

AGENDA

Planning Committee

Date: **Wednesday 17 May 2017**

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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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</p> <p>To approve and sign the Minutes of the meeting held on 26 April 2017.</p>	7 - 26
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	27 - 30
7.	<p>163707 - LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE</p> <p>Proposed residential development of 10 open market family homes and 5 affordable homes.</p>	31 - 62
8.	<p>162900 - TOGPEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, LD8 2LU</p> <p>A retrospective planning application for two small outhouses, changes to the entrance on to the public road, the inclusion of a wood burning stove, the erection of fences outside the development area and the resultant increase in the curtilage.</p>	63 - 70
9.	<p>163658 - LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD</p> <p>Proposed new build part-earth sheltered dwelling.</p>	71 - 78
10.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 13 June 2017</p> <p>Date of next meeting – 14 June 2017</p>	

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 26 April 2017 at 10.00 am

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

Councillors: BA Baker, CR Butler, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, RI Matthews, FM Norman, AJW Powers, A Seldon, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors JM Bartlett, CA Gandy and DG Harlow

132. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PJ Edwards.

133. NAMED SUBSTITUTES

Councillor RI Matthews substituted for Councillor PJ Edwards.

134. DECLARATIONS OF INTEREST

Agenda item 10: 152261 – Land at former old sawmills, Eardisley.

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

135. MINUTES

RESOLVED: That the Minutes of the meeting held on 7 April 2017 be approved as a correct record and signed by the Chairman.

136. CHAIRMAN'S ANNOUNCEMENTS

There were none.

137. APPEALS

The Planning Committee noted the report.

138. 152261 - LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

(Outline application for approval of new vehicular access only. Demolition of existing site infrastructure and construction of a mixed use development comprising up to 25 dwellings, 3 offices (b1 use class), a village hall, children day-care centre, together with internal roads, car parking, landscaping and drainage.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He highlighted that the District Valuer, who was independent, had concluded that the site would not be

economically viable if the site was required to provide affordable housing and Section 106 contributions. In other respects, contrary to the additional representations received and reported in the update the only significant change to the application was the repositioning of some dwellings.

In accordance with the criteria for public speaking, Mr A Watkins, of Eardisley Parish Council spoke in opposition to the Scheme. Mr D Killick, a local resident speaking on behalf of Eardisley Village hall Committee and local residents, spoke in objection. Mr D Jackson, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Policy MD1 of the Neighbourhood Development Plan (NDP) identified the old saw mill site for development. Over the period during which the plan had been developed the local aspiration for provision for employment opportunities had grown. The mixed use scheme proposed for the site appeared an excellent idea in principle. However, he had a number of concerns.
- The site's size and topography placed constraints upon the development.
- There was concern about noise levels generated by a business that produced woodchips.
- It was important that account was taken of the existing occupants of the site.
- The information provided on flood risk was a little vague. Eardisley continued to be at risk of flooding and in heavy rainfall water ran through the site.
- The emergency flood plans appeared inadequate.
- There was a question as to the extent to which the site was contaminated, noting the use of arsenic based preservatives used at the former saw mill.
- There were some concerns about traffic, noting the narrowness of the roads and the large vehicles that used the neighbouring industrial site. There were issues to be resolved but he considered there was scope to make the required improvements.
- Any housing needed to be of good quality.
- In summary, the principal concerns related to pollution, the mix of development, flooding and the capacity of the site. He considered the site should be developed but the current application contained insufficient information on which to make a decision.

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

- The proposal appeared to have several benefits.
- The Parish Council had supported the principle of development and the NDP identified the site for development. However, the Parish Council was opposed to the current application. Its view was that the current application did not comply with the NDP because it no longer proposed to include the provision of affordable housing.
- If housing was constructed it would be important that it was of a standard that would address the concerns about noise levels on the site. It should also be energy efficient.
- It was questioned whether the housing officer would still support the application given the absence of affordable housing provision.

- There was a strong view that there was an identified need for affordable housing as set out in policy MD1 of the NDP. The proposal was therefore contrary to a key part of the policy. There was also a concern as to the implications for future development proposals in the County if the Committee readily waived the need for affordable housing as provided for in the Core Strategy and S106 contributions.
- The Lead Development Manager clarified that the application was for outline planning permission. It sought approval for the principle of development and the access. That principle in the case of the application before the Committee included agreement that the site would not include affordable housing and S106 contributions. It was for that reason that the report described the application as contrary to policy. He commented that the detail of the site's development would be considered at the reserved matters stage and that consideration would take account of advice on housing need having regard to the GL Hearn report on local housing requirements. He accepted a request that as a matter of course future reports to the committee would contain a link to the relevant Neighbourhood Development Plan.
- The Principal Planning Officer commented on the allocation of land on the site referred to in policy MD1 stating that the proposal was policy compliant in that respect. He noted that at the consultation stage the Environment Agency had originally objected to the NDP because of lack of clarity over the extent of the flood plain. Following further work the line of the flood plain had been agreed and the application had accordingly been permitted to proceed with the area of public open space being situated on the flood plain. There had had to be some compromise if all elements of the scheme were to be delivered. However, he considered that the application did achieve the substantive elements of MD1.
- It was clarified that it had been proposed that a school contribution would be provided at Eardisley, not Kington as stated in the report, albeit there were now no contributions.
- There were concerns about the flooding and surface waste run off, noting that the River Wye was a sensitive special area of conservation.
- With no contribution to its sustainability there was a risk that the proposed children's centre would become a redundant building.
- Any reserved matters application should be brought back to the Committee.

In conclusion, the Lead Development Manager commented that the viability of the site had to be taken into account and the District Valuer supported the applicant's position. The council did not have a five year land supply.

The local ward member was given the opportunity to close the debate. He reiterated the need for access improvements if the development proceeded and requested that the developers consult fully with the Parish Council and the community on any reserved matters application.

A motion that the application be approved with any reserved matters application to be considered by the Committee was lost.

It was proposed that the application should be refused on the basis that it was contrary to the Core Strategy and the Eardisley NDP citing policies H1, MD1 and SS1.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to the Core Strategy and the Eardisley NDP citing policies H1, MD1 and SS1.

(The meeting adjourned between 11.24 am and 11.40 am.)

139. 153330 - LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER

(Proposed 5 no dwellings with garages and treatment plant.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He added that Historic England had requested to be consulted on the application but no response had yet been received. Accordingly it was proposed to seek delegated authority to determine the application, subject to no adverse comment from Heritage England. He drew attention to the response to additional representations made by the Parish Council and the comment of the new Senior Building Conservation Officer.

In accordance with the criteria for public speaking, Ms H Hamilton, of Aymestrey Parish Council spoke in opposition to the Scheme. Mrs K Johnston, a local resident, spoke in objection.

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

She highlighted the concerns about traffic speeds at the location and noted the work already undertaken by the Parish Council to produce a scheme for which funding had been provided by the Police and Crime Commissioner. There was a concern that the development would prevent or reduce the effectiveness of this scheme. She requested that if Historic England was opposed to the development the matter was brought back to the Committee for consideration.

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

- The Transportation Manager confirmed that the applicant had offered £10k towards the proposed traffic calming scheme. Although that scheme was fully funded the sum could be used for associated engineering features.
- It was suggested that the 30mph speed limit should be extended southwards.
- One view was that the proposal would not have an adverse impact on the setting of the grade 1 listed church. Others considered that it would not preserve or enhance the setting. In addition there was no information on the proposed design and the impact that might have on the setting.
- The Parish Council opposed the proposal and it was contrary to the emerging Neighbourhood Development Plan.
- A need for affordable housing had been identified, not for the type of dwellings being proposed.
- A concern was expressed about the possible impact on the River Lugg and the need to ensure that water treatment and drainage arrangements were sufficient. It was asserted that the Council needed to be able to prove that the development would have no adverse impact and there was no evidence that it could do so.

The Lead Development Manager confirmed that the application would be brought back to the Committee for consideration if adverse comment was received from Historic England. He drew attention to the comments of the new Senior Building Conservation Officer in the update that he did not consider that the development would harm the setting of the church. The size of the development represented organic growth. The

NDP was at regulation 14 stage and whilst it was a material consideration it could not be attributed any weight. A further 15 dwellings were required to be built in Aymestrey to meet the growth target. The proposal represented sustainable development.

The local ward member was given the opportunity to close the debate. She commented further on the highway safety measures and observed that advice was that extending the 30mph speed limit southwards as had been suggested in the debate would not in fact work. She expressed surprise at the opinion that the development would not harm the setting of the church as it would mean the tower would no longer be visible when entering from the south.

RESOLVED: That officers named in the scheme of delegation to officers be authorised to grant planning permission, following consultation with the Chairman and local ward member, subject to the conditions set out in the report and update and any other conditions considered necessary by officers and there being no adverse comments received from Historic England, and subject to the application being brought back to the Committee for consideration if such adverse comments were received.

140. 163445 - LAND AT EATON HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0DG

(Proposed dwelling.)

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

In accordance with the criteria for public speaking. Mr D Thomas, a relative of the applicant, spoke in support of the application.

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

She made the following principal comments:

- The proposal, a care assisted bungalow, was well supported by the local community.
- The design was in keeping with the existing buildings and enhanced the house and estate.
- The development was on the edge of open countryside but within the grounds of Eaton Hill.
- It was in accordance with the Leominster Neighbourhood Development Plan which was at Regulation 16 stage. It also complied with Core Strategy policies H2, SS1, SS2 and SS4. She considered that it met the criterion of policy RA3 as a proposal of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieved sustainable standards of design and construction.

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

- The proposal would not harm the setting.
- It was sustainable in terms of transport compared with development in many other parts of the County.
- The proposal was development contrary to policy. It could not be considered to be innovative design. It was in the open countryside.

- The Hereford and Worcester Garden Trust had objected.
- The objective of providing a purpose built bungalow with accommodation for a carer could have been achieved in a different way with less adverse impact.

The legal adviser reminded the Committee that the application must be determined in accordance with the development plan.

The Lead Development Manager commented that the design, whilst good, did not fulfil the criterion of policy RA3 and the requirements of paragraph 55 of the NPPF. It was outside the settlement boundary for Leominster and was in the open countryside.

The local ward member was given the opportunity to close the debate. She commented that the proposal provided a useful facility and was sustainable. The development was not in open countryside and would not be detrimental.

It was proposed that the application should be approved on the grounds that the proposal was of exceptional quality and innovative design in a sustainable location.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary by officers on the grounds that the proposal was of exceptional quality and innovative design in a sustainable location.

141. 163364 - LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD

(Site for 3 detached dwellings with garages and access.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Cook, of Much Birch Parish Council spoke in opposition to the Scheme. Ms A Doran, a local resident, spoke in objection. Mr G Morris, the applicant's agent, spoke in support.

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

He highlighted the local opposition to the proposal. Concerns centred on highway safety, the visual impact and drainage. It was believed that the development would add to existing drainage problems.

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

- The Transportation Manager did not object to the principle of development. Neither did the Drainage Manager.
- There did appear to be considerable local concern about the drainage.
- There were concerns about the access but the impact was not so severe as to warrant refusal of the application.
- Whilst there was no defined settlement boundary, if a Neighbourhood Development Plan were produced and one was defined it was probable that the development would be adjacent to it and therefore in accordance with that Plan.
- Paragraph 4.3.1 of the report assessing any likely effect on the River Wye Special area of Conservation/Site of Special Scientific Interest and the conclusion that there would be no likely significant effects, was welcomed.

The Lead Development Manager commented that it had been concluded that the access was satisfactory. It was also considered that the drainage issues had been resolved, however, this aspect would be subject to further detailed consideration at the reserved matters stage. In weighing the application in the balance the council did not currently have a five year housing land supply and the proposal was consistent with policy RA2. The Government had also indicated in the housing white paper its view that weight could be given to the economic benefit to the local economy of work for local builders.

The local ward member was given the opportunity to close the debate. He reiterated the importance of ensuring that there was a sound solution to the drainage issues.

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

- 1 A01 - Time limit for commencement - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance, access and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out strictly in accordance with the approved plans (drawing nos. OPKT01 & OPKT02), except where otherwise stipulated by conditions attached to this permission.**

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

- 6 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme**

shall be implemented before the first occupation of any of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the each residential planning unit and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) to the distances specified on drawing no. OPKT02 in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

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

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

- 9 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

- 10 All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

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

- 11 Development shall not commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall detail:

- The type of construction vehicles accessing the site;

- The number of construction vehicles accessing the site on a daily and weekly basis;
- The frequency of construction vehicle movements; and
- An explanation of periodic variances to the above.

Works shall be implemented as approved.

Reason: To protect the safety and condition of the highway as required by Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure, with immediate effect, that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14 The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 15 The recommended working methods as stated in the preliminary bat survey report by Pure Ecology dated September 2016 shall be implemented as stated unless otherwise approved in writing by the local planning authority. The recommended bat roosting enhancements with the additional inclusion of one (Schwegler or similar) bird box and insect habitat box per dwelling and at least one hedgehog home in the wider landscaping shall be included in the completed development unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and

Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 16** Before any work begins, or equipment or materials moved on to site, a survey of trees and hedgerows on the site to BS5837:2012 must be undertaken and the resulting report with arboricultural risk assessment, arboricultural working methods and recommended tree and hedgerow protection measures shall be supplied to the planning authority for written approval. All approved works and protection measures for trees and hedgerows must remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 17** Prior to the commencement/first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. 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.

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

INFORMATIVES:

- 1.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.** It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3.** This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the

Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
- 6. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
- 7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**

142. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Departure of Mr M Tompkins

The Chairman reported that Mr Tompkins, Senior Planning Officer, was leaving the council. He thanked him for his hard work and, on behalf of the Committee, wished him the best for the future.

The meeting ended at 1.42 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 26 April 2017

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

152261 - OUTLINE APPLICATION FOR APPROVAL OF NEW VEHICULAR ACCESS ONLY. DEMOLITION OF EXISTING SITE INFRASTRUCTURE AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING UP TO 25 DWELLINGS, 3 OFFICES (B1 USE CLASS), A VILLAGE HALL, CHILDREN DAY-CARE CENTRE, TOGETHER WITH INTERNAL ROADS, CAR PARKING, LANDSCAPING AND DRAINAGE AT LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

For: West Register (Realisation) Ltd per Mr Daniel Jackson, Lowry House, 17 Marble Street, Manchester, Greater Manchester, M2 3AW

ADDITIONAL REPRESENTATIONS

Email correspondence from six people who had previously registered their support for the application has been received since the publication of the report. They have all requested that their support for the application is withdrawn and that the committee are advised that they now object to the application. In summary their reasons for doing so are as follows:

- The plan no longer includes the provision of affordable housing
- There will be no two bed dwellings
- All of the dwellings are three storey
- The plot allocated for the village hall is smaller than the site of the existing hall
- The plots for the village hall and the day care centre have been reduced considerably and are inadequate for the needs of the community
- In whose terms has the viability of the site been assessed?
- The proposals do not accord with the Neighbourhood Plan

OFFICER COMMENTS

As reported in the officer report, the application has been the subject of a viability appraisal by the applicant. This has been independently scrutinised on behalf of the Council by the District Valuers Office and this has concluded that the development of the site would not be economically viable if the site is required to provide affordable housing and Section 106 contributions. Due to the fact that the applicant's appraisal and the District Valuer's report contain commercially sensitive information they are not published or available for the public to view. However, Members can be assured that the District Valuer's advice is entirely independent.

