zone 1 and contamination issues
- Insufficient water pressure
- Not screened from other properties
- Contrary to Planning Policy for Travellers – fair and equal treatment and respect of settled community
- Potential for noise nuisance

Support:

- Under provision of pitches in the County
- Previous use generated more traffic and included on site residential accommodation
- The two fatalities on the A road are unrelated to this application
- Tractors etc. use the lane, so it is acceptable for caravans
- No objections to previous applications, these objections are racially motivated
- Not flood zone 1.

Mixed (previous owner of the site):

- Sewerage has never been a problem
- Previous use as a garden centre was a greater intensity of use, with deliveries etc.
- HGV operators licence previously given, highways is not an issue

5.3 The agent's covering letter and supplementary correspondence sets out reasons why, in his view, the application should be supported. In summary it is stated that:

- The site is designed in accordance with the DCLG Guidance for designing gypsy and traveller sites (note this was withdrawn on 1st September 2015) – day rooms would be separate units, but are conjoined to reduce construction costs and improve energy efficiency.
- Existing septic tank (approximately 2,000 gallon capacity) will serve both pitches.
- Existing accesses are to be used, the gates are set back offering safe ingress and egress.
- The site is relatively well screened by a mature hedgerow adjacent to the lane
- There is some intermittent planting along the southern boundary.
- There are leylandii on the neighbour's land to the east, screening the site.
- Additional planting is proposed – fruit and nut trees along the northern boundary, native species hedgerows along the eastern and southern boundaries and infill native species hedgerow planting along the western boundary to incorporate the existing.
- The applicant is a Romany Gypsy and her brother, who is also a Romany Gypsy would occupy the second pitch.
- Proposal fulfils the criteria of the Development Plan (Herefordshire Unitary Development Plan – at the time of submission of the application) and the Core Strategy.
- Applicant lives in Hereford and has a local need.

- Site offers good access to health services (Bobblestock Surgery – 5.4km, The Willows Dentist – 9.8km and Hereford County Hospital – 9.5km) and schools (Wellington Primary School 2.4km and Whitecross High School – 6.2km) – Table of Distances from the site to key services and facilities provided in table form – page 13 of the agent’s letter.
- No reason to anticipate that the proposal would place undue pressure on infrastructure or services or impact on local environmental quality.
- Local planning policy specifically allows for sites outside of settlements.
- Site is currently derelict/untidy – in accordance with PPTS 2012 paragraph 24(a) (now 26(a) of the 2015 publication) this should be given weight in decision making.
- Sustainability comprises economic, social and environmental considerations – it should be assessed on a broader basis than in relation to transport only.
- References to appeal decisions, noting that Inspector’s interpretation of sustainability in gypsy site appeals recognise that distance to travel to facilities/services is only one impact, gypsy sites are permitted outside of settlements and the NPPF recognises that opportunities to maximise sustainable transport solutions varies from urban to rural areas.
- There is an evidenced unmet need for site in Herefordshire, but we are of the opinion that the GTAA 2015 seriously underestimates the level of need. The assessment is not robust, conflicts with the CLG’s Gypsy and Traveller Accommodation Needs Assessments: Guidance 2007 and employs an unreasonable model in terms of turn over. It is suggested that there is a need for 50 pitches between 2014/15-2018-19.
- Lack of 5 year supply of deliverable sites is a significant consideration.
- Proposal meets planning policy requirements and is sustainable development.
- Opportunity to help meet the Local Planning Authority’s pressing need for sites.

5.4 A letter has been received from South Gloucestershire Council’s Welfare Liaison Officer (Ethnic Minority and Traveller Achievement Service). In summary this advises that:

- The applicant has been known to the post holder for the majority of her time in post (10 years) and more recently her children as well.
- When the applicant is not travelling she spends time in South Gloucestershire with family.
- Applicant is keen for a permanent base, for the benefit of her children’s education. Her daughter attends school well.
- Lack of provision in the country for Gypsy and Traveller sites.
- Having a settled site would help the applicant to engage with services.

5.5 A Romany Member of the National Federation of Gypsy Liaison Officers states that:

- The applicant is known to her, as were her grandparents.
- The applicant travels to horse fairs to sell goods and earn nomadic earnings.
- There is a dire shortage of sites.
- Confirms the applicant’s gypsy status and supports the application.
- Need to care for her mother.

