

# Agenda

## Planning and regulatory committee

Date: **Wednesday 2 August 2017**

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Time: **10.00 am**

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

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

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

# **Agenda for the meeting of the Planning and regulatory committee**

## **Membership**

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor J Hardwick</b>
	<b>Councillor BA Baker</b>
	<b>Councillor CR Butler</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor EL Holton</b>
	<b>Councillor TM James</b>
	<b>Councillor JLV Kenyon</b>
	<b>Councillor FM Norman</b>
	<b>Councillor AJW Powers</b>
	<b>Councillor A Seldon</b>
	<b>Councillor WC Skelton</b>
	<b>Councillor EJ Swinglehurst</b>

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b> To approve and sign the Minutes of the meeting held on 12 July 2017.	9 - 22
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
<b>6. APPEALS</b> To be noted.	23 - 26
<b>7. 162261 - LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF</b> Proposed site for up to 80 dwellings, garages, parking, open space and indicative road layout.	27 - 54
<b>8. 162809 - TOM'S PATCH, STANFORD BISHOP, BRINGSTY</b> Proposed holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.	55 - 72
<b>9. 170984 - LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE.</b> Erection of a 3 bed dwelling, amended access and bio-disc drainage.	73 - 84
<b>10. 170465 - LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HEREFORDSHIRE, HR4 8AD</b> Proposed bungalow and garage with access.	85 - 92
<b>11. DATE OF NEXT MEETING</b> Date of next site inspection – 22 August 2017  Date of next meeting – 23 August 2017	



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

### **Public Transport Links**

- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

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In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

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## Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairman)	Conservative
Councillor J Hardwick (Vice-Chairman)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Conservative
Councillor TM James	Liberal Democrat
Councillor JLV Kenyon	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	It's Our County
Councillor EJ Swinglehurst	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

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The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

### **Who attends planning and regulatory committee meetings?**

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

### **Public Speaking**

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.



**Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 12 July 2017 at 10.00 am**

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

**Councillors:** CR Butler, PE Crockett, DW Greenow, KS Guthrie, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon and EJ Swinglehurst

**In attendance:** Councillor NE Shaw

**18. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors BA Baker, PJ Edwards, EL Holton, WC Skelton and LC Tawn.

**19. NAMED SUBSTITUTES**

Councillor PE Crockett substituted for Councillor PJ Edwards, Councillor JLV Kenyon for Councillor LC Tawn and Councillor SD Williams for Councillor WC Skelton.

**20. DECLARATIONS OF INTEREST**

**Agenda item 7: 164085 - Brightwells Auction Site, Stoney Street, Madley.**

Councillor J Hardwick declared a non-pecuniary interest because he traded with the company.

Councillor DW Greenow declared a non-pecuniary interest because he traded with the company

**Agenda item 11: 170940 – Lower Derndale Farm, Derndale Road, Wellington**

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor KG Guthrie declared a non-pecuniary interest because she lived in Wellington.

**21. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 14 June 2017 be approved as a correct record and signed by the Chairman.

**22. CHAIRMAN'S ANNOUNCEMENTS**

None,

## 23. APPEALS

The Planning Committee noted the report.

## 24. 164085 - BRIGHTWELLS AUCTION SITE, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NH

*(Variation to conditions 3 and 4 of planning permission 163117.)*

The Principal Planning Officer gave a presentation on the application. She reminded the Committee that the principle of use and development of the site had previously been agreed. The application was to vary conditions 3 and 4 of an existing permission. The key considerations in the determination of the current application related to the impact of the extended hours of working and operation upon the amenities of local residents and upon highway safety.

Condition 3 sought to control the hours of working on the site. At present the hours during which working (with the exception of office based uses) could take place were restricted to 8.30am – 5.30pm Monday to Friday. The request was that this was extended so that working could begin at 8.00 am Monday to Friday with no change to the finish time. In addition to this, the applicants had requested that on sale days (maximum 2 days per month) they could start at 7.30am and that on Saturdays following a sale (maximum 2 days per month) they could operate from 8am until 2pm. The applicant had stated that on sale days it was essential to stop a queue forming on Stoney Street prior to the site operating. By unloading from 7.30am it eased the pressure on local roads during the school run and the peak commuting time

Condition 4 sought to control the delivery of plant and machinery and their loading and unloading within the site. At present this was restricted to between 9am and 5pm Monday to Friday. The request was to extend the hours in line with the suggestion for condition 3. In addition to this, it was requested that the wording stated 'collection and delivery' rather than just 'delivery'.

In accordance with the criteria for public speaking, Mrs P Breeze, a local resident, spoke in objection to the application. Mr M Roberts, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Whilst some local residents supported the application the majority were opposed to it. The proposals would afford residents of Stoney Street no respite from additional noise and pollution. A car boot sale regularly took place on Sundays but currently there was a reduction in traffic in the area on Saturdays. The proposed Saturday working at Brightwells would remove this respite.
- Brightwells was not adhering to the current conditions.
- There was no Parish Council currently in place in Madley. However, he believed that if there had been it would have been opposed to the application.
- The local feeling was that whilst the economic value of the business to the County was recognised a limit had been reached.

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

- It was suggested that whilst collections may be necessary on a Saturday following a Friday sale there should be no need for deliveries. It would be preferable if the hours of operation on a Saturday during which collections only were permitted should be 10am to 2pm rather than 8am to 2pm.
- The issue of vehicles queuing to enter the site should not be permitted to arise and the consequent request for an earlier opening time should not therefore be granted. It was a matter of effective communication by the applicant.
- There was some sympathy with the local residents concerns about the cumulative impact of Saturday working on their amenity. It was noted that the type of heavy goods vehicles involved were extremely noisy.
- The possibility of asking the applicant to move the sale day was considered. Several members noted, however, that this day had been selected to fit in with other sales across the country.
- Account needed to be taken of the requirements of Brightwells as an international business of economic importance to the County and the need for exporters to meet transport timetables.
- The report stated that the applicants had been operating outside their permitted hours and it was understandable if residents were concerned as to whether the proposed new conditions would be enforced. It was essential that if the application were approved residents were assured that conditions would be enforced.

The Principal Planning Officer commented that the application had been made in response to complaints from local residents about sporadic breaches of the current conditions. The council had the authority to enforce conditions.

The Development Manager commented that the cumulative impact on residential amenity created by the proposed Saturday working was a material consideration. He noted that the traffic movements had been assessed and it was expected that the effect of the proposals would be to spread vehicle movements over a longer period, although this could not be controlled with regard to movements on the public highway.

He considered that it would not be appropriate to impose a condition to change the sale day without undertaking further consultation. The Committee could consider amending the conditions within the timeframes upon which consultation had been undertaken, but not beyond them.

The legal adviser commented that if it were to be proposed to change the sale day the committee should defer consideration of the application pending further consultation. She added that the application needed to be considered having regard to the development plan. In relation to enforcement the Committee only needed to consider whether conditions were correct and enforceable.

Several members suggested that permission should be granted for a twelve month period only to enable the impact of the extended hours to be assessed.

It was moved that the application should be approved in accordance with the recommendation as printed. An amendment was moved In relation to condition 4 that the application should be approved as follows: The collection and delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 8.00am and 5.30pm Monday to Friday (7.30am on Sale days) and the collection of plant and machinery shall not take place outside the hours of 10.00am and 2.00pm on the Saturday following a sale day nor at any time on Sundays, Bank or Public Holidays, this permission to be valid for a 12 month period.

In relation to condition 3 an amendment was moved that the hours during which working may take place shall be restricted to 08.00am to 5.30pm Mondays to Fridays (7.30am - 5.30pm on sale days) and on the Saturday following a sale between 10.00am and 2.00pm with the exception of office based uses. There shall be no such working on Sundays, Bank or Public Holidays, this permission to be valid for a 12 month period.