Contrary to the suggestions made in the recently received correspondence, the proposals have not changed significantly since their original submission. The plots shown for the village hall, day care centre and car park are all exactly the same size as originally submitted. The only changes made have been to re-position the dwellings so that they are the furthest possible distance from the noise source.

Whilst it is noted that the illustrative layout shows that the dwellings are all three bed, Members are reminded that the application has been made in outline and design is reserved for future consideration. The mix of housing should better reflect the findings of the

Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy. If Members are minded to approve the application, this could be reflected in the conditions and informatives attached to the decision.

Attention is drawn to condition 17 which requires the provision of the car park. The condition should require it to be provided upon the occupation of the 10th dwelling on the site in accordance with paragraph 6.8 of the report.

CHANGE TO RECOMMENDATION

Condition 4 to be amended to read as follows:

With the exception of the housing mix indicated on the plan, the submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.

Amendment to condition 17 to require the provision of the car park prior to the occupation of the 10th dwelling on the site

153330 - PROPOSED 5 NO. DWELLINGS WITH GARAGES AND TREATMENT PLANT AT LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER,

For: Mr Probert per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

A request has been received from Historic England to be consulted on this application, any response will be reported verbally.

The parish council make the following additional comments

1) Your report says twice that the visibility splay for the development would enable the village gateways. As established by Bruce Evans on site, there is already sufficient room on highway land for the gateways.

2) You say the applicant has offered to contribute to the cost of the gateways. As we have repeatedly made clear, we already have funding for the gateways.

Can you confirm that Historic England was consulted on this application, given its impact on the Grade 1 listed church.

Nick Joyce advised that the development would “not materially adversely” affect the setting of the church, but this nevertheless suggests there may be less than substantial harm. Mr

Joyce does not appear to know that this was an assessment he was required to make. I would in any case entirely disagree: the potential harm is significant and adverse.

Mr Joyce clearly has no understanding of the requirements of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990, of NPPF paragraphs 132 - 136/paragraph 14, footnote 9 or Historic England's advice on The Setting of Heritage Assets. Nor has your officer report addressed any of these requirements. Merely mentioning the 1990 Act and NPPF para 132 does not suffice. Your report says "not only will there be less than substantial harm, there is considered to be no harm." This is not what Mr Joyce said and is patently untrue. It is not, in any case, a judgement either you or Mr Joyce could make, because the applicant has not provided site levels, visualisations, an LVIA or a heritage assessment.

Mr Joyce is an architect. He does not appear to be qualified or competent to carry out the required assessment and there is a potential conflict of interest in that he also makes planning applications to Herefordshire Council (including a current one). It may be that he would be disinclined to criticise the work of another architect and he has failed to do so here when a major impact of the development has been left entirely un-assessed.

Your report asserts that much of the church is screened by the trees and hedges bounding the application site, but fails to advise that these will be removed to make way for the visibility splay. Please amend and make this clear.

Your description of Aymestrey Village at 1.2 of your report appears to be describing a different village. This is the character assessment of the village provided by Bill Bloxsome, planning advisor to the Aymestrey NDP, following a walk through of the settlements of the parish:

Aymestrey

- Attractive historic settlement developed primarily on west side of A4110 road.
- Village hall and church on east side with two further dwellings facing onto road. No residential development in depth/single plot depth only. Very low density.
- Development on west side of road close to road frontage and generally also face onto road. Little development in depth on this side. Higher density. Public house at north end adjacent to River Lugg.
- Road through village comprises course of Watling Street Roman Road Potential site for Battle of Mortimer's Cross being investigated.
- Character, form and architecture of village very important and worthy of conservation. No dwelling of similar design but interrelationships also important. Limited development to rear of properties.

The NDP assessment of the housing position is that we have only 11 houses to be approved/allocated by 2031. Given recent history, this number would be achieved by windfalls (this does not, however, necessarily affect the approach to be taken by the NDP).

6.5 of your report advises that there would be a condition ensuring space is available for entry gates. As established by Bruce Evans, there is already space for the village entry gates without this development and you have not addressed the parish council's concerns that the gateways would be ineffectual set further back and with the road widened to create the access for this development.

OFFICER COMMENTS

Mr Joyce is no longer employed by the council. When he was any applications submitted by his company were reported to the planning committee for determination, as with any other employee in the planning department.

Since Mr Joyce would not be available to either attend committee or comment further, the new Senior Building Conservation Officer has been asked to comment, as set out below.

Description & Location of Development

The proposals are for a group of 5 houses on land to south of Aymestrey, Herefordshire

The nearby Heritage Assets which could potentially be affected are the church (G1), an un-registered Park & Garden to the N, Croft Castle 2.3km to the E (G1), Croft Castle Park 840m to the SE (G2*)

There is also Aymestrey Court, an unlisted timber framed building to the North and an unlisted former tin tabernacle to the West, now converted.

Aymestrey is a scattered linear settlement situated within a flat bottomed valley with a ridge to the E and hills to the W. It is characterised by a mix of modern and vernacular houses with the Church as a centrepiece.

Limitations

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Council's Planning Archaeologist, Julian Cotton.

Comments

- Setting is the surrounding area in which a heritage asset is experienced. This is not necessarily reliant on there being direct views between a site and the object. For example, buildings or sites which are close to each other, but not visible from each other, may have a connection due to historic or aesthetic connections which means that they are within each other's setting, for example a lodge for a country house designed by the same architect, or buildings associated with a historic event such as a battle.
- If you consider that the experience of the church, as with many similar villages, the centre piece of any village, is partly how it is perceived from the approach to and through the village, then the field is within that setting.
- The development is such that whilst it would alter the setting, it is not felt that this would harm the setting. Therefore we do not feel that the proposals would trigger s134 of the NPPF. When viewed from the SE of the churchyard, it is likely that the housing would be perceived from the Church to a limited extent, and the church will be perceived from the housing. The design and layout of the housing is not such that it would detract from the character of the settlement and therefore the setting of the church. The setting of the church is that it is situated within a scattered linear village with views out to countryside beyond. It is not felt that the fundamental character of this setting will be changed, even though it will be altered to a limited degree.
- Section 128 of the NPPF requires an applicant to describe the significance of any heritage assets affected including contribution made by their setting. This should be proportionate to the significance of the assets and the potential impact. For the avoidance of doubt it may be that the applicant could include an addendum to their DAS to outline nearby heritage assets, their significance and any impact on these.

Transportation Manager

In response to the comments from parish council regarding visibility and gateway at 1) and 2), the

- a. The east has a very narrow verge, the post will need to be set away from the edge of carriageway, normally between 600mm and 1m but this will be set by

BBLP. Due to the close proximity of the hedge, this would only allow for minimal impact, possibly only a post or a very short section of gate which could be quickly covered by any growth. The proposed moving of the hedge back would allow for a more substantial Gateway feature.

- b. If the committee were minded to approve, the Gateway Feature would need to accommodate the visibility splay and the gateway feature, due to the locality requirement for gateway features, there needs to be a time limit for the hedge to be pulled back to enable the features to be installed, the risk being, the development doesn't happen and the features can't be installed.
- c. The applicant has offered funding, this is one for the PC, if not required, due to concerns about speed, there are works that need to be conditioned and delivered through S278, this would reinforce the engineering features and the speed limit.

The proposal has been revised to provide individual water treatment plants rather than a single one to serve all 5 dwellings. As a consequence our drainage consultant recommends conditions which would be added to the recommended conditions set out in the report

CHANGE TO RECOMMENDATION

Add drainage conditions

Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

- A foul water drainage strategy to demonstrate how foul water and treated effluent will be managed. If infiltration is proposed from the package treatment plants, testing in accordance with BS6297 is required;
- A detailed surface water drainage strategy that demonstrates how surface water runoff will be managed with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage; •
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

**163445 - PROPOSED DWELLING AT LAND AT EATON HILL,
LEOMINSTER, HEREFORDSHIRE, HR6 0DG**

**For: Mrs Thomas per Mr Garry Thomas, Ring House,
Fownhope, Hereford, HR1 4PJ**

ADDITIONAL REPRESENTATIONS

The applicant's agent states in rebuttal that:

- Proposal accords with policies SS1 and SS4 of Core Strategy
- Policy RA4 is not relevant nor is Policy RA3 - settlement boundaries are out of date and not so relevant
- Fact site is outside the settlement boundary and in a rural location - does not make the site unsustainable
- Not give rise to significant car journeys - evidence given distance to facilities
- No comment in report on niche type housing proposed. If at appeal settlement boundary will not be considered and planning authority will need to back up assessment of sustainability of site
- This is a sustainable location. No 5 year housing land supply and specific type of housing proposed, which is necessary and underprovided.

OFFICER COMMENTS

The proposal site is not a sustainable one in that it does not provide a realistic choice of modes of transport to service the dwelling. It will be dependent upon private transport. Walking unlit paths along the trunk road into Leominster for a range of services is not a practical means of transport. All health care, shopping and leisure needs are dependent on private car use. This is a cornerstone of Core Strategy policy and the fact that the authority does not have a 5 year land supply does not outweigh the need for development to be in sustainable locations.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	17 MAY 2017
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 161869

- The appeal was received on 20 April 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Hinton-Powell c/o Agent
- The site is located at Land to the rear of The Lindens, North Road, Kingsland, Herefordshire, HR6 9RU
- The development proposed is Proposed erection of 30 dwellings with highway access onto North Road; associated infrastructure and landscaping/open space provision
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application 151983

- The appeal was received on 20 April 2017
- 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 G T Williams
- The site is located at Rogers Farm, Bush Bank, Hereford, Herefordshire, HR4 8EP
- The development proposed is Proposed erection of two poultry buildings, new access and conversion of building to house biomass boiler
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479

Application 162824

- The appeal was received on 26 April 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mrs Angela Vaughan
- The site is located at Land at Balance Farm, Eywood Lane, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed is Site for the proposed erection of 5 dwellings.
- The appeal is to be heard by Hearing

Case Officer: Mr M Tansley on 01432 261815

Application 162518

- The appeal was received on 26 April 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mrs Angela Vaughan
- The site is located at Balance Farm, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed is Application for removal of condition 2 following grant of planning permission. (95/0238/O) to remove the agricultural workers dwelling restriction.
- The appeal is to be heard by Hearing

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 171539

- The appeal was received on 20 April 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Martin Soble
- The site is located at Whitethorn Farm, Witherstone Lane, Carey, Herefordshire
- The breach of planning control alleged in this notice is:
 - Without planning permission this is an unauthorised material change of use of land from agricultural to a mixed use of agriculture and to site a mobile home for a residential purpose.
- The requirements of the notice are:
 - Permanently remove the unauthorised caravan from the land thereby causing the cessation of its residential use on the land.
- The appeal is to be heard by Written Representations

Case Officer: Mr Scott Low on 01432 261814

Enforcement Notice 171433 & 171448

- The appeal was received on 20 April 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Derek Wood
- The site is located at Old Brooks Farm, Pontrilas, Hereford, Herefordshire, HR2 0BL
- The breach of planning control alleged in this notice is:
Without planning permission, this is unauthorised operational development by erection of a veranda to the rear elevation.
- The requirements of the notice are:
Permanently remove the unauthorised veranda
- The appeal is to be heard by Written Representations

Case Officer: Mr Scott Low on 01432 261814

APPEALS DETERMINED

Application 162629

- The appeal was received on 15 December 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 Hereford Oak Buildings Ltd
- The site is located at Land adjoining Crossways, Shirl Heath, Kingsland, Leominster, Herefordshire, HR6 9RF
- The development proposed was Proposed 6 no dwellings and 4 no garages.

- The main issue(s) were:
 - (a) The effect on the character and appearance of the area: and
 - (b) Whether the site would be a suitable location for dwellings having regard to the housing strategy of the development plan.

Decision:

- The application was Refused under Delegated Powers on 31 October 2016
- The appeal was Dismissed on 20 April 2017

Case Officer: Mr Andrew Prior on 01432 261932

Application 161413

- The appeal was received on 6 February 2017
- 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 G Adams
- The site is located at Land adjoining Millbrook Gardens, Lea, Ross-on-Wye, Herefordshire
- The development proposed was Outline application for 3 nos. four bedroom dwellings, turning and manoeuvring area.

- The main issues were:
 - i) The effect of the proposal on the character and appearance of the appeal site and the surrounding area;
 - ii) Whether the proposal would have a harmful effect in relation to flood risk; and
 - iii) The effect of the proposal on housing land supply.

Decision:

- The application was Refused under Delegated Powers on 26 July 2016
- The appeal was Dismissed on 20 April 2017

Case Officer: Mr C Brace on 01432 261947

Application 162047

- The appeal was received on 6 February 2017
- 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 Adam Cale
- The site is located at Bickerton Cottage, Much Marcle, Herefordshire
- The development proposed was Proposal to split existing land and build a new dwelling which will replace the large workshop.

- The main issues were:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the proposal would have an unacceptable impact on highway safety; and
 - iii) the effect of the proposal on housing land supply.

Decision:

- The application was Refused under Delegated Powers on 24 August 2016
- The appeal was Dismissed on 20 April 2017

Case Officer: Miss Emily Reed on 01432 383894

Application 161522

- The appeal was received on 6 February 2017
- 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 F Price
- The site is located at Land at Yarpole, Leominster, Herefordshire, HR6 0BA
- The development proposed was Proposed 6 no. detached dwellings and 4 no. garages.
- The Inspector considered the main issue in this appeal to be the effect of the proposal on highway safety.

Decision:

- The application was Refused at Planning Committee on 7 December 2016.
- The appeal was Allowed on 4 May 2017.
- An Application for the award of Costs, made by the Appellant against the Council, was allowed.

