

AGENDA

Planning Committee

Date: **Wednesday 5 October 2016**

Time: **10.00 am**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning Committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor 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 FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor D Summers
	Councillor EJ Swinglehurst
	Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES (TO FOLLOW)</p> <p>To approve and sign the Minutes of the meeting held on 14 September 2016.</p>	
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	7 - 8
7.	<p>BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP</p> <p>131913 - Variation of condition 15 of permission s102843/f to allow 2 no. Sales per month (fortnightly).</p> <p>131916 – Variation of condition 4 of permission 102843 to allow sales of commercial vehicles.</p>	9 - 24
8.	<p>161601 - LAND AT WATLING MEADOW, CANON PYON, HEREFORDSHIRE, HR4 8NZ</p> <p>Proposed erection of 25 new dwellings of mixed tenure and associated works to provide a new access road.</p>	25 - 46
9.	<p>162018 - THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN</p> <p>To enable 15 metres of panel fence to be retained with a height of 2.60 metres. (retrospective).</p>	47 - 52
10.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 1 November 2016</p> <p>Date of next meeting – 2 November 2016</p>	

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MEETING:	PLANNING COMMITTEE
DATE:	5 OCTOBER 2016
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 152219

- The appeal was received on 7 September 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mavis Dyke
- The site is located at Land to the rear of The Laurels, Kingsland, Leominster, Herefordshire, HR6 9QS
- The development proposed is Outline application for a proposed bungalow (approval sought for all matters except landscaping)
- The appeal is to be heard by Written Representations

Case Officer: Mr Nicholas Hall on 01432 261808

Application 153077

- The appeal was received on 15 September 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Player
- The site is located at Land at Lowlands, Castle Hill, Kington, Herefordshire, HR5 3AH
- The development proposed is Proposed detached dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Rowles on 01432 260000

Application 160462

- The appeal was received on 19 September 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr David Adams
- The site is located at Windy Oaks Farm, Birchwood, Storrige, Malvern, WR13 5EZ
- The development proposed is Conversion of agricultural building to three dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 153591

- The appeal was received on 19 September 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mr M Yarnold
- The site is located at 17 Tower Hill, Bromyard, Herefordshire, HR7 4DF
- The development proposed is Proposed variation of condition 2 of planning permission P141725/F (Erection of a new dwelling including demolition of garage and small outbuilding) 2 no. additional windows to West elevation, 1 no. additional dormer window to North elevation and modifications to porch.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

APPEALS DETERMINED

Application 143836

- The appeal was received on 24 June 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Drzymalski
- The site is located at Thatch Close, Llangrove, Ross-On-Wye, Herefordshire, HR9 6EL
- The development proposed was Proposed reinstatement of drive
- The main issue was the effect of the development on highway safety.

Decision:

- The application was Refused under Delegated Powers on 2 December 2015
- The appeal was Dismissed on 5 September 2016

Case Officer: Mr Nicholas Hall on 01432 261808



MEETING:	PLANNING COMMITTEE
DATE:	5 OCTOBER 2016
TITLE OF REPORT:	<p>131913 - VARIATION OF CONDITION 15 OF PERMISSION S102843/F TO ALLOW 2 NO. SALES PER MONTH (FORTNIGHTLY) AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP</p> <p>131916 – VARIATION OF CONDITION 4 OF PERMISSION 102843 TO ALLOW SALES OF COMMERCIAL VEHICLES AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP</p> <p>For: The Owner and/or Occupier per Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=131913&search=131913
Reason Application submitted to Committee – Re-direction	

Date Received: 11 July 2013

Ward: Stoney Street

Grid Ref: 341889,237307

Expiry Date: 5 September 2013

Local Members: Councillor SD Williams

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of the unclassified road (U73209) known as Stoney Street that runs to the south-west from The Comet Inn on the B4352 (Clehonger Road) towards Kingstone. It is approximately mid-way between the entrance to the Madley Earth Satellite Station and the industrial estate. The site lies adjacent to the existing poultry units.
- 1.2 Planning permission was obtained in 2011 for the change of use of the site to provide an auction for agricultural & land based plant, machinery & equipment, including vehicular access, demountable ancillary office and amenity building, landscaping & boundary treatments & associated works. This was implemented shortly afterwards and has been operating for this purpose since this time. The auctions currently take place on a monthly basis. Parking is accommodated within the site along with modular buildings and amenity buildings that are sited in a position to the centre of the auction areas and that accommodate the office and administrative staff.
- 1.3 As required by the planning permission, a new access has been formed onto Stoney Street (south west of the site) with security gates. The visibility splays are 2.4m by 215m in each direction.

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

- 1.4 The planning permission (102843) included a number of conditions that controlled the use of the site, including hours of operation and traffic management.
- 1.5 These planning applications are made under section 73 of the Town and Country Planning Act 1990 (as amended) that relates to determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The application should still be considered in accordance with development plan and material considerations as they stand at the moment.

- 1.6 The use of the site is *to provide an auction for agricultural & land based plant, machinery & equipment, including vehicular access, demountable ancillary office and amenity building, landscaping & boundary treatments & associated works*. If the Council grants the application with new conditions the outcome will be a new planning permission.

- 1.7 Application 131913 seeks the variation of condition 15 that states:

15. *Auctions shall only take place on one day per calendar month (excluding Saturdays, Sundays and Bank Holidays). Auctions shall not take place outside of the hours of 10am and 4pm on these days.*

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan

The variation sought is to allow two sales per calendar month. The rationale for two sales days has been described as to allow the sale of goods over a longer period of time, rather than being sold in a highly condensed single auction day. The two sales days will be split two weeks apart to spread the customers and goods being sold. Two sales days would allow the sale of the same goods but over two days along with additional online sales. There would likely be additional new customers to the second auction day but given the limited market for the items (i.e. the site does not attract members of the public), given the largely specialist nature of the items sold, there is not expected to be a major growth in additional customers.

- 1.8 Application 131916 seeks the variation of condition 4 that states:

4. *The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment) and for no other purpose.*

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan

The variation sought is to allow, additionally, the sales of commercial vehicles at the auctions. The proposed commercial vehicle sales are described as being a smaller element to the operation of the site alongside the existing larger plant, machinery, agricultural equipment and

sundry items. The commercial vehicles will be sold alongside the existing lots at the site and encompass machinery such as goods vehicles comprising, trucks, semi trucks, vans, and trailers.

- 1.9 During the course of the application it was identified (during a sale day site visit) that the site was operating on sale days using the access to the north. Condition 12 of the planning permission requires this access to be closed. The applicants subsequently sought to include the use of this access for sale days and provided updated Transport Assessments and plans. However, having established that the visibility splays required for this were not achievable on land within the control or ownership of the applicants, the agent has now confirmed that the main entrance in the centre of the site will be used. The email dated 8th July 2016 states:

I have spoken with my client who confirms that in light of the issues with the northern access visibility splay my client will agree to use only the existing main site entrance (the one in the middle of my client's site) as the access for deliveries and all other traffic. This will therefore allow the site to operate in accordance with the existing planning permission and therefore enable the approval of the S73 applications for the extra sale day and sale of commercial vehicles.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
SD1	-	Sustainable Design and Energy Efficiency

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 National Planning Policy Framework

- Introduction
- Achieving Sustainable Development
- Building a Strong, Competitive Economy
- Supporting a Prosperous Rural Economy
- Promoting Sustainable Development

2.3 National Planning Practice Guidance

2.4 Neighbourhood Development Plan

Madley Parish Council applied to designate a Neighbourhood area on 9 March 2015 and was designated on the 14 April 2015. The Neighbourhood Development Plan is at the drafting stage and therefore whilst a material consideration presently has no weight in the determination process.

<https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/madley>

3. Planning History

- 3.1 102843 – Change of use of site to provide an auction for agricultural & land based plant, machinery & equipment, including vehicular access, demountable ancillary office and amenity building, landscaping & boundary treatments & associated works – Approved with Conditions - 30 March 2011

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=102843&search=102843>

- 3.2 142276/F - Proposed demountable office unit – Approved with conditions 30 October 2014

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142276&search=142276>

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.2 Transportation Manager has made the following comments;

April 2014:

Contribution to TRO on Stoney Street to include engineering measures, this could be costly to ensure signage and possible coloured surfacing, until reviewed, unsure what the measures would be.

If you are minded to approve

The visibility splays from the previous application must be enforced.

Signage review for the sales including size, type lettering must be undertaken and approved by the highway authority. The signs must be erected and removed 2 days either side of the sale only. The signs have the potential for being out permanently with the risk of blocking visibility and confusing normal road users.

The Traffic Management Plan must be reviewed to reflect the potential conflict with peak traffic and schools in the location. This will need to be reviewed regularly and open to review from the council, can this be put into a S106 agreement rather than conditioned?

Remaining concerns still to be addressed

The main concern I still have is that the proposal put forward by Brightwells is specific to the user, the permission will be for sales at the location which have specific highway concerns around Stoney Street and Bridge Sollers including junctions with poor visibility.

If the location was to be taken over by a different organisation, what controls are in place to ensure the signing on sales day, the traffic management plan and review will be undertaken as set out in the application?

If this cannot be done then the assessment must be on the potential for the site and the impact based on similar areas, TRICs do not provide survey results though other similar sites may be found. The assessment will need to be on the worst case scenario. The proposal put forward is to spread the 1 day sale over 2 with the same residual trips in collection and deliveries, the assessment must take it as 2 separate days, condensing the trips associated.

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

April 2016

The issue appears to remain regarding the visibility splay as shown in the plan below, this doesn't give the confidence required that the visibility splays can be secured or maintained.

The extent of the public highway is not the front face of hedgerow, the adjacent boundary needs to be set back behind the requisite splays and allow for enough room for growth. The drawing doesn't provide this. It is also intimated that the over growth in the highway can be dealt with by the highway authority, this is something that should not happen.

Can the applicant provide a plan of the visibility splays that provide a suitable set back.

The applicant references the signing, there will need to be consultation and approval from the councils service providers, there is a requirement to recover cost, this won't be significant but will need to be recouped.

August 2016

The original application dealt with the access though there were concerns about the maintenance of the splays.

Reverting back to the original plan is acceptable as long as the access is maintained as per the conditions.