The Chairman emphasised that it was essential that the applicant complied with conditions the Committee approved.

The local ward member was given the opportunity to close the debate. He concluded that if the conditions were enforceable the proposal as amended was acceptable.

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

- 1. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 0472/SK02 Rev A, PL-04 and PL-02 and PL-06), except where otherwise stipulated by conditions attached to this permission.**

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

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

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

- 3 The hours during which working (with the exception of office based uses) may take place shall be restricted to:**

- 8.00am to 5.30pm Mondays to Fridays**
- 7.30am - 5.30pm on sale days**
- 10.00am and 2.00pm on the Saturday following a sale until the 12 July 2018 following which there shall be no such working on a Saturday.**
- No such working shall take place on Sundays, Bank or Public Holidays.**

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

- 4. The collection and delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of:**

- 8.00am to 5.30pm Mondays to Fridays**
- 7.30am - 5.30pm on sale days**
- No such working shall take place on Saturdays, Sundays, Bank or Public Holidays with the exception of the collection of plant and machinery, their loading and unloading, between the hours of 10.00am and 2.00pm on the Saturday following a sale until the 12 July 2018, following which there shall be no such working on a Saturday.**

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

- 5. The soft landscaping scheme, as detailed on drawing number L1 Rev C shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted.**

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

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

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

- 7. Prior to the first use of the site for the access to the north onto Stoney Street shall be closed and land reinstated in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B unless an alternative scheme is submitted to and approved in writing by the local planning authority. The access shall be used for emergency vehicles only and for no other purpose.**

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

- 8. Prior to the commencement of the second monthly auction Day a detailed updated traffic management plan shall be submitted to the local planning authority for approval. This shall include, but not be limited to the information contained within the ‘Technical Note’ written by Transport Planning Associates dated April 2014. The approved plan shall be fully implemented prior to the first month of two auction days being held at the site and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority.**

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

**Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the**

**Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.**

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

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

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

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

- 11 The modular buildings hereby permitted shall be removed on or before the 15th December 2018 and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

**Reason: The local planning authority, because of the temporary nature of the building is only prepared to allow this building as a temporary measure, having regard to the rural character of the area and Policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy and LA2 of the Herefordshire Unitary Development Plan.**

#### **INFORMATIVES:**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 3 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**

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

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

**25. 162753 - ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ**

*(Change of use of Rosemore Grange, from a residential dwelling with holiday accommodation, to holiday accommodation committee agreed to grant planning permission for a 12 month period in accordance with the conditions set out in the report.)*

The Principal Planning Officer gave a presentation on the application, consideration of which had been deferred by the Committee on 14 June 2017. He confirmed that the proposal was that Rosemore Grange would be used solely for holiday use with no intention to have private celebrations and events.

In accordance with the criteria for public speaking, Mr N Knight, of Whitbourne Parish Council spoke in opposition to the Scheme. Dr N Brookes, a local resident, spoke in objection. Mr J Spreckley, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He referred the Committee to the comments he had made to it during consideration of the application in June on the adverse impact the use of the property had had on the amenity and privacy of local residents.
- He considered that there remained grounds for refusing the application on the basis that it contravened policies RA6, SD1 and the Neighbourhood Development Plan policy LU4(iii).
- He detailed a number of policies in relation to noise including the Noise Policy Statement for England, World Health Organisation guidelines, Planning Policy Guidance and night noise guidelines. Whilst he considered that the Committee could refuse the application, if the application were to be approved he requested that there should be an additional condition to the effect that there should be no noise made from the premises above a 30db maximum outside the hours of 11pm to 7am to protect the amenity of residents.

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

- The legal adviser clarified that if permission were granted as proposed the applicant would not be able to carry out any permission under the licensing regime that was contrary to the planning permission.
- The Committee discussed the feasibility of granting permission for a twelve month trial period. Some members expressed caution that this might potentially have an adverse effect on the ability of the business to take bookings and a two year period might be more appropriate.
- The proposal did have some economic benefits and provided a use for a large property that might otherwise face difficulties.
- It was requested that confirmation be sought that the building regulations had been complied with in relation to the property and that appropriate precautions to manage risk in the event of a fire were in place.
- The application had to be treated on its merits. If the conditions were breached enforcement action could be taken.
- The report stated that one formal complaint had been received although this was at odds with representations from the local community set out in the report. This perhaps raised a concern over how complaints were categorised.

The Development Manager clarified that holiday accommodation was a class 3 residential use and this meant that the use of the property would be required to be residential in character. This meant that use of the property for parties or events would be in breach of the permission and subject to enforcement action.

The local ward member was given the opportunity to close the debate. He stated that numerous complaints had been made about activities at the property and questioned whether there was any basis on which to assume that the situation would improve. A public assurance should be given to the local community that conditions would be enforced. Not doing so would lead to reputational damage for the council and committee.

The Committee could prevent an ongoing nuisance causing a loss of amenity for residents having regard to policies RA6, SD1 and the Neighbourhood Development Plan policy LU4(iii).

**RESOLVED: That planning permission be granted for a twelve month period 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 – No amplified music within or upon external areas**
- 4. I32 - Details of floodlighting/external lighting**
- 5. No fireworks shall let be let off from any part of the property**



**Reason: In order to protect the amenity of residents in the locality and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy**

**6. 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.**

**26. 170409 - NEW INN, FOWNHOPE, HEREFORD, HR1 4PE**

*(Proposed accommodation block, remodelled car park and improvements to access.)*

This item was withdrawn from the agenda.

**27. 170638 - UNIT 1A, HOLMER TRADING ESTATE, HEREFORD, HEREFORDSHIRE, HR1 1JS**

*(Proposed change of use from b2 (general industrial use) to boulder barn.)*

This item was withdrawn from the agenda.

**28. 170940 - BARNS AT LOWER DERNDALE FARM, DERNDALE ROAD, WELLINGTON, HEREFORDSHIRE, HR4 8BG**

*(Conversion of and alterations to barns to create four residential dwellings.)*

The Senior 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.

She confirmed that the latest revised plans had addressed the outstanding non-designated heritage asset issues raised by the Conservation Manager. The recommendation for approval of the application was therefore no longer subject to the submission of further revised plans to address the Conservation Manager's concerns.

In response to a question about the treatment of boundaries between properties she confirmed that the conditions controlled all relevant aspects of landscaping. It was considered that some subdivision was acceptable but recognised that this required careful treatment.

**RESOLVED: That planning permission be granted subject to the conditions below and any other further conditions considered necessary**

- 1. C01 - A01 Time limit for commencement (full permission)**
- 2. C08 - B03 Amended plans**
- 3. C13 - C01 Samples of external materials**
- 4. C18 - C06 Stonework laid on natural bed**

5. **C26 - D04 Details of window sections, eaves, verges and barge boards**
6. **C27 - D05 Details of external joinery finishes**
7. **C32 - D10 Specification of guttering and downpipes**
8. **C45 - D23 Existing Wattle and Daub**
9. **C58 - F07 Domestic use only of garage**
10. **C59 - F08 No conversion of garage to habitable accommodation**
11. **C65 - F14 Removal of permitted development rights**
12. **C96 - G10 Landscaping scheme (including closure of the existing northwest access)**
13. **C97 - G11 Landscaping scheme - implementation**
14. **C95 - G09 Details of Boundary treatments**
15. **CAB - H03 Visibility splays (as per the approved amended site plan)**
16. **CAG - H08 Access closure**
17. **CAL - H13 Access, turning area and parking**
18. **CAT - H21 Wheel washing**
19. **CAZ - H27 Parking for site operatives**
20. **CBM – I18 Scheme of foul drainage disposal FOUL DRAINAGE**
21. **CE6 - M17 Water Efficiency - Residential**
22. **The ecological protection, mitigation and enhancement scheme as recommended in Section 5 of the Ecological Report by Ecology Services dated March 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

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

23. **Upon first occupation of any of the residential units hereby approved ‘Barn 3’ (as indicated on the approved site plan) shall not be used for the housing of livestock or the storage of slurry or sewerage sludge.**

**Reason: In order to ensure that a good standard of living is provided for the residents of the approved dwellings and to comply with Policy SD1 of the Herefordshire Local Plan - Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.**

24. Prior to the first occupation of the dwelling to which it relates, the associated outbuilding shall be provided and 'Barn 2' (as indicated on the approved site plan) removed in its entirety from the site.