Case Officer: Mr M Tansley on 01432 261815

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



MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	163707 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 OPEN MARKET FAMILY HOMES AND 5 AFFORDABLE HOMES AT LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE. For: S C Hardwick & Sons per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163707&search=163707
Reason Application submitted to Committee – Member application	

Date Received: 21st November 2016 Ward: Backbury

Grid Ref: 357488,234973

Expiry Date: 20 February 2017

Local Member: Councillor J Hardwick (Councillor WLS Bowen has fulfilled the local ward member's role for this application.)

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 10 open market and 5 affordable single and two-storey dwellings on land opposite Mill House Farm, Fownhope. The application site is the south-eastern portion of a 4.6ha field currently in agricultural use. The site itself extends to just less than 1 hectare and lies to the north of the B4224 on the western approach into Fownhope. Fownhope is a Core Strategy 'main village' situated in central south-eastern Herefordshire, lying on the eastern side of the River Wye and the south-western edge of the Woolhope Dome. It sits alongside the B4224, with Hereford 8km to the north-west and Ross-on-Wye 11km to the south east.
- 1.2 The site lies at the north-western gateway to the village and is allocated for residential development in the made Fownhope Neighbourhood Development Plan via Policy FW9. It comprises a sloping, rectangular field which is currently arable. The site descends from 65mAOD on the north-eastern boundary to 52mAOD on the B4224. Vehicular access to the development would be off the B4224 which runs along the south-western boundary of the site. The Grade II listed Mill House Farm complex lies to the south-west, approximately 80 metres from the site boundary. To the north and east of the site, the heavily-wooded slopes of this part of the Woolhope Dome create a strong physical boundary, limiting the influence of the site in these directions.

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

- 1.3 The north-eastern boundary is an over-mature, gappy hedge and fence between a public right of way and the mature woodland edge on the steep slopes of Cherry Hill Woods, a Site of Special Scientific Interest, Special Wildlife Site and habitat of principal importance. Most of the south-eastern boundary comprises ornamental shrubs/hedges along the rear garden boundaries of properties in the late C20th housing development Scotch Firs. The south-western boundary is the B4224, with a well-managed native hedge on a steep, 1.5 - 2m high grassed embankment along part of its length; this changing to a poor, gappy/missing section of hedge and lower embankment further away from the village beyond the application site boundary.
- 1.4 The site and wider settlement lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), located at the northern end of the designated area. The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 -Woolhope Dome and LMZ03 - Seller's Hope Ridges and Valleys as defined by the AONB's current Management Plan 2015 - 2020. The Fownhope Conservation Area adjoins the site on its southern tip and incorporates Westholme and its garden, but excludes the residential development at Scotch Firs. The Conservation Area extends for almost a kilometre along the B4224, covering most of the historic development lining the main road and terminating just past the Grade I listed Church of St Mary at the south-eastern end of the village.
- 1.5 The scheme has been amended post-submission. This has resulted in the substitution of house types and significant alterations to the layout and associated landscaping proposals. The layout as now proposed shows an arrangement of dwellings either side of a central spine road ending at a turning head, from which a pedestrian link connects to the public footpath entering Scotch Firs. Three single-storey buildings are shown on the higher parts of the site, with two-storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard and wildflower meadows in the area between the site boundary and the woodland to the northeast with further orchard planting to the north-west. A tree planting plan and a schedule of species have also been provided.
- 1.6 On the lower-part of the site the dwellings, including the affordable, are accessed via a private drive looping around a green space. The dwellings comprise a mixture of detached, semi-detached and terraced buildings with six distinct house-types. The facing materials include stone, brickwork and render. Five of the dwellings are intended as affordable dwellings. These comprise a pair of semi-detached dwellings and a terrace of three, which are found in the site's southern corner fronting onto the B4224.
- 1.7 Public footpaths FWB8 and FWB9 enter the site at the southern tip, where there is a stile. The former runs up the site boundary parallel with Scotch Firs before turning south-eastwards to pass between Nos. 13 and 14 Scotch Firs where it terminates at the turning head. It is proposed that a pedestrian route between the application site and village is via a footway linking to this route; there being limited opportunity to provide an appropriate footway adjacent the B4224. FWB9 runs inside the hedgerow parallel with the main road. In this respect the layout has been amended to offer a link onto FWB8 that will enable inhabitants of the dwellings in the southern corner of the site to have the shortest possible route into Scotch Firs. This is with the intent of acting as an incentive to pedestrians to choose this slightly longer, but safer route than walking along the unlit and unpaved B4224. The layout is shown overleaf. This demonstrates c.40m strip of orchard planting between the built form and Cherry Hill Wood SSSI, with the orchard planting also extending along the north-western boundary such that it would be visible on approach along the B4224.
- 1.8 Along the roadside the existing hedgerow is removed in order to form the new access. A replacement is set back behind the requisite visibility splay with the intervening bank re-graded in order to ensure that visibility is maintained over the site frontage. Footpath FWB8 is

upgraded and FWB9 would pass between two parallel hedgerows; that defining the boundary with the road and that defining the boundary with plots 1 and 10-15.



1.9 The application as amended is accompanied by the following supporting documents:-

- Revised Transport Statement
- Design and Access Statement
- Landscape Report
- Landscape and Visual Impact Analysis
- Landscape Management Plan
- Ecology Report
- Flood Risk Assessment
- Draft S106 Heads of Terms

1.10 As above, Fownhope is identified as a main village within the Hereford Housing Market Area and the application site is allocated for residential development in the Neighbourhood Development Plan (NDP), which was ‘made’ on 22nd July 2016. The NDP recognises that proportionate growth means the delivery of a minimum of 70 dwellings over the plan period to 2031 and the application site is one of four sites allocated for housing, which between them would be responsible for delivering approximately 40 dwellings. The NDP identifies that this site, referred to as Mill Field, is allocated for “approximately 12 dwellings.” The full text of NDP Policy FW9 is set out below.

1.11 The Council has adopted a Screening Opinion confirming the development is not EIA development.

2. Policies

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

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 NPPF

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.3 Fownhope Neighbourhood Development Plan

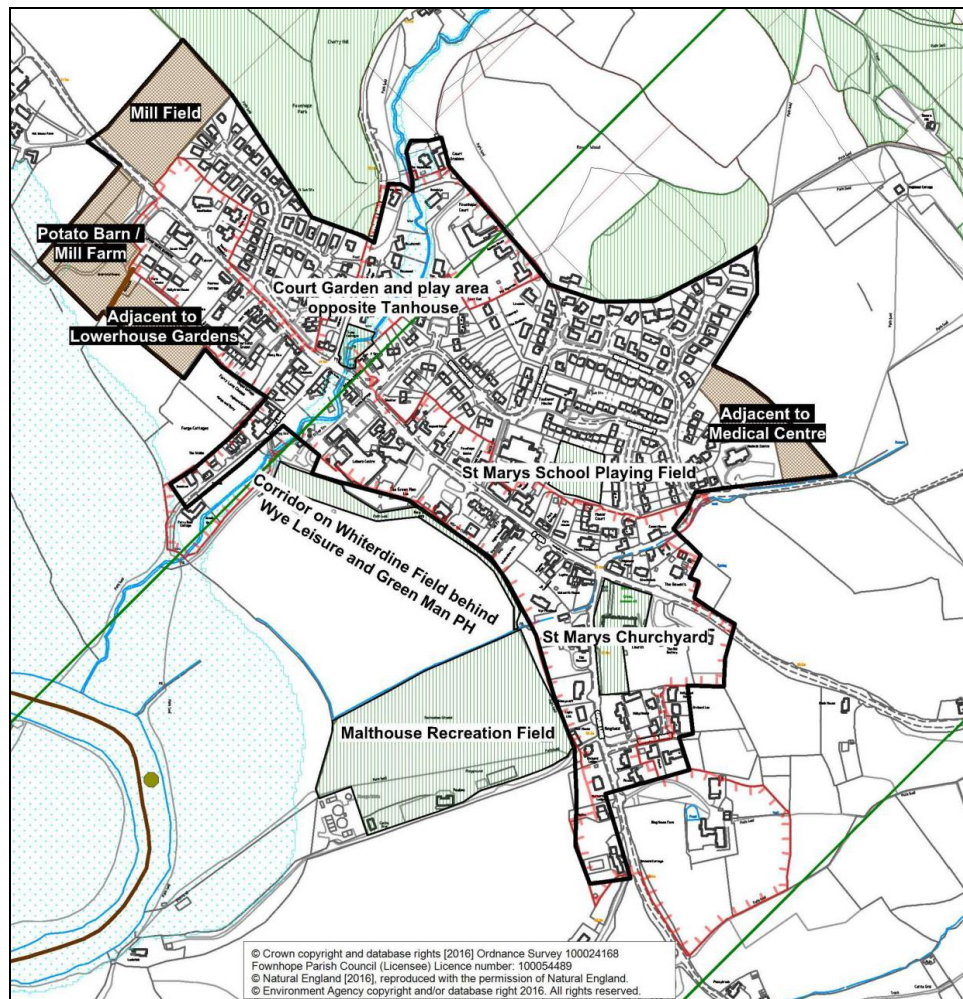
The Fownhope Neighbourhood Development Plan was made on 22 July 2016. It now forms part of the Development Plan for Herefordshire.

Policy FW1 outlines the plan's key objectives in pursuit of sustainable development. To the fore is a requirement that a substantial proportion of new homes will meet the needs of local people unable to compete on the open market. Preservation and enhancement, where possible, of the AONB landscape and conservation area is also central (Policies FW2 & FW7), with the scale of new development required to be appropriate to the needs of the community.

Policy FW9 allocates four sites for housing and these are identified on the map extract below. The application site is allocated and identified as 'Mill Field'. In respect of Mill Field the Policy states:-

1. Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements:

- a) addressing the significant environmental effects on the AONB and the Conservation Area
- b) minimising potential impacts on the landscape character of the north west part of the village
- c) achieving a safe highway access closer to the village
- d) achieving a safe pedestrian access to village facilities, other than by the main road
- e) Contributing to meeting local housing needs



2.4 NDP Policy FW13 deals with affordable housing. It requires that on large sites of 10 or more dwellings (of over 1,000sq.m gross floor space), up to 35% of properties are made available to meet local housing needs to rent, for shared ownership and for discounted sales. All 'affordable' homes will be subject to Section 106 agreements ensuring that priority for allocation, on the first and all subsequent lettings, is first given to those demonstrating a local housing need, subject to a cascade arrangement in circumstances where nobody from the parish is forthcoming.

2.5 FW15 requires the phasing of development at a rate of 15-20 over each five year period, unless evidence indicates that local needs are not otherwise being met.

2.6 FW16 sets out design criteria for new development, requiring an integrated approach to achieve a high standard of design to achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a co-ordinated package of design measures which, in addition to regulatory requirements, include:

a) Incorporating locally distinctive features - although new innovative design or features will not necessarily be resisted where they fit sensitively within the particular village frontage and street scene.

b) Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure and renewable energy infrastructure such as photovoltaic panels

c) Retaining important features such as tree cover, ponds, orchards and hedgerows, adding to the natural assets of the parish where opportunities are available.

d) Hard and soft landscape proposals not resulting in a suburbanised appearance, for example through the planting of boundaries with non-native species, the use of timber board or panel fencing, extensive use of pavers or tarmac, or use of uncharacteristic gravel;

e) Seeking on-site measures that support energy conservation, such as through tree planting and other forms of green infrastructure to provide shade and shelter, the inclusion of sustainable drainage systems, the maximum use of permeable surfaces and minimising the use of external lighting to that which is necessary.

f) Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties

g) Minimising construction traffic and reducing waste.

h) Including, within schemes of ten or more homes, at least two homes that meet standards for lifetime homes designed for disabled access.

2.7 The access criteria of FW9 are enlarged upon in Policy FW27 which *inter alia* reinforces the need for new development to demonstrate safe pedestrian access:-

“Proposals for development will need to show that:

a) Safe access is provided onto adjacent roads

b) They make full and adequate provision for off-street parking within residential development, including parking for visitors

c) They should not lead to a significant increase in traffic volumes and speeds

d) where new roads are created on new developments, they will be served by ‘shared surfaces’

e) The site is linked to the village by an existing footway or through the creation of a new footway that provides safe passage to the range of village facilities including bus stops

f) No provision is made for any additional street lighting within or beyond new developments, unless this is essential for public safety

g) Contributions will be made through the Community Infrastructure Levy towards improved public transport services and facilities.”

- 2.8 The Core Strategy and Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following links:-

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

https://myaccount.herefordshire.gov.uk/media/4918899/fownhope_nda_april2016.pdf

3. Planning History

- 3.1 141828/F: Proposed residential development of 22 open market family homes and 11 affordable homes. Refused 11th February 2015 and dismissed on appeal 30th July 2015.

This application was on the same field parcel, but over twice as large in extent and housing number. On appeal the Inspector concluded the scheme represented major development within the Wye Valley AONB that would cause harm to the character and appearance of the designated landscape. In the absence of any material considerations of national significance, the appeal was dismissed.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions

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

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

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.

There are no objections and no conditions required in respect of foul treatment or water supply.

Internal Council Consultations

- 4.2 Traffic Manager: Recommends conditions

The overall development proposals are now considered acceptable, except for radii and dimensions required of the turning head at the extreme of the access road. Footway is to be

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

provided to at least one side of the access road (as discussed) from the first plot onwards to the Scotch Firs link.

The landscape report indicates a palette of non-standard materials on the parts of the infrastructure that are presumably to be adopted, including the turning head at the limit of the access road. We would normally seek materials in accordance with our specification, and where non standard materials are to be used, a commuted sum for future maintenance would be payable by the developer and this may be hefty.

Street lighting provision for the development and possibly B4224 will need to be discussed with the Parish Council.

Traffic calming measures/gateway feature and extension of the 30mph speed limit are proposed and will be secured by way of the S106 agreement.

The footway link to Scotch Firs will need to have a bituminous surface rather than self binding gravel. Secure covered cycle storage will be required for each dwelling.

Subject to the above, I would recommend approval subject to conditions and informatives.

4.3 Conservation Manager (Landscape): No objection

The proposal is for a residential development of 15 dwellings located off the B4224, at the western edge of the settlement of Fownhope. The site falls within the national landscape designation the Wye Valley AONB and as such is afforded a high degree of protection. At a local level it lies within the landscape character area; Principal Settled Farmlands and is prominent within the local landscape forming part of the rising land which extends from the floodplains of the River Wye to the historic hill fort at Cherry Hill Wood. Several PROW's run parallel with the site boundary on three sides linking to a wider network of footpaths taking in wider views of the site set within the open countryside. Both the quality of this landscape and the prominence of this site render it sensitive to change.