5. Representations

- 5.1 Madley Parish Council has made the following comments over the course of the application:

July 2013

Madley Parish Council objects to this application due to concerns regarding volume and speed of traffic and the size of vehicles relating to the site. Residents on Stoney Street are already unhappy with the impact the traffic travelling to and from this site is having and it is felt that allowing additional sales and the sale of commercial vehicles will only increase these problems.

Traffic travels at high speed along Stoney Street causing issues with noise and highway safety. These problems are also exacerbated by the poor condition of the road surface which increases the noise caused by the traffic. It should be noted that condition 6 of the original permission S102843/F states that the delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 9am and 5pm Monday to Friday nor at any time on Saturdays, Sundays or Bank Holidays. Condition 13 of the original permission states that development shall not begin until details of the works to Stoney Street (pinch point – signing and lining strategy) prior to the first use of the site have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until either the scheme has been constructed in accordance with the approved details or a timetable for its completion has been agreed in writing by the local planning authority. Residents of Stoney Street say that neither of these conditions have been complied with and that deliveries take place at all hours, including Saturdays, with some drivers parking up overnight waiting to deliver early the next morning.

Nobody is aware of a pinch point signing and lining strategy being implemented, which in the original application was highlighted as necessary for highway safety. Please can these issues be addressed.

Condition 14 of the original permission states that a traffic management plan shall include details of instructions to delivery drivers regarding routes to and from the site (and how this will be recorded as being sent/received/agreed). The transport statement submitted only states that the preferred access route to the site will be via Stoney Street and the B4532 and the B4348. Visitors will be advised to access the site via the above routes. The parish council would request that the B4348 be the preferred route to Stoney Street as this would have less impact on residents. As the transport statement submitted with the original application is dated November 2010 and mostly relates to historical data from the previous site, with the proposed data for the current site being estimated, it would be proposed that a new current transport statement be prepared with data from the current site, especially as much of the data in the transport statement is based on (and repeatedly refers to) the auction running for only 12 days per year, which is not in line with the current proposals to double this. Should the application be approved, the parish council would emphasise that a reduced speed limit on Stoney Street be implemented and that the preferred access route to Stoney Street be the B4348, in the interests of highway safety and amenity of local residents.

Comments Sept 2013

No additional comments

Comments Feb 2016

No further comments

5.2 Letters of objection have been received from:

- Mr and Mrs Matthews, Stokes Cottage
- Mr and Mrs Chandler, Lyndale, Madley
- Mr and Mrs Kury, Snowdrop Cottage
- Mr and Mrs Jones, 2 Stoney Street Cottages, Madley
- Mrs Gilbert, Street House Farm, Stoney Street, Madley
- Mr C Wise, New House, Madley
- Mr and Mrs R Worwood, Upper House, Stoney Street
- Mr and Mrs Breeze, the Hale, Stoney Street
- Mr and Mrs Harrison, Ashford House, Madley
- Mr Lawrence, 2 The Paddocks, Kingstone

5.3 The main concerns are summarised as follows:

- Existing sale already has a severe impact on the traffic in the area and a second sale will have further impacts. Increase of 50%
- Additional traffic movements esp. HGV's on already busy road
- No passing places and difficult for vehicles to pass
- Manoeuvring of large vehicles into the site causes blockage of road.
- They park up at night and wait for the site to open.
- Need speed limit
- No break from the impact of traffic if every fortnight
- Already experience heavy traffic close to property and to the pinch point
- Failure to comply with the conditions on deliveries and pinch point scheme. Traffic management not being complied with either.
- Noise and vibrations caused by lorries at all times of day / night.

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

- Statements within the application are false or misleading.
- Purpose of second sale is to increase business.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=131913&search=131913> and

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=131916&search=131916>

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 use of the site is considered to be an employment use that has rural based agricultural activity serving a wide agricultural community in Herefordshire, the surrounding counties and beyond with agricultural plant and equipment sales. This use has been implemented and been in operation since 2012.

6.2 Policy E1 of the Herefordshire Local Plan – Core Strategy, in line with the objectives of the National Planning Policy Framework, seeks to build a strong and competitive economy. This includes encouragement of the expansion of local business and the reduction in the need to travel. The policy states that there will be a focus for new employment provision in a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy with larger employment proposals being directed to the strategic employment sites of Hereford, the market towns and rural industrial areas. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:

- The proposal is appropriate in terms of connectivity, scale, design and size;
- The proposal makes better use of previously developed land or buildings;
- The proposal is an appropriate extension to strengthen or diversify an existing business operation;
- The proposal provides for opportunities for new office development in appropriate locations;

6.3 The applicants now employ 20 people for operations at Madley (auctioneers, administration, plant and machinery fitters, loading/unloading staff, security and caterers). There are also apprentices and IT specialists. There is potential to grow with an additional 7 to 10 jobs at the site through the proposed variations to the conditions. In 2014, the applicants advised that the site has a turnover of £15 million a year of which 70% is directly related to agricultural land based activities. Online sales are key and growing, with the applicants recently advising that circa 20% of the business is now online.

6.4 The site delivers and secures through direct and indirect trade, with significant economic benefits to the local economy and businesses, including accommodation, contractors and suppliers. It is suggested that of the known businesses using the site, it is estimated that it supports 25 – 30 jobs with suppliers/contractors e.g hauliers.

6.5 The National Planning Policy Framework and Local Plan policies seek to secure sustainable development. This site, and its growth will clearly offer significant benefits when considering the economic and social roles of sustainability, and these benefits can be attributed significant weight in the decision making process.

6.6 However, it is also a requirement to consider, in line with the Core Strategy policies and NPPF whether this is a proposal that is appropriate in terms of its connectivity and scale and importantly, the impact that the intensification of the use, through the introduction of a second

sale day and additional items for sale, would have upon highway safety and the amenities of local residents.

- 6.7 The auction site currently operates on the basis of a monthly sale (the 2nd Friday of each month). In the intervening period the items are collected and delivered on weekdays. Hours of operation are controlled, by way of a condition, as being within 9am and 5pm. (Auction hours being 10am to 4pm). Items are auctioned in situ with the auctioneer moving from item to item. Bids are also taken electronically by phone and internet.
- 6.8 The comments of the objectors in respect of the breach of these conditions are noted, and this has been raised directly with the applicants. This application does not seek to alter the hours of operation or deliveries.
- 6.9 The site lies to the north of Madley Industrial Estate, with Allensmore Nurseries, and their newly constructed glasshouses opposite and the Madley Communications Centre and the Madley Environmental Study Centre to the north. Whilst there are no residential properties immediately adjacent to the site, there are residential properties (14) along Stoney Street as well as residential properties on local roads leading to the site. As detailed above, many of the objections received relate to the impact upon the amenities due to noise, vibration caused by larger loads and increased traffic movements and speed of traffic.
- 6.10 Policy MT1 of the Herefordshire Local Plan, Core Strategy requires that applicants demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.
- 6.11 The policy also requires that development promotes sustainable travel and that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 6.12 Paragraph 32 of the NPPF, a material consideration in the determination of the application also state that development should only be prevented or refused on transport grounds where the residual impacts of development are severe.
- 6.13 The plant and machinery will not all be moved on auction day. This is likely to occur on the weekdays 10 days before and 10 days after the auction. These are pre-arranged and managed by the applicant. The increase in the number of sales means that deliveries and collections will effectively be ongoing throughout the month.
- 6.14 The current Transport Management Plan was submitted to the Local Planning Authority in 2011 and was subsequently agreed prior to the commencement of the auctions. An updated version of this was submitted with the application but in order to try and address the queries raised by the Transportation Manager, a technical note (April 2014) was prepared by the applicants agent that further expands on the proposed auction day operations and reasons behind this. This assessment is explored in more detail below.

Auction Day Operation

- 6.15 To assess the likely increases in traffic it is necessary to establish the base level manual traffic survey was carried out at the site access on Friday 6th July 2012 and an Automatic Traffic Count (ATC) survey was also carried out on Stoney Street to the south of the site access between 29th June 2012 and 6th July 2012. The table below shows how the traffic flow on Stoney Street is affected by the auction activities. Base flows are calculated using the results of

the ACT described above for an average five day period (Monday to Friday) and auction day flows are calculated using the ATC from Friday 6th July.

Table 2.1 – Base Traffic Flows on Stoney Street

	Base Weekday Average Two-Way Flow	Base Two-Way Flow (Auction Day)
AM (8 – 9)	133	138
Auction Day Peak (10 – 11)	46	151
PM (17 – 18)	123	128
24hr	1073	1563

- 6.16 The document advises that auctions currently operate on a tight programme, with no flexibility for any unforeseen circumstances or delays. Brightwells therefore wish to reduce the intensiveness of the auction day and anticipate that around 20 percent of the lots will be moved from the first auction day to the second auction day. As part of its business model, Brightwells are also seeking to sell bigger items instead of smaller sundry items, which is more economical to the business. The applicants estimate that there will also be an additional 10 percent of lots on the second auction day as a result of the changes through the business model and commercial vehicles being sold at the auction. The introduction of commercial vehicles will be bought by predominately multi buyers who already use the site.
- 6.17 The technical note concludes that as a result of the proposals, there will be a reduction in vehicle trips on the original auction day, with no significant increase in the number of trips on the second auction day and overall across the course of the month. Internet sales currently account for around 20 percent of sales, and it is anticipated that internet sales will continue to grow. This will reduce the need for travel to / from the site and in reality potentially off-setting any additional vehicle trips arising from the additional auction day and sale of commercial vehicles. It is anticipated that the net result over the two days is no significant growth in numbers but a better spread of attendance.
- 6.18 The technical note then goes onto to assess the traffic impact of the proposal on the local highway network in more detail, the two-way traffic flows on Stoney Street have been calculated for the anticipated operator forecasts, with 80 percent on one auction day and 30 percent on the second auction. The increase in traffic flows on Stoney Street is shown on Table 2.2 below.