Reason: In order to ensure that a good standard of living is provided for the residents of the approved dwellings and to provide cycle, waste and recycling storage in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan - Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

**INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The site is currently served by a private water supply and the applicant is advised that the Private Water Supplies (England) Regulations 2016 and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.

Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.

3. I11 - HN01 Mud on highway
4. I45 - HN05 Works within the highway
5. I05 - HN10 No drainage to discharge to highway
6. I51 - HN22 Works adjoining highway
7. I47 - HN24 Drainage other than via highway system
8. I35 - HN28 Highways Design Guide and Specification

**29. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**



# **PLANNING COMMITTEE**

**Date: 12 July 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**

**170940 - CONVERSION OF AND ALTERATIONS TO BARNES TO  
CREATE FOUR RESIDENTIAL DWELLINGS AT BARNES AT  
LOWER DERNDALE FARM, DERNDALE ROAD, WELLINGTON,  
HEREFORDSHIRE, HR4 8BG**

For: Mr & Mrs Davies per Mr James Spreckley MRICS, Brinsop  
House, Brinsop, Hereford, Herefordshire HR4 7AS

### **ADDITIONAL REPRESENTATIONS**

Conservation Manager's comments on the further revised plans:

Having reviewed the latest drawings, our concerns over the sections and head heights have been addressed. Also, the concerns over the treatments of the full height openings and corresponding internal layout to allow their unbroken display are now resolved. The scheme as a whole now retains sufficient agricultural character of the barns after their conversion. On the basis of the revised plans we consider that the scheme can be approved subject to conditions.

### **OFFICER COMMENTS**

The latest revised plans have addressed the outstanding non-designated heritage asset issues raised by the Conservation Manager. On this basis the recommendation can be amended to a recommendation for approval of planning permission subject to conditions

### **CHANGE TO RECOMMENDATION**

Approval, subject to the conditions set out in the Committee Report.

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 AUGUST 2017</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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 162155

- The appeal was received on 30 June 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 BSL Strategic Ltd c/o Agent
- The site is located at Land at Church Stile Farm, Vinesend Lane, Cradley, Nr Malvern, Herefordshire, WR13 5LG
- The development proposed is Outline planning application for the development of up to 29 dwellings, village shop/community facility, village greens, orchard, biodiversity enhancements and other ancillary works The appeal is to be heard by Written Representations

**Case Officer: Mr Roland Close on 01432 261803**

### Application 161552

- The appeal was received on 30 June 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 Jon Hockton
- The site is located at Land off Paradise Green, Marden, Herefordshire
- Site for development of a care village comprising up to 54 residential dwellings for the over 55s and a care home of up to 40 bed spaces plus staff accommodation and communal facilities such as a restaurant, lounges and gardens.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Edward Thomas on 01432 260479**

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

**Enforcement Notice 172533**

- The appeal was received on 4 July 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is: Without planning permission unauthorised operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are: Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.
- The appeal is to be heard by Inquiry

**Case Officer: Mr M Tansley on 01432 261815**

**Enforcement Notice 172534**

- The appeal was received on 4 July 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is: Without planning permission unauthorised operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are: Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.
- The appeal is to be heard by Inquiry

**Case Officer: Mr M Tansley on 01432 261815**

***APPEALS DETERMINED*****Application 163750**

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

**Decision:**

- The application was Refused under Delegated Powers on 20 January 2017
- The appeal was Dismissed on 6 July 2017

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 161694**

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

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



- The main issue was): The effect of the proposed development on the setting of 'The Forde', a grade II listed building, and on the character and appearance of the Sutton St Nicholas Conservation Area (CA).

**Decision:**

- The application was Refused under Delegated Powers on 15 August 2016
- The appeal was Dismissed on 12 July 2017

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 163939**

- The appeal was received on 12 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Watkins
- The site is located at Great Woodend Farm, Woodend Lane, Linton, Ross-on-Wye
- The development proposed was Erection of 2no. dwellinghouses
- The main issues were:
  - Whether the proposal would be in a suitable location;
  - The effect of the proposed development on the character and appearance of the area;
  - Whether sufficient information has been supplied to enable the effect on biodiversity, protected species and trees to be properly assessed.

**Decision:**

- The application was Refused under Delegated Powers on 14 February 2017
- The appeal was Allowed on 19 July 2017

**Case Officer: Miss Emily Reed on 01432 383894**

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





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 August 2017</b>
<b>TITLE OF REPORT:</b>	<b>162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF</b>  <b>For: NT &amp; R Eckley per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&amp;search=162261">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&amp;search=162261</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 19 July 2016**

**Ward: Bromyard West    Grid Ref: 364874,254047**

**Expiry Date: 7 April 2017**

Local Member: Councillor A. Seldon

## **1. Site Description and Proposal**

- 1.1 Outline planning permission is sought for the erection of up to 80 dwellings on land off Ashfield Way Bromyard. The site extends to cover approximately 3.83 hectares and comprises two parcels of land. The western parcel is predominantly a rectangular shape aligned in an east-west direction whilst the eastern parcel smaller is smaller and offset diagonally northeast. Both parcels are bordered to the north by a residential estate and by agricultural fields to the east and south. The western boundary is bordered by Hereford Road (A465), defined by a timber post & rail fence with Queen Elizabeth Humanities College opposite.
- 1.2 The western parcel of land is mostly semi-improved grassland. It is approximately 3.23 hectares and was once divided by hedgerows into three separate fields. Native hedgerows and mature hedgerow trees still dominate and define the southern and eastern boundaries. A number of mature former hedgerow trees are also still located in the centre of the site.
- 1.3 The eastern parcel of land is predominantly scrub. It is approximately 0.6 hectares bordered to the north, east and west by residential properties on Maple Close, Oak Close and Highwell Avenue. The southern boundary is defined by a mature hedgerow and trees.
- 1.4 The Agricultural Land Classification for the Site is Grade 3 cited as being 'Good to Moderate' agricultural land as noted by Natural England Agricultural Land Classification Maps for the West Midlands.
- 1.5 The topography of the site as a whole is gently sloping from its highest point of 168m AOD at the north-western corner, down to 148m AOD at the eastern edge.

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

- 1.6 The surrounding topography reflects the undulating topography of the site, with the landform to the south continuing to fall southeast and east towards the valley of the River Frome.
- 1.7 There are no national or local landscape or heritage designations either within the site or the local area. Bromyard Conservation Area, which includes a number of listed buildings, is located approximately 500m north. A number of Grade II listed buildings are located within 1 kilometre of the site and include:
- Little Frome located 440m to the southeast
  - Birchyfield located 675m to the southwest
  - Pool Hall located 1Km to the east-southeast
- 1.8 A Scheduled Ancient Monument (SAM) Ruins of Church of St. Mary is located 1.45Km south-east of the site. This is surrounded by a small wooded area.
- 1.9 The application is submitted in outline with all matters apart from access reserved for future consideration. The scheme has been amended since its original submission and the number of dwellings proposed reduced from 105. The plan below is the indicative masterplan submitted as part of the application. It shows that access is to be taken directly from Ashfield Way via an existing field gate. The plan simply serves to demonstrate that the quantum of development can be accommodated within the site. The detailed layout and design of the dwellings will be subject to a further reserved matters application should this outline application be approved. For the avoidance of doubt, dwellings in orange on a white background are existing.



