

Agenda

Planning and regulatory committee

Date: **Wednesday 14 June 2017**

Time: **10.00 am**

Place: **The 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 and regulatory 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 TM James
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor EJ Swinglehurst
	Councillor LC Tawn

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 17 May 2017.</p>	7 - 18
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	19 - 22
7.	<p>171040 - WYMM HOUSE, SUTTON ST NICHOLAS, HEREFORD, HR1 3BU</p> <p>Proposed erection of one dwelling.</p>	23 - 34
8.	<p>163673 - THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE</p> <p>Proposed erection of 15m monopole to support 2no. Antennas and 1no. Dish, floodlights, together with the installation of 5no. Equipment cabinets and erection of 1no, 10m floodlight structure with 2no. New floodlights.</p>	35 - 44
9.	<p>162753 - ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ</p> <p>Change of use of Rosemore Grange, from a residential dwelling with holiday accommodation, to exclusive private hire for holiday accommodation, private celebrations and events.</p>	45 - 52

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 17 May 2017 at 10.00 am

Present: Councillor PGH Cutter (Chairman)

Councillors: BA Baker, WLS Bowen, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, JA Hyde, FM Norman, AJW Powers, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors CA Gandy and JG Lester

143. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Hardwick and A Seldon.

144. NAMED SUBSTITUTES

Councillor WLS Bowen substituted for Councillor J Hardwick.

145. DECLARATIONS OF INTEREST

Agenda item 7: 163707 – Land opposite Mill House Farm, Fownhope

Councillors PGH Cutter and EJ Swinglehurst declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

146. MINUTES

It was reported that the description of the agenda item in draft minute 134 to which the declaration of interest referred to related was incorrect. It should refer to Agenda item 10: 163364 – land south of ladywell lane, Kingsthorne.

The Lead Development Manager commented with reference to minute number 139 – 153330 – land adjacent to village hall, Aymestrey, that Historic England had expressed some concerns about the application and the matter would therefore be brought back to the Committee for consideration. That report would also include an update on housing provision in Aymestrey.

RESOLVED: That the Minutes of the meeting held on 26 April, 2016 be approved as a correct record, as amended, and signed by the Chairman.

147. CHAIRMAN'S ANNOUNCEMENTS

The Chairman observed that this was the Committee's final meeting of the municipal year. He thanked members and officers for their work and also thanked the public for attending and participating through the public speaking process.

148. APPEALS

The Planning Committee noted the report.

149. 163707 - LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE

(Proposed residential development of 10 open market family homes and 5 affordable homes.)

The Acting 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 confirmed that the Conservation Manager (Historic Buildings) had indicated that the impact on the heritage assets was at the lower end of the less than substantial spectrum.

In accordance with the criteria for public speaking, Mrs D Quayle of Fownhope Parish Council spoke in support of the Scheme. Mr F Hemming, a local resident and chairman of the Fownhope Carbon Reduction Action Group spoke in objection. Mr J Spreckley, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, Councillor WLS Bowen spoke in the role of the local ward member, having acted in that capacity on behalf of local residents for this planning application because the local ward member, Councillor J Hardwick, was the applicant.

He made the following principal comments:

- The application was for a much smaller development than that refused by the Committee in February 2017.
- The proposal was supported by the Parish Council and consistent with the Neighbourhood Development Plan. It would provide 5 affordable houses in perpetuity.
- The village was in the Area of Outstanding Natural Beauty (AONB). Landscaping proposals and design would improve the setting of the neighbouring Scotch Firs development.
- It had been suggested that the orientation of the buildings should be changed to benefit from solar gain and make best use of natural resources. However, this would make the development more intrusive on Scotch Firs and increase the extent of the excavation required.
- The proposed S106 agreement would provide for an extended 30mph speed limit and a range of other benefits including a new footpath. He noted that the possibility of providing a footpath alongside the main road itself had been discussed and dismissed.
- The scheme was well designed and every effort had been made to make it attractive and welcoming entrance to the village.
- The landowner intended to manage the proposed orchard as part of the estate in accordance with a biodiversity and landscape enhancement plan.

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

- The Parish Council supported the proposal and it was consistent with the Neighbourhood Development Plan. There were no objections from the statutory consultees.
- The hope was expressed that the applicant would consult the Parish Council over the management of the proposed orchard. A Member expressed the view that there was, however, no need to seek to place any formal requirement upon the landowner in this regard.

- The proposal would soften the entrance to the village and make a valuable contribution to it.
- The scheme was designed to meet the needs of local people.
- Development within the AONB had to meet a high benchmark. It was considered that the revised scheme was not a major development given the size of Fownhope and was policy compliant. The site was adjacent to the settlement. The design and landscaping were of high quality and would soften the village edge.
- The provision of affordable homes was to be welcomed. It was asked whether consideration could be given to making these lifetime homes.
- With regard to the Parish Council's request that consideration be given to changing the orientation of the buildings to benefit from solar gain and make best use of natural resources it was observed that account had to be taken of the constraints imposed by the site and that every effort had been made to deliver the best scheme practicable in this regard.
- If a balancing pond was considered as part of the drainage scheme this would add to the biodiversity of the proposal.

The Acting Development Manager commented that paragraph 6.59 of the report recommended a condition requiring adherence to water efficiency standards and requested that this be added to the printed recommendation. He added that it was to be expected that landscaping and management of the site would be discussed with the Parish Council and others as a matter of good practice. The question of providing lifetime homes would be a matter for consideration under planning and building regulations. The issue of the control of street lighting raised during the public speaking part of the meeting would be a matter for the Parish Council to determine.

The local ward member was given the opportunity to close the debate. He reiterated his support for the scheme and its merits.

RESOLVED: That 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 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
24. Water Efficiency Standards Condition

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

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

150. 162900 - TOGPEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, LD8 2LU

(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.)

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.

In accordance with the criteria for public speaking, R Bradbury representing the Campaign to Protect Rural England, spoke in objection.

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

She made the following principal comments:

- Planning permission had been granted in 2005 for a barn conversion in what was a very rural setting of great landscape value. This had been subject to a number of conditions including the removal of permitted development rights. She outlined the history of the site which had involved a number of breaches of those conditions.
- A retrospective application similar to that before the Committee had been refused by officers in February 2016. Subsequently there had been attempts at enforcement that had gone awry. Now a further retrospective application had been submitted. Border Group Parish Council opposed the application.
- In summary she considered that the applicant had ignored the conditions attached to the original application designed to protect the landscape and this was unacceptable.

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

- Some support was expressed for the view set out at paragraph 6.14 of the report that on balance the application could be recommended for approval, retaining control of additional development through a condition restricting permitted development rights.
- Several members took the view that as a matter of principle the conditions should be enforced. The original application had been for a barn conversion. Such applications had been permitted as exceptions with the aim of preserving heritage assets. The purpose of the conditions had been intended to guard against development that would undermine this aim which some of the development which had taken place contrary to those conditions did.
- The Lead Development Manager commented that the Committee had to consider the application before it and could not accept some aspects of the development that had taken place and not others. It also had to be determined on the basis of the policies currently in force. The applicant had removed the greenhouse and the summerhouse from the application. Enforcement action was taken by the council but resources did constrain what was practicable, mindful of the County's rurality. He confirmed that Parish Councils were requested to inform the authority of any enforcement issues that came to their notice. He also advised in response to concerns expressed about the fence that had been erected on the property that if the application was refused at appeal the fence would only be reduced by 8 centimetres, the extent to which it exceeded the permitted development limit of 2m.

A motion that the application be approved was lost.

The Legal officer reminded the members that the legislation allowed them to deal with retrospective applications and that the application should be considered in the light of the current policies and as it was put forward in the application

It was proposed that the application should be refused on the grounds that it was contrary to policies SD1, LD1, LD4 and relevant paragraphs of the National Planning Policy Framework.

The local ward member was given the opportunity to close the debate. She reiterated her concern that conditions had not been enforced and that approving the application would condone those breaches and imply that resisting enforcement would in the end be successful.

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 policies SD1, LD1, LD4 and relevant paragraphs of the National Planning Policy Framework.

151. 163658 - LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORD

(Proposed new build part-earth sheltered 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. He clarified how the planning balance should be undertaken in the light of a recent court case given the council's lack of a five year housing land supply.

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

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

He made the following principal comments:

- He disagreed with the interpretation of policy as set out in the report. In particular he believed the proposal did fall to be considered under policy RA2 rather than RA3. A map of developments within the area submitted as part of the application showed the application site to be at the heart of the historic pattern of development.
- The Parish Council supported the proposal as did he. There were 18 letters of support. There were no objections to the proposal from consultees and no letters of objection.
- The proposal represented the type of organic growth favoured by the local community.
- The authority had recently granted permission for two developments in the area comprising 40 houses, one development of 28 houses and one of 12 houses. The application site was 2 ½ minutes walking distance by road and 2 minutes walk from the centre of Stoke Lacy. A kissing gate leading from the application site would bring the residents out in front of the site where the 28 homes were to be developed. It was not an isolated site. It was a sustainable location.
- The scheme was a high quality sustainable scheme.
- The application was by a local family.
- It was unjust to argue that the minimum target for housing provision in Stoke Lacy had been exceeded and that this militated against the provision of a single dwelling, the approval for 40 dwellings having significantly exceeded the minimum target.