5.6 Confidential letters have been provided by the applicant’s brother’s GP and Social Worker. These advise that:

- The applicant’s brother needs care and his current carer, his mother, is finding this increasingly difficult due to her own health. This current situation is not sustainable.
- The applicant is a loyal and heavily involved carer for her brother.
- When the applicant travels her brother will either join them or be cared for by other family members.

- 5.7 The consultation responses (other than the confidential letters, which contain sensitive medical information) can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151110&search=151110>

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

Policy and Guidance

- 6.1 It is a legal requirement that applications are determined in accordance with the Development Plan, unless material planning considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). This requirement is reconfirmed in paragraphs 11 to 13 of the National Planning Policy Framework (NPPF). These paragraphs state that the NPPF is guidance and does not change the statutory status of the Development Plan, but that it is highly desirable for local planning authorities to have an up-to-date local plan. The Development Plan consists of the Herefordshire Local Plan – Core Strategy (CS), which was adopted on 16th October 2015.
- 6.2 Policy RA3 of the CS limits new residential development in rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Site Allocation Development Plan Document. The Draft Burghill Neighbourhood Development Plan (dBNDP) is at regulation 14 stage so cannot be afforded weight presently. Nevertheless the site is not within a designated settlement in the dBNDP and it is noteworthy that it does not seek to allocate further traveller sites, but rather defers to applications being considered under CS policies RA3 and H4. The site is not adjacent to a settlement or facilities, such as shops, education or health facilities. It is situated next to and opposite two dwellings. It is considered that the site is in a rural location where both RA3 of the CS and paragraph 55 of the NPPF would seek to limit new residential development. Policy RA3 of the CS states that residential development in such locations will be limited to proposals that satisfy one or more of the specified criteria. Criterion 7 provides for proposals for a site that would provide for the needs of gypsies or other travellers in accordance with policy H4 – Traveller Sites. This policy provides the more detailed considerations for assessing such applications.
- 6.3 CS policy H4 states that the accommodation needs of travellers will be provided for through the preparation of a Travellers' Sites Document (DPD) which will include site specific allocations. Currently this has not been prepared. In this instance, in the absence of an adopted DPD and where proposals for sites are brought forward on non-allocated land, policy H4 states that proposals will be supported where:
1. Sites afford reasonable access to services and facilities, including health and schools.
 2. Appropriate screening and landscaping is included within the proposal to protect local amenity and the environment.
 3. They promote peaceful and integrated co-existence between the site and the local community.
 4. They enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers).
 5. They avoid undue pressure on local infrastructure and services.
 6. In rural areas, the size of the site does not dominate nearby settled communities and;
 7. They are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

- 6.4 The supporting text to CS policy H4 (at 5.1.26) acknowledges that until the Traveller's Sites DPD is adopted (anticipated in 2016) the private sector may need to provide sites and policy H4 sets out the basis upon which applications will be determined.
- 6.5 The introduction to the NPPF states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) and in decision taking on such sites regard should be had to the NPPF so far as is relevant. The PPTS was revised in August 2015. It provides the most recent national guidance for such forms of development and is an important material planning consideration. It states that the Government intends to review this policy when '*fair and representative practical results of its implementation are clear*' and whether planning policy for traveller sites should be incorporated in the wider NPPF. The PPTS states that applications should be assessed and determined in accordance with the presumption in favour of development and application of the NPPF policies and those in the PPTS. It confirms that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life whilst respecting the interests of the settled community. When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites would not dominate the nearest settled community.
- 6.6 In the determination of planning applications paragraph 22 of the PPTS sets out criteria (a-e) which are issues that the LPA should consider. These are as follows:
- a) The existing level of local provision and need for sites.
 - b) The availability (or lack) of alternative accommodation for the applicants.
 - c) Other personal circumstances of the applicant.
 - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
 - e) That they should determine applications for sites from any travellers and not just those with local connections.

The revised PPTS has amended paragraph 25 to advise that '*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*' (amendment underlined).

- 6.7 The PPTS guidance advises that weight should be attached to the following (paragraph 26):
- a) Effective use of previously developed (brownfield), untidy or derelict land.
 - b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
 - c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
 - d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.8 The PPTS advises that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision. Exceptions to this are where the site is within the Green Belt

(designated as such), sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or the Broads.