- 1.10 The application is also supported by a number of technical documents:
- Design & Access Statement
  - Flood Risk Assessment
  - Heritage Impact Statement
  - Transport Statement
  - Desktop Archaeological Report
  - Protected Species Survey Report
  - Landscape Appraisal
  - Tree Survey
- 1.11 The applicant has also been provided with a Draft Heads of Terms Agreement. This is appended to the report.

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

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivery New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
BY1	-	Development in Bromyard
RA1	-	Rural Housing Distribution
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Quality
ID1	-	Infrastructure Delivery

### 2.2 National Planning Policy Framework

The following sections are of particular relevance:

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

### 2.3 Historic England - The Setting of Heritage Assets

### 2.4 Supplementary Planning Guidance

Supplementary Planning Document: Planning Obligations

### 2.5 Bromyard Neighbourhood Development Plan

Bromyard and Winslow Town Council designated a neighbourhood area on 23 November 2015, however a decision was taken in their March 2017 meeting that they wish to withdraw from the neighbourhood planning process.

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

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

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

### **3. Planning History**

- 3.1 There is no planning history specifically relevant to the site. However, planning permission was refused and an appeal dismissed for the installation of stand alone PV modules and their associated infrastructure on land bounding the site (application reference 151506/F).

### **4. Consultation Summary**

#### Statutory Consultations

#### 4.1 Welsh Water

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

#### SEWERAGE

##### Conditions

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

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

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

#### Internal Council Consultations

#### 4.2 Transportation Manager

Further to our site visit we do not see any problems regarding intensified use of Ashfield Way or the Hereford road or site visibility issues. The Higher than posted (30mph) 85<sup>th</sup> percentile speeds given by the applicant on Hereford Road show there is an issue with speeding that we

would like to see addressed with possible traffic calming and improvements to the sites current connectivity for pedestrians and cyclists.

The applicant refers to contributions as listed in the Design and Access statement:

*“Bromyard is one of the County's main market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population growth. It has a good range of shops, services, and employment opportunities and the site lies on the Southern side of the developed area of the town. It is considered that the site is sustainably located and in delivering 80 houses, 40% of which will be affordable for local people, **together with contributions for a range of community benefits including public open space, sustainable public transport and education infrastructure will fulfil the economic and social roles of sustainable development.** These are significant material considerations which weigh in favour of the proposal. At the same time the site is not subject to any special environmental designations.”*

We would welcome improvements to the routes to school and other amenities in the area and would encourage discussion with our safer routes to school team throughout the full application process.

We would also encourage cycle path connectivity to the wider network within the design of the scheme going forward.

#### 4.3 Conservation Manager

##### Landscape

The large scale development as proposed on the Concept Masterplan Drawing No 1438/1D has visual impacts associated with long distance views from Public Rights of Way in the South East. The Herefordshire Trail being a major long distance footpath to the South East also has winter hikers. There is therefore a need to provide additional native tree planting to enhance the existing site boundaries and tree planting within the site to help absorb the development into the wider landscape. Landscape proposals should relate to the Landscape Character of this area (Timbered Plateau Farmlands), but also include native evergreen trees to mitigate views in the winter months.

The proposed site has no specific environmental designations, but does have Tree Preservation Orders on several trees which require protection. Our Tree Officer can provide further information on these TPO trees.

The existing green infrastructure network of trees and hedgerow boundaries should be retained and enhanced to maintain the character of the site's setting in the wider landscape and increase the potential wildlife habitats within the site.

Connecting existing boundary hedges with the proposed native hedges will provide improved access for wildlife across the site to the wider landscape.

Fruiting trees will help improve biodiversity of the site. The introduction of planted swales will improve habitat opportunities for local wildlife providing shade and shelter. Wildflower corridors provide food and habitat for pollinating insects and are used as highways for the movement of bees, hoverflies and other pollinators.

The landscape design should use Sustainable Drainage Systems including permeable surfaces and swales to help ensure that the ground water run-off does not exceed the rate of the existing green field site.

Planting a wide variety of native trees and shrubs will help achieve a varied structure and will benefit prevent heavy losses if one species is hit by disease or effects of climate change.

The applicant is to provide the following information:

An Outline Landscape Plan, identifying existing and proposed green infrastructure for enhancement, conservation and restoration of the development site. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to local character and regional identity.

The plan also needs to indicate how the proposed rough grass areas for habitat enhancement are to be protected from the adjacent active recreation area.

It should also provide details of hard landscape surface areas showing footpath connectivity to the town.

Provide a conceptual SUDs Plan which shows the general layout and scale of the SUDs scheme.

### Ecology

I have had an input on the ecological advice for this application and as a result the revised design contains a better green infrastructure although we think there could be much better enhancement of the southern boundary to provide a buffered region between the countryside and the development. In this area we would expect to see more extensive planting with provision for hedgehog, bat flyways, bird nesting and a more substantial 'corridor' along the southern boundary of the development.

In addition, the protected species issue pertaining to great crested newts is to be addressed through Reasonable Avoidance Measures given the possibility of great crested newts in the area. Consequently, we think that a more detailed ecological plan which provides for these Reasonable Avoidance Measures, pre-development site checks and enhancement should be completed for submission to the Local Authority under condition as follows:

*The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.*

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

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

### Trees

In general, it appears that the design does take into account the existing trees on site and incorporates them into the scheme.



As there is no tree retention/loss plan it makes it difficult to understand the loss of trees and hedgerows across the site as part of the proposals.

I also have concerns regarding the positioning of the site attenuation ponds close to mature trees (T25 and T26). This will require excavations and level change within this area which will be unacceptable and will almost certainly impact the health of these trees.

The positioning of some of the plots in the north-eastern/eastern regions and southern boundary of the proposed site are shown close to existing trees. As well as the potential for light availability issues, there are potential impacts from construction activities and post development pressure to reduce/remove trees in close proximity to dwellings. I consider that any plots should be positioned to allow adequate space between them and the retained trees.

To be able to understand the potential impacts to the existing/retained trees on the site, the applicant is to provide the following information;

- An updated report to include missing detail as highlighted above.
- Tree Retention/Loss Plan which will indicate the tree/hedgerow loss as a result of the development. This should include an 'overlay' of the latest development design.

I consider that at this outline planning stage, it would be premature to request an arboricultural Impact assessment (AIA), tree protection plan (TPP) and 'heads of terms' for arboricultural method statement (AMS).

Going forward, if outline permission is gained and the applicant goes to detailed planning permission, then this information should be requested once a detailed design is finalised. This will also guide to whether a more detailed AMS is required.

#### Heritage Assets

The Historic Buildings Officer raises no objection to the proposal and comments that:

- Birchyfield House has no inter-visibility with the site and the development would not affect its setting.
- Little Frome Farm has limited inter-visibility with the site, however given the distance and limited significance of these views it is not felt that the proposals would affect its setting.
- The centre of Bromyard with its conservation area and cluster of listed buildings is sufficiently distant and separate from the site so as to not be affected.