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

- The Parish Council supported the proposal.

- There was support for the local ward member's argument that the development was sustainable and should be considered under policy RA2.
- In the absence of a Neighbourhood Development Plan the policy fell to be considered solely against the Core Strategy policies. The settlement pattern of Stoke Lacy was typical of many Herefordshire villages in that it was not a nucleated village with a settlement around it. There was a risk of setting a precedent for isolated developments of this type if the application were approved.

In response to questions the Lead Development Manager commented:

- The Rural Areas Site Development Plan, once approved, would govern development of areas such as Stoke Lacy where there was no NDP. In such cases a settlement boundary would be drawn and development considered within and adjacent to that boundary. The application site would be outside a boundary drawn for Stoke Lacy. The proposal needed to be considered under policy RA3. Approval would set a precedent for development in the vicinity on adjacent land between the development and the village. An argument could be made that such development might be inappropriate because of the impact it would have on social cohesion.
- The application site had been extended since the previous application to make it reach and become adjacent to the approved site for the development of 28 houses.
- In terms of housing growth the minimum target for proportionate growth had been 24 houses. Approvals and commitments now amounted to 47 houses, substantially over and above the minimum target.
- The design was good but not exceptional. There were other such developments in the county. There were no design criteria that had been externally validated that qualified the proposal for consideration as an exception under paragraph 55 of the NPPF.
- Vehicular access from the main road to the development was 270 metres and the footpath from the property to the road was 130 metres.

The local ward member was given the opportunity to close the debate. He reiterated his view that it was unjust to argue against the application on the grounds that the minimum housing target had been exceeded. The application site was adjacent to the settlement and should be considered against policy RA2.

It was proposed that the application should be approved on the basis that it should be considered against policy RA2 and that it complied with that policy and represented sustainable development in accordance with policy SS1.

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 basis that the application should be considered against policy RA2 and that it complied with that policy and represented sustainable development in accordance with policy SS1.

152. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 12.48 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 17 May 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

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

ADDITIONAL REPRESENTATIONS

1. **Natural England** have provided comments, which were too late for inclusion in the report. In summary these record no objection subject to the imposition of conditions that will protect the integrity of the R.Wye SAC/SSSI and Cherry Hill Woods SSSI.
2. A letter from the **Fownhope Carbon Reduction Action Group (CRAG)** was received on 10th May 2017. The letter states as follows:-

“The report from the developer in the Design and Access Statement refers to policies FW1, 2, 3, 4, 5, 6, 9, 13 and states that, “This proposed development now complies with both the Herefordshire Council Local Plan Core Strategy 2011-2031 and the Fownhope Neighbourhood Plan 2011-2031.”

As there is no mention of FW16 then this is not, in our view, a true statement, as policy FW16 is material to the application. From the Fownhope Neighbourhood Plan Policy FW16 Design Criteria, the initial paragraph of FW16 states that “An integrated approach to achieve a high standard of design will be required in particular to achieve the maximum possible reduction in the carbon footprint of any development.” FW16b states one of the means to achieve this by “Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings....”*

**(within the limits of current building regulations set by national government and which cannot be varied by neighbourhood plans.)*

Fownhope CRAG is pointing out that policy FW16 needs to be taken into account in order for the development to comply with the Fownhope Neighbourhood Plan. The following is from the Department for Communities & Local Government paper on the Neighbourhood Planning Bill. January 2017

“Key questions and answers: Does the Bill address issues previously raised about neighbourhood plans being respected in decisions on planning applications?”

The measures in the Bill put beyond doubt that once a neighbourhood plan has been independently examined - and the decision taken to put the plan to a referendum – it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application. This is in addition to our reforms in the Housing and Planning Act which require any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan.”

In our view the Fownhope Neighbourhood Plan has not been taken fully into account, and the proposal in its present form should not be granted approval.”

3. **Mr & Mrs Middleton** have written in support of the application:-

We would like to add our support for the above planning application as this will be an important first step towards the local housing needs in Fownhope. We are also delighted to hear that the Parish Council are finally in favour with this development.

4. **Ms Jane Arnold** has written in support of the application:-

I would very much support the building of both affordable and mixed houses as it seems to me there is not a good balance of villagers due to younger locals being priced out of the housing market.

Officer comment in respect of the three updates:

1. The conditions recommended by Natural England are already attached to the recommendation – conditions 15 and 21 refer.
2. The Officer Report makes reference to all relevant NDP policies and takes proper account of the NDP in reaching a recommendation.

3&4. Noted

NO CHANGE TO RECOMMENDATION

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 TOGPEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, LD8 2LU

For: Mr Murray per Mr Lewis Price, McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ

ADDITIONAL REPRESENTATIONS

OFFICER COMMENTS

For information only - an application ref 171439 has been submitted, 4th May, to retain the greenhouse.

NO CHANGE TO RECOMMENDATION

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

ADDITIONAL REPRESENTATIONS

The applicant's agent states in rebuttal that:

- Proposal accords with policies SS1 and of Core Strategy, it is in a sustainable location
- The proposal preserves and enhances the local character and distinctiveness in accordance with policies RA2 and SS6 in Core Strategy
- Policy RA3 is not relevant
- No 5 year housing land supply and specific type of housing proposed, which is necessary and underprovided.

OFFICER COMMENTS

The proposal site is sufficiently separate from Stoke Lacy. It is not contiguous with any other residential property. It is not *within or adjacent to the main built up area* and therefore it is not Policy RA2 compliant, notwithstanding the shortfall in the housing land supply and that there is not a Neighbourhood Development Plan. Therefore, given the proposal site falls outside the reasonable limits of Stoke Lacy it falls to be determined in accordance with policy RA3 of Core Strategy. The proportional growth target for Stoke Lacy is 24 dwellings and at the present time 46 have been built or committed.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	14 JUNE 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 163750

- The appeal was received on 11 May 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr Mark Robinson
- The site is located at 19 St James Close, Bartestree, Hereford, Herefordshire, HR1 4AY
- The development proposed is Erection of fence to enclose side garden.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 161694

- The appeal was received on 11 May 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr David Edwards
- The site is located at The Ford, Sutton St Nicholas, Hereford, Herefordshire, HR1 3AT
- The development proposed is Proposed detached single storey outbuilding.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

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

Application 163096

- The appeal was received on 22 May 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 Mr John Stinton
- The site is located at The Beech, Haynall Lane, Little Hereford, Ludlow, Herefordshire, SY8 4BG
- The development proposed is Proposed change of use and alterations of a farm building to create an industrial unit within classes B1, B2 and B8. Provision of parking, treatment plant (sewage) and cycle shelter.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 170215

- The appeal was received on 22 May 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 Mr Phin Leng
- The site is located at Outbuilding at 179 Whitecross Road, Hereford, HR4 0LT
- The development proposed is Conversion of existing outbuilding into new residential accommodation.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 163840/FH

- The appeal was received on 23 May 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 Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed is Proposed garden room extension.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 163841/L

- The appeal was received on 23 May 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed is Proposed garden room extension.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 161859

- The appeal was received on 22 May 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 Mr S Fraser
- The site is located at Land West of Larksmead, Brampton Abbots, Ross-On-Wye, Herefordshire, HR9 7JE
- The development proposed is Proposed residential dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Withers on 01432 260612

APPEALS DETERMINED

Application 162117

- The appeal was received on 18 January 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 Ms Karen Harris
- The site is located at Losito Stud, Whitchurch, Ross-on-Wye, Herefordshire
- The development proposed was Replace a redundant barn with a four bedroom house in a sustainable location at Losito Stud, Whitchurch, HR9 6EG
- The main issues were:
 - Whether the design of the proposed dwelling is of exceptional quality or innovative nature so as to justify a new isolated home in the countryside, giving particular regard to the effect on its character and appearance and the Wye Valley Area of Outstanding Natural Beauty;
 - Whether the proposal would be in a suitable location, having regard to issues of land contamination and stability.

