

AGENDA

Planning Committee

Date: **Wednesday 7 October 2015**

Time: **2.00 pm**

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:

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Agenda for the Meeting of the Planning Committee

Membership

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Councillor PGH Cutter

Vice-Chairman

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>150799 - 33 BODENHAM ROAD, HEREFORD</p> <p>Proposed demolition of existing dwelling together with its detached garage and accommodation over to facilitate a purpose designed residential apartment building (8 flats) together with associated car parking, cycle/bin stores and associated communal grounds.</p>	7 - 18
5.	<p>151121 - LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE</p> <p>Proposed residential development of 10 no dwellings.</p>	19 - 34
6.	<p>151627- LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH HEREFORDSHIRE</p> <p>Proposed erection of two detached cottages with new vehicular access.</p>	35 - 44
7.	<p>152084 - NEW FIELD GATE ADJACENT TO THE OLD CHAPEL , TILLINGTON COMMON, TILLINGTON HEREFORDSHIRE</p> <p>Proposed installation of gate into field.</p>	45 - 48
8.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 27 October 2015</p> <p>Date of next meeting – 28 October 2015</p>	

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MEETING:	PLANNING COMMITTEE
DATE:	7 OCTOBER 2015
TITLE OF REPORT:	<p>150799 - PROPOSED DEMOLITION OF EXISTING DWELLING TOGETHER WITH ITS DETACHED GARAGE AND ACCOMMODATION OVER TO FACILITATE A PURPOSE DESIGNED RESIDENTIAL APARTMENT BUILDING (8 FLATS) TOGETHER WITH ASSOCIATED CAR PARKING, CYCLE/BIN STORES AND ASSOCIATED COMMUNAL GROUNDS. AT 33 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE,</p> <p>For: Perfection Homes per Mr D F Baume, Hook Mason Ltd, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150799&search=150799
Reason Application submitted to Committee – Re-direction	

Date Received: 17 March 2015

Ward: Aylestone Hill

Grid Ref: 352139,240219

Expiry Date: 18 May 2015

Local Member: Cllr MD Lloyd-Hayes

1. Site Description and Proposal

- 1.1 The application site lies on the northwestern side of Bodenham Road (C1127) in Hereford, within the Bodenham Road Conservation Area and approximately 45 metres to the southeast of the junction with Judges Close. The 0.13 hectare site is essentially rectangular with a single vehicular access onto Bodenham Road. At present a two storey dwelling built in the 1970's, with a detached two storey outbuilding, carport and single storey outbuilding (in the rear garden), occupy the site. The property is set back some 32 metres from the road, behind a low stone wall and with a large, predominantly lawned foregarden. A Tree Preservation Order covers a number of trees both on the site and adjacent sites, including the Corsican pines adjacent to the road along the front boundary of the site and two lime trees which overhang the southern boundary of the site. Two properties built at a similar time, but which are not identical, lie to the northwest of the site, with larger Victorian properties to the southeast. On the opposite side of the road there is an assortment of buildings, including Victorian properties, late twentieth century apartment buildings and dwellings, ranging from two storey to four storeys in height.
- 1.2 It is proposed to demolish the existing dwelling and outbuildings and erect a flat roofed building comprising both two and three storey elements, of 6.8 metres and 9.7 metres in height respectively. The two storey section would be on the left hand side, next to number 31 Bodenham Road, which is a two storey house. The principal elevation, which would have a 1.4 metre stagger between the two and three storey sections, would be set back from the road by between some 27.4 metres and 28.8 metres and would be 19.2 metres in width. The side elevations would be between 10.6 metres (north elevation to number 31) and 15 metres (south

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

elevation to The Coach House and number 37 – Rydall Mount). The design of the building is contemporary, with chalk white render, copper shingle cladding system, standing seam roofing system, grey aluminium window walls and grey aluminium fenestration. Projecting balconies are proposed to both the front and rear elevations and amended plans have incorporated obscure glazed side panels to these. The existing vehicular access would be widened from 3.6 metres to 4.5 metres by removing a section of the existing, low boundary wall either side.

- 1.3 The proposed building would provide eight apartments. Of these two would provide one bedroomed accommodation (47 square metres) and the remaining six would have two bedrooms (69 square metres). An internal lift would provide access to the upper storeys. The ground floor apartments would have modest, private external spaces and the upper floors would each have a balcony. The large rear garden would provide a communal amenity area and would also accommodate a cycle storage building, divided into eight stores. The structure would be timber clad. Amended plans indicate a 2 metre high fence along the boundary to number 31 Bodenham Road. Parking is proposed in the existing fore garden. Nine car parking spaces are provided in the amended scheme along with an area for the storage of waste and recycling. The receptacles would be stored in a timber clad structure sited to the southwest of the proposed building, adjacent to the boundary with The Coach House and Rydall Mount. A porous, block paved surface is proposed.
- 1.4 The application has been accompanied by a Design, Access and Heritage Statement (amended versions provided during the consideration of the application), a Tree Survey and Arboricultural Constraints Report and Ecology Report. These set out the rationale for the scheme. It is stated that the existing house has been on the market for a considerable amount of time, with extensive marketing but without acceptable offers coming forward. The house requires comprehensive updating and improvement to bring it up to modern standards and this is uneconomical. The proposed building would be built to a sustainability equivalent to, the now defunct, level 4 of the Code for Sustainable Homes, which exceeds the current Building Regulations Standard, which equates to level 3. It is confirmed that the existing, mature specimen trees would be retained and protected during construction and supplementary planting would also be carried out. The solid timber gates to the entrance and an increase in the height of the boundary wall have now been deleted from the amended scheme.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

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

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

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations

H1	-	Hereford and the Market Towns: settlement boundaries and established residential areas
H13	-	Sustainable Residential Design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T8	-	Road Hierarchy
T11	-	Parking provision
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS7	-	Addressing Climate Change
HD1	-	Hereford
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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
ID1	-	Infrastructure Delivery

2.4 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
Annual Monitoring Report
Five Year Housing Land Supply (2013-2018) Interim Position Statement
Guidance notes for developers and landlords on the storage & collection of domestic general rubbish and recycling (November 2014)

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

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

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Historic England (amended plans/information): We do not wish to comment in detail, but offer the following general observations. Conditions should be imposed requiring your Council's prior approval of all architectural and landscape details, materials and finishes. Recommendation: We would urge you to address the above issues, and recommend that the application should be

determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.2 Welsh Water: no objection, recommend standard conditions regarding the separate drainage of foul and surface water etc.

Internal Council Consultations

- 4.3 Conservation Manager (Historic Buildings Officer) – amended plans/additional information:
It was previously commented that the use of the copper to define a wide surround to some of the upper floor windows created a dominant feature making the building stand out more than was considered to be desirable. The aim should be that the building sits relatively quietly within the plot in much the same way the existing house does, albeit the proposed building is considerably larger in scale. The applicant has now provided a sample of the copper shingle and that has demonstrated that it would be a much darker and subtle shade than illustrated on the elevation drawing. This has addressed the earlier concerns since the copper shingles would not be as stark in appearance as originally thought. The chalk colour proposed for the render is considered acceptable.

The side (south) elevation is somewhat utilitarian in appearance, accentuated by the massing of the building. It was therefore suggested that this elevation would benefit from some further attention, possibly breaking up the massing using materials from the same palette as being used elsewhere on the building. The latest amended plans dated 21/09/15 show a different coloured render being used to define the windows. This still looks bland and doesn't fully address the above concern. Adding texture and interest through using the powder coated aluminium panels or copper shingles to define some of the windows would be an improvement.

Gates and iron railings set back from the roadside were still being shown on the amended site layout plan dated 16/06/15. This part of the conservation area is characterised by the areas to the front of properties being quite open without high boundaries or gates. The existing boundary to No. 33 is just a low boundary wall and the focus is on the trees and shrubs behind. The additional fence and gate is considered to detract from the open, green character of the space to the front of the building. This view was expressed at the meeting held in May. The latest amended plans dated 21/09/15 show the additional fence and gate removed from the scheme as requested. It is not clear from the site plan how the existing boundary wall to the front is to be treated and so further details will be needed. The wall should remain low to retain the existing character.

The plans dating 16/06/15 showed, the bin store positioned to the front of the site, close to the road which is felt to detract from the openness of the space. A more discrete location was felt to be preferable and the most recent amended plans now show the bin stores to be located closer to the building. This helps retain the sense of openness viewed from the street. The removal of one visitor parking space is welcome as it has allowed some additional planting which helps to maintain the green character of the space to the front of the building.

The row of bicycle stores in the rear garden is somewhat monotonous, but is not considered to have an impact on the appearance of the conservation area.

- 4.4 Conservation Manager (Arboriculturalist) – amended/additional plans/report: Further to my original tree report I have now had the opportunity to look at the revised plans and to read the submitted tree survey accompanying this application.

I am quite satisfied that the proposed widening of the access driveway can be accommodated without any long term detrimental impact on the existing protected Corsican Pines (Trees 7,8 and 9).