#### 4.4 Land Drainage Engineer

In principle we do not object to the proposed development on flood risk and drainage ground. We do, however, recommend that the Council considers if the use of best practice SuDS techniques should form part of the development proposals and, if so, that the Applicant demonstrates sufficient space within the development layout to accommodate these features. We also recommend that the Applicant is required to confirm the proposed foul water drainage arrangements.

Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters associated with the permission:

- Demonstration that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no

increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with a 20% increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels, where infiltration is proposed, to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Details of the location, type and size of conveyance features designed to manage identified surface water flood risk, namely to route overland surface water flows from the north of the site around/through the site, up to the 100 year return period event and including a 20% allowance for climate change;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage, including consideration of the 100 year return period event, including a 40% allowance for climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Details of any proposed outfall structures;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

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

#### 4.5 Public Rights of Way Officer

No objection

#### 4.6 Waste Officer

The presentation point (location that residents have to put their bin ready for emptying by collection crews) should be at the boundary of the property closest to the public highway and not be more than 25 metres from the point on the highway that an RCV can safely access. In this area we operate a 26 tonne RCV.

Any premises located over 25m from where the vehicle can safely access would need to have a suitable collection point identified for refuse and recycling bins. Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling

#### 4.7 Housing Development Officer

I refer to the above application for up to 80 dwellings. There is a requirement to provide affordable housing as stipulated. For the purpose of the Heads of Term's in relation to the affordable please see below:

- 40% affordable.
- Tenure split of 40% Intermediate and 60% Rented (to be agreed).
- Exact mix to be agreed prior to RM, but the greatest need for Bromyard for both open market and affordable housing is for 2 and 3 beds. So we would expect the majority to be 2 & 3s and to include bungalows.
- No more than 50% open market units to be available before the affordable.
- Local connection to Bromyard, then to the County of Herefordshire.

#### 4.8 Education Officer

The educational facilities provided for this development site are St Peters Primary School and Queen Elizabeth Humanities College.

St Peters Bromyard Primary School has a planned admission number of 30. As at the schools Summer census 2016 four year groups were at or over capacity - R=31, Y1=33, Y3=30, Y5=31

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide an extension to the classroom space at the school.

Queen Elizabeth Secondary School has a planned admission number of 80. As at the schools autumn census 2016 all year groups have spare capacity and no contribution is sought.

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Primary	SEN	Total
2+bedroom apartment	£1,201	£89	£1,290
2/3 bedroom house or bungalow	£2,143	£138	£2,281
4+ bedroom house or bungalow	£3,471	£247	£3,718

## 5. Representations

5.1 Bromyard & Winslow Town Council - The Town Council's Planning & Economic Development Committee resolved to object to this application on the following grounds:-

- A significant lack of information accompanying the application (e.g. FRA, Transport Assessment, Heritage Statement, Ecology Report, Section 106 agreement).
- A lack of identification of 1.05ha of employment land to accompany the application and render it sustainable, as required by Policy BY1 of the Council's adopted Core Strategy.

Following the submission of additional information the Town Council commented as follows:

The Town Council continues to object to the above application on the following grounds:-

- High landscape sensitivity of the site.
- Lack of a Transport Assessment, Heritage Statement, Ecology Report and Section 106 agreement.
- Lack of identification of the 1.05ha of employment land to accompany the application, as required by the Core Strategy.

At its meeting on Monday 9th January 2017 the Town Council's Planning & Economic Development Committee resolved to continue to object to this application on the following grounds:-

- Visual harm to the wider landscape
- Adverse effect on the setting of the Grade 2 listed building Little Froome Farmhouse
- Failure to protect and enhance the intrinsic character and beauty of the area
- The proposed development is in conflict with the Core Strategy 2011-31. Approval would lead to overdevelopment of a locally valued site and conflicts with the strategic site to north of the A44.
- The proposed development is incompatible with and detrimental to views across the Froome Valley and Bromyard Downs
- The proposed play area is wrongly sited and there is no scheme of management for it
- The proposed access would require parking restrictions on Ashfield Way which may not be feasible
- The proposed development would have an adverse effect on the nearby Herefordshire Trail
- There are already commitments and live applications for more than 700 dwellings in Bromyard

5.2 Twenty six letters of objection from sixteen local residents have been received in response to the initial consultation and subsequent re-advertisement following the receipt of amended plans and information. In summary the points raised are as follows:

### Amenity Issues

- The scheme will be detrimental to the residential amenity of existing properties
- Detrimental effects on existing residents in terms of noise and air pollution

### Infrastructure

- Residents on Ashfield ay already suffer from low water pressure and the proposed development would only make this worse

- The existing sewage system is already at capacity and the combined foul and surface water system overloads during periods of heavy rainfall
- There are limited public transport facilities in Bromyard and development will simply increase dependency upon private modes of transport
- Development would result in increased pressure on local services including the doctors surgery, hospital and sewage system
- There are insufficient employment opportunities in Bromyard

#### Highway Matters

- The proposed access is inappropriate for the number of dwellings proposed
- Increased traffic movements would require some sort of traffic control or traffic calming system along the A465. This will lead to congestion
- The proposal is contrary to the preferred option of the town council for new development to be located to the north of the Leominster Road (A44), around Hardwick Bank
- Concerns about highway safety and in particular that children would have to cross the A465 to get to school (QE Humanities Academy) and also the A44 (St Peters Primary)

#### Landscape and Ecology

- The proposal will have a detrimental impact upon the landscape. Attention is particularly drawn to the fact that an appeal against the refusal of planning permission for a solar farm on an adjacent field was dismissed on landscape impact grounds
- All of the trees on the site have been uprooted in recent months in advance of the submission of the application
- Detrimental impacts upon ecology through the loss of trees and hedgerows
- The proposals make no provision for a community orchard or allotments
- The ecology survey does not take proper account of the presence of Great Crested Newts and plays down the diverse range of birds and mammals in the locality.

#### Other Matters

- The site is immediately adjacent to a historic road
- The site is outside of the current settlement boundary
- The proposed housing mix is disappointing given the ageing population trend
- There has been a lack of community consultation prior to the submission of the application
- If approved, the proposal would set a precedent for the development of other areas of agricultural land.

### 5.3 Nunwell Doctors Surgery

These are comments in relationship to this planning application, but also take into consideration planning applications no 163932 and no 163001. *(for clarity these are the applications for the strategic housing site at Hardwick Bank for up to 500 dwellings and land of Pencombe Lane for up to 120 dwellings)*

We presently have 9600 patients registered with the Practice. Our present Surgery building is fully utilised Monday to Friday by the Practice clinical team and attached staff of District Nurses, Health Visitors and Community Midwife. As well as visiting clinicians from the Mental Health Trust.

Our expectation, taken into consideration the appointments offered at the moment and the recent historical increase in need for more appointments to meet the need of the present population, is that we will need more capacity to meet future needs, without any increase in the

towns population. The combined planning application would increase our practice population by approx. 15%

We therefore feel it is essential that the consideration of this planning application recognises the need for support for infrastructure changes in primary health care services in the town as well as other essential services such as education, social care and employment. We support planning for more housing in the area, but this has to be balanced by increased resources for health infrastructure.

We want to continue to offer first class primary health care services to our patients and to do this we need Herefordshire Council to take into consideration these comments.

- 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=162261&search=162261](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&search=162261)

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**

### The Principle of Development

- 6.1 In accordance with the National Planning Policy Framework (the NPPF), the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."
- 6.2 Policy SS2 of the Core Strategy makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns. With specific regard to Bromyard Policy BY1 says that the town will accommodate a minimum of 500 new homes over the plan period.
- 6.3 It has been well rehearsed in many previous reports to Planning Committee that a failure to maintain a supply of housing land will render the housing supply policies of the Core Strategy as being non compliant with the NPPF and therefore out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completion rates fall below the trajectory set out in Appendix 4 of the Core Strategy.
- 6.4 Despite the adoption of the Core Strategy, a housing land supply deficit persists. The Council's most recently published position in the Interim Position Statement (July 2016) advises of a supply of 4.49 years.
- 6.5 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in the recent Richborough Estates Supreme Court ruling.