Current Provision and Need

- 6.9 A Gypsy and Traveller Accommodation Needs Assessment (GTAA) for Herefordshire was finalised in November 2015. This will form part of the evidence base for the emerging Travellers Site Development Plan Document. As advised by the Program Director Housing and Growth the assessment has identified a need for 48 pitches to be provided by 2031 with 19 of these being required in the period between 2014/15 to 2018/19. The assessment also suggests a further requirement of 18 pitches between 2014/15 to 2018/19 in relation to need arising from Gypsy and Travellers living in bricks and mortar housing. Council records indicate that one pitch has received planning permission to date in 2014/2015. An appeal decision is pending on a site at Ridgehill, to the south of Hereford (reference 141687) and there are currently 3 applications for traveller sites, or extensions to existing sites being considered. Notwithstanding the outcome of the appeal and the current applications there is clearly not a five year supply of deliverable sites available. The applicant's agent contests the number of pitches required in the GTAA and the methodology used. Despite the disagreement on the number of pitches required, ultimately it is accepted that there is a lack of five year supply of deliverable sites. Neither the Council nor the applicant's agent contend that the lack of supply is marginal and therefore for the purposes of determining this planning application the lack of a five year supply of deliverable sites is a significant material consideration, because none of the exceptions set out in paragraph 27, and listed above at 6.8, are applicable.

Principle of Development and Location

- 6.10 The first critical issue which must be considered is whether the applicant falls within the definition of 'Gypsies and Travellers' as detailed in Annex 1 - Glossary of PPTS (August 2015) and thus complies with criterion 7 of CS policy RA3, which allows the provision of gypsy or other traveller sites in rural locations outside of settlements. This definition has amended that provided in the previous PPTS publication (dated March 2012) and states that for the purposes of planning policy 'Gypsies and Travellers' means:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 6.11 The inclusion of those who have permanently ceased to travel for the above stated reasons has been deleted by the 2015 publication. The revised glossary also states that when determining if persons are gypsies or travellers for the purposes of the PPTS consideration should be given to the issues listed below, alongside other relevant matters:
- a) Whether they previously led a nomadic habit of life.
 - b) The reasons for ceasing their nomadic habit of life.
 - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 6.12 The pre-amble to policy H4 of the CS confirms that this definition applies to the policy.

- 6.13 It is asserted that the applicant is a Romany Gypsy and that she continues to travel to horse fairs (dates and venues given between April and October), where she sells goods. This pattern of travel is throughout the year, but is not continual as her daughter attends a primary school in Ross-on-Wye. Her nomadic way of life is confirmed by a Romany Member of the National Federation of Gypsy Liaison Officers and South Gloucestershire Council's Welfare

Liaison Officer (Ethnic Minority and Traveller Achievement Service). On the basis of the information provided, and in the absence of any contradictory details, it is considered that the applicant has not ceased to travel, but that it is intermittent to accommodate her daughter's educational needs. Consequently the applicant is a gypsy for the purposes of applying CS policy H4 and the provisions of PPTS. As such she meets the exception provided in CS policy RA3 to the normal limitation of development in rural areas, outside of settlements.

- 6.14 The second pitch is proposed to be occupied by the applicant's brother, who ethnically is also a Romany Gypsy. No information has been provided in respect of his nomadic lifestyle, but rather confidential medical details have been received explaining that he requires daily care and this is currently provided by his mother. His social worker has explained that this is unsustainable due to his mother's own health and that the applicant, who is already heavily involved in looking after him, proposes to take over his care. On this basis the applicant's brother is considered not to meet the definition of 'gypsies and travellers' in terms of applying the PPTS and policy H4 of the CS. Alternatively, the applicant's brother is considered to be a dependant relative and his occupation of the adjacent pitch to the applicant's is acceptable, provided that this is properly controlled.
- 6.15 When assessing the site's location it must be firstly acknowledged that CS policy RA3 permits the principle of gypsy and traveller sites outside of settlements and therefore accepts that compared to proposals within settlements accessibility to services and facilities will be reduced. Continuing criterion 1 of CS policy H4 requires sites to have 'reasonable access to services and facilities, including health and schools' further confirming that proposals for gypsy sites do not have to achieve the same degree of sustainability in locational terms as proposals for the settled community. This recognises the nomadic lifestyle of occupiers of such sites. The NPPF and the PPTS anticipate that traveller sites are likely to be located in rural and semi rural areas and that locally specified criteria should be used to guide determination of applications where there are no allocated sites in the Local Plan. Furthermore, the NPPF acknowledges that opportunities to maximise sustainable transport options vary between urban and rural areas.
- 6.16 The roads to Canon Pyon and Wellington do not have footways and are unlit. Journeys to Canon Pyon or to the bus stop would use the A road, with the associated fast travelling traffic, and this would be a significant deterrent to walkers. The lane to Wellington, whilst not as heavily trafficked as the 'A' road is used as a 'rat run' and does not have a double width carriageway. Consequently the route would be rather hostile to pedestrians and the distance of 2 kilometres to the village exceeds the desirable and acceptable distances for walking to access essential services as set out in Manual for Streets 2, but it does meet the maximum distance. Given the nature of the terrain it would facilitate cycling.
- 6.17 Taking this policy position into account it is considered that the site is within reasonable access of services and facilities, even if not accessible on foot. The facilities in Wellington could provide linked trips, thus reducing the number of journeys required. The site has two neighbouring dwellings and the provision of two pitches, is considered not to dominate these visually, due to the density proposed and the provision of landscaping, or in terms of infrastructure. The objections are noted regarding the potential for greater intensity of the use of the site for up to 6 families (one each in the statics, touring caravans and day rooms), however the provision of these on a pitch is standard to serve one family. The applicant has confirmed that one pitch is for herself and her dependants and the other for her dependant brother.
- 6.18 As stipulated in the NPPF the assessment of whether development is 'sustainable' requires a joint and simultaneous approach to all three roles, economic, social and environmental, because they are mutually dependent. A settled base would provide continuity in terms of accessing health and education and help to facilitate inclusive communities as advocated in