As long as all the proposed tree protection as detailed within Jerry Ross's Constraints report is implemented and strictly adhered too I have no objection to the revised plans.

- 4.5 Conservation Manager (Ecology): I have read the ecological report and concur with the findings that it is likely there are no bats roosting nor nesting birds at the property. I have no objection to the application.
- 4.6 Transportation Manager: No objections on the basis that the railings are removed at the front of the site.
- 4.7 Waste Management: From the plans the access to the bin store for collection crews appears unacceptable for a new development. The bin store/bins should be located no more than 10m from the entrance from the highway (in this case Bodenham Road). This could be resolved by relocating the bin store closer to the entrance and creating an access for refuse collection crews on the right after the entrance. In its current location it is likely our contractor will refuse to collect from this location. The bin store appears to be appropriate in terms of size, so long as the diagram is accurate in showing the bin store can hold up to 4 x 1100 litre bins. The normal conditions over providing easy access on a smooth solid surface with no impediments applies.

5. Representations

- 5.1 Hereford City Council (original plans): object, the design is out of character with the surrounding architecture.

Hereford City Council (amended plans/information plans): objection, this is still out of character with the surrounding architecture and is inappropriate.

- 5.2 Eight letters of objection have been received from local residents on both the original and first set of amended plans in summary they raise the following issues:

Scale/mass/design/materials

- Site is in a Conservation Area, where development should preserve or enhance. This scheme is wholly inappropriate, as it breaks just about all the rules in the contextual design book
- Not in keeping with the Victorian tree lined avenue
- Three storey flat roofed building would be bigger than the dwelling it would replace and would be incongruous with the existing properties
- There are no modern buildings on the eastern side of Bodenham Road and this should be preserved
- Increased density of development would be out of keeping with the neighbouring properties
- Use of render and copper cladding is not compatible with materials in the Conservation Area

Privacy/living conditions of neighbours

- Due to the height, size and inclusion of balconies (notwithstanding the use of obscure glazing to the end panels) the proposal would adversely affect living conditions through loss of privacy (29 & 31 Bodenham Road, The Coach House, Rydall Mount and 4 Judges Close - garden), light and views to the west (from The Coach House)

Highways

- Proposal does not provide sufficient parking provision for 8 units. This would result in congestion and obstruction along the road, as experienced on other sites comprising flats
- Unsafe access due to trees and vegetation restricting visibility, increased use of the access by a greater number of residents would exacerbate this.

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

Trees/ecology

- Removal of fine pine trees is an affront in the Conservation Area
- Proposal is detrimental to habitat for birds

Other issues:

- Welsh Water raise concerns about drainage
- A drain runs across 4 Judges Close garden and may cross the application site
- Waste collection/storage is inadequate
- Proposal is purely profit driven to maximise the return
- Ground stability during demolition
- Better sites elsewhere in Hereford for such development

5.3 Further consultation has been carried out in respect of additional revised plans. An update will be provided to Committee of any comments received.

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

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

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

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

6. Officer's Appraisal

6.1 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan is currently the Herefordshire Unitary Development Plan (HUDP), even though this is time expired. As this is an application for new housing, as stipulated at paragraph 49 of the National Planning Policy Framework (NPPF), the relevant policies for the supply of housing should be considered to be out of date because the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. On this basis, the application falls to be considered against the NPPF's presumption in favour of sustainable development, as set out in paragraph 14. This states that where relevant policies of the Development Plan are out of date, as is the case currently, permission should be granted unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (see footnote 9)

6.2 Notwithstanding the out of date nature of the housing land supply policies, there remains a requirement for the development to accord with other relevant HUDP policies and NPPF guidance and paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. When assessing if the development would represent sustainable development the NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependant. As such they should be sought jointly and simultaneously. Sustainable development seeks to achieve positive improvements in the quality of the environment as well as in people's lives through, amongst other things, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.

- 6.3 The site is in a suburban location in relatively close proximity to the wider services and facilities provided in Hereford City Centre and with access to these being readily practicable by foot, bicycle and bus. In addition the railway station and county bus station are also within reasonable walking distance of the site, and hence provide the ability to travel further afield for employment, leisure, education etc without the need to rely on the private vehicle. Occupants of the proposed apartments would have a real choice about how they travel. As such the site is considered to be sustainably located and in accordance with the essence of policy S1 of the HUDP and the sixth and eleventh bullet points of paragraph 17 (Core planning principles) and chapter 4 (Promoting sustainable transport) of the NPPF.
- 6.4 Turning to the economic and social roles, it is considered that the proposal would provide economic and social benefits throughout the construction phase, with local contractors and suppliers more likely to be utilised for the scale of the scheme, compared to larger, strategic sites. Upon occupation of the units residents would provide increased spending and support to local services and most obviously the scheme would provide a modest contribution to the reduction of the identified housing shortfall. Furthermore, the scheme proposes smaller units of accommodation (1 and 2 bedroomed apartments) with lift access and accommodation on a single floor, thus future proofing its continued occupation for elderly and less mobile residents. The NPPF promotes facilitating social interaction and creating healthy and inclusive communities. Bodenham Road already includes purpose built apartment buildings and converted Victorian properties and consequently the introduction of a building containing 8 apartments is considered to be compatible with the existing range of house types in the vicinity.

Conservation Area impact

- 6.5 In terms of the environmental impact the site is within the Conservation Area boundary, which as a designated heritage asset is included in footnote 9 to paragraph 14 of the NPPF, in respect of policies that may restrict development. However HUDP policies HBA6 and HBA7 do not preclude demolition of buildings that do not make a positive contribution and development in the Conservation Area, but does require that proposals preserve or enhance. Similarly Chapter 12 of the NPPF acknowledges that not all elements of a Conservation Area always contribute to its significance. In this respect the Conservation Manager has advised that the existing dwelling has a neutral impact and it is the trees and set back position of the building, thus providing a large fore garden, that contributes to the character and appearance of the Conservation Area. With regards the proposed building it is accepted that the contemporary approach taken is not akin to any other development in the Conservation Area. Rather it represents a modern architectural style. Policy DR1 of the HUDP requires developments to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, scale, mass, height, design and materials, whilst HBA6 stipulates that schemes address issues such as the building line, plan form, general pattern of heights and the quality and type of design, details and materials reflect those contributing to the area. The NPPF (chapter 7 – Requiring good design) emphasises that good design is a key aspect of sustainable development and it is indivisible from good planning. It states that decisions should not attempt to impose architectural styles or tastes, but that it is proper to seek to promote or reinforce local distinctiveness.
- 6.6 When affording weight to the impact on the Conservation Area, and therefore part of the environmental dimension of sustainable development, it should be noted that it is a statutory duty under sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In practice this means that when undertaking a planning balance the weight afforded to preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them.
- 6.7 The proposed building would have a larger mass than the neighbouring buildings, being three storey in part and with a flat roof. Whilst the two and three storey sections would not be taller

than the relative adjacent buildings, due to the flat roof design the mass would be greater. In addition the palette of materials differ to that of the other buildings on the northeastern side of the road, and this would highlight its dissimilar appearance. Historic England's original comments suggest that brick may be more appropriate, but do not recommend refusal. Instead it is advised that the application is determined on the basis of planning policy and the Council's specialist conservation advice. The Conservation Manager has no objection in principle to the use of render and copper shingle, having seen a sample which is more muted than shown on the submitted plans. The siting of the building would be set back in line with the adjacent buildings and this therefore retains the sense of space between the road and properties, which is considered to be a key contribution to the significance of the Conservation Area. The scheme includes a relatively large expanse of parking, which to some degree would erode the 'green' appearance of the existing front garden, which is predominantly laid to lawn. However, this is not unlike other sites in the area, particularly those converted into apartments and a nursing home. The proposal would retain those trees classed as being of importance, most notably the three protected Corsican Pines (Trees 7, 8 and 9) along the roadside boundary, and these would provide immediate and continued filtering of the proposed building. This would assist the assimilation of the development into the street scene. It is considered that the amended plans and further clarification regarding the tone of the copper cladding and siting of the bin store overcome those aspects of concern expressed in the Conservation Manager's initial response. Even though the proposed building would be starkly different to the existing buildings, this by itself is not reason to refuse permission. Similarly to the other more recent developments in the Conservation Area it provides an opportunity to inject contemporary design. As required by the NPPF (paragraph 60) a balance has to be struck between not stifling originality or initiative and reinforcing local distinctiveness. To this end, having identified the significance of this part of the Conservation Area, the contribution that the site makes to this (as detailed in the Conservation Manager's response) and accepting that earlier development has already deviated from the scale, mass and design of the Victorian buildings, it is considered that the scheme would preserve its character and appearance. It should be noted that even where 'less than substantial harm' to the Conservation Area is identified, this should be weighed against the public benefits of the proposal (NPPF paragraph 134) and does not automatically result in refusal. Only where the development would lead to substantial harm to or total loss of the significance of the designated heritage asset should consent be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits (NPPF paragraph 133).