- 6.6 Policy BY1 is most relevant in this regard. While it identifies a minimum proportionate growth target of 500 dwellings and is clearly a housing supply policy, it also sets out a number of criteria against which new development proposals will be assessed. These are material to the determination of the application and, in your officer's view, can be attributed weight in the planning balance.
- 6.7 The site is located on the southern boundary of Bromyard and is immediately adjacent to the built environs of the town. Access is gained via Ashfield Way and in turn onto the A465. The playing fields of the Queen Elizabeth Secondary School are immediately opposite and the site is also within walking distance of the town centre where there are a range of local services, including a doctor's surgery. In terms of its location, the site is considered to be sustainable and one that is appropriate for development.

**Photograph showing the site and its relationship to existing built-up areas**



- 6.8 Given that the site is considered to be acceptable in terms of its general location, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Impact on designated and non-designated heritage assets

- 6.9 The proposed development site is located 500 metres north of the Bromyard Conservation Area. At least three Grade II listed buildings are located within one kilometre of the site, the closest being Birchyfields and Little Froome Farmhouse.
- 6.10 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.11 With particular regard to Conservation Areas, Section 72 of the Act goes on to say:

*“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*

- 6.12 Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.
- 6.13 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.14 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.15 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.16 Paragraph 132 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’
- 6.17 It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.
- 6.18 Paragraph 133 is clear that;
- ‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 6.19 Paragraph 134 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 133 – the identification of harm does not immediately direct one to refuse planning permission.
- 6.20 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.



- 6.21 The application is supported by a Heritage Impact Assessment which concludes that the setting of the Conservation Area will not be affected by the proposed development by virtue of the intervening modern residential development and by-pass that has taken place throughout the 20<sup>th</sup> Century. In respect of the Conservation Area the report concludes that; “... *the proposed development will have no impact on the character, setting or significance of any of the listed buildings or other designated heritage assets in the medieval town.*”
- 6.22 With regard to Birchyfields, the impact assessment concludes that the site plays no part in the setting of the listed building and the lack of any reciprocal views between the two means that the proposed development will have no impact on the character, setting or significance of the listed building.
- 6.23 Little Froome Farmhouse is the other listed building potentially impacted by the proposed development. The assessment considers that the distances between the listed building and the application site, coupled with the buildings and hedgerows in between and the fact that the new built element of the proposed development is set back from the distinct break slope at the top of the valley side, means that there will be little or no impact on the character, setting or significance of the listed building.
- 6.24 The Council’s Historic Buildings Officer has assessed the proposals and confirms that it will not demonstrably impact upon the setting of any heritage assets. It is therefore concluded that the impacts identified above in relation to the two listed buildings and the setting of the Conservation Area fall towards the lower end of the less than substantial spectrum identified at paragraph 134 of the NPPF – to which recourse must be had in the context that Policy LD4 of the Core Strategy does not address how harm should be factored into the planning balance. There are no non-designated heritage assets affected by the proposal and in this case the harm to heritage assets is marginal. Your officers’ opinion is that this does not give rise to a reason to refuse the application. On this basis weight will be attributed accordingly.

#### Highway Safety

- 6.25 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where ‘the residual cumulative impacts of development are severe.’(NPPF para. 32).
- 6.26 Access to the site is to be taken directly from a residential estate road; Ashfield Way, and in turn from the A465. The speed limit on Ashfield Way is 30mph and the A465 is also covered by the same 30mph limit immediately either side of the junction. Ashfield Way is built to modern highway standards and includes footway provision constructed to adoptable standards on both sides, which link to Hereford Road, where a pedestrian refuge and dropped kerb crossing points are provided. The Hereford Road/Ashfield Way junction is also built to a high standard in terms of vehicular access and safety. This includes appropriate radii and visibility splays, as well as a dedicated right turn lane to facilitate safe manoeuvres into Ashfield Way as shown by the photograph below:



- 6.27 The application is accompanied by a speed survey and weekday forecast of traffic movements associated with the proposed development at the Ashfield Way / A465 junction. It projects that at peak periods the development will generate:
- 42 movements – Left turn from Ashfield Way (0700 – 0800)
  - 51 movements – Left turn from Ashfield Way (0800 – 0900)
  - 41 movements – Right turn into Ashfield Way (1700 – 1800)
- 6.28 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the Core Strategy recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.
- 6.29 There are a range of local amenities within a 10 minute walk of the site. The town benefits from a good network of footpath provision and this includes a footpath along the A465 and A44. These are the most obvious and direct walking routes to the town centre from the site.
- 6.30 Bromyard is served by a number of bus services to nearby towns and cities, including Worcester, Hereford, Leominster and Ledbury.
- 6.31 The Transport Statement concludes that the additional traffic movements likely to be generated by the proposal could be accommodated without significant impact on the safety or capacity of the transport network. The site is also ideally located to promote alternative transport movements.
- 6.32 The comments received from the Council's Transportation Manager endorse this view and, subject to some improvements to local infrastructure and implementation of traffic calming, raise no objection to the scheme. These are improvements that can either be secured on-site through a further reserved matters application, while off site improvements that are directly related to the proposal can be provided through condition and Section 106 contributions. On this basis the scheme accords with Policy MT1 of the Core Strategy and the NPPF.

#### Impact of the development on the landscape

- 6.33 The site is not located within an area where there is either national or local landscape designation. It is part of an attractive rural setting to the southern fringe of Bromyard and is typical of much of Herefordshire's landscape, as can be seen from the photograph below.

- 6.34 The application is supported by a Landscape Appraisal. It concludes that the site is not considered to be significantly prominent in the landscape as views from the south and on approach from Hereford are diminished by commercial and residential properties on the western side of the road, together with background views of the existing residential properties.



- 6.35 The wider rural landscape setting to the south and southeast of the site can be seen in the photograph. The trees and remnants of a hedgerow form the site's southern boundary. With conservation and enhancement your officer's view is that they have the potential to provide the basis for a landscape buffer that would serve to filter views of any eventual development.
- 6.36 The landscape setting of the town is a valuable resource but it is considered that impacts of the proposed development could be mitigated without undue effect on the landscape character of the surrounding area and without significant visual intrusion from publicly accessible places. It is considered that the site sits well on the southern edge of Bromyard and the proposal would form a cohesive, logical extension and visual link to the existing residential area. It is therefore concluded that the proposal conforms to policy LD1 of the Core Strategy.
- 6.37 The comments made by the Council's Arboricultural Advisor regarding the proximity of retained trees to development are noted. However, the application is made in outline with all matters apart from access reserved for future consideration. Matters relating to the precise layout of the development can be addressed at the reserved matters stage should planning permission be forthcoming. The trees that are covered by Tree Preservation Orders are located along the shared boundary with Ashfield Way. Some are out-with the application site. Appropriate survey work prior to the design stage must ensure that the layout of the scheme does not unacceptably impact upon them. This is an issue that can be appropriately addressed through a Reserved Matters submission.
- 6.38 While it is acknowledged that planning permission has been refused and dismissed on appeal on adjacent sites for the installation of solar PV panels and associated infrastructure, it should be understood that each application must be treated on its own merits and that the landscape impacts of these different types of development will be inherently different.