section 8 of the NPPF. Furthermore, the provision of two pitches will contribute to the Council's shortfall in sites.

- 6.19 In environmental terms the proposal would reuse an existing site, which currently has a neglected appearance. In terms of the history of the site it was noted in the Delegated Report in respect of application CW2007/3591/F that it has been used as a horticultural nursery for at least 25 years. Originally the nursery formed part of a larger planning unit comprising the application site plus the property known as 'Wellington Lane Cottage' located directly opposite. The PPTS advises that weight should be attached to the effective use of untidy or derelict land when considering sites for travellers (paragraph 26) and in general terms the effective use of previously developed land is a core planning principle of the NPPF. It should be noted that no evidence has been provided that in this case the applicant has deliberately neglected the site, but rather that the site has fallen into an abandoned state following the cessation of the previous use, by a different land owner. In addition to the effective use of an untidy site and the resulting visual improvement, the scheme incorporates native hedgerow, fruit and nut tree planting, which would enhance the site's biodiversity. This would accord with the NPPF objective to provide net gains in biodiversity where possible.
- 6.20 Taking all of these matters into account it is considered that the proposal comprises sustainable development and in principle is acceptable.

Highways

- 6.21 The two accesses have reduced visibility due to the road alignment and the position of roadside hedges. The applicant has cut back the section between the two accesses to improve visibility and the additional comments from the Transportation Manager confirm that in terms of the western access this is now acceptable. The proposal seeks to retain the hedgerow and provide a post and rail fence of 1.2 metres in height and fruit and nut tree planting behind. The Transportation Manager's comments are noted, however, when assessing the acceptability the previous use of the site as nursery, including customer sales, has to be borne in mind. As previously used, the eastern access served the customer carpark and the western the approved mobile home. Similarly the concerns about the safety of the junction of the C1109 and the A4110 are appreciated, but given the planning history of the site and the scale of the development proposed the scheme would generate less traffic. On this basis it is considered that the proposal cannot be refused on highway grounds alone as the residual harm is not considered to be severe. The hedgerow can be conditioned to be maintained behind an agreed line to retain the visibility achieved when it is cut back and the position of any new gates can be reasonably controlled by condition to ensure that there is sufficient space for vehicles to pull off the lane whilst accessing the site.

Drainage

- 6.22 Foul drainage is to be disposed of via the existing septic tank on site. The applicant has advised that it appears to be in satisfactory condition, but has not been used for some time. It has a capacity of 2,000 gallons, which would be sufficient for the two pitches. If planning permission is granted for the two pitches, a Site Licence would be required and satisfactory foul drainage arrangements would be needed. The NPPG advises against duplication of control, so in this instance a condition is unnecessary.
- 6.23 Concerns regarding flooding have been made, substantiated with photographic evidence of the lane being flooded. The site is in Flood Zone 1 (low probability), described in the NPPF as all areas outside of Flood Zones 2 and 3. A flood risk assessment is not required for developments in Flood Zone 1, unless the site exceeds 1 hectare, and the Technical Guidance to the NPPF states that the overall aim is to direct new development to Flood Zone 1. In terms of flood risk vulnerability and development compatibility all uses are considered to be

acceptable, including those classed as highly vulnerable such as caravans, mobile homes and park homes intended for permanent occupation.