Table 2.2 – Increase in traffic flows on Auction Days

Two Way Traffic Flow	Stoney Street Average Base Flow	Stoney Street Auction Day Base Flow	Vehicle Trips on Auction Days (Compared to Average Base Flow)			
			Base Scenario		Forecast Traffic	
			1st Auction Day	2nd Auction Day	1st Auction Day	2nd Auction Day
% of Base Flow	-	-	100%	0%	80%	30%
AM (8-9)	133	138	138 (+5)	133 (+0)	137 (+4)	135 (+2)
Auction Day Peak (10-11)	46	151	151 (+105)	46 (+0)	130 (+84)	78 (+32)
PM (17-18)	123	128	128 (+5)	123 (+0)	127 (+4)	125 (+2)
24hr	1073	1563	1563 (+490)	1073 (+0)	1465 (+392)	1220 (+147)

- 6.19 As shown on Table 2.1 based on the anticipated number of visitors over two auction days, the site is likely to be associated with approximately 84 additional two-way vehicle trips on the first auction day (compared to 105 additional auction trips presently) and an additional 32 two-way vehicle trips on the second auction day during the busiest peak hour, in comparison to the average number of existing vehicle movements. This equates to less than two two-way vehicle movements per minute on the first auction day and less than one two way vehicle movement per minute on the second auction day.
- 6.20 During the typical highway network peak hour, the anticipated number of visitors over two auction days is likely to be associated with approximately four additional two-way vehicle trips on the first auction day and an additional two two-way vehicle trips on the second auction day during the busiest peak hour, in comparison to the average number of existing vehicle movements during the busiest traditional peak hour.
- 6.21 On a daily basis, the anticipated number of visitors over two auction days is forecast to result in approximately 539 additional two-way trips. This is compared to 490 two-way trips on one auction day currently. The overall increase is 49 two-way trips over two days, compared to current operation.
- 6.22 The applicants conclude that the anticipated traffic associated with the auction is low and it will operate on an infrequent basis (i.e. no more than 24 days per year), it is considered that this will not have a significant impact on the operation or safety of the local highway network. They also conclude that there will be no material increase in traffic as a result of the additional auction day and commercial vehicle sales. The auction day traffic is managed by the Traffic Management Plan and this will be updated for the new proposals as detailed later in this report.
- 6.23 However, the concerns locally are not restricted to Auction day traffic movement and key concerns also relate to the delivery and pick up of auction items that takes place either side of the sale

Proposed Deliveries and Collections

- 6.24 The report notes that typically 30 – 40 % of lots are not sold on the date and remain on site until they are sold. Additionally, all items that are delivered for auction or collected after being sold are also not driven off site for the following reasons:
- Not public road vehicles (plant & machinery);
 - Not taxed or insured (commercial/vehicles);
 - Implements/machinery (non motorised);
 - Purchased in multiple lots by buyers and shipped on loaders in multi loads; and
 - Deliveries and collections can only be made by arrangement with Brightwells.
- 6.25 The traffic management measures currently in place, by virtue of the Traffic Management Plan would be expanded for the new auction day and the delivery of vehicles, plant and machinery on the new auction day would adhere to the conditions attached to the original consent and would not take place outside the hours of 9am to 5pm Monday to Friday.
- 6.26 The existing Traffic Management Plan, dated June 2011, was prepared by WSP and was submitted to the local planning authority in order to discharge planning condition 14 of the original planning permission for the site (102843/F). This traffic management plan is operational and the key points are as follows:
- (i) 200 car parking spaces are provided on site with sufficient room for overspill if necessary;
 - (ii) sustainable transport options are detailed on the company website and on notice boards within the site and the Herefordshire Council 2 share car sharing scheme;
 - (iii) buyers are required to book a slot for collection and are given the option to be picked up from a nearby bus stop or railway station;
 - (iv) temporary signage routing is erected for auction days;
 - (v) a review process is in place to identify any issues associated with the signage strategy;
 - (vi) delivery and collection route plans are available to encourage the use of the preferred route;
 - (vii) online auctions are made available for all lots, reducing the need for travel; and
 - (viii) group deliveries are made available for multiple sites.
- 6.27 In addition to the measures above, a S106 contribution was made by Brightwells for improvements to Bridge Sollers Road and this matter is being pursued and monitored by the Planning Obligations Manager.
- 6.28 The application submission, whilst concluding that the impacts would not be significant or severe, has identified a number of additional traffic management measures that can be introduced should the site operate two days per month.

The additional matters would include:

- i) formal monitoring of delivery and collection of vehicles / goods, including a booking system for deliveries/collections. This will comprise of designated time slots for delivery / collection to be staggered throughout the day and will avoid the network peak hours of operation and at the end of the school day as far as possible;*
- (ii) offer of delivery service for clients using an agreed set of hauliers, in order to maintain full control of site access /egress and to help maximise the number of movements using multi-loads;*
- (iii) increased HGV parking on-site to aid management of collections and deliveries during operating hours and out of hours, to help stagger vehicle movements;*
- (iv) promotion on company website of on-site shower and rest facilities to facilitate overnight parking and longer stays by delivery/collection drivers;*

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

- (v) *increased provision of storage space, allowing increased flexibility of collection and delivery times. This will allow for a staggered discharge of purchased items which will reduce the intensity of vehicle trips exiting the site following an auction;*
- (vi) *employment of additional staff to help run the site and speak to buyers and sellers to organise their loads. This will also allow for more customer interaction, promotion of delivery services and management of deliveries and collections;*
- (vii) *a commitment towards the growth of the internet auction system for all lots, reducing the need for vehicle trips to the site. This will include an upgrading of the internet connection to allow for greater use of the facility; and*
- (viii) *apply the same auction hours on the second day as per the existing auction.*

6.29 These can be incorporated into a revised Traffic Management Plan, and a condition imposed as suggested below.

6.30 Significant discussion and consideration of the impacts of this development on the highways network have been had with the Council's Transportation Manager. Following these discussions and having reviewed the technical note, it was confirmed that the intensified use could be accommodated within the strategic and local highway network and that this impact could not be considered severe. However, the use should not be uncontrolled, and, as such, conditions should be imposed to ensure that the site operates in the way as described within the application submission. As such, it would comply with the requirements of policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

6.31 Following unsuccessful exploration and negotiations to try and permanently alter the location of the access that is used on sale days to allow segregation of the auction lots and car parking for visitors, it has been agreed that the access to be used will revert to the originally agreed position. This access was designed for purpose and affords significantly better visibility. The Transportation Manager raises no objection to this proposal subject to the maintenance of the visibility splays and the implementation of the traffic management plan. The traffic management plan will also need to address the internal configuration for sales days that the separate access had sought to negate.

Impact upon the amenities of local residents

6.32 Policy SD1 of the CS relates to the impact of development on amenity. The potential impact on the amenities of local residents relates in the main to traffic movements. Residents have had the experience of the sales already being held (one auction day per month) and note the impact in terms of vibration and noise from the larger vehicles. Given that the intention is not to significantly increase sale items, and having regards to the measures already in place in respect of the hours of working, deliveries and measures to further reduce the movements the impact of the increase in traffic could not be considered to be so significant as to warrant a reason for refusal in this instance. It is noted that Stoney Street does serve other industrial premises and rural / agricultural businesses including poultry units.

6.33 Conditions would, however, be required to ensure that the proposed use is undertaken on the basis of the information provided and that previously imposed conditions are re-imposed. A condition to ensure that amplified equipment is not used is also included.

Conclusion and the planning balance

6.34 Policy SS1 of the Herefordshire local Plan requires that, when considering proposals that Herefordshire Council take a positive approach that reflects the presumption in favour of sustainable development as contained within National Policy, approving proposals that improve the social, economic and environmental conditions in Herefordshire. Planning applications that

accord with the policies of the Core Strategy should be approved, unless material considerations indicate otherwise.

- 6.35 Policy E1 of the Core Strategy seeks to support economic growth, where appropriate. The application demonstrates the economic benefits associated with the growth of the business and these are acknowledged as a material consideration in the determination of the planning permission. However, as detailed above, the growth of the business must also be considered in respect of its impact upon the local highway network and amenities of the local residents. Following a lengthy period of discussion and consideration the Transportation Manager has confirmed that the additional traffic movements can be absorbed into the local and strategic road network without adversely affecting the safe and efficient flow of traffic. However, this is reliant upon the measures identified within the Transport Management Plan (updated) and the compliance with conditions suggested below that will offer mitigation.
- 6.36 Policy SD1 relates to environmental quality of the developments, and seeks to safeguard residential amenity. The potential for the increase in traffic movements over a more prolonged period has been the cause of significant amount of objection. However, it is officers opinion that the intensification of use would not be so significant as to warrant a reason for refusal on these grounds and that the proposed development would, with the imposition of the conditions suggested below, be compliant with policy SD1.
- 6.37 Having regard to the above, the applications are considered to comply with the policies of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

RECOMMENDATION

That planning permission be granted subject to the following conditions (these would be imposed on both decisions 131913 and 131916):

- 1. B01 Development in accordance with the approved plans**
- 2. The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and for no other purpose.**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

- 3. The hours during which working may take place shall be restricted to 08.30am to 5.30pm Mondays to Fridays with the exception of office based uses. There shall be no such working on Saturdays, Sundays, Bank or Public Holidays**

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

- 4. The modular buildings hereby permitted shall be removed within five years of the date of this permission and the land restored to its former condition on or before 30 March 2016 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

Reason: The local planning authority, because of the temporary nature of the

building is only prepared to allow this building as a temporary measure, having regard to the rural character of the area and Policy SD1 and LD1 of the Herefordshire Local Plan – Core Strategy.

5. The delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 9am and 5pm Monday to Friday nor at any time on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

6. G11 Landscaping scheme - implementation

7. The access shall be constructed and visibility splays (2.4m x 215m) provided and maintained in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B.

Reason: In the interests of highway safety having regard to Policy MT1 of the the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

8. Prior to the first use of the site for the access to the north onto Stoney Street shall be closed and land reinstated in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B. The access shall be used for emergency vehicles only and for no other purpose.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the second monthly auction Day a detailed updated traffic management plan shall be submitted to the local planning authority for approval. This shall include, but not be limited to the information contained within the 'Technical Note' written by Transport Planning Associates dated April 2014.

The approved plan shall be fully implemented prior to the first month of two auction days being held at the site and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority. Prior to the commencement of the second auction day, the operation of the site shall be undertaken in accordance with the Traffic Management Plan dated June 2011.

A detailed record of the measures undertaken shall be retained as a written record and made available for inspection upon reasonable request.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

10. Auctions shall only take place on two days per calendar month (excluding Saturdays, Sundays and Bank Holidays). Auctions shall not take place outside of the hours of 10am and 4pm on these days.