Notwithstanding the above the site does lie immediately adjacent to the settlement edge and forms a gateway to the village of Fownhope. Currently the built form extends onto the higher contours and there is a rather abrupt edge between the open countryside and existing built form. The potential to soften this settlement edge and provide enhancement to the gateway of Fownhope does therefore exist and given that the site is allocated within the local neighbourhood development plan there is potential for a high quality scheme upon the site. After ongoing discussions the layout of the proposal has been amended, the current has two main spaces each with a clearly defined character relating more sympathetically to the rising nature of the landform.

The proposals also incorporate extensive areas of landscaping including orchard planting to the north and west of the development assimilating the built form into its surroundings.

And whilst I am aware that an extensive amount of roadside hedgerow is shown to be removed in order to provide the required visibility splay, I note the hedgerow has been assessed as not important in ecological terms. The proposed realignment will bring with the benefit of a more accessible walkway along the public footpath FWB9.

I do have two points I would like to draw to the planning officer's attention. The first is that the elevations on the western edge are important particularly as the site rises away from the road. In my view dwelling type G showing a rendered edge will be prominent within the landscape and this should be avoided. Stone or an appropriate brick to be approved by the local authority will ensure the built form recedes into the background.

I would also like to seek clarification as to the management and ownership of the orchard space to the north of the development?

4.4 Conservation Manager (Historic Buildings): Qualified comments

The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.

The Landscape Character and Visual Analysis provides a good deal of information on the site's context and particularly of the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment. The pattern of development should also be an important influence in any design coming forward.

The proposed development will inevitably fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area the setting of the listed buildings at Mill Farm. Mill Farm in particular has enjoyed an opening setting in all directions historically and the development will have an impact on this setting, introducing a suburban character to this setting.

Density of Development: The density of development is appropriate and integrates well with the existing settlement.

Layout: The pattern of layout is very rectilinear, this may be appropriate for the Northern corner of the site in echoing a farmstead organisation, however a more fluid arrangement may be more appropriate elsewhere.

Design: The design of the proposed buildings is acceptable. The opportunity for a more contemporary approach, or one which supports the distinctive character of the location would be welcomed.

Conditions: We would recommend conditions are imposed regarding external materials and landscaping

4.5 Conservation Manager (Ecology): Recommends conditions

The applicant is reminded when finalising their landscape planting that in line with the Council's Highway Design Guide for New Developments (2006) *"Thorned species shall not be accepted immediately adjacent to footways and cycle tracks. If existing hedges contain thorned species, cycle tracks shall be positioned at least 3 metres from the extremities of the hedge to prevent problems with hedge-cutting debris. Existing hedges adjacent to the existing highway shall be transferred to frontagers for maintenance."*

The site is close to the River Wye (SAC) and as previously commented a Construction Environmental Management should be required as pre commencement condition to ensure any 'likely significant effects' of the construction process are fully mitigated and controlled. This should include any ecological risk avoidance measures/working methods as well as managing accidental pollution and spills, dust, water run-off, noise, light, vehicle movements, retained tree and hedge protection etc.

A fully detailed plan showing location of all proposed Biodiversity enhancements should be required through Condition – enhancements should include bird, bat and pollinator/insect

homes built in to or attached to the new dwellings and amphibian/reptile refugia and hedgehog homes within the wider landscaping.

Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

Nature Conservation Protection

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Subject to a CEMP being in place during construction and all other development as per plans and information supplied I can see no unmitigated 'Likely significant effects' on the River Wye SAC/SSSI

4.6 Parks and Countryside Manager: No objection

On-site Provision. In this instance open space is provided as a large wildflower meadow as part of the landscaping requirements for this site. Some of it may have recreational benefits and community use although this is not clear and information regarding what will be publically accessible, future maintenance and ownership has not been provided.

Off-Site Provision: It is noted that the indicative layout makes no provision for on-site children's play. This is supported as on-site provision would only offer a very small play area with little play value which would be costly to maintain and there is an existing neighbourhood play and recreation facility in the village which would benefit from investment in accordance with the Play Facilities Study and Investment Plan. Although it is some distance from the proposed development this is a significant local play facility of high quality enjoying frequent use. An off-site contribution towards improving this facility in consultation with the Parish Council who own and maintain it is therefore asked for.

In accordance with SPD on Planning Obligations based on market housing only we would ask for the following (*note this discounts the first bedroom as this is for children*):

2 bed: £965

3 bed: £1,640

4+ bed: £2,219

For 3 x 4 and 7 x 3 bed this equates to **£18,137**.

A further contribution of £8,511 is sought towards improvements of the cricket facilities at the Fownhope playing fields.

4.7 Land Drainage Officer: Qualified comment

Surface Water Drainage

The Applicant has submitted a surface water management plan (Appendix A in the Flood Risk Assessment). Infiltration testing has been undertaken at this site, but the depth of the pits were only approximately 100mm. There is a risk that the results from these tests could be unreliable and so further testing in accordance with BRE365 is needed to confirm that the site has sufficient soakage to utilise infiltration techniques.

The previous application (Ref: 141828) included the option of utilising a balancing pond to store rainwater. As the revised surface water drainage strategy only identifies one surface water drainage option, we consider that measures are needed to ensure that the correct parameters to be used to inform the design. Accordingly, soakaway testing is needed (as explained above). In addition, groundwater levels should be determined to be a minimum of 1m below the base of the proposed soakaways (based on the site topography, it seems likely that groundwater levels are low).

Individual soakaways are proposed to serve each property and garage (responsibility of the individual property owners). We note that the soakaways located close to the B4224. The Design Manual for Roads & Bridges calls for soakaways to be installed 3m – 6m from roads. In this case (owing to the topography in relation to the road) we would consider it appropriate that soakaways are a minimum of 4m from the road. Our policy regarding the soakaways adjacent to the estate road is that they should be located a minimum of 2m from the kerb line.

As the proposals are for more than 6 houses, the highway will need to be designed to adoptable standards. The proposal to use soakaway trenches is not considered acceptable. An alternative design utilising pre-cast concrete soakaway units or perforated pipe would be needed.

Foul Water Drainage

The Applicant proposes foul water to be disposed of via mains sewer. We recommend that the Applicant contacts the relevant public sewerage authority in regards to foul water discharge from the site to check whether it is feasible to connect to the public sewers.

Overall Comment

We recommend that the Applicant undertakes infiltration testing in accordance with BRE365 (as explained above). Subject to the receipt of favourable results, we recommend approval of the planning application subject to the following information included as part of planning conditions:

- A revised surface water drainage strategy ensuring that the soakaways are located sufficient distances from the roads (as mentioned in section 'Surface Water Drainage'). Highway Drainage soakaways need to be suitable for adopted roads;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with Welsh Water;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.
- If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

4.8 Housing Development Officer: Supports the application

In addition to my comments supplied on the planning application above I advise that the 5 Low Cost Market affordable properties are in line with the Fownhope Neighbourhood Plan, they are referred to as Discounted Market in the plan.

Due to the small number of affordable dwellings proposed on the site a preferred housing association would not take on the properties, therefore to retain the properties as affordable without the involvement of a housing association Low Cost Market is the preferred option.

4.9 Planning Obligations Manager: CIL compliant draft Heads of Terms are agreed and appended to the report. These include provision for an education contribution to the village primary school and a contribution towards sustainable transport infrastructure to include a Traffic Regulation Order to extend the 30 mph speed limit on the B4224 beyond the site access, an associated village gateway feature and improvements to passenger waiting facilities.

4.10 Schools Capital and Investment Manager: A financial contribution is sought to support educational infrastructure at the village primary school; which has several year groups over capacity.

4.11 Conservation Manager (Tree Officer): Since previous consultations on this scheme a full ecology report and landscape master plan has been submitted.

The ecology report does identify species present within the roadside hedgerow along the south-western boundary to the site. A large section of this hedgerow will have to be removed to allow access and adequate sightlines to users of the site.

The ecological report will inform the species choice for mitigation planting, but will have to comply with the council's highway design guidelines as highlighted by James Bisset. Established hedgerows can be resilient to re-location and consideration should be given to the viability of moving part of the better section of the roadside hedgerow and incorporating it in to the landscaping scheme for the site.

As the landscape plan is within the early stages there are real opportunities to incorporate some good well thought out tree species which are appropriate to the site and would offer little conflict

to new dwellings and their occupants in the future. I note that there is a village green area which could incorporate good specimen trees. This should not be overlooked in the favour of ornamental tree species.

4.12 Public Rights of Way Manager: No objection

Public footpaths FW8B and FW9 are shown and do not appear to be obstructed by the development. Any hedges next to the footpaths must be well maintained to ensure that they do not encroach upon the rights of way.

5. Representations

5.1 Fownhope Parish Council: In response to the amended proposals, the Parish Council responded as follows:-

The above planning application was discussed at the Parish Council meeting on Wednesday 5 April 2017 when the majority of members voted in support of the application.

An addendum was then submitted. This acknowledged the resolution to support the scheme, but further recommended that as many of the houses as possible be positioned at an angle to better benefit from solar gain and make best use of natural resources e.g. water catchment. Identification of life time homes was also a comment noted.

5.2 There have been a total of 33 letters of objection to the proposal. 15 of these were in response to the original proposal. 18 have been received in response to the consultation exercise conducted in relation to the amended scheme. The content is summarised as follows:-

- The site remains in the AONB and notwithstanding a reduction in scale relative to the refused scheme, the proposal would remain harmful to the landscape character of this important approach to the village;
- The site would also impact the listed complex at Mill Farm, an impact identified by the appeal inspector;
- The access onto the main road would result in 4 junctions in unreasonably close proximity;
- The access is also dependent on the removal of a lengthy stretch of the existing roadside hedgerow;
- Pedestrians seeking the quickest route to village amenities will walk on the B4224 in preference to utilising the uphill route to the public footpath between properties in Scotch Firs. The footpath itself is narrow at this point and not conducive to use by the disabled or pushchairs;
- The revised layout sets house-type G back with the result that room is left for potential further expansion into the remainder of the field;
- The scheme is for 15 dwellings, whereas the NDP identifies the site as being suitable for approximately 12. The scheme is contrary to the NDP therefore;
- Policy FW16 (Design Criteria) is not reflected in the layout, which doesn't take the opportunity to orientate dwellings to the extent that they can exploit passive solar gain and renewable energy generation to the fullest extent;
- The margin against Scotch Firs is significantly reduced relative to the refused scheme, with impacts on amenity.
- There should be a bigger buffer against the SSSI Cherry Hill Wood;
- The development will result in the loss of open countryside which is integral to the setting of the village; as was noted by the appeal inspector on the earlier scheme;
- Surface water run-off has been an issue historically, with water running off the field and causing issues with standing water on the B4224 and flooding of properties at Mill Farm;
- Traffic volumes and speeds are high. There is concern that the access, being almost opposite that serving Mill Farm, is not safe;

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

- What arrangements are in place for the maintenance of the orchard and wildflower meadow? Will public access be granted?
- This development is a further suburban encroachment into the AONB;
- Street-lighting should be avoided. There is none in Scotch Firs.

5.3 There have been a total of 21 letters of support. 6 were received in response to the original proposal, 15 further letters have been submitted in response to the re-consultation exercise conducted in relation to the amended scheme. The content is summarised as follows:-

- The only realistic opportunity for realising any affordable housing in the village is via larger, allocated sites such as this. Concerns expressed at the scheme exceeding 12 dwellings are reduced in this context;
- Fownhope has not seen any meaningful growth in recent times with the effect that house prices have gone up. This development at least contributes to the supply of affordable housing;
- The scheme will result in bolstering of local services through increasing the number of residents;
- Placing development at the western end of the village is the most sensible option as it reduces the need for vehicles to pass through the village;
- The scheme has good access onto the B4224 and is by far the best available site;
- The scheme is well-planned, and although not as beneficial as the larger, refused scheme, will still deliver affordable housing and contributions towards sustainable transport, education and public open space;
- Good standards of insulation remove some of the concerns expressed in relation to the orientation of dwellings;
- The scheme provides more opportunity for youngsters to stay in the village- it is understood the affordable housing will be set aside for those with a local connection;
- The scheme results in improvements for bio-diversity through hedgerow and tree planting.

5.4 Wye Valley AONB Office: In response to the amended proposal:-

“We note the amended landscape assessment that has been submitted to support this application. It considers various viewpoints (both short and long-distance). It is inevitable that this development will be visible in the landscape. However, we recognise that the site has been allocated for housing, albeit less than proposed in this application. It remains for the Council to determine whether this constitutes major development under Section 116 of the NPPF. The principle issue is the scale and density of development and the sensitivity of the design in the context of the local landscape character.

We acknowledge the modifications to the site design, layout and landscaping and the use of house designs and colours which reflect the vernacular architecture. The Design & Access Statement states “Sustainable Development is specifically addressed by the submitted and updated Landscape Character and Visual Analysis, Landscape Report and Landscape Management Plan”. However there appears to be no references to the sustainability criteria of the Neighbourhood Plan Policy FW16: b) “Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage... and renewable energy infrastructure such as photovoltaic panels”. We believe the housing layout and designs should be modified further to make the buildings more sustainable in energy use without losing their vernacular reference. We would also welcome further assurances that the detail of the type and colour of materials would not be diluted subsequent to any approval of the development. Of particular concern are the types and colours of stonework, brickwork and rendered walls of the prominent two storey houses. This will be crucial to ensure this development blends into its wider setting (for example, as in View 17 and 38).

The proposal includes traditional orchard planting. This will help to soften the edge of the development and will be an enhancement to the local area and this prominent 'gateway' to the village. However, there does not appear to be any information about how this will be managed neither as grassland nor as orchard. A viable and sustainably resourced management plan is required. We also consider that there should be a condition on protection of this orchard to ensure that the settlement boundary is not extended further in a north-westerly direction, as there will be no coherent link to any further development. We would also suggest that front gardens are protected by conditions and trees on the site are protected through Tree Preservation Orders.

Finally, we are concerned that there is no assessment of how lighting will affect the views at dawn/dusk and night time. This should be considered as part of this application and any lighting should be minimised and controlled by appropriate conditions.

If the Council are minded to approve this application in the AONB then we would expect the above observations to be taken into account, to ensure that the development is as sustainable as possible with the minimum detrimental impact on the Wye Valley AONB."