Decision:

- The application was Refused under Delegated Powers on 18 October 2016
- The appeal was Dismissed on 22 May 2017
- An Application for the award of Costs, made by the Council against the Appellant, was dismissed

Case Officer: Mrs Charlotte Atkins on 01432 260536

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



MEETING:	PLANNING COMMITTEE
DATE:	14 June 2017
TITLE OF REPORT:	171040 - PROPOSED ERECTION OF ONE DWELLING AT WYMM HOUSE, SUTTON ST NICHOLAS, HEREFORD, HR1 3BU For: Mrs Snead per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171040&search=171040
Reason Application submitted to Committee - Redirection	

Date Received: 21 March 2017

Ward: Sutton Walls

Grid Ref: 354002,247306

Expiry Date: 16 May 2017

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The site lies to the north of Wymm House, a two storey detached dwelling that has been extended in the past. While the application site lies outside of the curtilage of Wymm House, it is within the applicant's ownership who resides at Wymm House at present.
- 1.2 There is a large metal building on the application site that has been used by the applicant's father in relation to his business. Both this building and Wymm House are now accessed through a vehicular access to the east of the C1125. There is thick hedging along the roadside boundary (apart from an existing field gate access) as well as along the northern boundary of the site. It is largely open to the south where it abuts Wymm House.
- 1.3 The site, while located within the parish of Marden, is within open countryside and away from the identified settlements of Marden and Sutton-St-Nicholas.
- 1.4 The application seeks full planning permission for the erection of a single detached dwelling, associated access and turning, and retention of part of the metal building for garaging purposes for the dwelling and domestic curtilage.
- 1.5 The dwelling proposed is single storey with storage and a studio/study within the attic space. The proposed dwelling will measure approximately 21.6m in length when viewing from the west and 17.8m when viewing from the south. The height to the eaves of the single storey elements (for example the bedroom and en-suite located off the north elevation) will measure 2.5m and 6.5m to the ridge of the whole structure.
- 1.6 Internally, the dwelling would provide a three bedroomed dwelling with living room, dining room and kitchen, utility and bathroom with an attached two bedroom annexe for the applicant's parents.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

1.7 As well as the proposed plans, the application was accompanied by:

- A covering letter
- Planning Design and Access Statement
- Supporting Statement
- Preliminary Ecological Appraisal

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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>

2.2 National Planning Policy Framework (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

2.3 The Marden Neighbourhood Development Plan (made on 6 October 2016):

Policy M1	-	Scale and Type of New Housing Development in Marden
Policy M2	-	Scale and Type of New Housing Development in designated Hamlets
Policy M3	-	General Design Principles
Policy M4	-	Ensuring an Appropriate Range of Tenures, Types and Sizes of Houses
Policy M10	-	Landscape Character
Policy M11	-	Flood Risk and Surface Water Run-off

2.4 The Marden Neighbourhood Development Plan can be viewed on the Council's website by using the following link:

<https://myaccount.herefordshire.gov.uk/marden>

3. Planning History

3.1 163635/F – Application for proposed dwelling house. Refused 21 December 2016.

This previous application was identical to the one that is now submitted. It was refused on the following three grounds:

- 1) The proposal is considered to represent an unsustainable form of development, and while the Marden Neighbourhood Development Plan does not have a policy relating to open countryside, the application is contrary to policy M1 of the Marden NDP as well as Policies RA2 and RA3 of the Herefordshire Local Plan – Core Strategy, where residential development of this type is not supported unless it meets exceptional criteria.
- 2) The design of the proposal does not reflect the local context of the dwellings within the vicinity and intrinsically has a detrimental impact on the open countryside. As such, the proposal does not accord with Policies SD1 or LD1 of the Herefordshire Local Plan – Core Strategy.
- 3) In the absence of sufficient information, the potential impact of the proposal on the trees on the site cannot be adequately assessed. As such, the application cannot be favourably assessed against Policy LD3 of the Herefordshire Local Plan – Core Strategy.

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Welsh Water

No objections to the proposal as it is intended to utilise a private treatment works.

4.2 Internal Council Consultations

4.2.1 Ecology

I am happy that work could proceed subject to planning permission under the applicants own risk as far as ecology and protected species are concerned.

I would request that should permission be granted we include a condition requiring details of the biodiversity enhancements the development will off. I know the applicant had talked about bat and bird boxes plus wildlife friendly planting at pre-application and full details of these should be submitted under a condition.

4.2.3 Transportation Manager

On receipt of the current plans, the Council's Transportation Manager recommends refusal of the application as an acceptable level of visibility is not achievable from the utilisation of an existing field gate. This was not identified when determining the previous application. However, negotiations have taken place between the Area Engineer, Agent and Case Officer to create a shared access between the proposed dwelling and Wymm House. This is covered at paragraph 6.32 below.

5. Representations

5.1 Marden Parish Council

Although the application is relocated from the footprint of the current building, the proposed house replaces a redundant building. Although it does not conform to policies M1 or M2 of the Marden Neighbourhood Development Plan and must be considered against policy RA3 of the Core Strategy, Marden Parish Council recognises the special needs of this family and supports the application.

5.2 58 letters of support have been received in response to the public consultation process. In summary the points raised are as follows:

- The family are trying to improve their quality of life and to remain in their community
- The existing house is not big enough for the medical equipment required and help is needed around the clock
- If its in a brown area there should be no issue with it as the Council allow them in other places
- The site is not in open countryside
- The building mimics the building already on the site
- There would be no harm to the surrounding area
- To not allow the dwelling would breach their rights under the Disability Discrimination Act 1995
- The application would reduce the burden on the care services by keeping three generations together

5.3 One letter of objection has been received in response to the public consultation process. In summary the points raised are as follows:

- The development is outside of the settlement boundary
- The existing dwelling is large enough
- Will lead to a precedent
- Drainage will flow to the lowest level which is Wyatt Road
- An additional access will increase hazards on this narrow, unrestricted road

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=171040&search=171040

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

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

6. Officer's Appraisal

Principle of development

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 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 49 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be

considered to be up to date. As established in recent case law (Suffolk Coastal DC v Hopkins Homes [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this.

- 6.3 A recent appeal decision for an outline application for up to 100 dwellings in Bartestree (LPA reference: 143771 / PINS ref: 3051153). considered the weight to go to the Council's spatial strategy in the context of a housing land supply shortfall; then held at 3.63 years' worth of supply (this has improved subsequently to an updated position of 4.39 years). The decision, which was endorsed by the Secretary of State, confirmed that the Council's approach to housing delivery is sound and the shortfall attributable to the delays in delivering housing on large, strategic urban extensions. Accordingly, the Inspector and subsequently the Secretary of State, determined to give significant weight to policies relevant for the supply of housing; particularly in the rural context.
- 6.4 In the context of the clarification provided by the Supreme Court re: Hopkins & Richborough, it is also the case that the correct definition of policies 'caught' by paragraph 49 is the narrow one and that the weight to go to the policies that serve to protect the countryside for its own intrinsic value can legitimately be afforded full weight.
- 6.5 Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded policies relevant for the supply of housing absent a 5 year supply with buffer. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy continue to attract significant weight.
- 6.6 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.7 Housing in the rural parts of the county is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Marden is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14.
- 6.9 Notwithstanding the above, the preamble to Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Marden NDP has been made and is therefore a material planning consideration.
- 6.10 Residential development within the Marden Parish is covered within Policies M1 and M2 of the NDP. These policies include tight settlement boundaries around Marden (under Policy M1) and Litmarsh, Burmarsh and The Vault (under Policy M3) and state that new residential dwellings will only be permitted within those boundaries. While there is not a singular map that shows



these boundaries together, the plan below is an illustration of their approximate locations, with the application site indicated by the blue star:

6.11 With the above in mind, the proposal does not comply with Policies M1 or M2 of the NDP. It is therefore located outside settlement boundaries and within open countryside. It is worth noting a recent appeal decision for five dwellings that was dismissed on account of being outside of the settlement boundary (directly adjacent to the Marden settlement boundary) and therefore conflicting with policy M1 (LPA reference: 160353 / PINS reference:3163453).

6.12 During the examiner's report for the NDP, the then numbered Policy M3 of the NDP was recommended to be deleted with the examiner commenting as follows:

This policy contains the same or similar criteria to CS Policy RA3. It however misses out the references to CS Policies RA4 and RA5 contained in that policy and also does not include two other criteria which appear in CS Policy RA3. These relate to dwellings of exceptional quality and innovative design and sites for gypsies and travellers. The similarity of this policy and CS Policy RA3 mean that there is little merit in including it in this Plan. The excluded elements of CS Policy RA3 are significant and should be included in any such policy to ensure that general conformity is achieved. Therefore Policy M3 should be deleted. If, for the sake of completeness, the Plan wishes to cover residential development in the countryside, reference could be made in the text to the relevant CS policies.

6.13 As such, the NDP does not contain a policy in relation to residential development outside of the specified settlement boundaries and any such application falls to be assessed against Policy RA3 of the Core Strategy.

- 6.14 Policy RA3 is a criteria-based policy identifying seven instances where residential development in the open countryside may be permissible. Such instances include, inter alia, the erection of dwellings connected with proven agricultural necessity, replacement dwellings or rural exception housing in accordance with H2.
- 6.15 While the situation of the applicant is appreciated, hoping to accommodate both their parents and their disabled daughter in the same residence, the proposal does not meet one of the seven exception criteria under Policy RA3.
- 6.16 It follows that the application conflicts with policies RA2 and RA3 of the Core Strategy and M1 and M2 of the NDP resulting in residential development being unacceptable in this location. Notwithstanding this in principle objection to the proposal, the other areas of the application are assessed below.