- 6.8 Having conjointly considered the three dimensions of sustainable development and in particular against the backdrop of a lack of 5 year housing land supply and the locational sustainability of the site in terms of the real choice of means of travel for occupants, it is considered that overall the proposal would be sustainable and the presumption to grant permission is engaged. As a result the scheme should be approved unless there are adverse impacts that would significantly and demonstrably outweigh the benefits.
- 6.9 In assessing the impacts I consider that these relate to the amenity of the neighbouring properties and highway safety, the impact on the Conservation Area having already been assessed and concluded not to be harmful.

Living conditions of neighbours

- 6.10 The scheme proposes a two storey element nearest to 31 Bodenham Road and three storey adjacent to 35 (The Coach House, which comprises two flats) and 37 Bodenham Road (which from Council records comprises 6 flats). Considering the impact on number 31, the proposed building would be no nearer to the common boundary, but would have a height of 6.8 metres compared to the eaves and ridge heights of 5.1 metres and 7.8 metres of the existing house. Although this would represent an increase in mass, given that this is to the side elevation of the neighbouring property which has an attached garage nearest to the boundary and only one, secondary window in the side elevation and would not be set forward of it, it would not materially

affect their living conditions. Two windows, one each at ground and first floor, are proposed in the northwest side elevation, to number 31, and these would serve shower rooms. It would be reasonable, necessary and relevant to the development to impose a condition requiring these to be fitted with obscure glazing. The proposed cycle storage building would be located parallel to the boundary with number 31, in the rear garden. Whilst this structure would have a long, rectangular floor plan it would be set back from the boundary, screened by a proposed 2 metre high fence and with a height of 2.4 metres. On this basis it is considered that it would not materially impinge upon the living conditions of the neighbour. With regards the impact on The Coach House, this building is set further back into its site than the proposed building and to the southeast of it, such that the proposed building would not have an unduly overbearing nor overshadowing impact. There are a number of windows in the facing side elevation of number 37, both at first floor and within a dormer window in the roof slope. As proposed the windows in the southeast elevation of the proposed building would be 11 metres from these facing windows, but as indicated on the side elevation drawing and cross section these would be high level relative to the internal floor and would not enable overlooking. Small balconies are included in the scheme and with the amendment of obscure glazing to the side panels it is considered that they would not unacceptably diminish the residential amenity of the neighbouring properties. Turning to the impact of the proposal on the properties in Judge's Close and Jury Garden, these are sufficiently distant from the rear elevation of the proposed building such that in this suburban context the levels of amenity would be acceptable (over 50 metres to number 8, the rear elevation of which faces towards the site, some 23 metres to the boundary with garden of number 4 and 27 metres to the rear elevation of 1 Jury Gardens). The introduction of eight units of accommodation in comparison with the existing would obviously represent an increase in the number of residents and consequently the activity on the site. However, this would not be untypical of the use of neighbouring sites, including the immediate neighbours at The Coach House and Rydall Mount. In light of this appraisal of the affect of the proposal on the living conditions of the neighbours it is consider that an adverse impact would not result.

Transportation and waste management

- 6.11 The existing access would be widened, to enable a vehicle to enter the site even when one is waiting to exit. This is achievable without detriment to the longevity of the protected trees, subject to the development complying with the recommendations of the submitted tree report. On this basis neither the Transportation Manager nor the Aboriculturalist object to the proposal. The scheme provides for an off road parking space per unit and one for visitors. Cycle storage would also be provided per unit. This would promote and facilitate alternative means of travel to the private car and is a positive aspect of the scheme. The objectors' comments regarding conjunction and obstruction are noted. Recently on road parking restrictions have been introduced along Bodenham Road. These restrict on road parking between 8am and 6pm, Mondays to Saturdays. This should help to alleviate obstruction from the access at peak times. In accordance with paragraph 32 of the NPPF a safe access can be provided and permission cannot be refused on highway grounds as the residual cumulative impacts are not severe.
- 6.12 With regards the disposal of domestic refuse and recycling, the amended scheme provides for adequate space for storage of the requisite number and size of receptacles, but at a distance from the highway that does not comply with the Council's Guidance Notes. As advised by the Conservation Manager the waste storage area should occupy a discrete location, to ensure that the sense of openness is retained. On this basis, and attributing the special attention that is statutorily required to preserving or enhancing the character and appearance of the Conservation Area, it is considered that the proposed siting is acceptable. In practical terms this will mean that if the Council's contractor refuses to collect the bins the residents will have to take them to the roadside, similarly to residents of other properties where the bins cannot be located within this required distance.

Ecology

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

- 6.13 The Ecologist has confirmed that the proposal would not adversely affect the habitat of protected species. The mature, protected trees are to be retained and additional soft landscaping is proposed.

S106 Contributions

- 6.14 Policy DR5 of the HUDP and the Supplementary Planning Document on Planning Obligations set out the requirement for financial contributions to mitigate the impact of development on services such as education, highways, open spaces etc. In response to the economic downturn, the Council introduced a temporary suspension of the payment of planning obligations (2009) provided that the development is for five or less dwellings and that development is commenced within 12 months following the grant of planning permission. The proposal would provide eight units and therefore an additional seven compared to the existing use of the site. Of these seven additional units, two are one bedroomed, leaving five units in respect of which financial contributions can be sought. The applicant has confirmed acceptance of a one year commencement condition should permission be granted. As a result the proposal meets the temporary suspension criteria and contributions cannot be sought.

Conclusion

- 6.15 Having assessed the various impacts of the proposal, under the three dimensions of sustainable development it is considered that the proposal represents sustainable development and the presumption to grant permission is engaged. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of providing housing growth and it is recommended that permission is granted subject to conditions

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. *A01 Time limit for commencement (full permission) - One Year**
- 2. B03 Amended plans – recommendations of the Tree Survey and Arboricultural Report**
- 3. C01 Samples of external materials – Amended (No development other than demolition)**
- 4. H13 Access, turning area and parking**
- 5. G09 Details of Boundary treatments – Prior to the occupation of any of the units...**
- 6. Other than demolition no other development shall be carried out until a site plan and written specification clearly describing the species, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass established has been submitted to and approved in writing by the LPA. The soft landscaping 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.**

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

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan

- 7. H27 Parking for site operatives**
- 8. Prior to the first occupation of any of the units hereby permitted the cycle parking provision shown on drawings 5107-17-4d shall be installed and thereafter made available for such use.**

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

- 9. L01 Foul/surface water drainage**
- 10. L02 No surface water to connect to public system**
- 11. L03 No drainage run-off to public system**
- 12. F17 Obscure glazing to windows - northwest elevation**

INFORMATIVES:

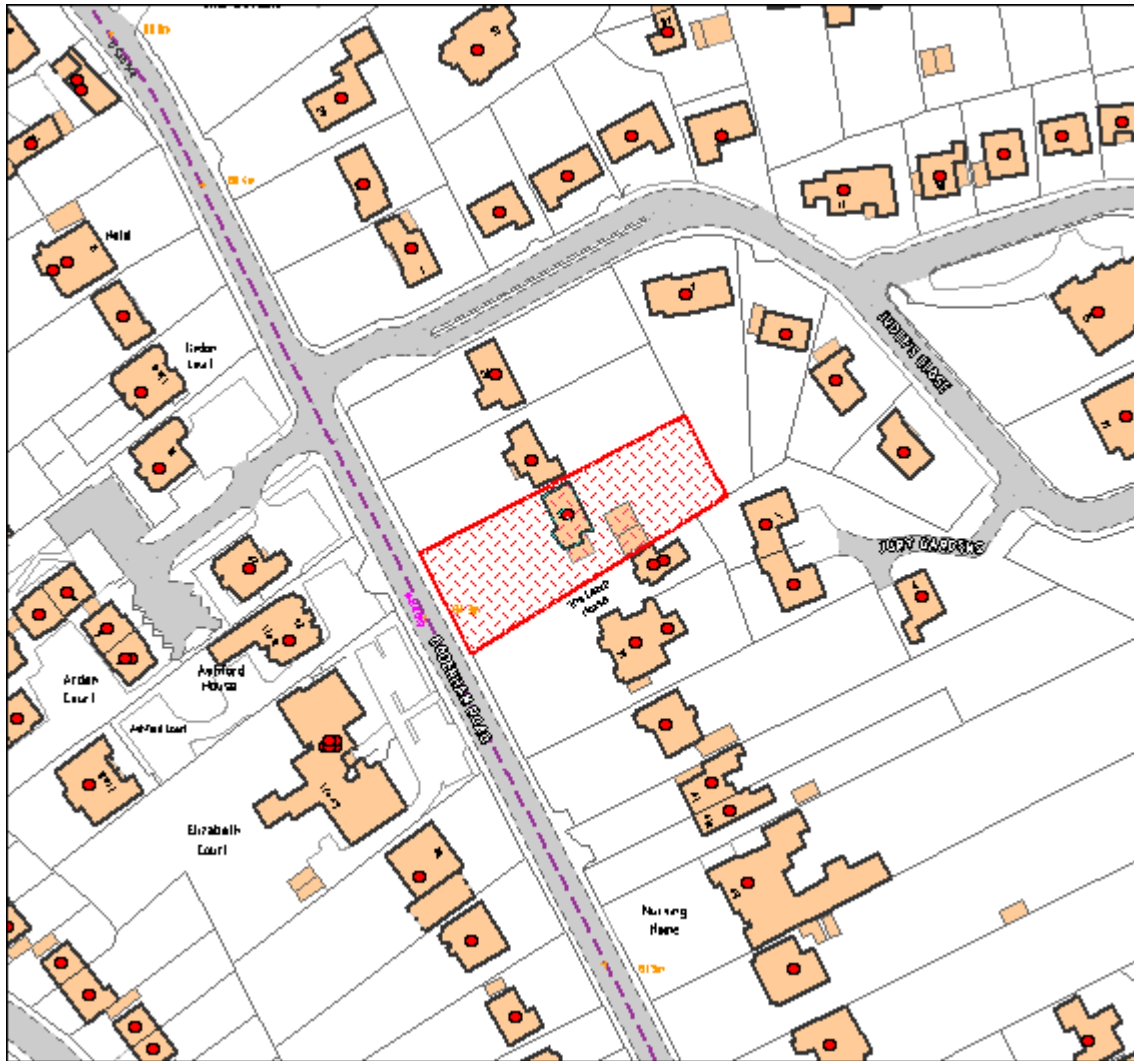
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN10 No drainage to discharge to highway**
- 3. HN05 Works within the highway**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150799