- 6.24 The site already has areas of unmetalled hard standing originating from its previous use as a nursery. The proposal incorporates a large grassed area and planting which will be likely to improve the permeability of the site for surface water drainage.

Living Conditions

- 6.25 The NPPF (core planning principle) and CS policy SD1 require proposals to achieve satisfactory living conditions for existing and future occupiers of developments. In relation to this application this requires consideration of the impact on the existing settled community in the vicinity, specifically two detached dwellings adjacent and opposite the site known as 'The Butridge' and 'Wellington Lane Cottage' respectively. The proposed caravans and day rooms would be located towards the rear of the site and would all be single storey. Other than the retention of the existing shed and the siting of a touring caravan the development would be set back from the eastern boundary with 'The Butridge'. Supplementary planting is proposed along this boundary and there are conifers on the neighbour's side of the boundary. There is no reason to suggest that the proposed use of the site would generate unexpected noise. The scheme does not include a work element, as some traveller sites do. In light of these factors it is considered that the proposal would not materially impact on the living conditions of the neighbouring properties.
- 6.26 The inclusion of a dayroom has been challenged by objectors, as it comprises a permanent building unlike the other accommodation proposed. Whilst the DCLG Guidance for designing gypsy and traveller sites has been withdrawn by the Government, in the absence of superseding guidance it offers a basis for assessing the provisions proposed. The inclusion of a dayroom, providing facilities such as a separate bathroom and kitchen/facilities are an accepted part of pitches and have been allowed on other sites in the County subsequently to the grant of permission for use of the site for gypsy and traveller's pitches. This scheme seeks permission for all requirements at the initial stage and given the precedent of granting permission for day rooms on other such sites in the county their inclusion in the scheme is considered to be acceptable.

Conclusion

- 6.27 In terms of the overriding principle of the NPPF, to achieve sustainable development, it is considered that the proposal would provide significant social benefits through the delivery of a private Gypsy/Traveller site, which due to its size relative to the local settled community would enable and promote the facilitation of social interaction and creation of a healthy, inclusive community. Turning to the environmental dimension of sustainable development it is considered that due to the size of the site, the density and scale of the proposal, alongside the reuse of this neglected site, improvements to biodiversity and its overall appearance the scheme would not have a materially adverse impact upon the landscape.
- 6.28 Having regard to the requirements of the CS, together with the aims of the NPPF and the PPTS, and giving significant weight to the Council's shortfall in the provision of Gypsy and Traveller sites (as required by the PPTS paragraph 27), the site's location within reasonable distance of services and facilities and the lack of demonstrable harm to the landscape or amenities of the area, it is considered that the proposal is acceptable, subject to conditions.
- 6.29 The site is considered to be acceptable to accommodate two pitches for gypsies and the occupation should be restricted to the definition for gypsies and travellers set out in Appendix 1 to the PPTS. There no requirement to limit the occupation solely to the applicant, by way of a personal permission, because in light of the shortfall in deliverable sites the applicant's personal circumstances have not been a determining factor when undertaking the balancing

exercise. The situation is somewhat complicated by the proposed use of the second pitch by the applicant's brother, who whilst ethnically a gypsy is not considered to meet the revised definition of gypsies and traveller for planning purposes, as set out in the PPTS, because no evidence has been provided to demonstrate that his cessation of travel has been temporary. On this basis, as he is considered to be a dependant relative a condition is considered to be reasonable, necessary and relevant to planning to limit his occupation of the site to coincide with the applicant's only. Bearing in mind the ongoing uncertainty of the likelihood of the unmet need for gypsy and traveller sites being met it would be unreasonable to grant a temporary permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. C08 – Development in accordance with the amended plans**
- 3. Prior to the construction of the day rooms details (or samples) of the materials and finishes to be use externally on walls and roofs shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.**

Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

- 5. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6. Any material change to the position of the static caravan, or its replacement by another caravan in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No commercial activities shall take place on the land, including the storage of materials.**

Reason: In order to safeguard the character and amenity of the area, and the living conditions of neighbouring properties, in accordance with policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

8. The applicant's brother, William (known as Billy) Jones shall only occupy a pitch on the site as a dependant of the applicant.