Design and amenity

- 6.17 With regard to the design of any dwelling, policies SD1 of the Core Strategy and M3 of the NDP are applicable.
- 6.18 Policy SD1 states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact.
- 6.19 Policy M3 of the NDP states that new housing development should not have a detrimental effect on the safe and efficient flow of traffic, result in the loss of an area which makes a significant contribution to public amenity and include appropriate remediation for contaminated land. Criteria d – j of this policy state more specific design principles which should be followed. These are also the points on which the Parish Council supports the application. For ease, these are found below:
- (d) Maintain the historic pattern of development by respecting the layout associated with historic plots in the immediate area;*
- (e) Ensure the suitability of the overall design and appearance of the proposal (including size, scale, density, layout, access considerations) in relation to surrounding buildings, spaces and other key features in the street scene. Originality and innovation in design is encouraged;*
- (f) Use, and where appropriate re-use, local and traditional materials;*
- (g) Respect the pattern and use of spaces and use landscape design principles and landscaping where appropriate;*
- (h) Ensure movement to, within, around, and through the development is satisfactory;*
- (i) Include adequate parking (preferably off-road), garaging, private and public amenity space for future residents;*
- (j) Use Sustainable Drainage Systems.*
- 6.20 The materials proposed for the dwelling include lime rendered elevations painted in off white or grey as well as vertical timber boarding with dark grey standing seam sheet steel roof. The design and materials are redolent of an agricultural building as opposed to a dwellinghouse. Taking into consideration the dwellings that are nearest to the site, these largely consist of rendered and facing brick elevations.
- 6.21 It is appreciated that the design of the building may have been pursued, and influenced, by, the existing metal building on the site. However, given the surrounding dwellinghouses, the proposed is found to be out of keeping and does not reference the surrounding domestic development. While the demolition of the existing building (of which a small part would be

retained for garaging purposes) may be beneficial given its deterioration over time, this is not found to constitute justification for a design that does not reflect the local character.

- 6.22 As stated above, the dwelling will provide a 3 bedroom bungalow with an attached 2 bedroom annexe. Notwithstanding the principle of development being found to be unacceptable during pre-application discussions, the layout of the site was touched on. It was considered that if the proposal were to be pursued, it would be important that both Wymm House together with its annex and a proposed dwelling and annexe on the site benefitted from adequate private amenity space and that it may be best if the proposal moved away from the footprint of the existing agricultural building in order to achieve this. The proposal now ensures private curtilage for both host dwellings and annexes if they were to be occupied separately. With the building moved further away, any overshadowing that was experienced by occupants of Wymm House and annexe would now be removed. In relation to overlooking, with the immediate neighbouring dwelling being Wymm House, given the distance between the two (approximately 40m) these issues are not anticipated.
- 6.23 In relation to the part of the existing building to be retained for the garaging of the new dwellings, no details (by way of elevations or floorplans) accompany this application. However, in this case it is considered that these details could be conditioned given that the existing building is to be adapted as opposed to a whole new building being proposed.
- 6.24 Following the refusal of the previous application, pre-application discussions between the Council and the applicant/agent were encouraged in relation to the design. While this would not overcome the in principle objection to the proposal, it may avoid a reason for refusal should the application be resubmitted. However, the applicant declined the offer of pre-application discussion.

Landscape

- 6.25 With regard to the impact of a proposal on the landscape, policies LD1 of the Core Strategy and M10 of the NDP are applicable.
- 6.26 Policy LD1 of the Core Strategy states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.
- 6.27 Policy M10 of the NDP states that all development proposals will have to show regard to the distinctive landscape character of the Herefordshire Lowlands Character Area by retaining the development form of scattered hamlets and farmsteads within the wide setting of the area outside the Marden settlement boundary, using appropriate local building materials, retaining field patterns and boundaries, protecting and enhancing areas of woodland and encouraging country stewardship and similar schemes to enhance biodiversity and natural and historic environments.
- 6.28 While no landscaping scheme accompanies the planning application, it is appreciated that these details could be conditioned on any approval. However, given the location of the development being outside of a settlement, intrinsically there is an impact in terms of the wider landscape by spreading development away from built up areas. It is acknowledged that the existing building would be largely taken down as part of the proposal, it being replaced with a similar building that is actually taller and longer also has a negative impact on the rural landscape.

Ecology

- 6.29 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.30 The application is accompanied by a Preliminary Ecological Appraisal carried out by Just Mammals Consultancy in May 2016. The outcome of this appraisal was that the site was considered to be one of moderate ecological value. Mitigation was also touched on within the report and the Council's Ecologist is happy that these elements could be conditioned on any approval.

Highways

- 6.31 The highways implications of any proposal are to be assessed against Policy MT1 of the Core Strategy. This policy states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposal without adversely affecting the safe and efficient flow of the traffic, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Council's Highways Design Guide.
- 6.32 The Council's Area Engineer has concerns in relation to the utilisation of an existing field access given that this would lead to an intensification where there is inadequate visibility. Negotiations have taken place between the Case Officer, Agent and Area Engineer and a shared access with Wymm House has been agreed although, at the time of writing, amended plans to reflect this have not been received. I am mindful that this may well be overcome by the time the application is presented. The previous application included a refusal reason relating to the lack of information on trees on the site and which were to be retained and removed. If acceptable details in relation to an amended access are received, it is likely that no trees will require removal as part of the application. As such, while this is again attached to the recommended refusal reasons, the resolution of the access issue will overcome this by the time of presentation.
- 6.33 In terms of parking, the dwelling provides five bedrooms and as such a minimum of 3 parking spaces are required. The block plan that has been submitted indicates an acceptable level of parking with turning so that any car can enter the highway in a forward gear.

Drainage

- 6.34 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. Policy SD4 goes on to state that in the first instance developments should seek to connect to the existing mains wastewater infrastructure.
- 6.35 The application form and design and access statement state that the foul water from the proposed dwelling would be disposed of through a private treatment plant with a reed bed system onto land to the east of the site. While this is outside of the application site, it is within the applicant's ownership. As such, there is found to be sufficient area for the drainage to be accommodated within land that the applicant has control over.

S106

- 6.36 In light of the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, S106 contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm. With this in mind, no S106 contributions are required as part of the application.

Other matters

- 6.37 With all planning applications being assessed on their individual merits, in exceptional cases personal circumstances can be afforded some weight as a material planning consideration. However, it is very rarely the case that personal circumstances will carry sufficient weight to override policy. While the situation of the applicant's family is appreciated, this is not considered to outweigh the clear conflict with local and national policies.
- 6.38 It is noted that two planning applications for extensions to the main house to accommodate the needs of the applicant's daughter were permitted in 2004 and 2012 (reference numbers: DCCW2004/1445/F and S120268/FH). Both of these have been built and were restricted to be used for ancillary purposes.
- 6.39 The use of the site as a builders yard by the applicant's father is not disputed as the case officer has no reason to doubt this. However, this is not found to be sufficient justification for a dwelling in a location that is found to represent unsustainable development away from facilities and amenities and contrary to policy.

Conclusion

- 6.40 The application proposes residential development in a unsustainable location that is not supported by policies RA2 or RA3 of the Core Strategy. Furthermore, the design is not found to be reflective of the local characteristics and is therefore out of keeping with the application. As such, the application is recommended for refusal for the reasons stated below.

RECOMMENDATION

That planning permission be refused for the following reasons, or alternatively on the basis of Reason 1 and 2 only should the ongoing negotiations relating to the shared access arrangement address the concerns identified by the Area Engineer:

- 1. The proposal is considered to represent an unsustainable form of development where residential development of this type is not supported unless it meets exceptional criteria. As such, the application is found to be contrary to Policies M1 and M2 of the Marden Neighbourhood Development Plan and Policies RA2 and RA3 of the Herefordshire Local Plan – Core Strategy.**
- 2. The design of the proposal does not reflect the local context of the dwellings within the vicinity and intrinsically has a detrimental impact on the open countryside. As such, the proposal does not accord with Policies SD1 or LD1 of the Herefordshire Local Plan – Core Strategy.**
- 3. In the absence of sufficient information, the potential impact of the proposal on the trees on the site cannot be adequately assessed. As such, the application cannot be favourably assessed against Policy LD3 of the Herefordshire Local Plan – Core Strategy.**