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163707&search=163707

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

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

6. Officer's Appraisal

- 6.1 The proposal is for the erection of 10 open market and 5 affordable (low-cost market) dwellings on land allocated within the made NDP at the north-western gateway into the village. The site is part of an arable field extending to 4.6ha adjoining the Fownhope Conservation Area and within the Wye Valley AONB. The Cherry Hill Wood SSSI lies to the north-east, with residential development in Scotch Firs to the south-east. The Grade II listed Mill Farm complex lies on the opposite side of the B4224.
- 6.2 Taking the Development Plan, AONB designation and impact on adjoining heritage assets into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the AONB landscape and nature conservation interests in the form of the SSSI nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

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

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

- 6.4 In this instance the Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) and the newly made Fownhope Neighbourhood Development Plan (NDP). In the context of a lack of 5-year supply, housing proposals should be considered in the context of the positive presumption in favour of sustainable development and the pre-weighted planning balance at Paragraph 14 of the NPPF - unless restrictive policies require development should be restricted. The CS underpins the importance of maintaining a supply of housing land with Policy SS1 echoing the positive presumption, SS2 setting out the spatial

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

strategy insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.

- 6.5 The CS approach to housing delivery in rural areas rests with the proportionate distribution of dwellings across the settlements identified at figures 4.14 and 4.15 of the CS. Fownhope is a main settlement within the Hereford Housing Market Area, where the indicative minimum target for growth is 18%. CS Policy RA1 states that the indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of NDPs, with local evidence and environmental factors determining the appropriate scale of development. Policy RA2 sets out the criteria against which housing proposals will be considered where a NDP does not exist and explains that NDPs will, in time, allocate land for new housing or otherwise demonstrate delivery to provide level of housing to meet target. Taken, together, it is clear that RA1 and RA2 operate to cede precedence to NDPs that are made; as is the case here. This supports the NPPF core planning principle at paragraph 17 and paragraph 198; which confirms that planning applications that conflict with a neighbourhood plan that has been brought into force should not normally be granted.
- 6.6 The NDP recognises the sensitivity of the AONB landscape by allocating relatively small sites for development. Mill Field is thus allocated for approximately 12 dwellings and there are criteria that development on the allocated site is required to fulfil. These are set out at Policy FW9 1 a) – e) which states as follows:-

“Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements:

- a) Addressing the significant environmental effects on the AONB and the Conservation Area;*
- b) Minimising potential impacts on the landscape character of the north west part of the village;*
- c) Achieving a safe highway access closer to the village*
- d) Achieving a safe pedestrian access to village facilities, other than by the main road;*
- e) Contributing to meeting housing needs.”*

- 6.7 At the outset of this appraisal it is necessary to consider the weight that should be attached to policies relevant for the supply of housing in both the CS and NDP. The agreed position is 4.39 years (this figure deriving from a Public Inquiry last year). Since then, clarity in respect of NDP's has been provided via the Ministerial Statement (12th December 2016). This confirms that policies for the supply of housing in made NDP's will not be out-of-date where the local authority can demonstrate at least 3 years' worth of housing land supply, the NDP is less than 2 years old and the NDP allocates land for housing. All three criteria are satisfied at this point and the policies of the NDP thus attract full weight.

Is the scheme representative of major development?

- 6.8 Although the site is allocated for development via the NDP, it is necessary to address the issue that the earlier scheme hinged on i.e. whether it represents major development within the AONB. Irrespective of scale, the NPPF affords the protection of AONB landscapes the highest degree of protection. Paragraph 115 confirms that great weight should be given to the conservation of landscape and scenic beauty in AONBs. Paragraph 116 is a restrictive policy requiring that planning permission for major development in such areas be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. An assessment of the scale of the development and whether it represents 'major' development within the local context is thus critical.
- 6.9 There are numerous appeal decisions and recent case law that consider this point; not least the appeal decision on the earlier 33 house scheme (141828/F). The appeal inspector cited the

visual prominence of the scheme at the gateway to the village and diminution of the (larger) application site's contribution to the character of the area as a transition between the river meadows and the steeply wooded slopes of the Woolhope Dome.

- 6.10 The National Planning Policy Guidance provides some clarification on the assessment of scale and whether schemes should be regarded as major in the AONB context as follows:-

“Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision-taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

- 6.11 It follows from this passage that an assessment of scale is a matter for the decision taker in each instance, taking into account the nature of the proposal and the context in which the application sits. It is clear that a thirty house scheme relative to a small village may be taken to represent 'major development', whereas the same proposal on the edge of a town may not. It is absolutely clear, however, that each case must be judged on its own merits and while appeal decisions and High Court judgements are instructive, they cannot substitute for an assessment of the case in hand.
- 6.12 In concluding on this matter now and in the current circumstances, officers refer to the manifest differences between the earlier appeal scheme and the current application. The site is now less than 1ha in extent and is for fewer than half the number of dwellings. Mitigation remains in the form of orchard and wildflower meadow planting to north-east and north-west.
- 6.13 It should also be recognised that planning policy at the local level has since moved on considerably since the earlier application for 33 dwellings was dismissed. The CS has reaffirmed Fownhope as a main village where proportionate growth may be sought and even more importantly, the Parish has adopted a NDP, which amongst other things, identifies the application site as a housing allocation. Attainment of the indicative housing delivery target for the parish is thus contingent on realising development on this and other allocated sites. Overall, on this matter, officers are of the opinion that the proposal is not major development. Accordingly NPPF 116 is not applicable. This is not to diminish the importance of NPPF 115 and Development Plan policies which confirm the great weight that goes to conservation of landscape and scenic beauty in such areas.

Impact on the AONB landscape

- 6.14 In concert with the NPPF, the CS and NDP both place conservation of the AONB landscape as central to the pursuit of sustainable development. This is acknowledged particularly, but not exclusively, by CS Policies SS6 and LD1 and in NDP Policy FW1 and FW2: Safeguarding the Wye Valley Area of Outstanding Natural Beauty. The NDP approach, in recognising the local environmental constraints, is quite deliberate in identifying smaller housing sites and even then, the first two criteria of NDP policy FW9, refer to the AONB and impacts on landscape character.
- 6.15 NDP Policy FW2 records how new development shall have regard to conserving and enhancing the natural beauty and amenity of the Wye Valley Area of Outstanding Natural Beauty, and, where appropriate, to respecting the setting, character, appearance and cultural heritage of the Fownhope Conservation Area. Development should contribute positively to the area's rural character, should, inter alia, give highest priority to conservation and enhancement of the amenity, visual quality, natural beauty, wildlife and cultural heritage of the Wye Valley Area of Outstanding Natural Beauty and not adversely affect landscape character but where appropriate include measures to conserve, restore or enhance this.

- 6.16 Schemes should also contribute towards the ecological network of the area with measures, in particular, to support the biodiversity value of designated and local sites and maintain and where appropriate extend tree cover, with important landscape and biodiversity features such as ponds, orchards and hedgerows retained.
- 6.17 As with the earlier application, the Conservation Manager (Landscape) recognises the inherent value of the AONB designation and that all landscape receptors are *de facto* highly sensitive in AONB landscapes. The officer's detailed assessment confirms that the site forms an integral part of the AONB's valued landscape, on the south west-facing slopes of the Wye River valley. It makes an important contribution to the natural beauty of the area and as recognised in the Inspector's decision the loss of the application site and its replacement with modern housing would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.
- 6.18 It is also recognised, however, that the area of influence of the site in the wider Herefordshire landscape is relatively limited and that a housing estate of 15 dwellings on the proposed site could potentially be accommodated without giving rise to significant adverse effects on regional landscape character. In this case it is accepted that the scheme layout proposes mitigation, compensation and enhancement, which could potentially reduce localised adverse effects in the longer-term.
- 6.19 The current proposal has in its amended form taken a considered approach to the conservation of the landscape and scenic beauty of the AONB. It has in particular taken account of comments received in relation to the original submission and represents, in your officer's opinion, a significant improvement. In recognition of the historic landscape character; analysis revealing the widespread presence of orchards locally, it is proposed to reinstate orchard planting to the site's periphery with the open countryside; the orchard to be planted with traditional varieties of fruit. This would help assimilate new houses into the landscape. The planting plans and schedules show a diverse range of habitats and species which are generally in keeping with the area's landcover and vegetation. The scheme also has the potential to increase local biodiversity and provide benefits to wildlife. The submitted draft management plan sets out proposals for maintenance of the landscape, which will rest with a management company.
- 6.20 The Conservation Manager (Landscape) also considers that in terms of the housing layout and house types, these appear to have the potential to fit relatively well into the existing and proposed landscape; although further detail is likely to be required to ensure that the proposed materials are appropriate to the context. This can be governed by planning condition.
- 6.21 Although the proposed development has the potential to give rise to adverse effects on local landscape character and visual amenity, the Conservation Manager (Landscape) considers that these effects can, at least in the longer term, be mitigated / compensated for to an acceptable extent through the establishment of the orchard, structural tree planting and the creation of wildlife habitats. This is on the proviso that these are properly maintained and managed in the long term. The officers' overall conclusion, following a detailed assessment of the nature of and magnitude of effects, is one of no objection to the proposals from a landscape-related perspective, although clarification is sought in relation to long-term management proposals.
- 6.22 It is also noted that as with the earlier proposal, the scheme takes the approach of locating single-storey dwellings on the higher contour and creates level platforms for the dwellings by excavating and retaining the resultant cut and fill. This is illustrated on cross-sections.
- 6.23 The Conservation Manager (Ecology) also has no objection to the proposal, and officers consider that the scheme has the potential, through habitat creation to enhance bio-diversity interest when considered against the current situation. The proximity to the Cherry Wood SSSI has been taken into account and is recognised by a considerable buffer strip which is incorporated into the design. The nearby River Wye SAC is also safeguarded by the

management plan for surface water through a SuDs system or infiltration and the use of mains sewer for foul drainage. The officer recommends a range of conditions that are set out in the recommendation to ensure that development accords with NDP Policy FW5 – Biodiversity.

- 6.24 There is, in overall terms, a significant net gain in hedgerow creation; there is a double hedgerow along the boundary with the main road with the majority of boundaries delineated by mixed-species hedgerow, with estate-style railing elsewhere. There is also, as well as the orchard, potential for the addition of native species tree planting across the scheme.
- 6.25 It is accepted by officers, therefore, that by comparison with the existing arable use, the scheme offers potential benefits to bio-diversity through habitat creation and also takes the opportunity to restore landscape character through the planting of a significant area of orchard; re-instating the historic landscape character. The scheme is thus in accordance with CS Policy LD2 and LD3 (Bio-diversity and geo-diversity and Green Infrastructure) and the relevant provisions of NDP Policies FW2 and FW9.
- 6.26 It follows from the above, that having regard to the provisions of the NDP, CS and NPPF, the scheme is not held to represent major development. It is, however, held to represent an approach to development that has regard to the sensitivity of the local landscape within the AONB context. The scheme is considered to respond positively overall to the requirement to conserve landscape and scenic beauty in accordance with NPPF 115.

Impact on designated and non-designated heritage assets

- 6.27 The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.
- 6.28 The Conservation Manager (Historic Buildings) is satisfied that the submitted Landscape Character and Visual Analysis provides a good range of information on the site's context and the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment.
- 6.29 The officer concludes that the proposed development would fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area and the setting of the listed buildings at Mill Farm, with the latter having enjoyed an open setting in all directions historically. The development would have an impact on this setting, introducing a suburban character to this setting and more detailed assessment of this impact would have been welcomed.
- 6.30 It is acknowledged, however, that the existing road and proposed hedgerow planting will provide some screening between the listed buildings and the new development within its setting and this is in the context that the site has been allocated for residential development and is now enshrined in the Development Plan as such.
- 6.31 It is also noteworthy that the earlier, far larger scheme did not attract an overriding objection in heritage terms and it follows that assessment of this reduced scheme should draw the same conclusion.
- 6.32 Overall, the impacts identified above in relation to the Mill Farm complex and the setting of the Conservation Area fall towards the lower end of the less than substantial spectrum identified at paragraph 134 of the NPPF – to which recourse must be had in the context that CS Policy LD4 does not address how harm should be factored into the planning balance. It is recognised

however, that NDP Policy FW7 states that development not responding adequately to its context should not be permitted, but there is no suggestion that the Parish Council considers the scheme to fail this particular test.

- 6.33 The planning balance required by paragraph 134 is returned to in Section 7 below.

Impacts on the safe operation of the highway network

- 6.34 The NPPF directs that planning permission should only be refused where the residual cumulative impacts of development are severe; the use of the term 'residual' meaning those impacts that exist post-mitigation. NDP Policy FW9 requires the development of Mill Field to achieve a safe highway access closer to the village. The use of 'closer' in this context is unclear i.e. there being nothing to compare the proposed access to in the text. The achievement of a safe means of pedestrian access that *does not* rely on the public highway is also a requirement of NDP FW9.
- 6.35 CS Policy MT1 Traffic management, highway safety and promoting active travel is a criteria based policy requiring development to incorporate various principles covering movement and transportation. These include demonstration that the local highway network is capable of accommodating the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Design and layout should achieve safe entrance and exit and make provision for all modes of transport. Public rights of way should also be recognised and protected, with regard paid to the provisions of the council's Highways Design Guide and Local Transport Plan. Finally, traffic management measures, if introduced, should be designed in a way which respects the character of the surrounding area, including its landscape character. This would appear to reference potential village gateway features.
- 6.36 The proposed access will require the removal of a significant section of existing roadside hedgerow and re-grading of the existing bank in order that the vertical alignment permits visibility across the frontage for the requisite 116 metres in each direction from a 3.5m set back to allow for some hedgerow growth. The geometry of the access, including the gradient, has been assessed by the Transportation Manager and it is considered that the proposal accords with MT1 and the requirements of FW9.
- 6.37 It is also the case that the scheme will make provision for financial contributions towards sustainable transport measures, which include funding for a Traffic Regulation Order to investigate the extension of the 30mph limit further to the north-west.
- 6.38 As amended, and in accordance with officer advice, the scheme continues to make provision for a pedestrian link to the public footpath passing between 13 and 14 Scotch Firs. In addition, an informal link onto footpath FW8, which runs up the boundary of the site with Scotch Firs, is formed for those dwellings at the southern tip of the site. This is designed to offer the shortest possible route to Scotch Firs so as to accord with MT1, FW6 and the specific requirement of FW9 1 d). Unfortunately, it is not possible to avoid completely the potential for individuals choosing to walk along the B4224. This is on the basis that the public footpaths that enter the site in the southern corner cannot be extinguished and obviously afford the opportunity to both enter and exit the site here. However, recognising the fact the site is allocated for housing it is considered that the scheme responds to the policy requirements as well as it can do in the circumstances.