### Ecology

- 6.39 The original public consultation revealed the possible presence of Great Crested Newts (GCN) within the curtilage of a property bounding the application site. The original ecology survey had not considered their potential presence and therefore some further survey work was undertaken. It advises that there are no natural ponds within the vicinity of the application site and no GCNs were found during the visit. The report concludes that any GCNs that may have been present are likely to have been as a result of accidental transportation through eggs on plants when the pond was originally constructed.

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

- 6.40 The report does acknowledge that there may be potential for an isolated population of GCNs to be found within the vicinity of Ashfield Way and accordingly recommends mitigation to include:
- An attenuation pond as part of the SuDs along with land set aside with rough grassland and specifically designed hibernacula.
  - Access to the wider landscape and the attenuation pond would be beneath the road between the new and old housing estates via not less than two 250mm concrete pipes.
  - The attenuation pond will be designed to hold water most years up until high summer, when it would be expected to dry out, thereby removing any build up of predators such as fish, Dragonfly or Great Diving Beetle larvae etc.
- 6.41 If no evidence of Great Crested Newts is discovered, then the proposed mitigation would still be an important asset for local wildlife and would remain as part of the overall landscaping plan.
- 6.42 The site is presently rough grazing land. The field boundaries have become degraded through a lack of management and, while existing trees and hedge plants do provide a natural habitat for nesting birds and mammals, the overall biodiversity value could be improved. Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity. It is considered that the measures outlined above will improve the site's value as a potential habitat for Great Crested Newts and the reinforcement of existing site boundaries through additional planting will improve nesting and foraging habitat for birds, provide shelter for small mammals and encourage insects. Subject to the imposition of appropriately worded landscaping and ecological mitigation conditions the proposal is considered to accord with Policy LD2 of the Core Strategy.

#### Impacts of the development on local infrastructure

- 6.43 Concerns raised by some local residents regarding the capacity of the sewage treatment works and the availability of water supply are not substantiated by the comments received from Welsh Water and on this basis it would be unreasonable to refuse the application on such grounds.
- 6.44 The lack of public transport facilities is also cited as a reason that means that further development would be unsustainable. Bromyard is served by a number of local bus routes between the town and Hereford, Leominster and Worcester. The frequency of services may be limited – most likely from a commercial perspective due to a lack of demand – and it might reasonably be contended that further development is more likely to see services maintained, or even improved.
- 6.45 Bromyard Town Council have pointed to the fact that the proposal does not provide a proportionate amount of employment land in relation to the number of new dwellings that have been proposed. Policy BY1 sets out the requirements for the town and reads as follows:
- “Bromyard will accommodate a minimum of 500 new homes together with around 5 hectares of new employment land during the plan period.”*
- 6.46 The policy sets out the requirements for the town both in terms of new housing and employment land over the plan period. What it does not do is to link the delivery of the two to each other. There is no policy requirement for applications for new housing sites to deliver a proportionate amount of employment land and therefore no grounds to refuse this, or any other scheme for housing in Bromyard, on such a basis.
- 6.47 Correspondence has been received from Nunwell Doctors Surgery regarding this and other development proposals in the town, and the likely increase in pressure on their service that would result if planning permission were to be granted for all of them. Members will recall that planning permission has been granted for 76 dwellings on the Porthouse Farm site. This

development is currently underway. Further applications for the strategic housing site at Hardwick Bank (up to 500 dwellings) and land off Pencombe Lane (up to 120 dwellings) are valid but as yet to be determined. With this in mind your officers have sought the views of the Herefordshire Clinical Commissioning Group to ascertain what additional provision might be required to support the projected growth of the town. Despite several requests your officers have not received a response and it is their view that it is unreasonable to continue to delay the determination of this application indefinitely until such time as a formal response is received.

### Other issues

- 6.48 Some local residents have expressed concerns about the impact of the proposed development on residential amenity. Some refer to potential loss of privacy whilst others are concerned about noise and air pollution. The issue of privacy is a matter to be determined at the reserved matters stage. The proposal simply seeks to agree the principle of development with precise layout and orientation of dwellings to be agreed should outline planning permission be granted. It will be at this stage that the relationship between existing and proposed dwellings will be assessed.
- 6.49 Matters relating to potential nuisance arising during the course of construction can be addressed through the imposition of a condition requiring the submission of a Construction Management Plan and this is reflected in the conditions recommended below.
- 6.50 In the absence of a Neighbourhood Development Plan Bromyard does not have a defined settlement boundary. As has been discussed earlier in this report, the site is immediately adjacent to the built environs of the town and is considered to be sustainable in terms of its location.
- 6.51 One letter of objection has referred to the presence of a historic road adjacent to the site. The implications of this are not clear and it is not considered that this represents a reason to refuse the application.

### Summary and conclusions

- 6.52 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The site is adjacent to the built area of Bromyard, is close to local services, employment opportunities and local bus stops. Policies for the supply of housing must be considered out of date absent a 5 year supply plus buffer; albeit the weight to be attributed such policies remains a judgement for the decision-maker.
- 6.53 The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.
- 6.54 Whilst local residents concerns have been considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been resolved satisfactorily and the council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met. The area does not have either national or local landscape designation and matters of landscape impact can also be addressed through the imposition of appropriately worded conditions.

- 6.55 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions as outlined in the draft heads of terms agreement appended to this report should also be regarded as a material consideration when making any decision.
- 6.56 Officers are content that there are no other matters of such material weight that would justify withholding planning permission. On this basis the proposal is compliant with the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and the application is accordingly recommended for approval.

## **RECOMMENDATION**

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

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. B01 Development in accordance with approved plans**
- 5. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
  - a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
  - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
  - c. A noise management plan including a scheme for the monitoring of construction noise.**
  - d. Details of working hours and hours for deliveries**
  - e. A scheme for the control of dust arising from building and site works**
  - f. A scheme for the management of all waste arising from the site**
  - g. A travel plan for employees.**

**The agreed details of the CMP shall be implemented throughout the construction period.**

**Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

6. **Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

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

8. **The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.**

**Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment**

9. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.**

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

**To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3**

**Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

- 10. G03 Retention of existing trees/hedgerows**
- 11. G10 Landscaping scheme**
- 12. G11 Landscaping scheme – implementation**
- 13. H06 Vehicular access construction**
- 14. I44 No burning of materials/substances during construction phase**
- 15. I55 Site Waste Management**
- 16. M17 Efficient use of water**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 3. I 09 Private apparatus within the highway**
- 4. I 11 Mud on the highway**
- 5. I 35 Highways Design Guide**
- 6. I 41 Travel Plans**
- 7. I 45 Works within the highway**
- 8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**