SITE ADDRESS : 33 BODENHAM ROAD, HERFORD, HEREFORDSHIRE

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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:	7 October 2015
TITLE OF REPORT:	151121 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NO DWELLINGS AT LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE For: Mr Stewart per Mr Alastair Stewart, 7 Sweetlake Business Park, Shrewsbury, Shropshire, SY3 9EW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151121&search=151121
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 14 April 2015

Ward: Mortimer

Grid Ref: 340346,274721

Expiry Date: 15 July 2015

Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 The application site forms part of a larger field used for grazing. It lies immediately to the north of the recently constructed doctor's surgery and on the northern fringe of the village.
- 1.2 The site is positioned on rising land and is raised above the level of the A4113 by approximately 2.5 metres. The boundary between the two is comprised of a roadside bank with an unmanaged hedgerow on top. Other boundaries to the north and south are comprised of post and wire fences with some hawthorn trees along the northern boundaries. A public footpath runs in an east / west direction parallel to, but outside of, the application site to the north. The site otherwise has no other discernible features.
- 1.3 The proposal is made in outline with all matters reserved for further consideration and is for the erection of 10 dwellings. Although not specified as a matter to be determined, it is evident that access will be taken from the access road serving the doctor's surgery.
- 1.4 The application is supported by the following documents:
 - Design & Access Statement
 - Archaeological Survey
 - Ecological Assessment
 - Landscape Appraisal

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

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH5	-	Sites of Lesser Regional or Local Importance

2.3 Herefordshire Core Strategy Deposit Draft:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning:

Leintwardine Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 13 October 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the

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

strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

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

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

3. Planning History

- 3.1 There is no planning history specifically relevant to the application site. However, the planning permission for the doctor's surgery is relevant and its details are as follows:

N120960/F – Approved 13 July 2012 – The detailed plans include the provision of a new means of access directly on to the A4113.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water – No objections subject to condition

Internal Council Consultations

- 4.2 Transportation Manager - The access is existing and suitable for vehicular use. Details of pedestrian routing and provision will be required at Reserved Matters stage.
- 4.3 Public Rights of Way Manager – Footpath LX6 does not appear to be affected by the proposal. No objection.
- 4.4 Conservation Manager

Ecology – No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.

Archaeology - The site has a degree of archaeological interest, particularly in the southern/eastern part of the site, where Roman period features and finds were present. However, the intermittent remains encountered do not seem to indicate a particularly high level of archaeological sensitivity and significance here. Any harm to the archaeological interest can be mitigated. Accordingly, subject to the attachment of a suitable archaeological condition to any permission granted, I would have no objections.

Landscape – The National Planning Policy Framework, Item 11, 109 states:

'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'

Proposed house plots number 6 and 10 are extremely close to the existing northern boundary hedgerow. Adequate space should be provided between the existing hedgerow and the proposed housing for maintenance requirements of this existing native hedgerow. The agricultural land classification of this site is a Grade 3 soil, which is a good to moderate soil.

The Herefordshire Unitary Development Plan, following policies state:

S1. Sustainable Development, *'Respecting patterns of local distinctiveness and landscape character in both town and country, safeguarding landscape quality and visual amenity'*

The landscape character of the proposed site is that of a 'Principal Settled Farmlands' which is composed of hedgerows as field boundaries. Proposed soft landscape boundary features should emphasis this landscape character. The Landscape Strategy Proposals Drw No 1 shows that this is being proposed.

S2. Development Requirements, *'Taking a risk-based precautionary approach to flood risk and the effects of flooding elsewhere, having regard to indicative flood risk in the major flood plains of the Rivers Wye and Lugg and their tributaries'*

There is an area outside the site to the north which has flooding issues. Appropriate Sustainable Drainage proposals should therefore be proposed to identify how sustainable drainage is to be implemented on the proposed site, to control site water run off and water pollution control.

DR1. Design, *'Where relevant to the proposal, 1. All development will be required to, promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials. 2. Respect the context of the site, taking into account the landscape character and topography, including longer distance views and ridgeline'*.

The proposed site will require footpath access to the village via the High Street. There should also be a footpath connection to the existing ProW footpath LX6 on the northern boundary.

LA2. Landscape Character and areas resilient to change, *'Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character'*

On the southern side of the existing southern boundary hedgerow, a mown grass strip offers no biodiversity value to the existing newly planted native hedgerow. Native hedgerow ground cover flora should be planted adjacent and parallel on the southern side of this recently newly hedgerow to offer biodiversity value and visual amenity.

LA5. Protection of trees, woodlands and hedgerows, *'Through the enhancement and protection of individual trees, tree groups woodlands and hedgerows'*

Existing trees and hedgerows on site should be protected during the construction activities on site.

4.5 Land Drainage Engineer

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no flooding of the sewerage system up to the 1 in 30 year event and no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;
- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

If infiltration testing indicates that surface water cannot be managed via soakaway, an alternative system must be proposed by the Applicant and approved by the Council prior to construction,

5. Representations

5.1 Leintwardine Group Parish Council object to planning application P151121/O on the grounds that:

- The Leintwardine Village Design Statement states that any development should protect existing views in & out of the village and asserts that any development should avoid masking or diminishing local landmarks.

Any building within the site would impinge upon the panorama leading into the village and would detract from the rural setting of Leintwardine. Policy LA2 of the UDP does not support any proposals which would have an adverse effect on the overall character of the landscape.

The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 “Setting of Settlements” of the adopted UDP and Paragraphs 132 and 233 of the NPPF.

- The proposed access to the site is below the brow of a hill with no clear visibility in either direction. There are already 3 other junctions onto the main ‘A road existing within a 20 metre stretch.

No allocation for pedestrians has been made within the proposal. There is no pavement from the site to the main A road and no pavement from the vehicular egress along the main A road to join the existing footpath.

Pedestrian egress would therefore have to be made by crossing from the site, across the Leintwardine Surgery access road and car park, and then using the Leintwardine Surgery footpath.

The vehicular access suggested would be shared with the existing Leintwardine Surgery. The surgery access already has issues because the splay is not sufficient and because the access road is not wide enough for 2 vehicles to pass each other.

10 new properties would substantially increase the amount of vehicular use within the area. This would undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area. This proposal is therefore contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.

- Herefordshire Council's Strategic Housing Land Availability Assessment designates the site as having considerable constraints. These constraints have not been mitigated within this planning application.
- The site is currently undeveloped and wholly tied to the historic setting of Leintwardine. The village of Leintwardine is located over the site of the Roman town of Branogenium. In recognition of its considerable heritage interest and significance, much of the village is a scheduled monument. Prominent earthworks reflecting the defences of Branogenium are still present in many locations, particularly along the western margin, close to this site.

The need for protection of scheduled monuments is clearly stated in both local & national policy.

Saved policy ARCH 3 of Herefordshire Unitary Development Plan (UDP) 2007 states that 'Development proposals and works which may adversely affect the integrity, character and setting of scheduled monuments will not be permitted'. Paragraph 132 of the National Planning Policy Framework (NPPF) stresses that the significance of a designated heritage asset can be harmed or lost through alteration or development within its setting and that the substantial harm to such assets should be wholly exceptional.

- Paragraph 14 of the NPPF states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Leintwardine currently has issues with capacity:

1. schools are full;
2. water treatment and sewage cannot cope with current usage and need work to enable them to meet existing demand;
3. the GP surgery is full & cannot obtain staff to meet demand;
4. the nearest available dentist is over 12 miles away;
5. water run-off along the High Street is already heavy and would be exacerbated by the proposed development.

The availability of employment within the area is low and public transport is wholly inadequate (there is currently no direct route to Hereford) which would necessitate an increase in vehicle use.