Affordable housing

- 6.39 The final requirement of FW9 is that the scheme should contribute to meeting local housing needs. The scheme is for 15 dwellings, which officers do not find objectionable in terms of the

FW9 wording seeking approximately 12 dwellings. Although it can reasonably be assumed that 12 was considered an appropriate number having regard to the overall housing requirement in the parish and scale of development within the AONB, it is the view of officers that provided the scheme complies with the criteria of FW9 and other relevant NDP policies, the CS and NPPF when read as a whole, an approximate number expressed in an NDP policy should not militate against a greater number or otherwise regard 12 as an absolute cap. The use of the word 'approximately' clearly does not anticipate that 12 should be seen as a limit. This would deny the flexibility to deliver more housing, and potentially more affordable housing; which is also expressed as a key objective of the NDP. Indeed some correspondents have taken issue with this and consider that 12 should be the absolute limit but that 10 dwellings would be more acceptable; in which case the scheme would not be obligated to provide a target of 35% affordable homes.

- 6.40 Accordingly, the scheme in delivering 15 dwellings has 5 of these identified as affordable. The applicant's preferred tenure is low-cost market. This has drawn criticism from some objectors on the basis that this is, in effect, a more expensive affordable tenure for those who cannot compete on the open market and not fully compliant with FW9 e). However, officers have ascertained from Registered Providers that there would be no interest in acquiring 5 dwellings in this location for social rent or other intermediate tenure. This, in effect, limits the tenure options to the extent that only low-cost market is deliverable. The agreed discount in this instance is 39% for a 2-bed dwelling and 36% for a 3-bed dwelling.
- 6.41 Concern has been expressed that whilst low-cost market offers a discount on the first sale, there is no long-term benefit. This is not correct. The S106 agreement, heads of terms for which are attached to this report, makes it plain that the agreed discount will apply upon each resale of the property concerned in perpetuity. This is in accordance with NDP Policy FW13.

Flooding and surface water drainage

- 6.42 The scheme promotes infiltration as a means of disposing of surface water. Whilst accepting that this is the preferred method in terms of the drainage hierarchy, the Land Drainage response confirms that if further investigation reveals that infiltration is not feasible – this to be determined by more extensive testing - a revised surface water drainage strategy would be required.
- 6.43 The overall conclusion, as with the refused larger scheme 141828, is that it is feasible to drain the site at the greenfield equivalent run-off rates and thus not increase the risk of overload flow and exacerbate flooding elsewhere; a concern that has been expressed in letters of objection received. An objection on this basis, particularly in light of the lack of objection to the earlier scheme would not be tenable. Accordingly a condition is recommended in line with the Land Drainage and Welsh Water comments.

Foul drainage

- 6.44 Welsh Water has confirmed that it has no objection to a connection being made to the public sewerage system and nor is there an objection in terms of treatment and water supply. As above a condition is recommended requiring the submission of a comprehensive drainage scheme and such a condition is appended to the recommendation. On this basis the scheme is considered to accord with CS Policies SD3 and SD4.

Impact on adjoining property

- 6.45 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site would not result in undue impact on adjoining property, particularly those dwellings within the historic Mill House Farm complex on lower-lying land opposite and beyond the B4224.

- 6.46 By comparison with the earlier refused scheme the margin against Scotch Firs is reduced. However, due to orientation, which prevents direct overlooking from habitable rooms, officers are satisfied that the scheme is not in conflict with CS Policy SD1 or NPPF guidance. Whilst it is acknowledged that properties at the north-western edge of Scotch Firs would lose hitherto unrestricted views northwards, this is not a material consideration.
- 6.47 Concerns have been expressed in relation to the obligation on a developer to fulfil the plans as submitted. For clarity, any planning permission issued would be restricted by a condition requiring that development proceed in accordance with the approved plans.
- 6.48 It has also been requested that conditions be imposed requiring the removal of permitted development rights for future alterations that would permit the introduction of dormer windows within roof slopes. It is the case, however, that planning permission would be required for the introduction of dormer windows in the principal roof slope of the dwellings and Planning Practice Guidance cautions that the removal of domestic permitted development rights will rarely meet the test of necessity:

“Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”

- 6.49 On this basis officers consider that the removal of permitted development rights would not meet the relevant threshold test of necessity and reasonableness.

Ecology

- 6.50 Policy FW5 of the NDP deals with bio-diversity. It states that proposals for development should ensure that they do not harm the substantial network of sites designated for wildlife and nature conservation, including SSSIs and priority habitat such as traditional orchards and woodland.
- 6.51 It is also an explicit requirement that no development will be permitted within 100 metres of the River Wye Special Area of Conservation, with development only permissible where any adverse effects on designated sites can be avoided or mitigated. Development will only be permitted when it does not compromise the ability of the Nutrients Management Plan to deliver the necessary nutrient reductions along those stretches of the River Wye Special Area of Conservation which exceed water quality targets or are at risk of doing so. Developments will be expected to maintain and enhance existing ecological corridors and landscape features including hedgerows, water courses and tree-lines.
- 6.52 In this case, the proposal fulfils the SAC buffer requirement and the Council’s Ecologist has confirmed that subject to the imposition of conditions significant effects on the SAC are capable of being avoided. Adverse impacts on the nearby SSSI are mitigated by the c.40 metre buffer. Overall, officers are content that in accordance with CS Policies LD2, LD3, NPPF paragraph 118 and the aforementioned NDP Policy FW5, the proposal would not, if subject to conditions, result in adverse impacts on the SAC, SSSI or protected species; it being the case that the site itself is of little ecological value.
- 6.53 A condition is recommended requiring the submission of further habitat enhancement measures, yet the approach to hedgerow, orchard and wildflower meadow planting is such that

officers are content that the scheme offers a net gain in terms of bio-diversity through habitat creation.

S106

- 6.54 The application is accompanied by a draft Heads of Terms, attached to this report. The draft makes provision for contributions towards education, transport projects, off-site open space and formal play and waste recycling facilities. The governance of the low-cost market dwellings is also addressed; it being the case that the discount against market value is applicable upon resale in perpetuity. In this way the Parish Council and others' concerns in respect of the scheme not offering any affordable housing in the long-term are addressed. On this basis I conclude the scheme accords with CS Policy ID1 and the relevant policies of the NDP.
- 6.55 It is also relevant to decision-makers to have regard to the economic benefits that ensue from a scheme for 15 dwellings and that would otherwise be absent were a scheme for 10 units pursued; as has been suggested by some correspondents.
- 6.56 In this case, a larger scheme, as per the requirement of FW13 is required to demonstrate provision of 35% affordable housing. That 'target' is met in this case and in the context of the Housing Land Supply deficit and attendant under-provision of affordable housing, this is something that should attract significant weight as a benefit in the overall planning balance.

Sustainable construction

- 6.57 In the context of the overall number of objections received, a significant proportion, including the addendum comments of the Parish Council, have suggested that the scheme would accord more fully with NDP Policy FW16 and CS Policy SD1 were the dwellings orientated on an east/west axis such that passive solar gain and the potential for renewable energy generation might be fully exploited.
- 6.58 Inevitably there is a minor degree of tension between the provisions of Policy FW16 and the necessity to have full regard for other provisions of the Development Plan. In this instance, a reorientation of the dwellings onto an axis that presents an elevation to within 10 degrees of due south would result in dwellings being constructed across the existing contours as opposed to working with the existing levels. As it is, the dwellings have their principal elevations facing SW, which does not necessarily prevent the utilisation of roof mounted solar arrays; if indeed that were thought desirable in the landscape context.
- 6.59 Although FW16 is expressed in terms that regard orientation as a means by which sustainable construction can be achieved, it is not the only measure and as per CS Policy SD3 a condition is recommended requiring adherence to water efficiency standards. The dwellings will be built in accordance with Building Regulations and when taken in the round and assessed against the benefits of the scheme, the failure to achieve an orientation within 10 degrees of due south should not, in your officers' opinion, attract significant weight in the overall planning balance; particularly when regard is had to how positively the scheme addresses the criteria of FW9.

7. Conclusions

- 7.1 The scheme is for housing on a site allocated by the made NDP. The scheme is for 15 dwellings, including 5 low-cost market with the NDP policy describing suitability for 'approximately' 12 dwellings. As discussed above, officers do not consider that this excess should be fatal when considered in the round.
- 7.2 The overriding concern here in the context of policies relevant to the AONB is the impact of the scheme on the landscape and scenic beauty of the designated landscape. In this regard officers are content the scheme should not be held to represent major development and that the

amended design approach is sensitive to the context; thus discharging the requirement to give great weight to the conservation of landscape and scenic beauty as expressed in all three tiers of relevant policy documents and the Wye Valley AONB Management Plan.

- 7.3 In the context of NPPF paragraph 198 and the ministerial statement in respect of Neighbourhood Development Plans, officers are content that the scheme is not in conflict with the provisions of the NDP when read in the round; likewise the Core Strategy. In that case, CS Policy SS1 demands that planning permission should be granted unless material considerations indicate otherwise. And as directed by the NPPF, housing schemes, absent a 5 year supply with buffer, must be considered in the context of the positive presumption.
- 7.4 In this case the relevant planning benefits are considered to outweigh the adverse impacts in the planning balance in the context of the unweighted NPPF 134 test and also when considered in relation to the 'limb 2' test. Specifically, the social benefits associated with the delivery of housing and affordable housing in particular weigh heavily in favour of approval, whereas the potential for ecological benefits and absence of other technical constraints should also be noted.
- 7.5 On this basis the scheme is recommended for approval subject to the conditions below and completion of the requisite S106 agreement.

RECOMMENDATION

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

1. **C01 Time limit for commencement (full permission)**
2. **C08 Amended plans**
3. **C13 Samples of external materials**
4. **CAB Visibility splays**
5. **CAE Vehicular access construction**
6. **CAH Driveway gradient**
7. **CAL Access, turning area and parking**
8. **CAP Junction improvements/off site works**
9. **CAQ On site roads – submission of details**
10. **CAR On site roads – phasing**
11. **CAT Wheel washing**
12. **CAZ Parking for site operatives**
13. **CB2 Covered and secure cycle parking provision**
14. **Prior to commencement of the development, a detailed habitat enhancement**

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

scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and NERC 2006.

15. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of the adjacent Cherry Hill Woods SSSI should be highlighted such as pollution risk and increased use projections and measures to mitigate such increased usage. The Plan shall be implemented as approved.

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies LD2 and SD1 of the Herefordshire Local Plan – Core Strategy.

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

16. Prior to commencement of the development, a Tree Protection Plan to include hedgerow protection following “BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations” should be compiled based upon this survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

17. None of the existing trees and hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policy DR1 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

18. C96 Landscaping scheme
19. C97 Landscaping scheme - implementation
20. CA1 Landscape management plan

21. **No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme.**

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

22. **CBK Restriction of hours during construction**

23. **CCK Details of slab levels**

INFORMATIVES:

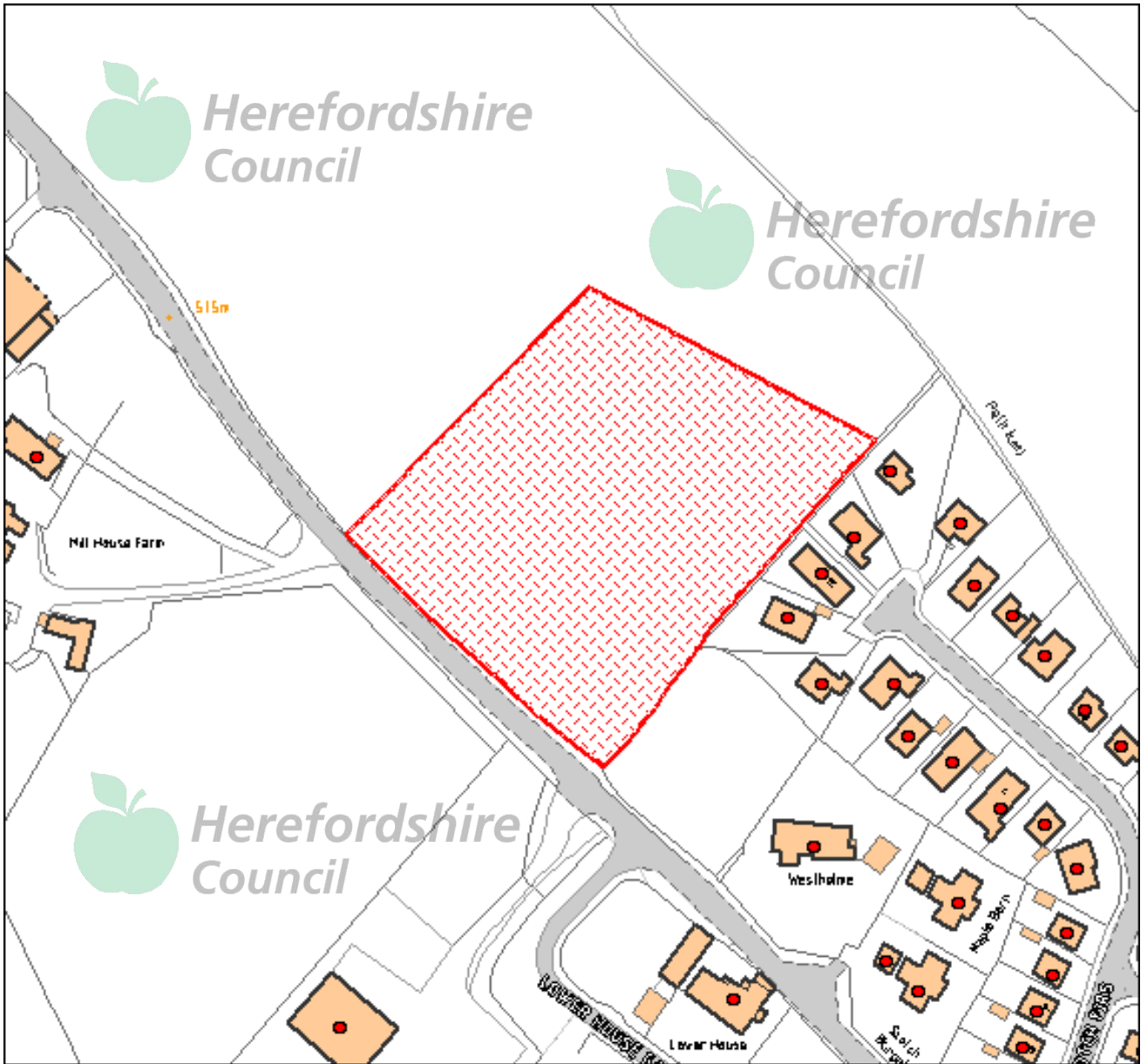
1. **Statement of Positive and Proactive Working**
2. **The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.**
3. **I05 No drainage to discharge to highway**
4. **I06 Public rights of way affected'**
5. **I07 Section 38 Agreement & Drainage details**
6. **I35 Highways Design Guide and Specification**
7. **I45 Works within the highway**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163707

SITE ADDRESS : LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE

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

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

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

Planning application: P163707/F

Proposed residential development of 10 open market family homes (7 x 3 bedroom and 3 x 4 bedroom) and 5 affordable (3 x 2 bed and 2 x 3 bed) on land opposite Mill House Farm, Fownhope, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£22,626.00** (index linked). The contributions will provide for enhanced educational infrastructure at St Marys Primary School, Fownhope. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£32,439.00** (index linked). The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Traffic Regulation Order to investigate the reduction in speeds and making drivers more aware of the village environment they are driving through.
 - Improvements to passenger waiting facilities in Fownhope, shelter and kerbs.
 - Provision of dropped kerbs from development site to school and village amenities
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£18,137.00** (index linked). The contributions will provide for enhanced play facilities at the existing neighbourhood play area

'Malthouse Recreation Ground' in Fownhope in consultation with the parish council. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£8,511.00** (index linked). The contributions will provide for enhanced cricket training facilities in Fownhope in accordance with the Outdoor Sports Investment Plan 2016. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) per dwelling. The contributions will provide for 1 x waste bin and 1 x recycling bin. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council that 5 units of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations 2008.
7. The developer covenants with Herefordshire Council that the affordable units will be Low Cost Market Housing which means housing sold to people in need of Affordable Housing at a discounted price with the following discounts being applied;
 - 2 bedroom dwelling discounted at 39%
 - 3 bedroom dwelling discounted at 36%
8. The developer covenants with Herefordshire Council not to occupy or cause or permit the occupation of more that eighty percent (50%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).