Reasons: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

11. **No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reasons: In the interests of protecting local amenities and landscape character having regard to in accordance with policies SD1 and LD1 of the the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN07 Section 278 Agreement**
3. **HN01 Mud on highway**
4. **HN05 Works within the highway**

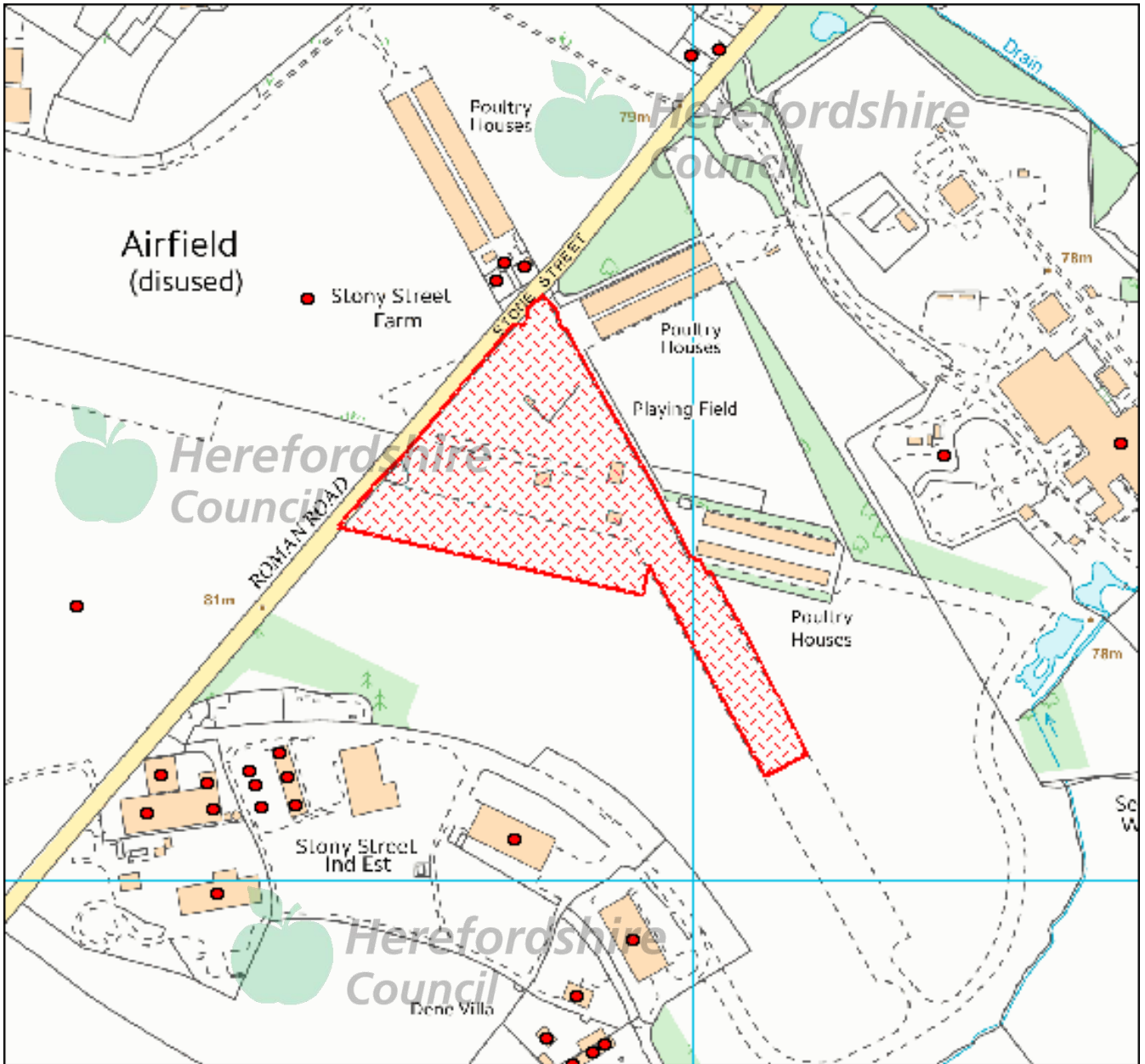
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131913

SITE ADDRESS : BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

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MEETING:	PLANNING COMMITTEE
DATE:	5 OCTOBER 2016
TITLE OF REPORT:	161601 - PROPOSED ERECTION OF 25 NEW DWELLINGS OF MIXED TENURE AND ASSOCIATED WORKS TO PROVIDE A NEW ACCESS ROAD AT LAND AT WATLING MEADOW, CANON PYON, HEREFORDSHIRE, HR4 8NZ For: G P Thomas & Son Ltd per Mr Clive Emerson, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161601&search=161601
Reason Application submitted to Committee – Redirection	

Date Received: 23 May 2016

Ward: Weobley

Grid Ref: 346348,248576

Expiry Date: 22 August 2016

Local Members: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application site lies to the southern end of Canon Pyon between two areas of residential development - the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south.
- 1.2 Planning Permission (application 131885) was obtained in April 2014 (reported to Planning Committee in October 2013) for the erection of 30 new dwellings, including 10 affordable units and associated works to provide a new access and road. Works have commenced on site, with the site being cleared and the 10 affordable dwellings that front the road to the northern end of the site being constructed.
- 1.3 This application site excludes the site for the 10 dwellings (phase 1) to the north east corner and relates to the construction of 25 dwellings (phase 2) on the remainder of the site. The result of this is an overall scheme of 35 dwellings.
- 1.4 Phase 2 (this application) will provide 4 x 1 bed bungalows, 7 x 2 bedroom house and 14 x 3 bed houses. The overall development, including phase 1 will therefore comprise 4 x 1 bed bungalows, 13 x 2 bedroom house and 18 x three bedroom houses.
- 1.5 The proposed dwellings will comprise affordable housing in the form of social rent and Affordable rent, Shared ownership (part buy / part rent) and discounted market sale with seven units that would not be affordable housing and would be open market rent. The applicants are working in partnership with Herefordshire Housing who will take on and manage the site when complete.

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

- 1.6 The site is arranged with dwellings facing onto the A4110 road set behind a low garden wall with individual garden gates and short front gardens. Private gardens are provided to the dwellings, each of which include provision for vehicle hard standing. The dwellings are traditional in form in order to relate closely to existing buildings within the immediate vicinity of the application site. External materials comprise predominantly of facing brickwork with pitched roofs covered in plain tiles and painted timber joinery throughout. Brick faced chimneys are included to several house types fronting the road, together with a porch, to further emphasise the traditional form of the development
- 1.7 The form of development follows broadly the rhythm of the approved scheme and whilst the proposal seeks to increase the total number of homes across Phase 1 (units 1 – 10 of 131885) and Phase 2 (the subject of this application) from 30 homes to 35 homes. The gross internal floor area of the revised proposal of 35 dwellings at 2,626m.sq is less than the current planning for 30 dwellings with the gross internal floor area of 2,678m.sq. Furthermore, the consented scheme includes garages further increasing the total build floor area. This is illustrated on drawing number 6123-1-31 (extract inserted below) which shows the consented layout (in the orange / brown) overlaid on the proposed site layout. It is evident that the changes relate mainly to the units to the rear of the site



- 1.8 As can be seen above, access into the site is directly from the A4110 road. The plans show the construction of a minor road with a turning head within the site, the access from the A4110 road being positioned approximately centrally on the road frontage. The requirement to provide appropriate visibility splays necessitates the removal of the roadside hedgerow. The plans propose to reinstate a new hedgerow behind the visibility splays with a new 2 metre wide footpath behind the hedge and thus separated from the road, to recreate the originally existing situation. This is as per the approved scheme.
- 1.9 The proposal provides a total of 62 No car parking spaces to serve the 35 dwellings in Phase 1 and Phase 2. This equates to 1.77 parking spaces per dwelling or 0.73 parking spaces per bedroom. This is improved from the current planning consent for 30 units which provides 1.26 car parking spaces per dwelling or 0.44 parking spaces per bedroom.
- 1.10 The application submission is also accompanied by a design and Access Statement, Planning Statement and Ecological Report. During the course of the application, the applicants and their

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partners, Herefordshire Housing, provided documents that responded to the concerns of local residents and the Parish Council.

- 1.11 Updated foul and surface water drainage details have been submitted to the Council and to Welsh Water that identified a surface water drainage solution that involves constructing a new surface water drainage pipe into land on the eastern side of the A4110 road before turning along Wellington Lane and reconnecting into the existing system in the A4110 road. It has been confirmed, through the receipt of an amended ownership plan, that this land is also in the ownership of the applicant.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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

2.2 National Planning Policy Framework (NPPF)

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Communities
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.3 National Planning Practice Guidance

2.4 Pyons Group Neighbourhood Plan

The Pyons Group Neighbourhood Plan has reached regulation 16 stage with the final consultation. The consultation ran from 3 August 2016 to 14 September 2016 and has been referred to examination stage. The plan is therefore a material consideration and weight can be attributed in the determination of planning applications.

<https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/pyons-group>

The relevant policies of this plan are:

PG1 – Development Strategy
PG2 – Integrated Community Facilities
PG3 – New Homes in Canon Pyon

3. Planning History

- 3.1 131885 - Proposed erection of 30 no. new dwellings including 10 affordable units and associated works to provide a new access and road – April 2014

4. Consultation Summary

- 4.1 Statutory Consultations

Welsh Water raise no objection and recommend the following condition:

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

Sewerage conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Internal Council Consultations

- 4.2 The Transportation Manager has made the following comments:

The proposal is a relatively minor amendment to the original layout the scheme whilst this proposal reduces the ability for on street parking for visitors due to the access arrangements overall the site has enhanced opportunity for car parking.

The main problem here, as with the previous scheme, is the hedgerow between the footpath and the visibility splay, this is very narrow and will require significant maintenance to grow and to prevent encroachment into the visibility splays.

The previous hedgerow had minimum maintenance as it didn't impede on any visibility splay and the footpath was set back enough to prevent continual maintenance.

This has the potential to be a burden to the highway authority which has limited resources, if the layout is to remain, there needs to be a commuted sum to maintain the hedge to ensure the hedge grows to maturity, is hedged when required and cut back/maintained to prevent encroachment on the footpath and visibility splays. Alternatively, another possible solution

would be for the hedge to be maintained by a management company or the Housing Association. Whichever option, the current proposal is not feasible.