Reason: It would be contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for accommodation in this location except to meet these specific personal circumstances where Mr William (known as Billy) Jones is a dependant relative of a gypsy.

9. The landscaping shown on drawing TJ15-BLOCK revision A and as described in the Rushton Planning letter dated 9.4.2015 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the first occupation of either of the pitches hereby approved details of the cutting back of the roadside hedgerow (as shown on a block plan drawn to a recognised metric scale) shall be submitted to, approved in writing by the Local Planning Authority and implemented. Thereafter the hedgerow shall be maintained so that it does not encroach on the line approved.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy 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, 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. **The development may mean that non mains drinking water is necessary for the scheme. All new non-mains water supplies must be wholesome and comply with the standards set out in the Private Water Supplies Regulations 2009. Shared and commercial private water supplies must be risk assessed and sampled by the Environmental Health and Trading Standards Division in accordance with the Regulations.**

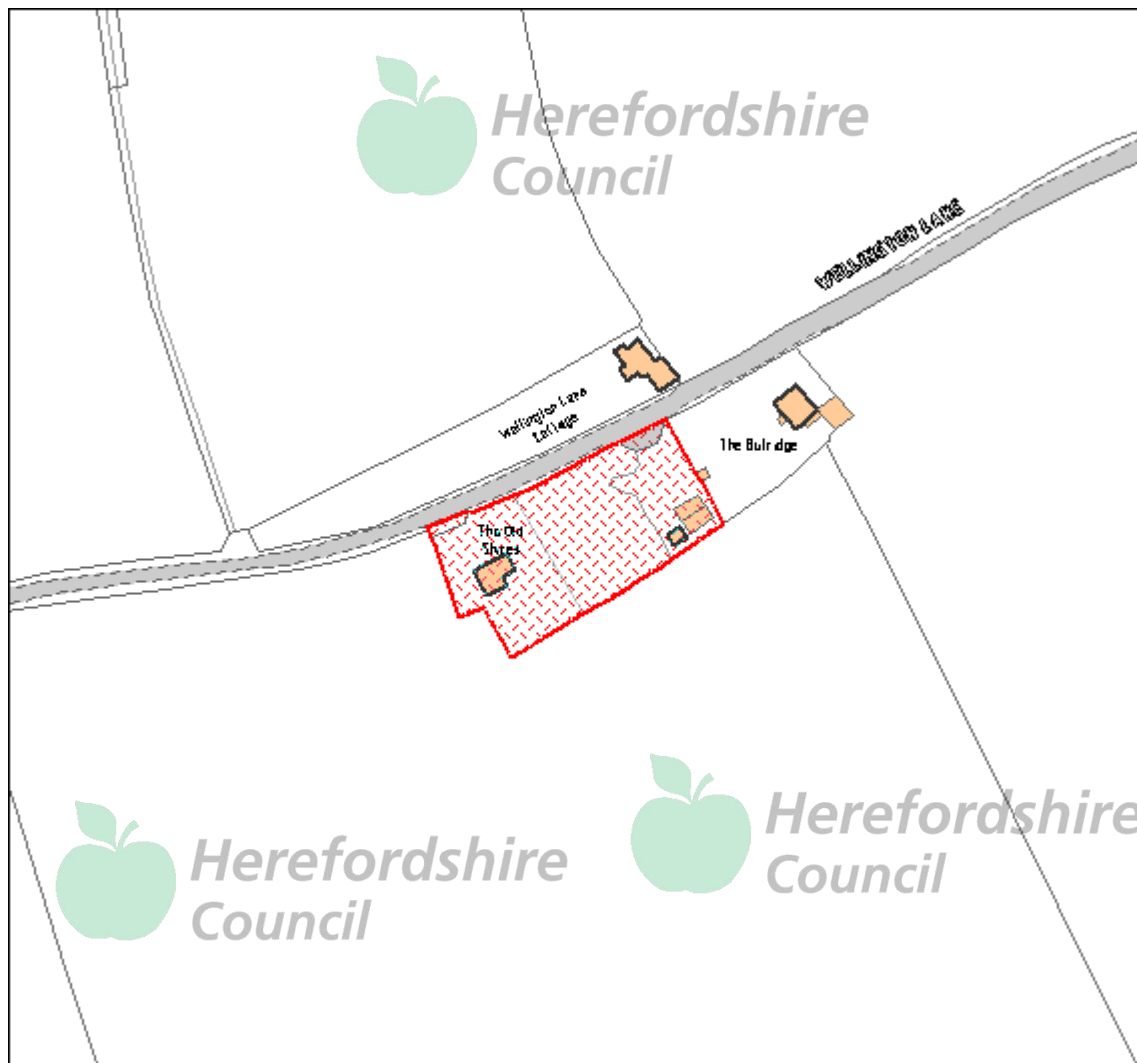
3. **The proposed caravan site may require a site licence issued by the Licensing section of the Council's Environmental Health and Trading Standards Division.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151110