9. The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-

9.1 a local connection with the parish of Fownhope;

9.2 in the event there being no person with a local connection to the parish of Fownhope to the following parishes Home Lacey, Ballingham, Brockhampton and Much Fawley, Woolhope and Mordiford;

9.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 & 9.2 above

10. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

10.1 is or in the past was normally resident there; or

10.2 is employed there; or

10.3 has a family association there; or

10.4 a proven need to give support to or receive support from family members; or

10.5 because of special circumstances

11. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4 and 5 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

12. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

13. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

14. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	<p>162900 - A RETROSPECTIVE PLANNING APPLICATION FOR TWO SMALL OUTHOUSES, CHANGES TO THE ENTRANCE ON TO THE PUBLIC ROAD, THE INCLUSION OF A WOOD BURNING STOVE, THE ERECTION OF FENCES OUTSIDE THE DEVELOPMENT AREA AND THE RESULTANT INCREASE IN THE CURTILAGE AT TOGPEEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, LD8 2LU</p> <p>For: Mr Murray per Mr Lewis Price, McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162900&search=162900
Reason Application submitted to Committee – Re-direction	

Date Received: 13 September 2016 Ward: Mortimer Grid Ref: 334255,267075

Expiry Date: 17 May 2017

Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 Togpen is a remote barn conversion in an elevated location in the Lingen Valley, in open countryside, it lies adjacent to the original farmhouse, now in separate ownership.
- 1.2 The proposal seeks to regularise a number of elements discovered to be breaches following an enforcement investigation. These are: a lean to wood shed, link between converted barn and garage, together with a wood burning stove flue, the extension of the residential curtilage with erection of fences and provision of below ground water storage tank and alteration to access arrangement. Originally the proposal included the retention of the summerhouse and greenhouse, these have been deleted from the proposal following objection from the Conservation Manager (Historic Buildings).

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

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

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

2.2 NPPF

Section 11 – Conserving and Enhancing the Natural Environment
Section 12 – Conserving and Enhancing the Historic Environment

2.3 Neighbourhood Plans

Border Group Neighbourhood Development Plan Area was designated on 18th July 2013. It is presently at Reg 14 stage therefore whilst it is a material consideration it cannot be attributed any weight in the decision making process.

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

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

3. Planning History

- 3.1 DCNW2005/2237/F conversion of barn to dwelling approved 2005, subject to condition among others which removed permitted development rights.
- 3.2 DCNW2007/3895/F variation of condition re stone wall refused Feb 2008.
- 3.2 DCNW2008/0876/F variation of condition re stone walling approved May 2008.
- 3.3 153215 retrospective application similar to current, refused Feb 2016.
- 3.4 Enforcement Notice served March 2016, subject of appeal - Notice and appeal subsequently withdrawn. The reason for the withdrawal was in part due to the submission of information with the appeal not previously available and the refusal of the Planning Inspectorate to defer the matter to allow consideration of this material.
- 3.5 Breach of Condition Notice July 2016 withdrawn, due to possible technical error with notice plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

4.2 Conservation Manager (Historic Buildings)

The Heritage Statement needs to be in accordance with the requirements of the NPPF which outlines that an applicant has to describe the significance of a heritage asset. The submission states that the asset has little or no significance. Reference should be made to The Historic England (HE) guidance on the Conversion of Farm Buildings, The HE guidance on the NPPF and the HE document 'Conservation Principles' which outlines a methodology for assessing the significance of heritage assets.

Some aspects of the proposals are not acceptable in the context of a traditional farmstead, for example the summerhouse building. It is recommended that these should be omitted from the application.

The glazed link to the wood store visually causes minor harm to the significance of the building however it is fully reversible and has a transparency which allows interpretation of the original layout of the site. Given policies and guidance on the extension of rural buildings, justification of the need for this element and evidence that the harm to the significance of the buildings is outweighed by any benefit would be required before it could be considered for approval.

The need for an external store with the secondary use of a summer house would be required and any structure should be designed in the context of buildings typical of farmstead groups.

Greenhouses as a rule are generally considered overtly domestic in appearance. To be considered for approval, evidence would be required regarding, screening and the siting of the greenhouse to demonstrate that it did not affect the setting of the building. Such evidence may not mean that consent would necessarily be given due to the nature of the building.

The Threshing barn is considered an undesignated heritage asset. Historic Farm Buildings provide a unique record of developments in agricultural practices, their vernacular forms provide distinct regional identities and are expressions of differing functional needs.

The Barn has strong evidential significance and also aesthetic value. It provides evidence of the use of the building as a combined threshing barn and also the type of farming which took place on the site in the past. It also provide a key contribution to the value of the wider character of the countryside. When considering change to any heritage asset, it is fundamental to understand the character, significance and context of that asset. With historic farm buildings maintaining their agricultural character and rural setting is a key principle to retaining their significance and protecting the wider landscape character.

Additions to Historic Farm Buildings such as the link block to the wood store proposed are generally precluded as they can detract from the understanding of the morphology and use of the building as well as the wider landscape setting. However these can be considered where they follow or respect the pattern of development typical of Farmsteads and help preserve the significance of the building by enabling a sustainable beneficial use.

When considered changes which require consent, for example the greenhouse and summerhouse, as well as the potential impact upon the setting of the heritage asset, it is also important to respect the farmstead setting and how the group of building sits and is experienced in the wider landscape. Aside from the agricultural character of farmsteads another key characteristic is the way in which the landscape around a farm often runs up to the edge of the group with either no defined boundary to the curtilage or a more subtle transition into farmland. These requirements generally preclude the addition of overtly domestic structures such as summer houses and greenhouses, and if it requires permission, fencing of a similar type. Outbuildings can be a way of ensuring the beneficial use of a farm building as often storage areas for lawnmowers garden furniture etc are overlooked during the process of conversion. As a guide any new buildings should be agricultural in character and follow the typical pattern of development associated with farmsteads (see 'informing sustainable development of farmsteads' above). In some instances other structures may be considered however they should not adversely impact upon the setting of the buildings. It should be noted that setting is not dependent upon there being a public view of a building, although any impact may be amplified by there being public access to that view.

The greenhouse and summerhouse are both overtly domestic features, and whilst they are of a high quality of design, conflict with the agricultural character of the buildings and their setting. (Please note: it is important to separate out the current domestic use and the historic characteristics of the buildings which it is the aim of policy is to conserve) It may be that a greenhouse structure could sit within the group of buildings given adequate partial screening or consideration to its location. The summerhouse is more problematic and it may be that

consideration is given to a more agricultural storage building which can also have the secondary function as a garden retreat?

Should the fencing require permission we would recommend that a simpler form of fencing which sits more within the context of a farmstead is considered and follows the established vocabulary of such areas? Care should be taken to not subdivide the group of buildings in such a way which could detract from the interpretation of its former use.

4.3 In response to a subsequent revision advises:

The aim is to justify the proposals in terms of policies relating to barn conversions, which by their nature are historic buildings.

The removal of the Summerhouse from the application is welcomed.

The Heritage Statement doesn't justify the works by relating them to the character of historic farm buildings and their pattern of development which is the crux of the issue.

The applicant states that the proposals for the summerhouse and glazed link are less than substantial harm.

It is felt that the glazed link could be justified by providing a continued beneficial use for the building, being a transparent element which allows interpretation of the form and character of the original farm buildings, being of agricultural character and being reversible in the future, therefore not causing a physical change to the buildings.

It is felt that there is not sufficient justification for the greenhouse.

(The greenhouse and summerhouse no longer form part of the application.)

4.4 **Conservation Manager (Landscape)**

I have read the Landscape and Visual Statement prepared by Anthony Jellard Landscape Architects, Dated Final September 2016. I have also read the Landscape and Visual Statement of Evidence which includes the Plan showing Mitigation Planting, Figure DMQ/04.

I have also seen the Site Plan, Drawing No KI 4847 20A, Dated 29/09/2016.

These are my landscape comments which reference to this application relating to the following above planning policy statements:

The National Planning Policy Framework, Item 11, 109 states: *The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'*

There are no landscape designations for this area, but the Landscape Quality for this area can be considered to be moderate to high. This is due to the area having a good representation of the landscape character of Principal Wooded Hills, with a sloping topography, hedgerows defining field boundaries and a nearby Ancient and semi natural woodland which is also a Local Wildlife Site. The surrounding area is also of good scenic integrity with few incongruous features or detractors. These attractive landscape features make this area a valued landscape.

I have been informed that the original conversion took place when the site was designated an 'Area of Great Landscape Value' The present Herefordshire Local Plan Core Strategy 2011-2031 no longer holds this designation.

No objection subject to condition.

5. Representations

5.1 Border Group Parish Council

BGPC made the decision to object to this application as it felt it undermined the original conditions placed on this development. Although the structures themselves are small scale, BGPC felt strongly the principle should be upheld.

5.2 Three objections have been received, including HCPRE, summarised below:

1. Contrary to original conditions
2. Refused 12 months ago
3. Only one retrospective application allowed
4. Creeping urbanisation of sensitive landscape
5. Draws attention to breach that has been allowed to occur over several years.

Fourteen supportive/no objection comments have been received:

1. Vast improvement on when applicant bought the property.
2. Ordinarily minor structures are permitted development.
3. Well maintained property.
4. No harm to countryside.

5.3 The application includes a number of documents setting out the grounds for the application including landscape appraisal and also responses to the Conservation Manager's (Historic Buildings) comments. This includes reference to the diminished importance of Togpen as a heritage asset following its initial conversion.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162900&search=162900

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 need for the retrospective application came to light following an enforcement investigation, ostensibly relating to the fence between Togpen and the original farmhouse. A condition imposed on the permission ref DCNW2005/2237/F, removed permitted development for fences/gates/walls, garages/building/extension/dormer windows.

6.2 The summerhouse, now omitted from the proposal, situated forward of the principal elevation of the dwelling would not have benefitted from those rights to start with.

6.3 The greenhouse, also omitted was caught by the condition.

6.4 The lean to log store and link element is also caught by the condition.

6.5 The fence to the rear of the conversion and was not subject to the condition since it was not originally part of the application site. It became part of this property following sale of the farmhouse. It is not subject therefore to the condition removing permitted development rights. However as part of the fence is 2.08m high it exceeds the permitted development limit of 2m. It is understood that this was originally (2011) of lattice type construction, but more recently,

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

(2014), added to with close board fence. Other sections of the fence are 1.96m and thus permitted development.

- 6.6 The extension of the curtilage to the north of the original site constitutes a material change of use for which permission is required. This area includes the site of the underground water storage tank.
- 6.7 The addition of a stainless steel flue to the roof required planning permission.
- 6.8 Some minor changes have taken place at the access, including provision of cattle grid and setting back of field gate. As these do not appear to have affected the access directly onto the road permission is unlikely to have been required. The quality of the plans available of the 2005 conversion do not permit a definitive view on this matter.
- 6.9 The principal matters for consideration remain the impact upon the amenity of occupiers of the original farmhouse, the impact upon the heritage asset and upon the landscape. Since the refusal of the previous application additional supporting documents have been submitted.
- 6.10 The impact of the elements set out above upon the amenity of the neighbouring property immediately adjoining to the north relate to the fence. Regardless of the appearance of the fence only that part of it which exceeds 2m in height requires permission. Therefore we may only consider the 0.08m in terms of amenity. Since that 8cm would not be discernible from the farmhouse it is not considered that it could be harmful to amenity.
- 6.11 Since the building is not a 'designated historic asset' paragraphs 132-134 of the NPPF do not apply. Instead paragraph 135 applies. The Historic Building Officer is satisfied that those remaining elements, including the link, lean-to and flue, do not impact significantly upon the character of the building. The balanced judgement to be made lies with accepting the proposal. The benefit of specialist historic building advice was not available during consideration of the original application.
- 6.12 The reason given in 2005 for the condition removing permitted development rights was 'in order that the LPA can control the form of development in this sensitive historic location'. It is the norm that similar conditions are still imposed on such applications. It does not mean that development of this nature cannot take place but that it is subject to scrutiny in order to safeguard the character of such building, which at that time, was the justification for conversion in the first place. There is no longer a policy stipulation that barns for conversion have any architectural or historic merit.
- 6.13 In 2005 the site was within an area designated as 'Great Landscape Value'. More recently however the weight to be given to such local designations has been downgraded by central policy, 'great weight' now only being attributed to National Parks and Areas of Outstanding Natural Beauty.(para 115 NPPF). The Landscape Officer has considered the proposal, with the benefit not previously available, of a landscape and visual assessment, and considers the proposal acceptable subject to a condition requiring a landscaping scheme to be agreed.
- 6.14 On balance it is considered that the previous reasons for refusal have been addressed and that the application complies with the aforementioned policies and the application can be recommended for approval. As with the original application it is considered appropriate to retain control of additional development within the extended curtilage through imposition of a condition restricting permitted development rights.
- 6.15 The remaining greenhouse and summerhouse are matters to be considered outside of this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C65 Removal of permitted development rights**
- 2. C96 Landscaping scheme**
- 3. C97 Landscaping scheme - implementation**