The property parking orientation needs to alter to be as close to 90 degrees to the highway as possible.

If you are minded to approve the above will need to be incorporated into the permission, please include the following conditions:

CAB 2.4m x 90m
CAJ
CAL
CAP - S106 and crossing for the site
CAQ - S38 agreement
CAS
CAZ
CB2
I11, I09, I45, I08, I07,

- 4.3 The Housing Team have made the following comments, including suggested wording for the Section 106.

Local connection is defined as Live, work, receive support, or returning to provide support. The definition of local connection is captured in the S106 and anyone who takes ownership of the affordable dwellings has to adhere to the criteria set within the S106.

For the purposes of sub-paragraphs xxx or xxx "local connection" means having a local connection to a parish specified because that person:

- 1.18.4.1 is or in the past was normally resident there; or
- 1.18.4.2 is employed there; or
- 1.18.4.3 has a family association there; or
- 1.18.4.4 a proven need to give support to or receive support from family members; or
- 1.18.4.5 because of special circumstances.

For the purposes of sub-paragraph xxxx:

- 1.18.5.1 "normally resident" shall be established by having resided in a relevant parish as specified in sub-paragraphs 1.18.1 or 1.18.2 above for 6 out of the last 12 months or 3 out of the last 5 years.
- 1.18.5.2 "employed" shall mean in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self-employment.
- 1.18.5.3 "family association" shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in a parish specified in sub-paragraphs 1.18.1 or 1.18.2 above and who have been resident for a period of at least 12 months and that person indicates a wish to be near them.
- 1.18.5.4 "support" shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the

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community and includes people who are in need of such support but are not normally resident but have long standing links with the local community.

1.18.5.5 “special circumstances” shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.

The reasoning behind the local connection is to allow local parishioners the first opportunity to secure the affordable dwellings. The S106 would initially allow anyone in the Parish of Canon Pyon to apply for an affordable dwelling, if after a period of 28 days there are void properties, properties not allocated then the criteria within the S106 widens allowing parishioners in cascading, adjoining parishes to Canon Pyon to apply for the affordable dwellings, therefore parishioners living in Kings Pyon, Brinsop & Wormsley (need 5), Birley with Upper Hill, Hope under Dinmore (need 6), Dinmore, Wellington (need 26) and Burghill (need 22).

If the dwellings still can't be allocated then the cascade widens to the rest of the County. The last housing need survey undertaken in Canon Pyon in March 2011 identified a need for 14 affordable dwellings, since the survey was undertaken no affordable dwellings have been delivered, although a second scheme is underway in the village which will provide 7 affordable dwellings. From experience housing need always increases, it does not decrease. Within the Core Strategy there is also an indicative housing growth target percentage of 18% for the village, of which the overall scheme would contribute to.

Collectively the surrounding cascading parishes (as above) have an identified housing need for 59 dwellings, 73 affordable dwellings in total adding in the need for Canon Pyon. Therefore the development in Canon Pyon is also assisting in meeting the need for the adjoining parishes where none or very little development is taking place.

The scheme is providing a mixed sustainable development of affordable rent, affordable home ownership and private rental therefore not all of the dwellings are affordable housing. The development provides the supply of housing required to meet the needs of present and future generations it also widens the choice of high quality homes and allows for the provision of existing housing tenants to down size if required. The development of rural affordable housing also allows for established networks of family, friends and employment to continue.

Alternatively the open market rental is available for those that do not meet the criteria to register on the housing waiting list or choose not to, therefore providing an alternative source of housing.

4.4 Planning Obligations Manager has made the following comments:

The intention with the above site was that a section 106 agreement would be completed securing a financial contribution towards waste provision, off-site highway works and affordable housing.

There are two people with an interest in the land who need to be signatory to the section 106 agreement. The developer has not been able to make contact with these people, despite letters from their solicitor, and therefore there is a risk that the section 106 agreement would not be signed before the grant funding for the site expires.

We have been working with the developer to see how we can still secure the benefits in the absence of a section 106 agreement.

In terms of the affordable housing this can be controlled by a condition on the planning permission.

With regards to the provision of waste bins, provided that there is a specification for a Council black and green bin, this can be controlled by condition. The developer would need to go directly to the Council waste service team and purchase 35 bins.

With regards to the highway contribution it needs to meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

I am aware of the desire for a footpath/permissive path to the existing primary school and understand from previous discussions that there are land ownership issues to achieve this. In addition, in terms of the tests above I do not consider that the footpath to the school would be directly related to the development and fairly and reasonably related in scale and kind to the development when there are works between the development site and the village hall that need to be completed.

In addition, the Pyons Group Neighbourhood Plan has reached regulation 16 stage and is due to be sent for examination. The Plan contains a policy identifying the desire to relocate the village school to within the village 'hub'. I appreciate that this may be sometime in the future but would question whether it is reasonable to spend £53,500.00 on attempting to deliver a permissive footpath when there is a desire for the school to be relocated.

The Plan contains a list of highway projects to be supported through agreements with developers. The current priorities are listed below;

1. Traffic Light controlled pedestrian crossing in the 'hub' – the 'hub' being in the vicinity of the shop, pub, recreation ground and village hall
2. Sheltered bus stops on both sides of road in the 'hub'.
3. Improved safer pedestrian access to school and throughout village.
4. Improved health and leisure facilities/playing field/village hall
5. Availability of 'Speed Indicator Devices' Following our site meeting yesterday we identified the following potential works to be delivered through a Section 278 agreement:

- Pedestrian priority crossing at the Bellmouth to Valentine Court
- Pedestrian priority improvements, including resurfacing, at frontage of Canon Pyon Stores
- Provision of a waiting area including castle kerbs at Canon Pyon Post Office bus stop
- Footpath upgrade to the frontage of Ridersfield House
- Provision of SIDS bases

The works are to be to the value of £53,500.00 to be delivered by the developer through a S278 agreement.

I would suggest that we ask their QS to price up the above works to see what they could deliver for the £53,500.00. We can then ask colleagues in highways to consult with Balfour Beatty Living Places on whether the cost are appropriate.

In terms of delivering other highway schemes, the development at Patricks Orchard has commenced and the section 106 monies totalling £58,980.00 (to be index linked) is due on occupation of the 17th open market. We could look at using these monies to deliver the other schemes identified in the NDP.

4.5 The Land Drainage Engineer has made the following comments:

Following this morning meeting regarding the surface water drainage for this site:

I have reviewed the information submitted by the Applicant for this development. The drainage layout for the on-site system is very similar to the previous layout (that we have previously commented on) and I have therefore not reviewed this in detail as we have previously found this to be acceptable. The significant difference within this new submission is the proposed alignment of the off-site surface water sewerage network that now passes through third party land and discharges to a highway drain to the north of the site which is stated to be upstream of Wellington Brook.

The Applicant proposes to limit flow during all storm events to 5 l/s which is considered acceptable. Flow is to be conveyed within 300mm diameter sewers laid at a gradient of 1 in 240. If flow is limited to 5 l/s the Applicant is not going to be able to achieve the required self-cleansing velocity of 1 m/s (noting that the submitted calculations appear to model the blockage scenario where flows may exceed 5 l/s). However, as the 5 l/s flow is downstream of the on-site system that includes attenuation and a hydrobrake, I would expect that the vast majority of sediment will have been removed prior to discharge to the off-site sewers. BBLP and HC may therefore choose to accept this risk.

I am unable to comment on the acceptability of traversing third party land and proposed connection to the existing highway drainage system.

I will need to hand this aspect of the review over to Balfour Beatty Living Places:

A meeting was held with BBLP and the applicants, and BBLP advise the following:

It was highlighted that the surface water system has been designed in accordance to 'Sewers for adoption' and that Welsh Water would be adopting the surface water system. Welsh Water have requested additional information relating to the design of the surface water drainage system, which will be provided to them. Revised micro-drainage calculations will also be provided in addition to longitudinal sections.

Once this information is provided and Welsh Water **confirm** that they will adopt the surface water drainage system, the drainage element of this application can be approved.

The 3rd party land highlighted, is within the ownership of the applicant

Welsh Water have subsequently advised that the proposal in principle is acceptable for inclusion within a Section 104 Adoption Agreement, however, we await further information to illustrate the system meets our specification and Sewers For Adoption 7th Edition.

5. Representations

5.1 Pyons Group Parish Council have made the following comments:

5.1.1 June 2016

Pyons Group Parish Council opposes the planning application on the grounds of unproven housing need for the number and scale of affordable properties proposed (35). The supporting documents make no reference to housing need surveys carried out by Herefordshire Council. The last housing need survey published in March 2011 identified 14 local households that would require affordable housing within the next three years. The proposal to have 35 affordable properties should be considered in the context of the 10 affordable properties which are being

built as part of 141917 Land West of Patrick Orchard, Canon Pyon, making a total of 45 additional affordable properties. On balance, the parish council would prefer to see the development of the site in line with already approved plans (131885), which will provide a mix of housing more in line with the draft neighbourhood development plan, and number of affordable houses highlighted in the housing need survey of March 2011.

Herefordshire Housing carried out a consultation on the proposed plans for the site in April 2016, and their survey found that 55 percent of people disagreed (24 percent were undecided, and just 21 percent agreed) with the plans for 35 affordable dwellings. According to Herefordshire Housing, only two respondents expressed an interest in affordable rent, shared ownership, low cost market sale or social rent properties.

In summary, the proposal to build 35 affordable properties in a village the size of Canon Pyon is out of proportion with the scale of the village and known affordable housing need (underlined by the fact that 10 affordable properties are being built already on Land West of Patrick Orchard). The Herefordshire Housing consultation uncovered an interest, or affordable housing need, from just two respondents, demonstrating that a local housing need for 45 affordable properties cannot be justified. The consultation carried out by Herefordshire Housing shows insufficient local support for the number of affordable dwellings proposed. For these reasons, the parish council urges that the planning application is refused.

5.1.2 September 2016

Pyons Group Parish Council has considered the amended and additional documents and continues to object strongly to the proposed planning application for the reasons highlighted on 8 June 2016 in submitted comments.