Creating large scale developments within the area in these current circumstances would be entirely unsustainable and contrary to Paragraph 14 of the NPPF.

5.2 Nine letters of objection have been received from local residents. In summary the points raised are as follows:

- The site is identified as having significant constraints by the Strategic Housing Land Availability Assessment (SHLAA).
 - It occupies the highest point in the village and is visually obtrusive.
 - The proposals would harm the scenic and distinctive rural character of the approach to the village and will degrade the local landscape.
 - The development will cause light pollution.
 - The development relies on an inadequate means of access
 - The site is located beyond the settlement boundary and the scheme is a creeping, ribbon development.
 - The indicative layout suggests that further development will follow. Such piecemeal development is unacceptable and is designed to circumvent Section 106 requirements.
 - There has been no community engagement.
 - Unsustainable development. No local employment and poor transport links.
 - No capacity in the local primary school.
 - Facilities in the village are limited and reliance will be on larger towns such as Leominster and Ludlow.
 - The proposed density of the scheme is too high.
- The Leintwardine Neighbourhood Planning Group are about to make a 'call for sites'. It is regrettable that this application has been made in advance of this and it would be helpful if it were to be withdrawn so that residents can be involved in determining where development takes place.

5.3 Two letters with mixed comments have also been received. In summary the points raised are as follows:

- The site is acceptable in terms of its size and scale.
- The current access to the doctor's surgery has appropriate visibility splays.
- The houses would be screened by the existing roadside hedge.
- The roadside hedge must be retained to ensure that a rural aspect is maintained.
- The proposal is not ribbon development.
- Villagers have been vocal in objecting to other recent plans but have said that they are not opposed to smaller scale development that includes bungalows. The scheme is for 10 dwellings and is considered to be small scale, and includes four bungalows.
- Any permission should include a condition that the detailed design should follow the guidance set out in the Village Design Statement.
- There are no valid planning grounds to refuse this application.

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

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

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

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

6. Officer's Appraisal

6.1 Leintwardine is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Leominster Housing Market Area within the emerging Local Plan – Core Strategy with a minimum 14% growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular

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

regard to the likely effects upon the character and appearance of the area, highway safety and means of access to the site, archaeology and the availability of services and employment opportunities locally, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

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

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

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been ‘saved’ pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

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

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

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

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council’s published position is that it cannot currently demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 10 dwellings, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement by proposing to provide a mix of bungalows and two storey dwellings. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Leintwardine is a main village within the UDP and also identified as a main village in the Herefordshire Local Plan – Core Strategy. Officers consider that in terms of access to local services that include a primary school, shop, public house and public transport the site is sustainable. The delivery of 10 dwellings, including four bungalows, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations. The Council's Archaeological Advisor has confirmed the findings of the archaeological appraisal and that there is limited sensitivity or significance on this site. He is content that any impacts can be mitigated by condition. Similarly the Council's Ecologist does not object to the application and recommends that a condition be imposed to secure a programme of ecological enhancements in accordance with the recommendations outlined in the ecology survey.

Landscape Impacts and Settlement Setting

- 6.15 The application site is located approximately 250 metres north of the Conservation Area boundary and immediately north of existing built development. The character of the northern approach to the village has been changed considerably in recent years through the development of the new doctor's surgery and affordable housing scheme opposite, both of which have provided considerable social benefits. These developments set the context for this proposal in terms of built form.
- 6.16 The application has been submitted in outline, with all matters reserved for future consideration, including landscaping. However, the applicant has indicated their intention to retain the existing roadside hedge and this is also shown on the landscape strategy plan. The site can currently be seen from the A4113 when travelling in a northerly direction. However, the approved scheme for the doctor's surgery included planting along its northern boundary. This has been implemented and, once it becomes more established, it will serve to filter views of any development.
- 6.17 From more distant viewpoints the site is concealed by a combination of undulating landform, tree cover and neighbouring built form and as a result it is your officer's opinion that the

proposal would not assume a degree of visual prominence that would be detrimental to the surrounding landscape or the setting of the village.

- 6.18 The existing roadside hedge is integral to the approach to the village and, with its retention, it is considered that the setting and character of the northerly part of the village would be maintained. Although the proposal does extend development on previously un-developed land its scale and form are not considered to be at odds with the landscape character of the area and it is therefore concluded that the proposal is compliant with Policies LA2 and LA3 of the UDP.

Highway Impacts

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*
- 6.20 Although not dealt with as a reserved matter, it is clear that the most practical way to provide access to the site is via the access created for the doctor's surgery. The junction details were carefully considered in respect of the application for the surgery and contrary to the objections received about visibility at its junction with the A4113, it is considered to be acceptable. This is reflected in the advice from the Transportation Manager.
- 6.21 It has been pre-supposed that the existing access to the surgery provides the most cost-effective and practical way of gaining access to the site. If the application is to be approved it is recommended that a condition specifically requiring this is imposed. The development will bring about intensification in use of the junction, but it is your officer's view that it is more than capable of accommodating the additional movements that are likely to be generated without compromising highway safety. The scheme is therefore considered to be compliant with Policy DR3 of the UDP and paragraph 32 of the NPPF.

Other Matters

- 6.22 One letter of objection has referred to the increase in light pollution that would result if the development were to be permitted. Given the scale of the development proposed and its relative proximity to the existing built form of the village it is not considered that this represents a valid reason to refuse the application. Street lighting is controlled by the Parish Council.
- 6.23 The ecological value of the field itself is limited. The importance lies in the habitat that the roadside hedge in particular provides and, as previously stated, it is to be retained. A detailed landscaping scheme, based on the landscape strategy submitted by the applicant, will also offer the potential to create ecological enhancements in accordance with Policy NC8 of the UDP.
- 6.24 Members will note that the heads of terms appended to this report includes a commuted sum contribution in lieu of the provision of affordable housing on the site. There has been a significant provision of affordable housing in the village in recent years and at the present time there is not a need for a further provision. The amount requested is to be agreed and is subject to a valuation of the land on an assumption that planning permission is granted. This is subject to on-going discussion between officers and the applicants agent and the committee will be updated on this matter at the meeting.

Summary and Conclusions

- 6.25 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.26 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.
- 6.27 The site lies outside but adjacent to the settlement boundary for Leintwardine and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site is well served by a range of services that only exist in a few of Herefordshire's villages, including a doctor's surgery, primary school and shop. There is a potential to ensure pedestrian accessibility to and from the development to these services. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.28 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, which will include four bungalows, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.29 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village and officers conclude that there are no landscape, highways, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.30 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report, and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 10 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission)**
- 2. A03 Time limit for commencement (outline permission)**

3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 10 dwellings and no dwelling shall be more than two storeys high. In accordance with the details submitted with the application, at least four of the dwellings shall be bungalows.**

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

6. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **The recommendations set out in the ecologist’s report from Turnstone dated April 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they shall be implemented as approved.**

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

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

13. **G04 Protection of trees/hedgerows that are to be retained**
14. **G09 Details of boundary treatments**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme - implementation**
17. **Prior to the commencement of the development hereby approved the following details shall be submitted to and approved in writing by the local planning authority:**

- **A detailed surface water drainage strategy that includes drawings and**

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

calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;

- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;
- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the development and that no adverse impacts occur to the environment or the existing public sewerage system so as to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the NPPF.

18. E01 Site investigation – archaeology

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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN01 Mud on highway
6. HN28 Highway Design Guide and Specification

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

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

Planning Application – 151121

Site address:

Land off High Street, Leintwardine

Planning application for:

Outline application for a proposed residential development of 10 dwellings with all matters reserved

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£2,845 (index linked) for a 2 bedroom apartment open market unit

£4,900 (index linked) for a 2/3 bedroom open market unit

£8,955 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Leintwardine Primary School, Wigmore Secondary School and for Special Educational Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£ 2,457 (index linked) for a 2 bedroom open market unit