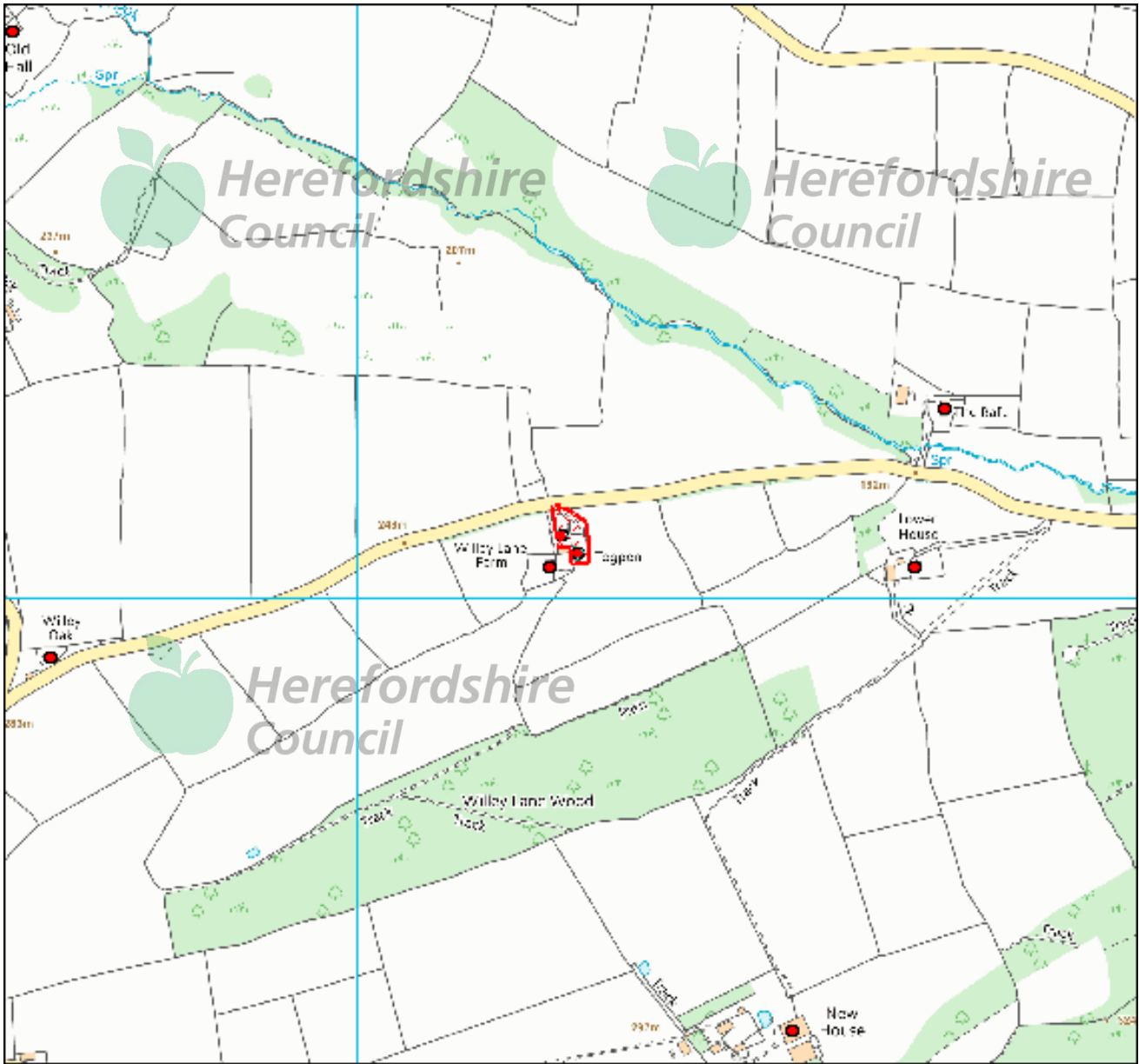
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162900

SITE ADDRESS : TOGPEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, HEREFORDSHIRE, LD8 2LU

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



MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	163658 - PROPOSED NEW BUILD PART-EARTH SHELTERED DWELLING ON LAND ADJACENT TO CUCKHORN FARM. TO INCLUDE SUBMERGED INTEGRAL GARAGE AT LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD. For: Mr & Mrs White per Mr Garry Thomas, Ring House, Fownhope, Hereford, HR1 4PJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163658&search=163658
Reason Application submitted to Committee – Re-direction	

Date Received: 15 November 2016 Ward: Three Crosses Grid Ref: 362573,250520

Expiry Date: 10 January 2017

Local Member: Councillor JG Lester

1. Site Description and Proposal

- 1.1 The application site comprises agricultural land east of the C1116 road on land falling in a northerly direction from the A465 (Hereford-Bromyard) road to the general south. There is a earth bund (motte) in the field covered with trees. To the east lies Cuckhorn Farm (220 metres) while The Oast House lies to the north-west (140 metres) on the opposite side of the lane along with Hall Place Farm. This site lies approximately 4.5 km south-west of Bromyard town.
- 1.2 The settlement of Stoke Lacy settlement lies approximately 90 metres to the south-west.
- 1.3 The proposal is for a single dwelling (4 bedrooms) with six parking spaces. This is L shaped in floor plan and has a north-west aspect (described by the applicants as part earth sheltered dwelling with submerged integral garage in a National Planning Policy Framework (NPPF) Paragraph 55 design). The residential curtilage extends uphill to the A465 and is substantially larger in area than the curtilage delineated for an application refused by Planning Committee in June 2016 (152759/F) for the same designed and sited dwelling. It is stated that this will facilitate a footpath link up to the A465 for a crossing point to join development on the opposite side of the class I road granted outline planning approval in January 2017 at Newlands (reference 151937/O)
- 1.4 A new access is proposed off the C1116 road at the point of an existing field entrance.

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

- 1.5 A sedum/ wildflower roof is detailed, with handmade bricks bricks/ steel panels to elevations, and black brick to garage undercroft. Resin bonded gravel is specified for the access and hardstanding areas.
- 1.6 SUDS drainage and a package sewage treatment system is being proposed.
- 1.7 A Grade II listed building (named Hall Place Farm) lies to the north west, on lower ground, on the opposite side of the C1116 road.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;
- LD2 - Biodiversity and Geodiversity;
- LD4 - Historic Environment and Heritage Assets;
- SD1 - Sustainable Design and Energy Efficiency;
- SD4 - Waste Water Treatment and River Water Quality;

2.2 National Planning Policy Guidance:

Chapter 6: Delivering a Wide Choice of High Quality Homes;
 Chapter 7: Requiring Good Design;
 Paragraph 14: Presumption in Favour of Sustainable Development;
 Paragraph 49: 5 Year Housing Land Supply;
 Paragraph 55: New Housing in the Countryside.

2.3 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);
 Planning Obligations (ID23b);
 Design (ID26): Form, Scale, Details, Materials.

2.4 Neighbourhood Plan

No Neighbourhood Development Plan for Stoke Lacy is in preparation.

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 152759 –Proposed new build part-earth sheltered dwelling on land adjacent to Cuckhorn Farm- Refused 15 June 2016 by Planning Committee.

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

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Transportation Manager has not responded

4.3 Conservation Manager (Ecologist) conditional support:

I am assuming that the ecological report from the previously refused application (152759) on this site for a substantially similar build is being 'submitted' against this current application. If this is the case then I would happily refer to my colleague's original comments and suggested condition:

"Thank you for consulting me on the above application. I have read the ecological report submitted in support of the application and generally agree with its findings. I believe there will be a minimal risk to any protected species provided any clearance of vegetation and excavations are carried out judiciously and at the correct time of year. I would note that the proposal encroaches upon a feature of archaeological interest which does not appear to be notified on the Sites and Monuments Record (SMR). I have notified the LPA's archaeological adviser.

I would advise attaching the following non-standard compliance condition to any approval

4.4 Archaeologist no objections;

This appears to be fundamentally the same proposal as the previously refused scheme [152759], although the applicants have here attempted to address in more detail the issues relating to new development in the countryside (planning statement).

As regards archaeology specifically, I refer you to my previous final comments in relation to that application and the final version of it. In essence, following evaluation, I had no objections to the development in its' revised siting.

Given that the revised siting has in essence been carried over into *this* application, I continue to have no objections.

5. Representations

5.1 Stoke Lacy Parish Council support:

Stoke Lacy Parish Council supports this application and believes it is fully compliant with Herefordshire Council's Core Strategy 2011-2031. This is kind of development is very suitable for our Parish.

5.2 18 letters of support received. The points raised are summarised as follows :

- Environmentally friendly, sustainable. Not mass produced
- Motte can be restored
- No highways issues
- Family can remain in village

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163658&search=163658

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

General Principles

6.1 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."

6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported. Stoke Lacy is one of those settlements.

6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Stoke Lacy who are not producing a neighbourhood plan, and consequently there is no settlement boundary as such.

6.6 The site of the dwelling is not immediately adjacent to the settlement of Stoke Lacy, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Policy RA2 requires that housing proposals be *located within or adjacent to the main built up area*. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy.

- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 This is following appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and rural settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. While the proposal is not locally distinctive it is a subjective consideration as to whether the proposed design is 'exceptional or innovative'. The proposal does not fully satisfy any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets an agricultural or forestry need or farm diversification enterprise;
 - Is for a rural enterprise;
 - Is a replacement dwelling;
 - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
 - Is rural exception housing (Policy H2);
 - Exceptional or innovative design;
 - Site for Needs of gypsies or travellers.
- 6.10 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:
- This assists in meeting a proven local need;
 - Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
 - The site respects the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.
- 6.11 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.
- 6.12 This is in an open countryside location and on balance not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development, or that defined in Paragraph 55 of the NPPF.

Accessibility

- 6.13 The C1116 is a single width lane at this point with no pedestrian path, and at the point of access into the field there appears to be a relatively straight section of road. An existing field access will be upgraded for this proposal. This is considered acceptable in terms of highway safety.

Ecology

- 6.14 There are no adverse ecological implications from the siting and construction of the dwelling and access road.

Historic Environment/ Heritage Assets

- 6.15 The separation distance from Hall Place Farm is such that the immediate setting of that building would be preserved. The impact on the adjacent motte (earth mound) raises no objection with this Council's Conservation Manager.

Waste Water

- 6.16 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is sufficient room within the site for the installation of underground soakaway pipes.

Conclusion

- 6.17 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.18 The site is located in a rural location - sufficiently separate from Stoke Lacy settlement so as not to be Policy RA2 compliant.
- 6.19 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive, and it is a subjective judgment as to whether the proposal is in fact innovative or of exceptional design, which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would be contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2016) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.**

Informative:

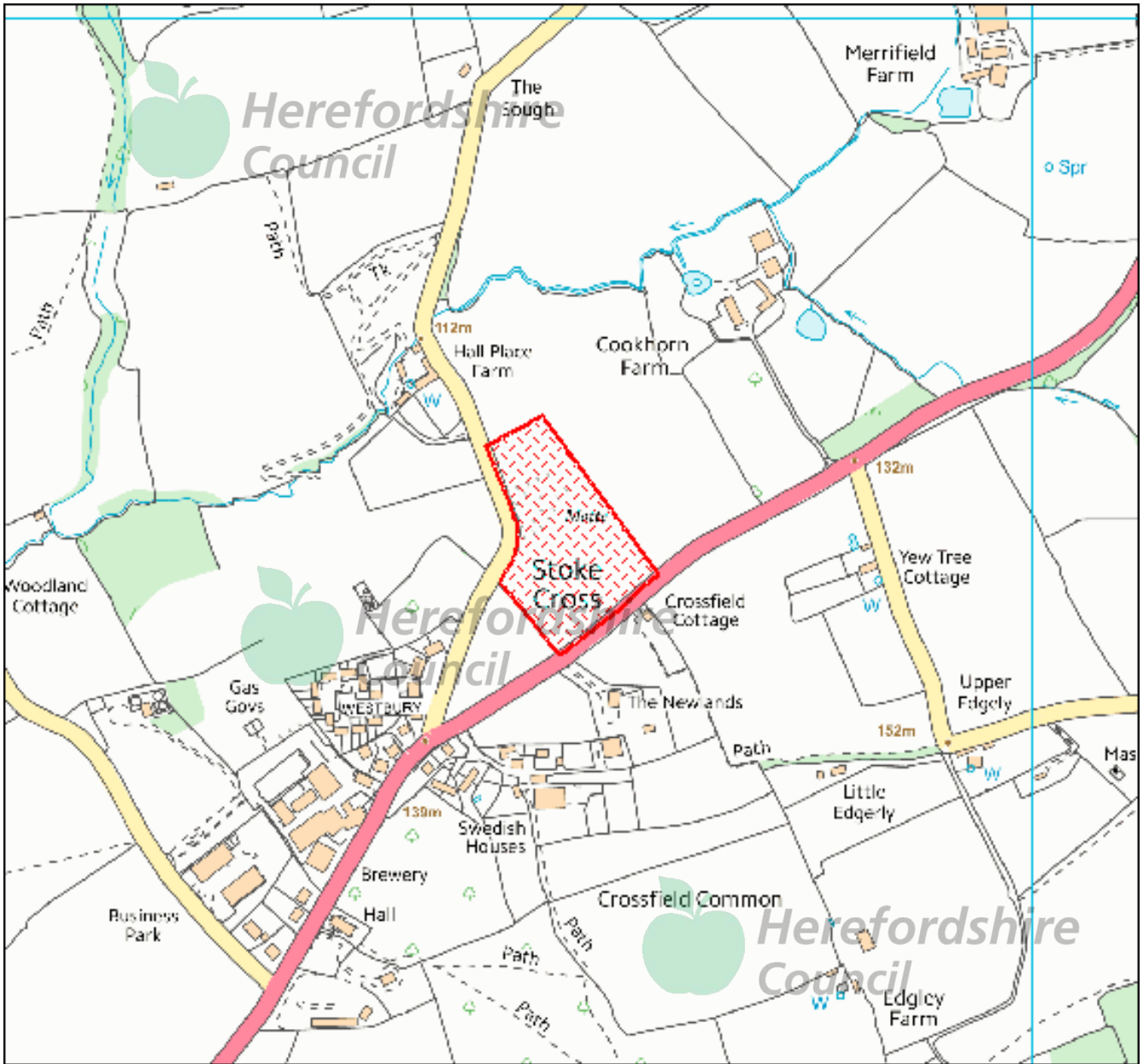
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163658

SITE ADDRESS : LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD

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