With regard to the amended and additional documents, Pyons Group Parish Council is concerned that the extensive drainage works proposed are too complex to be assessed and judged by the layman. The parish council believes the view of Welsh Water on the proposed drainage needs to be obtained prior to any decision by the planning authority, particularly as it is proposed that the drainage works are to be adopted by the company. In addition, the planning authority needs to be confident that the drainage scheme can deliver. The parish council, based on local knowledge and observation of the field remains extremely doubtful that the constraints will be possible to overcome without further extensive investment in infrastructure. For example, the water from Watling Meadow appears to be taken towards Kinford where fields are known to flood and block the road. Has this been addressed in the drainage proposals?

The parish council asks that the contours of the land on the site are properly taken into account when assessing the drainage proposals. The adjoining A4110 is several feet above the houses that are being built under planning application 131885, such that someone standing on the pavement is able to look down into the ground floor rooms of these houses. In addition, the footings that have been put down on the site are waterlogged despite the good weather of the summer.

The parish council has noted that work under planning application 131885 has started on the field with the building of 10 houses, apparently without satisfying one of the conditions of the planning application which is drainage. It appears that the condition is only being addressed now with the Watling Meadow planning application which covers the same relatively small field as the aforementioned planning application. The parish council would like to understand why the work has started without the reassurance that the conditions on 131885 have all been met, particularly when a significant condition is drainage on a very wet and waterlogged site.

The comments from Herefordshire Housing on the representations made have been noted by the parish council, which continues to believe there is no proven housing need for the number of affordable houses proposed (please see comment submitted on 8 June 2016)

5.2 West Mercia Police have made the following comments:

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme and by doing so address the new Approved Document Q requirements:-

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas. ADQ creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling; ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance community safety in this village.

5.3 Lugg Drainage Board have made the following comments

The application informs us of the intention to dispose of surface water via SuDs. We would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements

1. Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the '*greenfield*' response of the site over a range of storm probabilities, accompanied by the *required On-site Storage* designed for the 1 in 100 year storm event.
2. or the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off *discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.*
3. The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.
4. All in compliance with The Institute of Hydrology Report 124 (IoH 124) - *Flood estimation for small catchments (1994)*
5. All to the satisfaction of the Engineer to the Board
6. No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of *the Land Drainage Act 1991* and the *Flood and Water Management Act 2010*.

5.4 21 letters of objection have been received, including several that were signed by numerous local residents (petition)

The comments made can be summarised as follows:

5.4.1 **Highways/Transportation**

- Rural community so will need cars and parking will need to be provided;
- Access is dangerous due to the speed of vehicles;

- On street parking will inevitably cause problems;
- Additional traffic movement as no jobs or work in Canon Pyon;
- Very limited public transport to access work in Hereford or services in other villages (Such as Weobley for the Doctors);
- Removal of hedge has meant pedestrians not protected from road spray;
- Traffic noise and vibration as large vehicles travel through the village;
- Reduced visibility due to traffic parking on street to deliver / stop at the shop;
- Are the Council going to improve the A4110?
- Fund or provide more buses?
- Build a footpath to get to school?
- Indiscriminate parking on the highway blocking private driveways as not sufficient parking.

5.4.2 ***Layout/Density and Character of the Area***

- Concern about increase, especially due to the objections to 30 dwellings previously received;
- Increase in number from 30 – 35 is overdevelopment with an urban density that is completely out of character. An over crowded urban style.
- Garages been removed to force the additional houses in;
- High rise flats built horizontally;
- No gardens that are big enough to play in;
- The scheme would result in a density of 42 dwellings per hectare;
- Previous scheme ambitious but at least provided a mix of housing.;
- Nearly doubling the size of the village;
- It's a place people are forced to live, rather than a desirable place to live.

5.4.3 ***Housing Tenure/Mix***

- The latest Council Needs Survey for the area of Canon Pyon Village, Westhope, Kings Pyon, Ledgemoor, Birley-with-Upper Hill and Dinmore identified only 14 households who expressed an interest in affordable housing. The validation of the low regard for supported housing in this large area is confirmed in The Pyons Neighbourhood Development Plan
- A 100% scheme of affordable housing cannot be justified in a rural field outside the settlement boundary In an area that has shown little demand and consequently does not conform to Policy H1 of the Core Strategy which states: The amount and mix of affordable housing including those on strategic housing sites will vary depending on evidence of housing need as identified through the latest housing market assessment
- Proposal does not satisfy local people. The few that one social housing would be forced to live in an imbalances social community with long standing residents being denied to move into village in market dwellings. These residents would not be eligible.
- The existing (approved) development along with the village hub development (Land opposite the Nags Head – 141917) would offer 38 market dwellings and 19 affordable dwellings which meets the requirements of the Core Strategy and is way above the housing needs survey, promotes social progress and will lead to a balanced and integrated community.
- Contrary to policy H3 of the CS and does not reflect the housing market assessment;
- The proposal is completely at odds with the wishes of local people and the neighbourhood plan;
- There is no need for a 100% affordable housing development in this location and may lead to an us and them community;
- This proposal fails to meet the vision and objections of the Core Strategy in promoting social progress and cohesion;
- Is there enough demand from suitable applicants?

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

- There is already a good sized social housing estate
- The proposal smacks of community segregation in the heart of the beautiful countryside

5.4.4 **Flood Risk/Drainage**

- Concern over waterlogging that has not yet been properly addressed.
- Increase in flood risk to the adjoining properties.
- No confirmation from Welsh Water, or other that the additional housing could be supported by off site drainage facilities.
- Ground conditions will lead to damage to houses / damp
- Local knowledge ignored when previous application approved. Site has flooded over the summer.

5.4.5 **Other matters**

- Children will need a play area as impractical to walk to through village to the poorly equipped and maintained play area. Failure to comply with policy on this.
- Loss of Section 106 monies from £144,486 to £57,751 so £86,735 that could have been used for the benefit of new and present members of the community
- Impact on ecology of the meadow
- Where will bins be stored? Visual impact on approach to village.
- Unnecessary pressure on school places
- There is no doctors and no bus to Weobley to the surgery.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161601&search=161601>

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 principle of residential development on this site has previously been established through the granting of planning permission (131885) for 30 dwellings, including 10 affordable dwellings. The proposed plans seek to increase the numbers of dwellings across the site from 30 to 35 with an alteration to the site layout, housing mix and design of the proposed dwellings. There are some minor alterations to the internal road network with the lengthening of the roadway. This report will consider the key issues as follows:

1. Principle of Development and Housing Land Supply Position
2. Layout, density and design;
3. Housing mix and Tenure;
4. Highway safety and parking
5. Section 106 and Highway Improvements;
6. Drainage

Principle of development and Housing Land Supply position

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

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

- 6.3 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS) alongside the emerging Neighbourhood Development Plan that is proceeding to examination. A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*
- 6.5 RA2, Housing in settlements outside Hereford and the market towns, identifies the rural settlements which are to be the main focus of proportionate housing development in the rural areas (fig. 4.14) and other settlements where proportionate housing is considered appropriate (Fig. 4.15). In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Policy RA2 goes on to set out the criteria by which to assess housing proposals as follows:
1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
 2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
 3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
 4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*
- Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.*
- 6.6 Despite relatively recent adoption of the CS, it is clear that the Housing Land Supply deficit persists with the most recent Five Year Housing Land Supply Position Statement (April 2016) confirming a supply of 4.49 years. The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. In this instance, as the policies support growth in this location, significant weight can be attributed to policy RA2 of the Core Strategy.
- 6.7 The site already benefits from planning permission for residential development and as such the principle has been established. Canon Pyon is a settlement, identified in the Core Strategy as one that will be the main focus of proportionate growth. This is further acknowledged in the

emerging Neighbourhood Development plan, with policy PG3 that identifying the site (Site B) as 'Land amounting to 0.89 hectares adjacent to Valentines Court. This site has planning permission and will be retained as a commitment provided it meets the criteria listed in this policy'

6.8 The detailed criteria contained in Policy PG3 are as follows;

- i. *The entrance to the development sites should be designed to reflect the rural character of the village;*
- ii. *Buildings should be designed to avoid repetition of form and detail and an urban appearance, but should utilise a mixture of materials, styles and aspects, reflecting the existing village character;*
- iii. *New housing development should provide a mix of house types and tenures, with an emphasis upon family accommodation for young people together with a number of bungalows for the elderly;*
- iv. *Open space and play areas should be provided to meet the needs of residents;*
- v. *With regard to the brown field site, a number of live/work units should be provided following an assessment of the level of need and the potential environmental impact such that the amenity of neighbouring residents is not impacted;*
- vi. *Again with regard to the brown field site, the layout should afford access to land to the north which is subject to Policy PG4;*
- vii. *Contributions should be made to the cost of provision, improvement, replacement, operation or maintenance of essential community facilities within the village core area;*
- viii. *Advice should be sought from Welsh water / Dwr Cymru to determine whether there is sufficient capacity within its Waste Water Treatment Works to accommodate the development and if necessary carry out a feasibility study of its capabilities at the developer's expense. Should insufficient capacity exist then development will have to be deferred until works are carried out to increase the capacity sufficiently either through the water company's investment programme or developer contributions;*
- ix. *A detailed flood risk assessment should identify the extent of the developable land, taking into account the potential effects of climate change and meeting the provisions of Herefordshire Local Plan Core Strategy Policy SD3, and in particular no development shall take place on land that falls within Flood Risk Zones 2 and 3 unless suitable mitigation is provided and this does not result in increased flood risk elsewhere;*
- x. *Development should comply with such other detailed policies in this plan that may be relevant, in particular policies PG8 and PG9, in addition to those in Herefordshire Core Strategy.*

6.9 Having regard to paragraph 216 of the NPPF there are limited unresolved objections and a general consistency with the Core Strategy, officers consider that significant weight can be given to this emerging NDP policy in the decision making process.