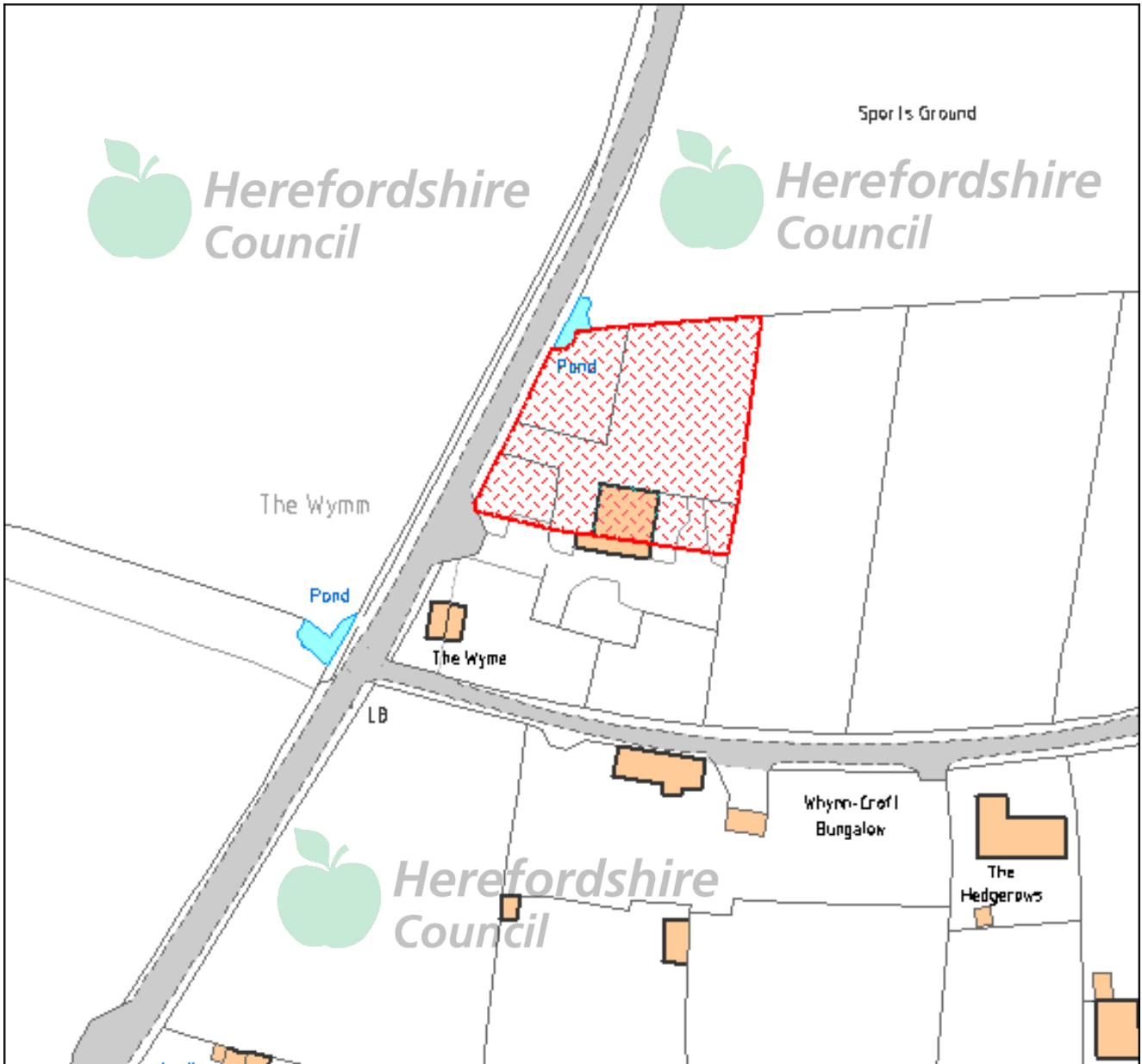
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171040

SITE ADDRESS : WYMM HOUSE, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3BU

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894



MEETING:	PLANNING COMMITTEE
DATE:	14 June 2017
TITLE OF REPORT:	<p>163673 - PROPOSED ERECTION OF 15M MONOPOLE TO SUPPORT 2NO. ANTENNAS AND 1NO. DISH, FLOODLIGHTS, TOGETHER WITH THE INSTALLATION OF 5NO. EQUIPMENT CABINETS AND ERECTION OF 1NO, 10M FLOODLIGHT STRUCTURE WITH 2NO. NEW FLOODLIGHTS AT THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE</p> <p>For: Shared Access Limited per Mr Richard Morison, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163673&search=163673
Reason Application submitted to Committee – Re-direction	

Date Received: 16 November 2016 Ward: Ledbury South Grid Ref: 371349,237053

Expiry Date: 12 January 2017

Local Member: Councillor EL Holton

1. Site Description and Proposal

- 1.1 Ledbury Lawn Tennis Club is on the eastern side of the A449/Gloucester road in the Ledbury Conservation Area. The class I road provides the western boundary to the Malvern Hills AONB, which continues northwards to the north-west bound A449 as it continues onto Malvern and includes Ledbury Park. The adjoining land to the tennis courts inclines steeply to the east up to Coneygree Wood.
- 1.2 The proposal has two distinct elements: the first is the erection of a 15 metres high monopole to support two antennas and one dish and the second is the upgrading of existing floodlighting on 10 metres high poles around the tennis court. This will be supplemented by the installation of olive green coloured equipment cabinets used in association with the telecommunications equipment and the floodlighting.
- 1.3 The monopole is proposed to be sited a short distance from the north-western corner of the three tennis courts. The monopole will have a galvanised finish and is slightly wider at the top than the bottom. The dishes will be fixed on the structure at just below the 10 metres height. The Planning Statement confirms that the monopole is a joint venture between Vodafone and O2, where infrastructure is shared. It is stated that the monopole is intended to address coverage deficiencies in order that more people can access 4G high speed internet technology.

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

- 1.4 There is a line of evergreen trees between the proposal site and the stone walled fringed footpath to the Gloucester road. There is extensive housing development on the other side of Gloucester road that declines south-westwards.
- 1.5 The second element is the upgrading of existing floodlighting. One new floodlight will be sited at a height of 9.5m on the proposed monopole, also existing lighting will be upgraded to 3 lights on two existing columns, upgraded on the southern end of the courts from one to two lights and a new two light structure again, 10 metres high will be sited on the northern end of the 2.7 metres high fenced tennis courts
- 1.6 This application was also supplemented with details for the routing of the works which is through the car-park for the tennis club and then between a line of evergreen trees that adjoin the Gloucester road and the tennis courts. A crane will be used sited outside the site on the Gloucester road. A Certificate of Compliance with ICNIRP (International Commission on Non-Ionising Radiation Protection) was also submitted.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

SS6	-	Environmental Quality and Local Distinctiveness
LB1	-	Development in Ledbury
SC1	-	Social and community facilities
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and townscape
LD4	-	Historic environment and heritage assets

2.2 NPPF

Chapter 5: Supporting high quality communications infrastructure

Chapter 8: Promoting healthy communities

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

2.3 NPPG

2.4 Neighbourhood Plans

The Neighbourhood Plan for Ledbury is at a preliminary drafting stage and therefore does not attract weight for the purposes of this planning application.

2.5 In respect of the impact on designated heritage assets, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. These set out the local planning authority's heritage duties in respect of the implications of the proposal relative to the designated heritage assets; which include nearby listed buildings (section 66) and Conservation Area (section 72) – see paragraph 4.5 below for identification of the heritage assets.

2.6 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 NE2002/0920/F – Variation of Condition 4 of MH92/004 - 30 minutes extension of persons to use floodlights on tennis courts from 9.30pm until 10.00pm – Approved 22 May 2002

4. Consultation Summary

Statutory Consultations

- 4.1 AONB Officer advises:

This application lies within the boundaries of the Malvern Hills Area of Outstanding Natural Beauty (AONB). The AONB is an area designated for its national landscape importance. The Malvern Hills AONB Unit seeks to encourage high quality developments and to protect and enhance the local landscape.

Whilst the AONB Unit does not consider that mobile phone masts conserve or enhance the natural beauty of the AONB landscape it does recognise that there is a need for them. It also accepts that it will not always be possible to site such structures outside of the AONB.

The Planning Statement submitted outlines the consideration which has been given to making use of existing masts (the Unit supports mast sharing where possible) and to alternative locations (candidate sites) for a new structure. The Unit has not had an opportunity to assess the effects of a mast in these other locations, for example, on the industrial estate adjacent to Ledbury train station. The Unit would generally prefer development on a site outside of the AONB if this can be achieved with reduced visual effects but in any case it appears that these sites have been discounted by the applicant.

Visual effects

As noted, the proposed site lies inside but on the edge of the AONB. The Unit considers that the key views of the proposed development from within the AONB would be those from the higher ground to the east of the site. There appear to be no rights of way running through Ledbury Park (immediately adjoining the site) and the closest rights of way to the east are within and behind Coneygree Wood, and consequently likely to offer few if any significant views of the site. However, there are important footpaths running along the western edge of Coneygree Wood adjoining Ledbury Park, presumably as part of open access arrangements within the Wood itself. These footpaths do offer views over the proposed development site. However, in many of these views we consider that the proposed development would be seen against the backdrop of trees that border the site to the west and against the backdrop of residential development in the southern part of Ledbury itself. Consequently, the Unit does not consider that the effect of the development on these views would be major.

The Unit has not had an opportunity to consider views from outside the AONB looking back on to the designated area but believes that these should also be taken into account in arriving at a decision on this application.

Colour and materials

Colour can play a significant role in integrating development in the landscape and the Unit considers that careful attention should be paid to material colour choices. The Unit does not believe that a galvanised metal monopole would be appropriate, merely on the basis that it will match the finish of existing lighting columns on the site. For the monopole itself a darker

colour in a matt (non-reflective) finish is more likely to be lost in the backdrop of trees and houses to the west of the site and may also help integrate the column in views from the west, against the backdrop of grassland and trees. The AONB Partnership's Guidance on the Selection and Use of Colour in Development could be used to inform colour selection for both the monopole and associated infrastructure with a focus given to the colour and texture of the landscape setting

Other works

Any crowning of trees to the west of the development site should be kept to an absolute minimum since these trees will play a significant role in helping to screen the development in views towards the AONB.