£ 3,686 (index linked) for a 3 bedroom open market unit

£ 4,915 (index linked) for a 4+ bedroom open market unit

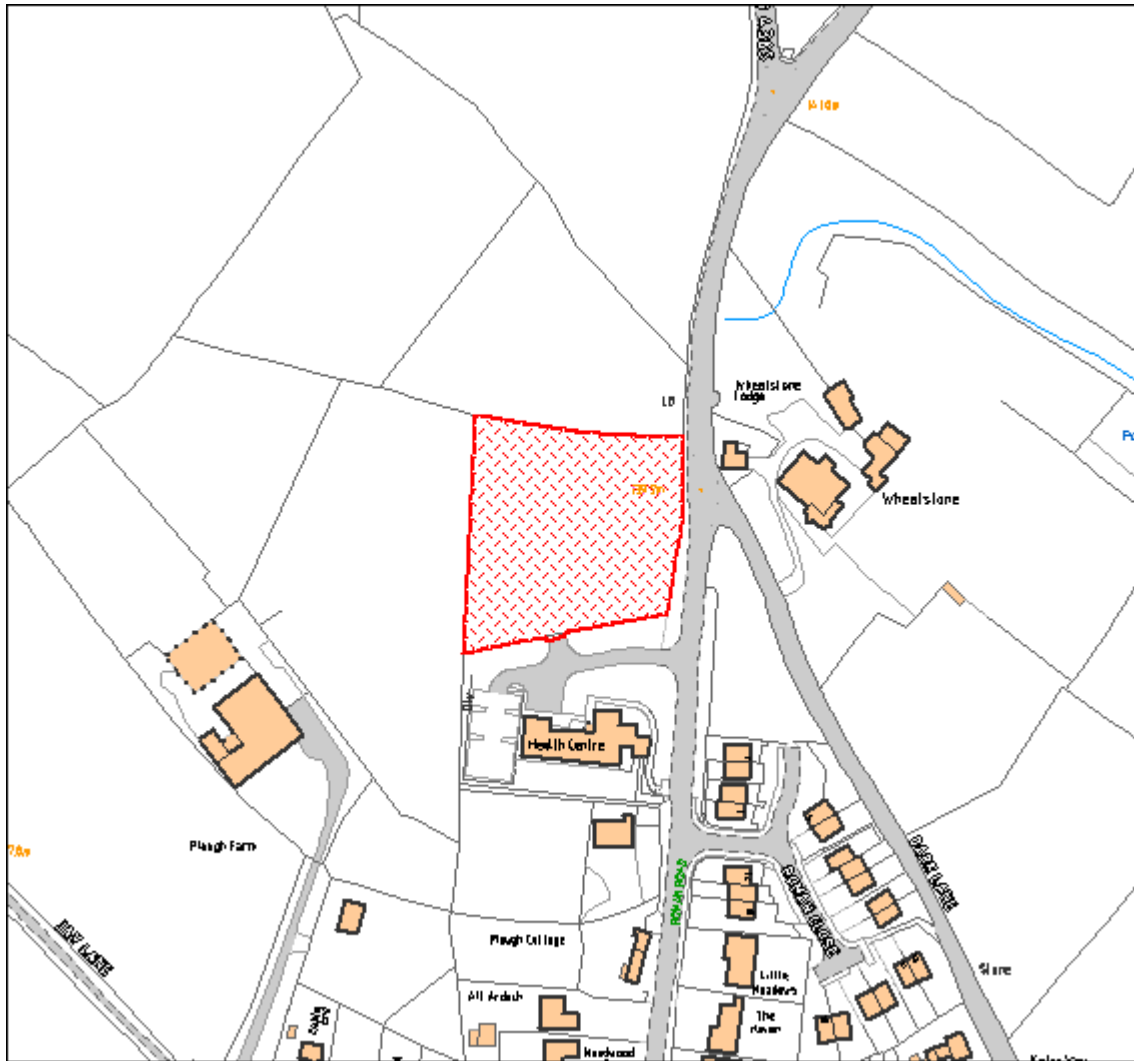
to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality
- d) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling.
4. The developer covenants with Herefordshire Council to provide an off-site contribution, **(the amount of which is to be agreed)** towards the delivery of affordable housing.
5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 above for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
7. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks
Principal Planning Officer



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APPLICATION NO: 151121

SITE ADDRESS : LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE

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



MEETING:	PLANNING COMMITTEE
DATE:	7 OCTOBER 2015
TITLE OF REPORT:	151627 - PROPOSED ERECTION OF TWO DETACHED COTTAGES WITH NEW VEHICULAR ACCESS AT LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH, HEREFORDSHIRE For: Mr Holey and Ms S Lawrence per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151627&search=151627
Reason Application submitted to Committee – Contrary to policy	

Date Received: 29 May 2015

Ward: Kerne Bridge

Grid Ref: 357030,219121

Expiry Date: 24 July 2015

Local Member: Councillor PD Newman, OBE

1. Site Description and Proposal

- 1.1 The application site is located outside of the defined settlement boundary of Goodrich, a main village identified under policy H4 of the local plan, however adjacent to existing built form of the village. The site, as is the whole of Goodrich, is within the Wye Valley Area of Outstanding Natural Beauty, a designated protected landscape.
- 1.2 The site comprises land associated with Bryant's Court Cottage, a detached stone cottage located on the West side of an unclassified road that serves the village and connects to the wider rural highway network. Part of the application site is formed of existing residential curtilage. A Public Right of Way adjoins the site's south boundary. Open countryside adjoins to the west.
- 1.3 This outline planning application is for the erection of two detached cottages with new vehicular access. Approval is sought for details regarding access, layout and scale with appearance and landscaping details reserved for future consideration.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	–	Achieving Sustainable Development
Section 4	–	Promoting Sustainable Transport
Section 6	–	Delivering a wide choice of high quality homes

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

- Section 7 – Requiring Good Design
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 – Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 – Sustainable development
- S2 – Development requirements
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- H4 – Main villages
- T8 – Road Hierarchy
- LA1 – Areas of Outstanding Natural Beauty
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA3 – Setting of Settlements
- LA6 – Landscaping Schemes
- NC1 – Biodiversity and Development
- NC6 – Biodiversity Action Plan Priority Habitats and Species
- NC7 – Compensation for Loss of Biodiversity
- NC8 – Habitat Creation, Restoration and Enhancement
- NC9 – Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Core Strategy:

- SS1 – Presumption in favour of Sustainable Development
- SD1 – Sustainable design and energy efficiency
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's villages
- LD1 – Landscape and townscape

2.4 Neighbourhood Planning.

Goodrich are not progressing a Neighbourhood Plan

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

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

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection.

Internal Consultees

- 4.2 The Transportation Manager has no objection, noting the road is subject to a national speed limit, however due to the geometry and rural nature of the road to attain this speed would be unlikely. The site is located adjacent to the village therefore it has connections for public transport and a primary school. There are also connections to the national cycle route which connects Goodrich to Ross. Visibility from the access will require hedgerows to be removed. Conditions and informatives recommended.
- 4.3 The Conservation Manager (Ecology) notes this is a low impact development site and has no objection to the development given the findings of the ecological survey and the small enhancements possible. The applicant intends replacing the removed hedgerow and has even taken graft scions of the pears to be removed.
- 4.4 The Public Rights of Way Manager has no objection noting Public footpath GR6 has been marked on plans and will not be obstructed by the development. However, we would suggest that the path is given a 3m width to allow for the boundary hedge maturing. The new occupants must also be made aware that they are responsible for maintaining both sides of the hedge.

5. Representations

5.1 Goodrich Parish Council objects to the proposal on the following grounds:-

1. The proposed site is relatively high, and represents a 'high point' between itself and Symonds Yat, and as such, the development is likely to 'stand out'
2. The site is outside of the recognized development boundary
3. The proposal, if approved, may lead to development sprawl

If, however, the county council is minded to approve the application, the parish council would want the scale of the new properties to be limited by planning condition, to two smaller, more affordable homes.

5.2 Two letters of objection have been received from adjoining local residents. Comments are summarised as:-

- The proposal is development of a greenfield site
- Precedent
- The proposal is outside the settlement boundary and in open countryside
- Landscape impact and impact on the Wye Valley AONB
- Concern over access and increased vehicular movements
- The proposal is unsustainable
- Impact on adjoining residential amenity and privacy

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

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

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

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

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with the provisions of the local development plan unless material circumstances dictate otherwise.

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

- 6.2 The Council's published position is that it cannot demonstrate a 5 year supply of housing land with buffer. The most recently published figure puts the supply of housing land at between 2.09 and 2.6 years depending on the method of assessment. The Council accepts that the housing supply policies of the UDP are out-of-date and that the application should be considered in the light of the positive presumption enshrined in paragraphs 14 and 49 of the NPPF.
- 6.3 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decisions taking this means:
1. approving development proposals that accord with the development plan without delay; and
 2. where the development plan is absent, silent or relevant policies out-of-date, granting permission unless:
 - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii. specific policies in this Framework indicate development should be restricted.
- 6.4 Paragraph 215 of the NPPF stipulates that the level of weight which shall be afforded to local policies shall depend on their level of consistency with the policies of the NPPF.
- 6.5 Paragraph 47 of the NPPF requires LPAs demonstrate that there are deliverable sites sufficient to provide five years worth of housing with a 5% buffer. This buffer shall increase to 20% where the LPA have consistently failed to demonstrate a five year housing land supply. The Council acknowledges it's under provision and accepts UDP housing supply policies carry no weight.
- 6.6 The NPPF is clear, however, that even in this context, the three dimensions of sustainable development are indivisible. This assessment demonstrates that the adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.7 Paragraph 9 of the NPPF states pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) improving the conditions in which people live, work, travel and take leisure.
- 6.8 The Ministerial forward to the NPPF states *our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity* and goes on to set out the Government's policies, aims and objectives in Section 7 Requiring Good Design, paragraphs 56-68.
- 6.9 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Whilst LPA's are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.