Layout, Density and Design

6.10 The site already has planning permission for 30 dwellings. This application amends the design and layout to include a further 5 dwellings across the site. The design and layout changes achieve this by removing the garaging. Along the street frontage, this results in one additional dwelling forming a terrace of three dwellings instead of a pair of semi-detached dwellings. To the south west of the site facing north, a pair of semi detached dwellings is replaced by a terrace of three dwellings and to the west two detached dwellings are replaced by pairs of semi-detached dwellings. Further north (units 25 and 26 (semi detached) 27 to 29 (terrace of three) replace a pair of semi detached dwellings and one detached unit. Moving northwards, the site now includes 4 x one bedroom bungalows. By way of comparison, extracts of the approved and proposed site plans are inserted below:

131885 – Approved Site Plan



161601 – Proposed Site Plan



- 6.11 Whilst the scheme does represent an increase in density from 33 dwellings per hectare to 39 dwellings per hectare across the site, the design and layout of the site has been carefully considered to ensure that the rural character can be appreciated. For example, the site has sought to include four bungalows, as identified during public consultation and evidenced in the emerging NDP. These have been sited on entrance to the site to provide views through the development to the countryside beyond.
- 6.12 The design of the dwellings is also similar / identical to the approved scheme utilising a mix of brick and render and design detailing to porches and fenestration. The layout of the dwellings is considered to be very similar to the approved scheme, retaining the private gardens and parking with the curtilage (with some landscaping / gardens to the frontages) in a traditional manner. The opportunity for soft landscaping will also help reduce the visual impact of the higher density development. Overall, the design and layout of the proposed development is considered to continue to comply with the requirements of policies SD1 and RA2 of the Core Strategy and the requirements of the emerging Pyons Group Neighbourhood Development Plan.

Housing Mix and Tenure

- 6.13 The proposed development is being pursued in partnership with Herefordshire Housing. A significant proportion of the objections relate to the proportion of affordable housing now being proposed on the site as a whole. The proposed mix (across the site as a whole) will include 5 no social rented properties and 5 shared ownership properties that are provided within plots 1 – 10 and that are secured by way of a Section 106 agreement (application 131885). This application will provide 12 dwellings that will be for affordable rent, and 7 discounted market sale properties. A further 7 market rent (open market) dwellings will also be provided. A suitably worded condition will seek to secure the tenancy of these properties to those with local connection in the first instance. I would refer to the advice from the Housing Team above (4.3) that expands upon the tenures as described. Whilst the site is being developed in conjunction with Herefordshire Housing, not all of the site will be affordable housing.
- 6.14 National Planning Policy Framework guidance, Core Strategy Policy and emerging NDP policy all seek a range and mix of housing units. This proposal provides a mix of one, two and three bed units with a range of open market and affordable provision in accordance with the above.
- 6.15 Whilst local residents raise concerns about the concentration of affordable housing in one location, policies do not restrict this. The CS acknowledges that affordable housing can include a range of housing options that will help the Council address the need of those seeking to gain a first step on the housing ladder, reduce the demand for social rented housing, free up existing social rented homes, provide a wider choice for households and ensure that sites have a mix

of tenures. As detailed above, Canon Pyon and the surrounding parishes have a cumulative need for 79 dwellings and as such this proposed development would support this need.

Highway Safety and Parking

- 6.16 The access to the site is as per the approved scheme and includes the hedgerow along the street frontage, in front of the footway, as negotiated into the last scheme. Noting the Transportation Manager's comments about the ongoing maintenance of this a condition in respect of the maintenance of proposed landscaping is proposed. Internally the roads are 4.5m in width with 2m footways on either side. Substantial turning heads are provided to allow for deliveries/refuse lorries etc. These will be adopted and street lighting is also proposed.
- 6.17 The application submission has addressed car parking provision in accordance with the Councils guidance with each of the three bedroomed dwellings providing two off road car parking spaces. The two bed properties also provide two spaces per units. Three of the one bed bungalows provide two spaces with unit 33 providing only one. Comments in respect of reduction in opportunity for on road parking for visitors are noted but the site does offer an overall increase in car parking. The proposed development would comply with the requirements of policy MT1 of the Core Strategy.

Section 106 and Highway Improvements

- 6.18 The proposed development would normally be subject to a Section 106 agreement. The applicants, at the request of the Council, engaged the District Valuer to consider the viability of the scheme. It was concluded that the scheme was not viable when fully policy compliant and a deed of variation was agreed that reduced the affordable housing provision to 9 units and included a contribution of approximately £57,75. Following consultation with the Parish Council, it was agreed that the deed of variation would secure a financial contribution towards waste provision, off-site highway works and affordable housing.
- 6.19 Unfortunately, there are two people with an interest in the land who need to be signatory to the section 106 agreement. The developer has not been able to make contact with these people, despite letters from their solicitor, and therefore there is a risk that the section 106 agreement would not be signed before the grant funding for the site expires. Officers have therefore been working with the developer to see how we can still secure the benefits in the absence of a section 106 agreement. Officers would draw your attention to the Planning Obligation Managers comments at paragraph 4.4 above that consider the ways in which the developers can provide off site improvements and waste contributions, to the value of, but in lieu of the section 106 contribution previously negotiated. Consideration has been given to the Neighbourhood Development Plan that contains a list of the highway projects to be supported through agreements with developers. Officers are satisfied that suitably worded conditions, recommended below, would be an effective way to overcome the problems associated with signing of the legal agreement and would ensure compliance with the requirements of policy ID1 of the Herefordshire Local Plan – Core Strategy.

Drainage

- 6.20 Policy SD3 of the Core Strategy acknowledges that the measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk. This was a key issue raised historically due to local ground conditions. Discussions with the Councils Land Drainage Engineers and Welsh Water have been ongoing to find a suitable surface water drainage solution for the proposed scheme that will be adopted by Welsh Water. Technical details are currently being considered by Welsh Water and the Land drainage engineer and it is anticipated that this will be resolved prior to the committee meeting. In the event that this matter has not been resolved, it is suggested that a condition, as recommended by Welsh Water, is imposed in relation to surface water drainage. Foul drainage

for the site (35 dwellings) has now been agreed with Welsh Water and a condition referring to the agreed plan is also suggested. This would ensure compliance with policy SD3 of the Core Strategy.

Amenity

- 6.21 The revised layout has also been considered having regard to the amenities of the existing and proposed residents. The layout introduces no new overlooking or privacy issues and provide adequate privacy and amenity space for occupants. As such officers continue to be satisfied that the development could be accommodated without detrimental impact upon residential amenity. Noting the concerns in relation to construction phases, conditions are proposed, as per the original permission, in respect of hours of working and the management of construction phases in terms of traffic movements, parking and deliveries. Having regard to the above, the proposals would comply with the requirements of policy SD1 of the CS and with guidance contained within the NPPF that seeks to protect the amenities of existing and proposed residents.

Open Space Provision

- 6.22 In accordance with Core Strategy OS1 (Requirement for open space, sport and recreation facilities) and OS2 (Meeting open space and recreation needs) open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are locally the Open Space Study 2006, the Play Facilities Study and Investment Plan 2012 and nationally the Fields In Trust guidance. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. In this instance no POS/Play is to be provided on site and off site contribution were previously negotiated. This is supported by the Play Facilities Study and Investment Plan and more recently the Pyons Group Neighbourhood plan Policy PG2. Contributions, would, normally be sought towards improving the existing play and recreation area in the village in consultation with the Parish Council who own and maintain the facility. This is a fairly large neighbourhood facility catering for older and younger children and can be further enhanced and developed. However, following the assessment of viability officers would confirm that this contribution has not been sought from this development in accordance with the considerations of policy ID1 of the Core Strategy.

Conclusions

- 6.23 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing supply policies (in this instance SS2 and SS3) of the Core Strategy are therefore considered to be out of date. The remaining Core Strategy policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. As detailed above, Policy RA2 of the Core Strategy and the emerging Pyons Group NDP positively seeks growth consistent with the aims of the NPPF to encourage growth in sustainable locations and can be attributed significant weight. This proposal would support this objective and is considered to accord with the requirements of policy RA2.
- 6.24 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. Policy SS1 of the Core Strategy acknowledges this and mirrors the guidance at paragraph 14 of the National Planning Policy Framework. When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged.

- 6.25 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 and should be attributed significant weight. In providing a greater supply of housing and breadth of choice the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.26 Technical matters also require consideration to ensure that the revised scheme is appropriate for the locality. Concern locally relating to highways capacity, and potential for on street parking, have also been considered carefully, and whilst acknowledging the constraints and concerns, the overall increase in dwellings on the site from 30 to 35 would represent an intensification of use that would result in a detrimental impact on the local and strategic highway network. As such, the proposal would comply with the requirements of policy MT1 of the Core Strategy, emerging NDP and in accordance with the requirements of paragraph 32 of the National Planning Policy Framework. Conditions are recommended to address and manage the ongoing maintenance of the visibility splays, technical details of the adopted roads (including drainage) and the construction phase of development.
- 6.27 Matters relating to drainage continue to need careful consideration, and a condition is recommended to ensure that these details are agreed with the Councils Land Drainage officer and Welsh Water.
- 6.28 Officers conclude that the proposed development accords with the relevant policies of the Core Strategy and that there are no adverse impacts of granting planning permission that would significantly or demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions detailed below.