SITE ADDRESS : THREE SHIRES NURSERIES, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8NL

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



MEETING:	PLANNING COMMITTEE
DATE:	16 MARCH 2016
TITLE OF REPORT:	160202 - PROPOSED TWO STOREY SIDE EXTENSION AT 48 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NJ For: Mr & Mrs Withers per Mr Julian Scriven, Long Orchard, 5 Overbury Road, Hereford, Herefordshire, HR1 1JE
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160202&search=160202
Reason Application submitted to Committee – Member of Staff Application	

Date Received: 22 January 2016
Expiry Date: 18 March 2016

Ward: Aylestone Hill

Grid Ref: 352767,240394

Local Member: Councillor MD Lloyd-Hayes

1. Site Description and Proposal

- 1.1 The application site is located in the Tupsley area of Hereford, on the western side of the city, north of the Ledbury Road at its junction with Folly Lane/Church Road, and comprises a residential area of post war semi detached dwellings, on level ground.
- 1.2 The two storey semi-detached property is on a corner plot with Mount Crescent/Seaton Avenue and is orientated at 45 degree angle to the roadsides of Mount Crescent/Seaton Avenue. It is finished externally in an off white render over a brick plinth, and a clay tile roof. The building has a bay window to ground and first floor on the front elevation. There is a small flat roof detached single garage to the side of the house, beyond which lies the garage of a neighbouring dwelling.
- 1.3 The proposal involves the provision of a two storey side extension in a matching design and finish. This is some 3.4 metres wide, 6.7 metres deep, 5 metres to eaves and 7.7 metres to ridge height (some 0.5 metres lower than the existing roof line). The proposed extension is stepped back from the front of the existing building by 0.4 metres. New windows are detailed at ground and first floor on the front and rear elevations with no openings on the proposed side elevation.
- 1.4 Internally a master bedroom and en-suite is proposed at first floor, with playroom and utility room at ground floor.
- 1.5 The existing single storey garage would remain in situ along with the single space hardstanding area in front which is accessed off Mount Crescent (an unclassified road).

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SD1 - Sustainable Design and Energy Efficiency
- LD1 - Landscape and Townscape
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel

The Herefordshire Local Plan Core Strategy 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/core-strategy/adopted-core-strategy>

2.2 NPPF:

Chapter 6: Delivering a Wide Choice of High Quality Homes.
Chapter 7: Requiring Good Design.

2.3 NPPG:

Design (ID26): Form, Scale, Details, Materials.

3. Planning History

3.1 DCCE2004/1604/F Two Storey Side Extension: Approved 18th June 2004(not implemented).

4. Consultation Summary (Consultation End Date 25/2/2016).

4.1 Statutory Consultations:

None.

4.2 Internal Council Consultations:

None.

5. Representations

5.1 Hereford City Council: No objection

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160202&search=160202>

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 proposal is subservient to the host dwelling, being set back from the front wall and a lower ridgeline. External materials of render under a tiled roof are to match. It is therefore considered that the design respects the host dwelling which remains the dominant feature. Being on a

corner plot the scale respects the heights and proportions of surrounding residential development and will therefore be an acceptable visual building within the street scene.

- 6.2 The proposed window to window separation between the proposed front elevation and nearest dwellings on the opposite side of the road is 24 metres (to 24 Seaton Avenue) and 21 metres (to 65 Mount Crescent). To the rear the separation would be 36 metres (to 18 Lyndhurst Avenue). In practice the new window openings would be no closer than those windows that already exist on the front and rear elevations. This means that existing neighbouring amenity would be safeguarded by the proposal. There would not be any new adverse overlooking of neighbouring dwellings from proposed first floor windows.
- 6.3 The proposal would not result in any appreciable, adverse loss of daylight or sunlight to neighbouring dwellings. Overall this accords with the aims of Policy SD1 of the Core Strategy.
- 6.4 The proposal will provide for additional living space within the dwelling, and does not give rise to any additional parking demand at this location. This accords with Policy MT1 of the Core Strategy, having regard to the location of the site and the need to promote sustainable travel choices.
- 6.5 In conclusion the proposal will provide enhanced accommodation of matching design and materials with no detrimental impact on adjoining neighbours or streetscene. Accordingly the development is considered to accord with the Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 - Development in accordance with the approved plans (Drawing JS/161/15/2)**
- 3. **I16 - Restriction of hours during construction**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