- 6.10 Paragraph 61 acknowledges that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.11 Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.12 Local Plan policies DR1 - Design, DR2 – Land use and activity, DR3 and H13 – Sustainable residential design are considered to be in conformity with these policies, aims and objectives of the NPPF. In addition and in order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.
- 6.13 Goodrich is considered a sustainable location for residential development by virtue of its current local plan designation as a designated as a main village under local plan policy H4 and its designation in the emerging Core Strategy under Policy RA2 as a settlement. Whilst Goodrich is wholly within the Wye Valley Area of Outstanding Natural Beauty, this does not preclude development in sustainable locations on suitable sites. This would in the main only comprise sites within or adjoining existing sustainable settlements.
- 6.14 As neither the existing local plan nor the emerging one can be relied upon to determine the principle of residential development, as per the test laid out at paragraph 14 of the NPPF, where the development plan is out-of-date or otherwise silent, the presumption in favour of sustainable development will be engaged unless:
1. specific policies of the NPPF indicate otherwise; or
 2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.15 Development within the AONB is listed within the NPPF as being a scenario whereby bullet point no.1 may be pertinent. In more detail, the appropriate method of determination in the context of the above hinges on whether or not the scheme is considered ‘major development’ in the context of paragraph 116:

If the development is found to meet the definition of major development then the cost-benefit analysis required by paragraph 116 becomes the test of acceptability; or

If the scheme does not meet the definition of major development, the planning balance remains the relevant test of acceptability albeit with great weight afforded to retaining the landscape character and scenic beauty of the AONB required at paragraph 115.

- 6.16 Officers do not consider the provision of two dwellings to represent major development in the context of Goodrich and paragraph 116 of the NPPF. The planning balance therefore applies here.
- 6.17 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF to engage the positive presumption in favour of the proposal. The Government's definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 5 and 11 of this paragraph to be most relevant in requiring that planning:
- 5. takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - 11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.18 The application proposes the erection of two dwellings in the open countryside. Policy S1 – Sustainable development refers to the key components of delivering sustainable development. Amongst the relevant criteria is an expectation that new development should reduce the need to travel and protect or enhance the natural environment. These aims are enshrined in the detailed housing policies, which direct new development to sustainable locations i.e. those locations that are capable of supporting the needs of residents without the need to travel, including locations where there are shopping, recreation and employment opportunities alongside other community facilities. Hierarchically, these locations are Hereford City, the market towns, the main villages and the smaller settlements.
- 6.19 Goodrich is designated as a main village under policy H4 and is a location wherein residential development is acceptable. It is clear the site lies adjacent to the settlement boundary of the village and close to community facilities and public transport services.
- 6.20 The site is part of a domestic curtilage and opposite is residential development. Having regard to the context, proximity of services and facilities and likelihood of linked trips considering the rural location, this is considered a sustainable location. Sustainability is however more than a matter of location, it also relates to how a development relates to, improves and enhances a location and this is a site in the Wye Valley AONB.
- 6.21 The proposal entails the erection of two detached dwellings fronting the unclassified road on a building line that relates to the existing cottage and is comparable with the layout arrangements opposite. The dwellings would share a new vehicular access from which there would be acceptable visibility splays in both directions commensurate with local road conditions. Bryants Court Cottage would continue to be served from the existing vehicular access.
- 6.22 The indicative design and detailed scale of the proposed dwellings would complement each other and would appear appropriate to the characteristics of the site and its surroundings. The dwellings have a height to ridge of 7 metres and eaves of 4.4 metres, with a width of 13.1

metres including indicative chimney and attached garage (9.2 metres without) and depth of 7.1 metres. It is considered the dwellings by virtue of the significant boundary vegetation and trees and the presence of Byrants Court Cottage, would appear as part of the village rather than as an encroachment into the open countryside.

- 6.23 In response to the comments of the Parish Council the applicant has reduced the size of the dwellings, removing a two storey rear projection that would have measured 5.8 x 5.6 metres in plan, and although not 'affordable housing' secured through any legal agreement, through their reduced size will result in these dwellings being more affordable units. As the dwellings are within an AONB they have reduced permitted development rights restricting further extension without planning permission.
- 6.24 In regards the protected landscape, the site forms a natural extension to the village. Therefore, the visual effect of the proposal would be limited and viewed against existing built form and the edge of the village.
- 6.25 In regards the impact on amenity and privacy of adjoining dwellings Peacedale and Fairhaven, on the opposite side of the highway, separated by retained and indicative landscaping and planting and some 37 and 24 metres away. It is noted Peacedale is set at an angle. On this basis and notwithstanding Peacedale is an 'upside down' house (bedrooms are on ground floor, living areas at first floor) it is considered there is not significant impact on amenity and privacy. Indeed Peacedale, Fairhaven and the further St. Anton are in far closer proximity to each other than the proposal is to these dwellings.

Other Matters

- 6.26 Concern has been expressed regarding the precedent this development would create if approved. There is no precedent in planning and each application is required to be assessed on its own merits.
- 6.27 Further concern has been expressed regarding the development of the remaining parcel of land to the West. This area is to be planted as an orchard as part of the enhancement and mitigation proposals that make up this application. This area creates important landscaping, biodiversity and drainage improvements contributing to the sustainability of the proposal and satisfying local and national policy requirements. Conditions will ensure the implementation and protection of this orchard landscaping planting area.
- 6.28 It is noted the Transportation Manager has no objection, noting the relative sustainability of the site and low traffic volume and speeds on the highway. Furthermore on this basis and in landscape interest in respect of the road side hedge, the Transportation Manager has accepted an alternative, lesser visibility splay (this is a 2 metre set-back rather than 2.4 metres) which allows most of the roadside hedge to remain. As such there is considered no justification on highways grounds to resist this proposal.
- 6.29 As such having regard to the Council's housing land supply position, context, sustainability and contribution to the local economy it is considered approval is appropriate. The proposal complies with local plan policies DR1, DR2, DR3, DR4 and LA1 and the relevant aims and objectives of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **Foul water and surface water discharges shall be drained separately from the site.**

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

6. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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

7. **H03 Visibility splays – should meet HC design guide for single private drives.**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H12 Parking and turning - single house**
11. **H17 Junction improvement/off site works**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **G03 Retention of existing trees/hedgerows: scope of information required**
16. **G04 Protection of trees/hedgerows that are to be retained**
17. **G09 Details of Boundary treatments**
18. **G10 Landscaping scheme**
19. **G11 Landscaping scheme – implementation**
20. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN08 Section 38 Agreement & Drainage details**
6. **HN10 No drainage to discharge to highway**
7. **HN22 Works adjoining highway**
8. **HN28 Highways Design Guide and Specification**

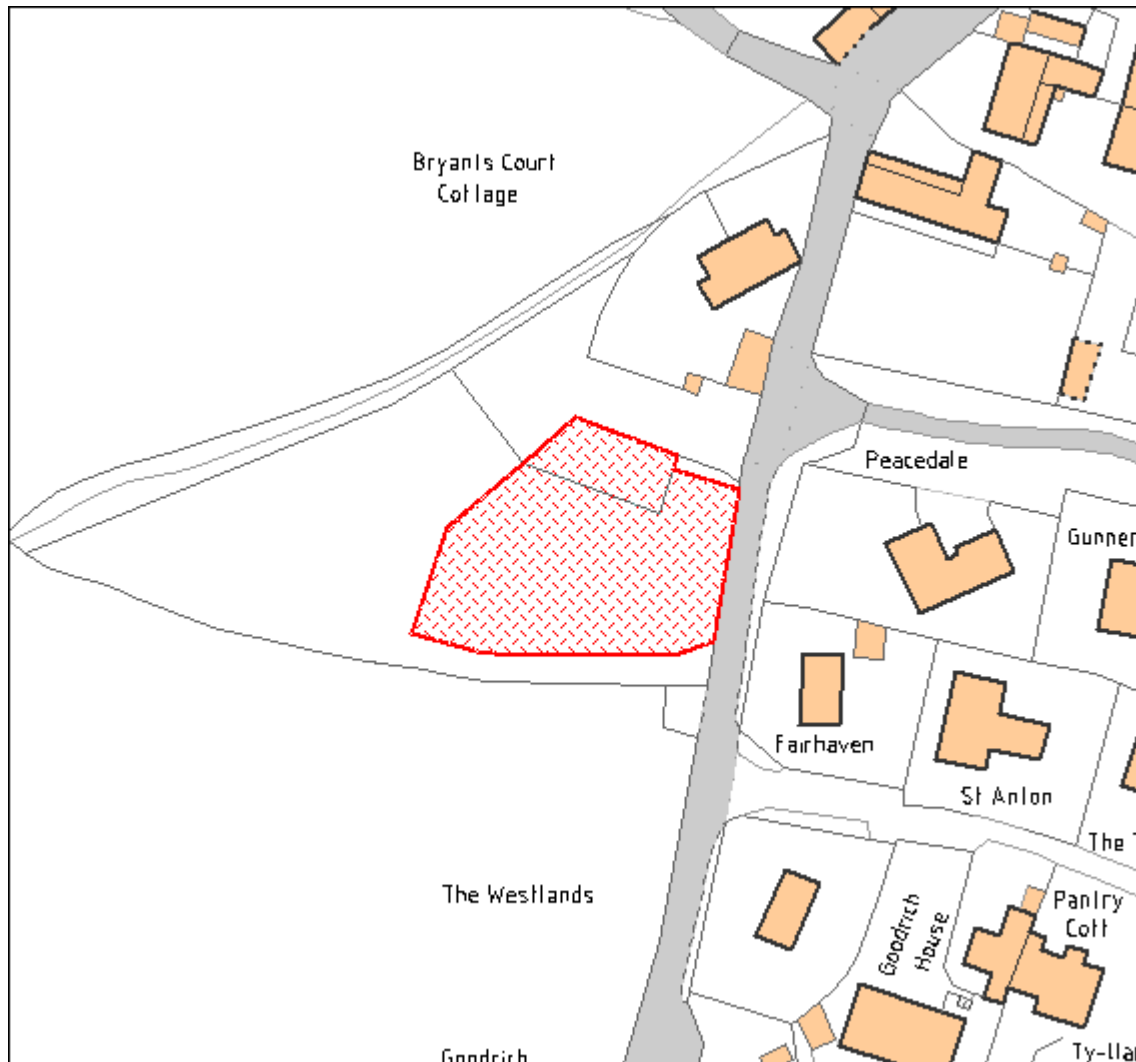
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151627