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. G10 Landscaping scheme**
- 4. G11 Landscaping scheme - implementation**
- 5. G04 Protection of trees/hedgerows that are to be retained**
- 6. H04 Visibility over frontage (including agreement of ongoing maintenance)**
- 7. H13 Access, turning area and parking**
- 8. H18 On site roads - submission of details**
- 9. H21 Wheel washing**
- 10. H27 Parking for site operatives**
- 11. I16 Restriction of hours during construction**
- 12. H17 Junction improvement/off site works (to refer to):**

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

- Pedestrian priority crossing at the Bellmouth to Valentine Court
- Pedestrian priority improvements, including resurfacing, at frontage of Canon Pyon Stores
- Provision of a waiting area including castle kerbs at Canon Pyon Post Office bus stop
- Footpath upgrade to the frontage of Ridersfield House
- Provision of SIDS bases

13. **I42 Scheme of refuse storage (residential)**

14. **I51 Details of slab levels**

15. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

16. **Prior to the first occupation of the dwellings hereby approved, a local lettings/ sales agreement, to include, but not be limited to securing local connection criteria, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, lettings and sales shall be carried out in accordance with the approved details.**

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. **HN08 Section 38 Agreement & Drainage details**

The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and

technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

- 3. The applicants attention is drawn to the comments and requirements of the Lugg Drainage Board.**

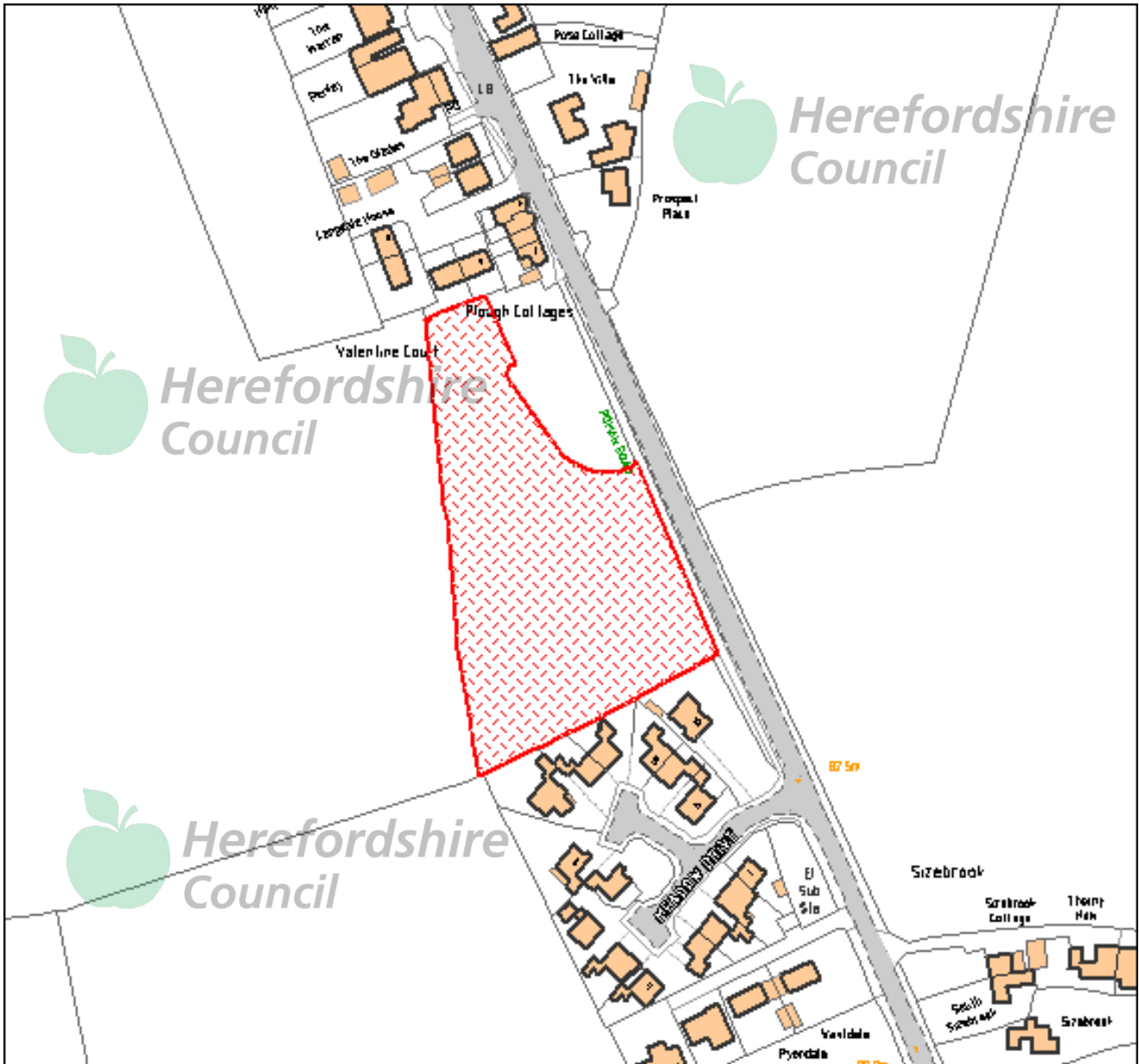
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 161601

SITE ADDRESS : LAND AT WATLING MEADOW, CANON PYON, HEREFORDSHIRE, HR4 8NZ

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MEETING:	PLANNING COMMITTEE
DATE:	5 OCTOBER 2016
TITLE OF REPORT:	162018 - TO ENABLE 15 METRES OF PANEL FENCE TO BE RETAINED WITH A HEIGHT OF 2.60 METRES (RETROSPECTIVE) AT THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN For: Mr Catchpole, The Spinney, Burghill, Hereford, Herefordshire HR4 7RN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162018&search=162018
Reason Application submitted to Committee – Redirection	

Date Received: 23 June 2016

Ward: Queenswood

Grid Ref: 347761,244588

Expiry Date: 5 September 2016

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 The Spinney is an extended semi-detached split level property occupying an inconspicuous, set back location behind properties known as The Rowan and Helmsdale, Burghill.
- 1.2 It is accessed via a long private drive that runs between the abovementioned properties.
- 1.3 Retrospective planning permission is sought for the retention of a 15 metre section of fencing that is 2.6 metres high and positioned on the common boundary with the property known as Helmsdale, alongside the flank wall of an extended garage (141241/FH refers).
- 1.4 Notwithstanding the description which appears to take an average height of the fence from the applicant's side, I can confirm that its height above ground level varies between 2.3m and 3m on the applicant's side and stands at a height of 2.96m measured outside the neighbours' garage window.

2. Policies

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

- LD1 - Landscape and Townscape
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 2.2 National Planning Policy Framework
- 2.3 NPPG
- 2.4 Burghill Neighbourhood Plan

The Regulation 16 plan was submitted on 6 July 2016. The Neighbourhood Planning Manager has advised that *following consideration of the level and range of representations made to the Burghill NDP during the Regulation 16 consultation period, it has been recommended that the plan does not progress to examination at this stage. There are concerns regarding the community consultation undertaken, the selection of sites and the potential deliverability of proposed allocation sites. In accordance with para 216 of the NPPF, the decision not to progress to the examination will have a material effect on the weight which can be attributed to the plan in terms of its housing strategy.*

Notwithstanding this, Policy B8 Design of Development in Burghill Parish, which refers to development taking account of local identity; the setting of the conservation area and listed building and assessing the relationship of development with its surroundings is considered particularly relevant.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Consultations

- 4.2 None.

5. Representations

- 5.1 Burghill Parish Council – object on the grounds of the visual impact of the fence and its effect on residential amenity. Reference is made to the effect on a gas flue
- 5.2 A total of 25 letters of objection have been received (two objections appear to be from the same objector and I have noted that nine of the objections are from non-residents of Burghill:
 - Height should be reduced to permitted level avoiding impact on neighbours` amenity – overbearing and prevents maintenance of guttering and boiler flue).
 - Adverse impact on visual amenity (visually prominent, inappropriate and an eyesore).
 - Precedent.
 - Impact on property value.
 - Retrospective.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

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 retrospective nature of this application is regrettable and so too is the apparent animosity that has developed between the applicant and the immediate neighbour. However these matters cannot be afforded weight in its determination. The key considerations are as follows:
- The impact of the fence upon the residential amenity of occupiers of the property known as Helmsdale.
 - The visual impact of the fence on the wider area and nearby designated heritage assets.
- 6.2 In terms of residential amenity, my site visit established that the impact of the fence is limited to the alleyway to the side of the garage and more specifically to the effect on an obscure glazed window in the side wall of the garage. There is no door access to the side of the garage and the fence does not impact upon the rear garden.
- 6.3 I would preface my assessment by remarking that the fence as constructed serves little purpose in terms of reducing the impact of the garage. It does, however, appear to fetter the ability of the neighbour to maintain the guttering albeit since this would require access from the applicant's property, I sense that this would be problematic in any event. I consider that a fence of lesser height, say 2 metres, would adequately screen the garage and avoid any concerns regarding loss of privacy or amenity.
- 6.4 For the avoidance of any doubt, I have measured the height of the fence on both sides. From the applicant's property it varies between 2.3m and 3m height and from the Helmsdale side it is 2.96m (measured outside the garage window).
- 6.5 Notwithstanding the height and my view that there is a mutually acceptable compromise in this instance, it is clear that a reduction in height is not acceptable to the applicant.
- 6.6 I do not consider that the impact upon the living conditions of the occupiers of Helmsdale is so adversely affected that the refusal of planning permission is warranted. The garage is not used for habitable accommodation nor would the alleyway be in regular use as there is no access to the rear on this side. Accordingly, whilst I have encouraged a neighbourly resolution of this matter, I am inclined to attach limited weight to the impact of the effect upon the living conditions of the neighbouring property.
- 6.7 I have considered the reference to the maintenance of the garage and the effect on a boiler flue. I have seen no evidence to suggest that the effectiveness of the flue is so impacted that it cannot function or represents a health and safety hazard and in any event I consider that such a matter would be better dealt with under appropriate legislation. I do not consider that these concerns would justify the refusal of planning permission.
- 6.8 Turning to the impact on the visual amenity of the area, it should be noted that it is a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to pay special regard to the desirability of preserving or enhancing the character or appearance of the setting or any features of special architectural or historic interest which the designated asset possesses. In practice this means that when undertaking a planning balance the weight afforded to preserving or enhancing the character and appearance of the Listed Building and/or Conservation Area is greater than that given to the other considerations.

- 6.9 I have viewed the site in the context of the nearby Conservation Area boundary and the setting of the Grade II listed building opposite the driveway to the application site. In this case, I do not consider there to be any harm to the settings of these designated assets, the character and setting of which will be preserved. Accordingly it is not considered necessary to apply the “public benefit” test prescribed at paragraph 134 of the NPPF.
- 6.10 The fence is set back some 34m from the roadside boundary and is seen against the extended garage such that it cannot, in my view, be regarded as visually prominent or unacceptably harmful to the character and appearance of the locality.
- 6.11 It is the combination of the setback nature of the fence and its position alongside a taller structure that lead me to this conclusion in this particular case. I do not therefore consider that this proposal would set a precedent as a fence of this height in a different more prominent position would in all likelihood be found unacceptable.
- 6.12 In conclusion, whilst recognising that the level of opposition to this application is striking; that there is little if any justification for a fence of the height as constructed and also that a reduction in height would mitigate the impact on the neighbours property, this does not override my view that there are insufficient grounds for the refusal of this application and I recommend approval accordingly.

RECOMMENDATION

That unconditional planning permission be granted.

Informative:

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

Notes:

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Background Papers

Internal departmental consultation replies.