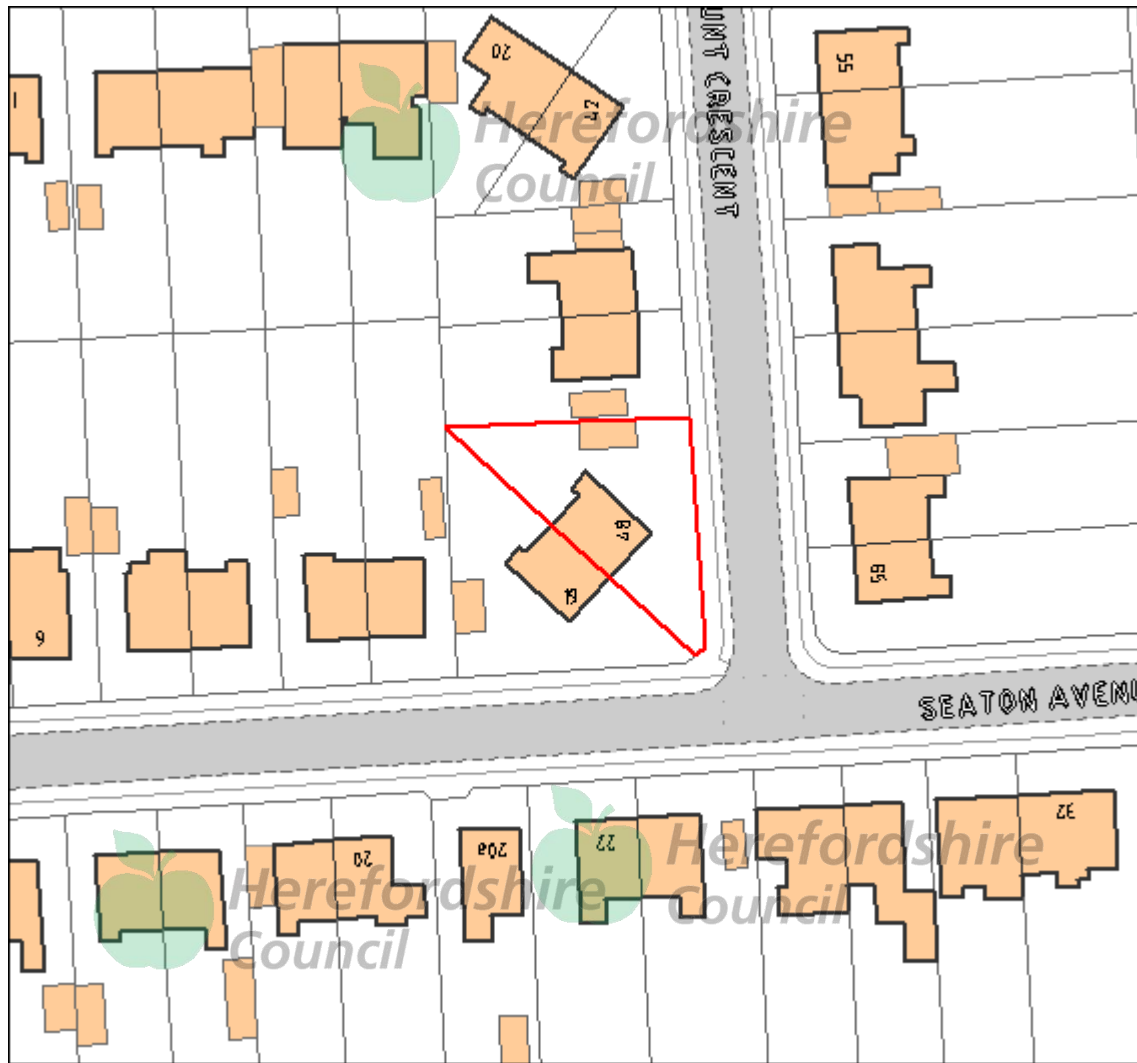
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160202

SITE ADDRESS : 48 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NJ

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