Heritage Assets

We leave it to the Local Planning Authority to assess the effects of the proposed development on heritage assets in the vicinity.

Internal Council Consultations

4.2 Transportation Manager has not responded

4.3 Conservation Manager (Landscape) conditional support:

The proposal is for the erection of a 15m monopole sited to the south west corner of the tennis courts. There are a number of designations on site, the site lies at the edge of the Malvern Hills AONB, within Ledbury Conservation Area and adjacent to Ledbury Park unregistered park and garden.

Notwithstanding the above the site forms part of the tennis club located within the original urban settlement boundary. The site has already undergone a degree of change in terms of levelling, fencing and existing flood lights in order to provide these community facilities

I have visited the site and read the comments made by both the AONB officer and the town council. Given the current usage of the site I do not consider that the proposal will unduly harm the character of the site and its surroundings, in terms of visual amenity. Currently the site is well contained by mature vegetation in keeping with its landscape character type; Principal Wooded Hills. In my view the integration of the proposal into its surroundings is dependant upon the retention of the surrounding vegetation. I note that the proposals state that there will be a degree of crown reduction to the existing trees the extent of which needs to be clarified. A further point is that the proposed base units appear to potentially be encroaching upon the RPA's of existing vegetation – an arboricultural impact assessment is therefore required.

Finally in respect of application of colour and materials of the materials these should be agreed via a condition.

4.4 Conservation Manager (Trees)

I have reviewed the additional arboricultural information on the installation of the mast at the above site.

Although some of the graphics are a little questionable, I consider that the scheme is viable from an arboricultural perspective as long as the recommendations within the arboricultural method statement are adhered too – this should be conditioned.

I also consider that a condition should be applied for a suitably qualified 'clerk of works' to oversee any excavations required to enable the underground services to be installed close to the existing trees.

4.5 Conservation Manager (Historic Buildings): No objection

The proposals would cause less than substantial harm to the setting of 'Underdown'. The harm is considered as being at the lower end of the scale and should be weighing against other planning considerations in accordance with NPPF section 134.

Background to Recommendation:

There are several heritage assets the setting of which could potentially be affected by the proposals. These include 'The Wylde' a C17 farmhouse engulfed by later development (Grade 2) ; 'Underdown', a gentlemans small country house dating from the C18, set within its own small scale landscape setting (Grade 2 and an un-registered P&G); and listed buildings on the southern periphery of the Ledbury Conservation Area.

In terms of the Wylde, it is felt that the setting of this building has been eroded to the extent that the proposals would have no impact upon it, it has been engulfed by later development, so the understanding of it set within its farmland has been lost.

The difference in height of the proposed mast compared with existing surrounding vegetation and floodlighting combined with the distance from the conservation area is such that the proposals would not have an impact upon the appreciation of the setting of listing buildings on the periphery of the settlement.

The impact on the setting of 'Underdown' is greater than other nearby assets. Despite later development to the SW of the road, the building broadly retains its landscape setting. The principal approach to the building still exists and its design was intrinsic to the appreciation of the building and is therefor a key aspect of its setting. This road aligns with the proposed mast. It would be a stretch to consider the mast an eye catcher as part of this miniature landscape associated with the house, however given the existing development in terms of floodlighting etc, it is not felt to be major harm to the setting of the building and therefor would be considered less than substantial harm and at the lower end of the scale. This minor harm should be weighed against the benefits of the proposals under NPPF section 134.

5. Representations

5.1 Ledbury Town Council object:

The recommendation made by the Committee was not to support the application for the following reasons:

- Inappropriate site in the proximity of residential area and the AONB;
- Heath and Safety;
- Light pollution and loss of amenity to local residents;
- No alternative sites have been suggested.
-

5.2 Fifteen letters of objection have been received making the following main points:

- Intrusive in beautiful landscape, Ledbury Park and AONB
- Interrupts views westwards through site to Leadon Valley and upslope to Coneygree Wood
- Precedent
- Alternative sites not considered

- Health risk to nearby residents
- Affects TV signals
- Floodlighting intrusive day and night; do not abide by 10 pm switch off
- Pre –application consultation by applicants poorly executed

5.2 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=163673&search=163673

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 Chapter 5 of the National Planning Policy Framework (NPPF) provides the guidelines for new telecommunication development and the upgrading of existing facilities. The NPPF makes clear that high quality communications infrastructure is essential for sustainable economic growth, which is also one of the core principles of the Herefordshire Local Plan-Core Strategy. The Core Strategy does not contain a telecoms-specific policy. The Ledbury NDP is not drafted and attracts no weight at present.

6.2 The development site is a sensitive one as it is not only within part of the designated AONB, but also within part of a Conservation Area; a designated heritage asset. Whilst it would normally be the case that the erection of telecommunication apparatus would not normally be encouraged in Areas of Outstanding Natural Beauty, each proposal for development needs to be placed in the context of that particular area of AONB. This is a previously developed area of land on the urban fringe with contouring that is well established; 10 metre high flood-lighting columns on site allied with the established evergreen trees along the boundary of the site, which also delineates the boundary of the AONB, as well as for the proposal site. The monopole will not be viewed in isolation in this part of the AONB. This is visually a well contained site that does not provide significant continuous views from higher ground to the east down through the site or from public vantage points outside of the site particularly from the housing development down slope from the Gloucester road. The erection of a monopole would be viewed in the context of existing trees on the Gloucester road, together with the existing floodlighting columns.

6.3 The additional floodlighting can be provided without impinging upon the scenic beauty of this part of the AONB and will not cause significant harm to the character or appearance of this part of the designated Conservation Area. This is due to the established tree screening to the west in particular and given that modern lighting has sharper definition, such that the lighting is directed more efficiently to the playing surface; thus reducing associated light-spill. A condition will be attached governing when the flood-lighting will be switched off, as is the case for the use of the existing flood-lighting at present. This is for the avoidance of any doubt in respect of both new and any existing floodlighting that will be retained, in the interests of the amenity of residents living within the vicinity of the site. It should be noted that floodlighting has been in use on the site for over 24 years. It is considered that the changes proposed are not such that with the retention of existing tree screening this element of the scheme cannot be supported as according with Policies SD1, LD1, LD4 and SC1 of Core Strategy.

6.4 The Conservation Manager (Historic Buildings) has assessed the proposal against the legislative framework, development plan policies and national guidance. He identifies less than substantial harm in relation to the setting of Underdown. This level of harm needs to be considered in the context of NPPF paragraph 134; CS LD4 has no guidance for the decision-maker where *some* harm is identified.

6.5 Paragraph 134 says that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The planning balance is referred to below.

6.6 The issue of impacts on public health has arisen, particularly in the light of the relative proximity to housing on the western side of the Gloucester road. NPPF Paragraph 46 states:

“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”

(case officer emphasis)

6.7 This proposal was accompanied by the relevant 'ICNIRP' certification and confirms that the radiation falls well within the permitted thresholds. The proposal therefore accords with the guidelines in the NPPF and notwithstanding the representations received, this proposal cannot be reasonably resisted on public health grounds.

6.8 The other matters raised including precedent are not considered such that it establishes grounds for resisting development on its own merits as set out above. An application for any new monopole requiring planning permission would need to satisfy the guidelines set out in the NPPF as well as any other relevant planning policies.

6.9 It is not clearly evident why this site was chosen over say a site close to the railway station, as cited by the AONB Officer in response, however the fact that he considers that the proposal will not have a major impact, although visible from footpaths on Coneygree Hill is a material ground for supporting this particular proposal. It is also acknowledged that this mast will be shared by two operators.

Conclusion

6.10 The application site is in a sensitive landscape afforded the highest degree of protection via the CS and NPPF. It is, however, within a context that has already been developed. Having regard to the comments of the AONB office and Landscape Officer, it is concluded that the proposal can be supported subject to careful consideration of a non-reflective colour that allows for continuing screening of the site following the erection of the monopole and controls in respect of the use of flood-lighting.

6.11 Less than substantial harm has been identified in relation to the setting of the Grade II listed Underdown. This harm, which is described by the Conservation Manager as minor, goes into the unweighted balance at 134 i.e. harm to significance vs. public benefits.

6.12 In judging this balance, officers attach significant weight to the benefits the monopole will bring in terms of increasing accessibility to high-speed internet access; this is something that the CS and NPPF attach significant importance to. On this basis, and given the harm to significance is described as minor, officers consider that the public benefits outweigh the harm identified.

6.13 With environmental safeguards in place as per the conditions below, officers consider that the application accords with the development plan and NPPF guidance and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

1. **A01- Time limit for commencement**
2. **B01- Development in accordance with the approved plans**
3. **The finish to the monopole shall be the subject of the prior written approval of the local planning authority. The finish shall be applied in accordance with the approved details and maintained thereafter as such.**

Reason: To minimise the impact of the development in this part of the AONB and Conservation Area so as to accord with Policies LD1 and LD4 of the Herefordshire Local Plan-Core Strategy.

4. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans: 'Seventy-Two' Arboricultural Development Report (Ref:SA107AIA) dated 11.02.2017, Response to tree officers comments (Ledbury LTC – SA107) dated 14.03.17 and 'Vodafone/Shared Access' Proposed Overall Site Plan (Ref:BPLTA00492) revised 21.03.17**

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

5. **Prior to the commencement of the development hereby approved, a suitably qualified and competent arboricultural 'clerk of works' should be appointed. The clerk of works will ensure that all construction works in the proximity of trees, are carried out as per the approved documents and plans. The clerk of works shall monitor these works and inform the Local planning Authority following each relevant stage of the project.**

Reason – Compliance with approved documents/plans and the continued good health of the retained trees ensuring that they are not adversely impacted by the construction works so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

6. **The floodlights shall be turned off no later than 10.00 pm.**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy SD1 of Herefordshire Local Plan-Core Strategy.

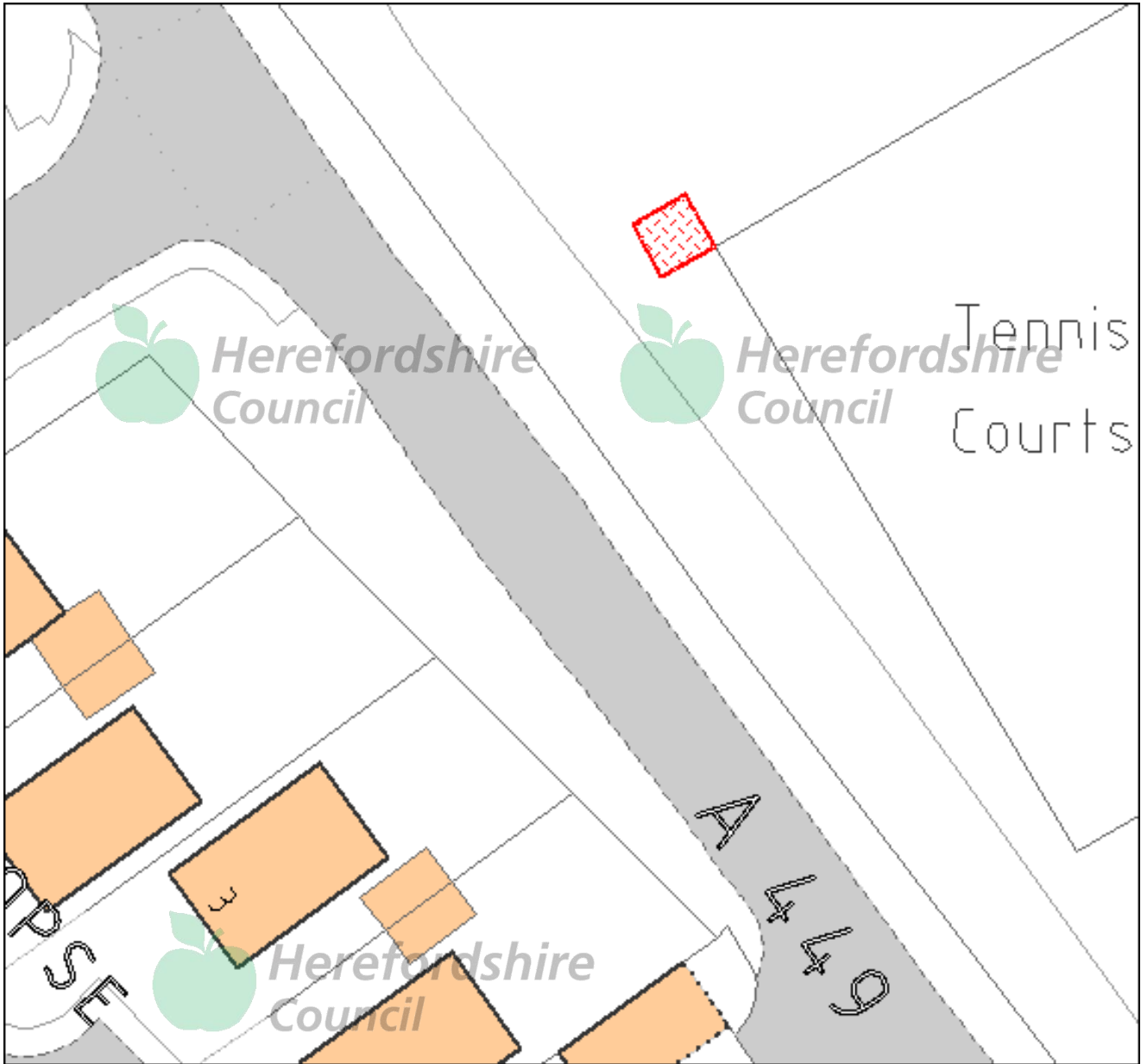
7. **H27- Parking for site operatives**
8. **I16- Restriction of hours during construction**

INFORMATIVES:

1. **Positive and pro-active working**

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163673

SITE ADDRESS : THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE

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



MEETING:	PLANNING COMMITTEE
DATE:	14 June 2017
TITLE OF REPORT:	<p>162753 - CHANGE OF USE OF ROSEMORE GRANGE, FROM A RESIDENTIAL DWELLING WITH HOLIDAY ACCOMMODATION, TO EXCLUSIVE PRIVATE HIRE FOR HOLIDAY ACCOMMODATION, PRIVATE CELEBRATIONS AND EVENTS AT ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ</p> <p>For: Ms J Walker per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162753&search=162753
Reason Application submitted to Committee – Re-direction	

Date Received: 31 August 2016

**Ward: Bromyard
Bringsty**

Grid Ref: 371569,257373

Expiry Date: 26 October 2016

Local Member: Councillor NE Shaw

1. Site Description and Proposal

- 1.1 Rosemore Grange is a two-storey property on the north-western side of the parish of Whitbourne. It gains access onto the eastern side of an unclassified road (u/c 65026). It comprises a detached nine-bedroom house which is being used as an exclusive private hire facility for holiday accommodation and private parties. This is a retrospective application for continued use of the property together with a Coach House in the grounds, which has the benefit of use as a holiday unit dating from August 2005 (reference DCNC2005/2369/F) for private hire for holiday accommodation, private celebrations and events.
- 1.2 The proposal site is served by two access points, the northernmost one is close to a bend in the unclassified road and the other enjoys better visibility along a relatively straight stretch of highway.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural economy
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency

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

- 2.2 NPPF
Core Planning Principles – Paragraph 17, including support for sustainable economic development and the pursuit of good standards of amenity for all existing and future occupants of land and buildings.

Chapter 3: Supporting a prosperous rural economy
Chapter 4: Promoting sustainable transport

- 2.3 NPPG

- 2.4 Neighbourhood Plans

The Neighbourhood Plan area for Whitbourne was made in October 2016 and therefore it forms part of the Statutory Development Plan and thus attracts significant weight for the purposes of determining planning applications.

- 2.5 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/5026194/whitbourne_ndp.pdf

3. Planning History

- 3.1 DCNC20052369/F - Conversion of coach house to provide holiday accommodation – Approved 23 August 2005

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.2 Transportation Manager: Conditional support

This is on the basis that the northern access point, which has restricted visibility, is closed off permanently and only the other access point with better visibility is utilised.

- 4.3 Environmental Health Manager: Has initially concurred that control of amplified music outside of the buildings is appropriate.

5. Representations

- 5.1 Parish Council object:

Further to your correspondence re consultation on the above planning application Whitbourne Parish Council has asked me to convey their opposition to this application.

The application effectively seeks retrospective consent for the existing use of the property.

5.2 Over the last few years, the property has been let out for varying periods of time but in recent times this has been predominately for weekend bookings. These bookings are not supervised or directly controlled by the owner who is not resident at the property. The property accommodates 26 persons– 20 in the house and 6 in the Coach House. The weekend residents in particular often cause very significant anti-social behaviour. This usually arises from private events and parties (including stag and hen parties). High noise levels from groups using the patio area have been recorded and include late night rowdyism, the playing of loud music and the letting off of fireworks.

5.3 Unacceptable levels of noise have often been recorded until 1am and as late as 4am. Various acts of vulgarity have also been reported in both the garden and field areas.

The number of cars recorded at weekends has varied from 6 to 15, although typically there would be around 9 or 10. The location of the site in the open countryside is such that access must be by private car or taxis. The road passing the property is a narrow single carriageway lane with a very sharp bend immediately before the property. There have apparently been a number of near collisions when vehicles exited the property without due care and attention.

5.4 Extracts considered by the Council from the relevant policies are as follows:

Whitbourne NDP Policy LU4 states:

Housing or development proposals should seek to:

- iii. Respect the amenity and privacy of any adjoining properties
- iv. Ensure suitable and safe access to the highway

5.5 The Herefordshire Core Strategy:

Policy RA6 - Rural economy

Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:

- Promote sustainable tourism proposals of an appropriate scale in accordance with Policy...
- Planning applications which are submitted in order to diversify the rural economy will be permitted where they;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell; &
 - do not generate traffic movements that cannot safely be accommodated within the local road network.