SITE ADDRESS : LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	7 OCTOBER 2015
TITLE OF REPORT:	152084 - PROPOSED INSTALLATION OF GATE INTO FIELD AT ADJACENT TO THE OLD CHAPEL, TILLINGTON COMMON, TILLINGTON, HEREFORD, HR4 8LW For: Mr Crockett per Mr David Carr, 20 Glenthorne Road, Hereford, Herefordshire, HR4 9RW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152084&search=
Reason Application submitted to Committee – Member Application	

Date Received: 13 July 2015

Ward: Queenswood

Grid Ref: 345619,245980

Expiry Date: 15 September 2015

Local Member: Cllr P E Crockett

1. Site Description and Proposal

- 1.1 The site is located on the outskirts of Tillington Common. Tillington is located to the north west of Hereford in the parish of Burghill. The site is set back 2.5 metres from Tillington Road (C1095) that links Tillington Common and Tillington. Workshops surround the east side of the site along with a small converted chapel. The west of the site is surrounded by agricultural land and opposite is Tillington Common.
- 1.2 The site consists of a small paddock surrounded by hedgerows. The western boundary of the site has stock proof fencing. Within the paddock are two mature hawthorn trees and a willow. This paddock, together with the adjacent plot to the west, originally formed a traditional orchard but now appears to be used as a garden.
- 1.3 The proposal is to create an entrance into the field adjacent to The Old Chapel to the south of the paddock. It would entail the removal of a 4 metre section of the roadside hedgerow.

2. Policies

2.1 National Planning Policy Framework 2012

The following sections are of particular relevance to this application:

- Introduction - Achieving Sustainable Development
- Section 7 - Requiring Good Design
- Section 11 - Conserving and Enhancing the Natural Environment

Further information on the subject of this report is available from Karla Johnson on 01432 26

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

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

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
T8	-	Road Hierarchy
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Nature Conservation

2.4 Herefordshire Local Plan Core Strategy 2014 (Draft version)

SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and Townscape

The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The Inspector found conflict between a number of Core Strategy policies and the NPPF. The Council have modified those policies to overcome the Inspector's concerns. The report of the inspector is awaited.

2.5 Neighbourhood Plan

Tillington Common falls within the parish of Burghill. The Parish applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 11 September 2013. The plan is still at an early draft stage and has not met any regulatory stages yet, therefore no weight can be attributed at the present time.

3. **Planning History**

- 3.1 1135461 - Proposed erection of stables and feed store in paddock, change of use of land and demolition of existing shed. Approved 5th January 2015.
- 3.2 142839 - Dwelling. Refused 16th September 2014.

4. **Consultation Summary**

Statutory Consultees

- 4.1 None

4.2 **Internal Consultees**

Transportation Manager – No Objection

5. **Representations**

- 5.1 Burghill Parish Council has no objections to this application.

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

Internet access is available at the Council's Customer Service Centres:-
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The application seeks planning permission in order to create a new access into a paddock off the Tillington Road. The paddock is opposite common land and is surrounded by fields. Hedges border the paddock and stock proof fencing borders the west of site. To the east of the paddock lies a modest converted chapel.

6.2 Highway Safety

The proposal for access off of the Tillington Road allows a safe and convenient point to access the site on a relatively straight section of road with good visibility. As such, the proposal accords with the policies DR3 and T8 of the HUDP.

6.3 The previously refused application on the same site for a dwelling (Application No. 142839) raised no objection from the Conservation Manager who did not identify the hedge as being of importance. In this context, the loss of small section of the hedge would not have a major impact on biodiversity of local amenity. This proposal is considered to accord with environmental and landscape policies LA2, LA5 and NC1 of the HUDP.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **H05 Access gates open inwards**

INFORMATIVES:

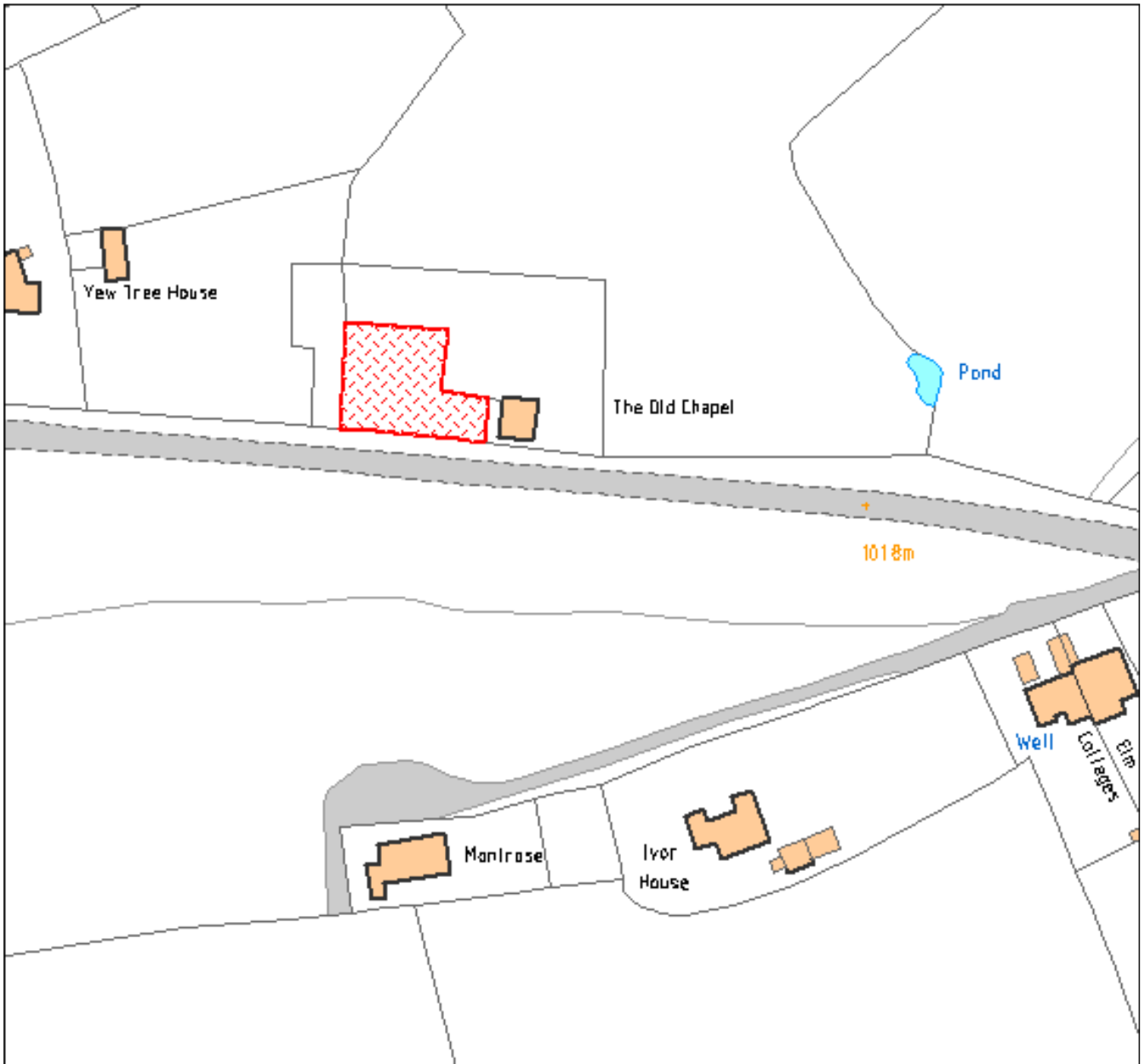
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152084

SITE ADDRESS : ADJACENT TO THE OLD CHAPEL, TILLINGTON COMMON, TILLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8LW

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