Policy SD1 – Sustainable design and energy efficiency

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

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

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.

5.6 The Members of Whitbourne Parish Council unanimously object to the proposed change of use of Rosemore Grange for the following reasons:

1. The level and type of activity associated with the proposal would intrude on the peaceful nature of the locality, harming its tranquillity and it demonstrably fails to respect or safeguard the residential amenity of local residents contrary to NDP Policy LU4 (iii), RA6 and SD1.
2. The nature and use of the proposed development is such that it will give rise to a significant number of additional vehicle movements at weekends. The location of the site is considered to be unsuitable and unsustainable and contrary to NDP Policy LU4 (iv), RA6 and SD1.

5.7 Four letters of objection have been received making the following main points:

- Noise. Noise bounces off house from patio audible to north-east. Had to go there 3 a.m. could not hear me knocking
- Weekends use of property - rarely used weekdays
- People come for once in lifetime experience
- Many groups no problem
- Hen parties, stag parties and extended family groups
- Minor instances of trespass
- Narrow road bend nearby. Near misses with cars joining narrow road
- 6-15 cars parked on site
- If approved will legitimate further expansion

5.8 Four letters of support making the following main points:

- Good for village as facilities i.e. shop, restaurant and pub used
- Maintain house and gardens not seen damage
- Good to see three generations of families walking around.
- Family birthdays, anniversaries mostly few hen and stag parties
- Facilities used by Whitbourne

5.9 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=162753&search=162753

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 Having regard to the Parish Council objection and letters of representation, the main issues arising are;

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

- Concerns in relation to noise, disturbance and anti-social behaviour;
- Concerns relating to the additional traffic generated by the ongoing use of the premises.

- 6.2 Government advice in Chapter 3 of the NPPF is that planning policies should support economic growth in rural areas to create jobs and prosperity. This is reflected in the Core Strategy (CS), which seeks, jointly and simultaneously, development that achieves social progress, economic prosperity and environmental quality.
- 6.3 This retrospective application concerns the change of use of a large, detached dwelling into a private hire holiday/events accommodation for groups. As the representations set out, the composition of these groups varies and can comprise mixed, multi-generation family groups as well as single gender party groups.
- 6.4 The Coach House already has a holiday use for up to 6 people together with the main house or indeed separately. Having regard to the CS and NPPF, officers are of the view that the change of use of Rosemore for the purpose for which permission is retrospectively sought, is not objectionable in principle. It is a large property of a type that is perhaps increasingly less-likely to be utilised as a private family dwelling house. It remains the case, however, that seeking a good standard of amenity for neighbours to development is an NPPF core planning principle and objective of the CS.

Noise

- 6.5 It should also be noted that even in the representations received it is stated that many visiting groups have not posed a problem. It is the composition of these groups that it is considered to pose different issues in terms of noise and disturbance, whilst by implication family groups would potentially entail fewer vehicle movements on the local highway network. The Parish Council has referred to Policy LU4 from the adopted NDP; this policy though refers to new housing proposals in the parish; which is not the case in this instance as the dwelling exists.
- 6.6 The Council's Environmental Health team has investigated in relation to an historic noise complaint in 2014. Officers were unable to substantiate a statutory nuisance, however, and the case was closed. In any event, this application presents the opportunity to better regulate the premises via planning condition. Accordingly a condition is imposed in respect of time restrictions on amplified music. It is also the case that in the event of a complaint, the Council does have recourse to an out-of-hours Environmental Health service that can visit and monitor noise levels and pursue accordingly through Environmental Health legislation should a nuisance be proved.

Traffic impacts

- 6.7 Letters of representation refer to near misses on the local highway network, but such occurrences are difficult to substantiate and may or may not be a direct consequence of the ongoing use of the premises as such.
- 6.8 The use of the roads, predominantly at the weekend as suggested in representations received, does not constitute a level of traffic that could substantiate a reasonable ground for refusal. There is insufficient evidence to substantiate conflict with MT1 and NPPF paragraph 32.
- 6.9 However, it is contended that in line with the advice of the Council's Traffic Manager, the northern access point should be closed off given its proximity to a bend in the unclassified road and only the southernmost access be utilised. This would concentrate traffic movements to the safer access point and would accord with Policies MT1 and RA6 of Core Strategy. A condition is recommended to control this closure.

Conclusion

- 6.10 The continued use of the house and Coach House can be supported subject to controls with the use of amplified music and the means of access. The economic benefits of the proposal, which includes local employment, are considered on balance to outweigh the occasional complaints relating to what is an existing large residential property and detached building with an existing, lawful holiday use. Overall the proposal is considered to accord with the provisions of policies SD1 and RA6 of Core Strategy and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The main house and coach house shall:**
 - (i) **Be occupied for holiday purposes only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: To safeguard the amenity of the area and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy

2. **F13 - Restriction on separate sale**
3. **I14 - Time restriction on music**
4. **I32 - Details of floodlighting/external lighting**
5. **H08 - Access closure**

INFORMATIVE:

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

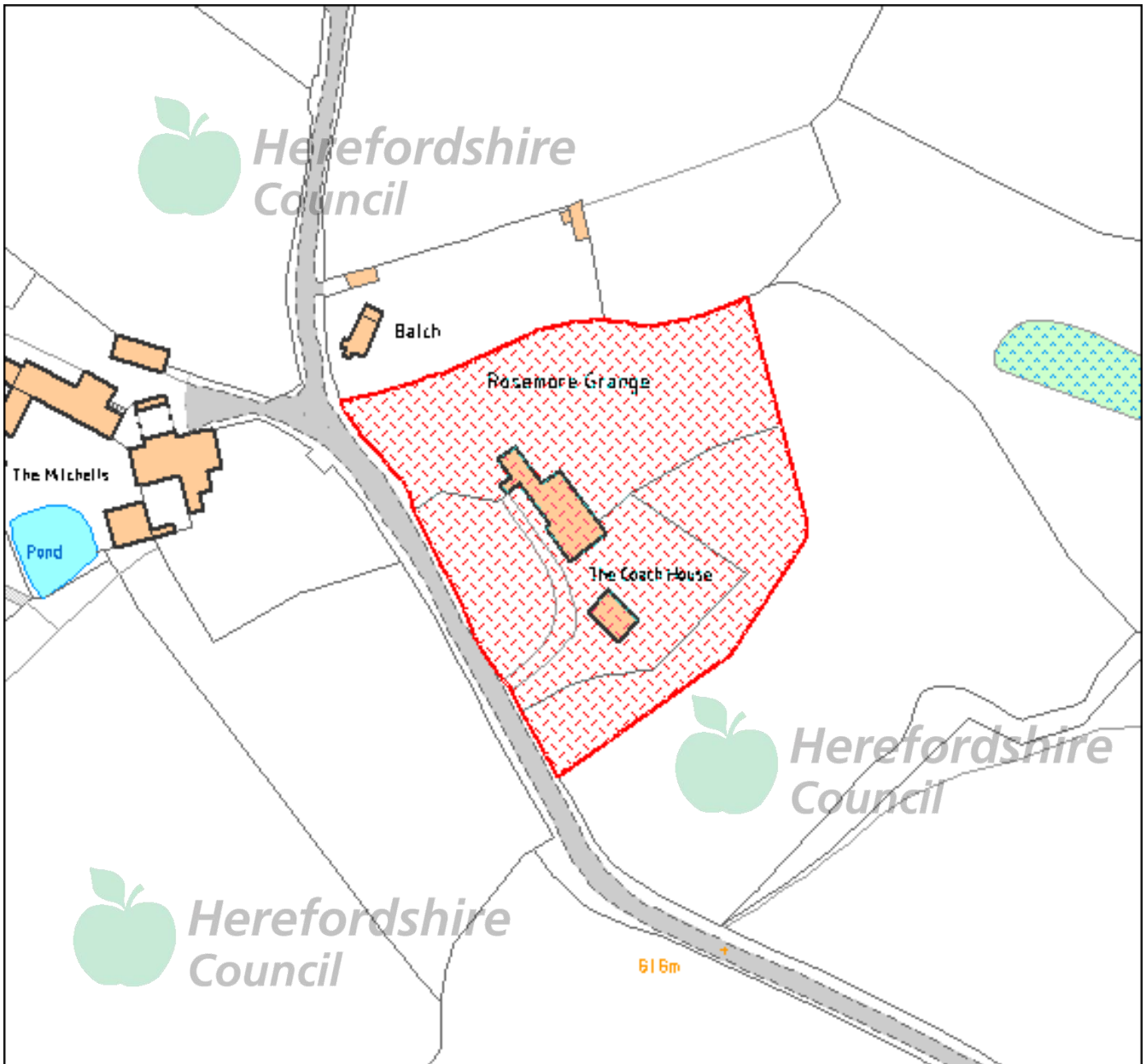
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162753

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