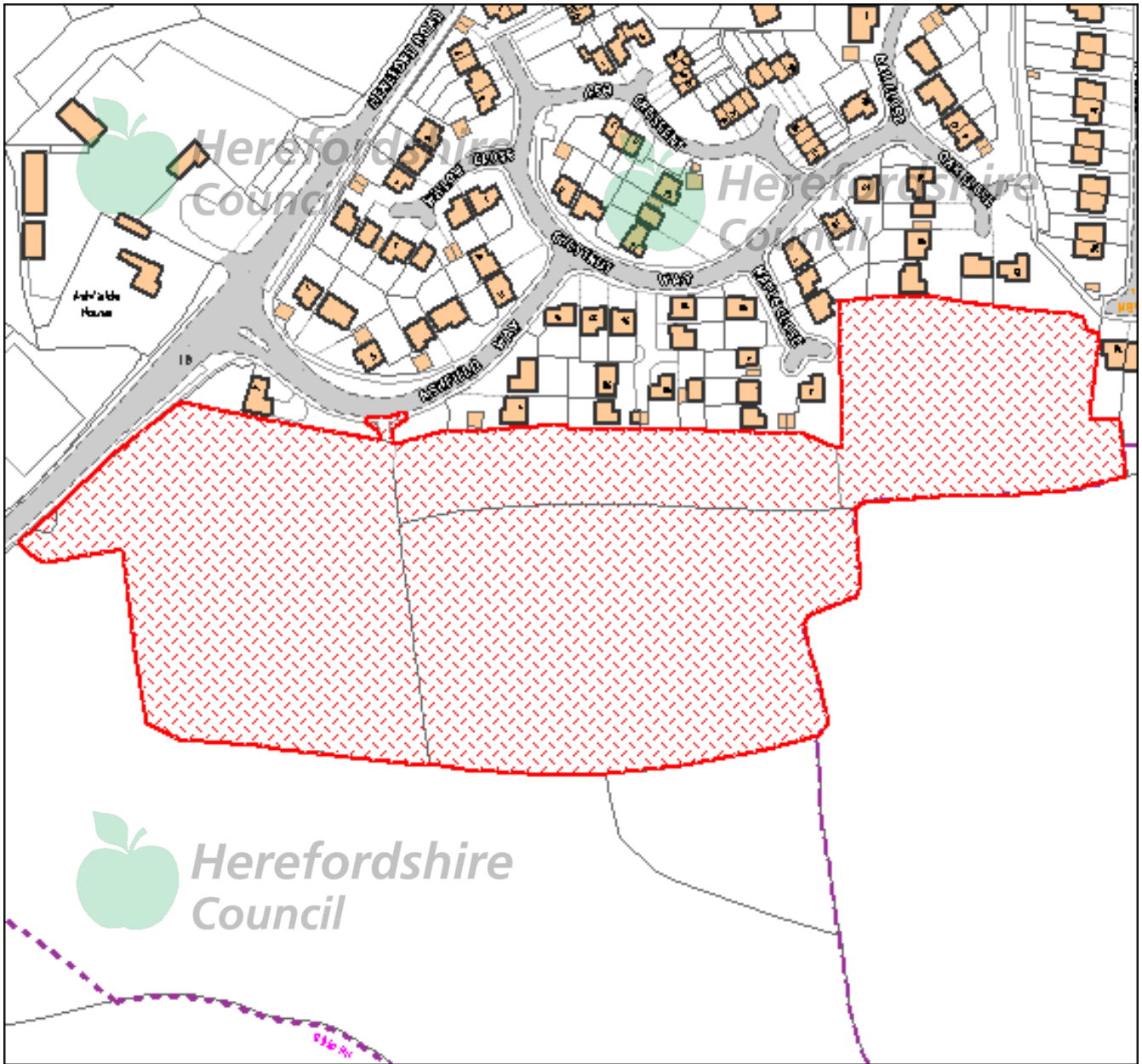
9. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 162261

**SITE ADDRESS :** LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

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

# **DRAFT**

# **HEADS OF TERMS**

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

### **Planning Application – P162261/O**

Site address:

**Land off Ashfield Way, Bromyard, Herefordshire, HR7 4BF**

Planning application for:

**Site for up to 80 no. dwellings, garages, parking and open space, access and roads**

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

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

£ 1,290.00 (index linked) for a 2 bedroom apartment open market unit

£ 2,281.00 (index linked) for a 2/3 bedroom open market unit

£ 3,718.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Peters Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 1,966.00 (index linked) for a 2 bedroom open market unit

£ 2,949.00 (index linked) for a 3 bedroom open market unit

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

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

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

- a) Traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane
- b) Provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465
- c) Extension of footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre

**NOTE: A Sec278 agreement may also be required depending on the advice of the local Highways Authority**

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

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,218.00 (index linked). The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan at the time of receiving the contribution and in consultation with the local parish council.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to provide a minimum green infrastructure provision of 0.21 hectares to include;

- Public Open Space: 0.073ha (960sq m) and
- Children's Play: 0.14ha (1900sq m) to include a kick-about area and formal play space catering for children of all ages: infants, juniors and teenagers.

6. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

**NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period**

7. The developer covenants with Herefordshire Council that 40% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

**NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:**

**NOTE: For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.**

8. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

9.2. satisfy the requirements of paragraphs 10 & 11 of this schedule

10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

- 10.1. a local connection with the parish of Bromyard & Winslow
  - 10.2. in the event of there being no person with a local connection to Bromyard & Winslow any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
11. For the purposes of sub-paragraph 10.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
    - 11.1. is or in the past was normally resident there; or
    - 11.2. is employed there; or
    - 11.3. has a family association there; or
    - 11.4. a proven need to give support to or receive support from family members; or
    - 11.5. because of special circumstances;
  12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, and 4 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  13. The sums referred to in paragraphs 1, 2, 3, and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
  14. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
  15. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**Yvonne Coleman**  
**Planning Obligations Manager**  
**12 April 2017**





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 August 2017</b>
<b>TITLE OF REPORT:</b>	<b>162809 - PROPOSED HOLIDAY PARK FOR 40 HOLIDAY CARAVANS, ASSOCIATED INFRASTRUCTURE AND MANAGERIAL LODGE AT TOM'S PATCH, STANFORD BISHOP, BRINGSTY</b>  <b>For: Mr &amp; Mrs Powell-Bateson c/o Agent per Mr Jeremy Lambe, Galeri, Victoria Dock, Caernarfon, Gwynedd, LL55 1SQ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162809&amp;search=162809">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162809&amp;search=162809</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 6 September 2016**      **Ward: Bishops Frome & Cradley**      **Grid Ref: 369240,252737**

**Expiry Date: 19 June 2017**  
Local Member: Councillor PM Morgan

## **1. Site Description and Proposal**

- 1.1 Tom's Patch (the application site) is a well screened parcel of land, currently used for grazing, which extends to approximately 2.9 hectares (7.1 acres). The site lies approximately 3.3 miles from Bromyard.
- 1.2 The landholding is bounded to the north with mature woodland. A former railway line is located in a cutting in the central area of the woodland.
- 1.3 Malvern View Caravan Park, a long-established Holiday Park, is located immediately to the east with the access to it bounding the application site to the south. Mature field hedges form the site boundaries to the south, east and west.
- 1.4 An agricultural storage building is located in the north western corner of the landholding and is served by an existing access. This emerges onto an unclassified road leading to Linley Green (to the north) and the B4220 (to the south). The aerial photograph below shows the site and its relationship to the surrounding area. Three Grade II listed buildings; Woodsend to the north, Silkcroft to the south west and Boyce Farmhouse to the south east are demarcated by the blue stars.

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



1.5 The application is for the creation of a 40 unit holiday park including a manager's lodge, reception area, storage shed and new vehicular access. The plan below shows the proposed layout of the units. The access, manager's accommodation and reception are located in the north western corner of the site with the holiday units arranged around the remainder of the site. The plan also gives an indication of proposed new planting around the site boundaries.



1.6 The application is also accompanied by the following documents:

- Design & Access Statement
- Ecological Assessment
- Landscape & Visual Appraisal
- Transport Statement & Technical Note

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



- Flood Risk Assessment
- Surface Water Analysis
- Foul Water Analysis

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

SS1	–	Presumption in Favour of Sustainable Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
E4	–	Tourism
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Quality

### 2.2 National Planning Policy Framework

Chapter 1	–	Building a strong, competitive economy
Chapter 3	–	Supporting a prosperous rural economy
Chapter 11	–	Conserving and enhancing the natural environment
Chapter 12	–	Conserving and enhancing the historic Environment

### 2.3 Neighbourhood Planning

Stanford Bishop Parish Council are not currently preparing a Neighbourhood Development Plan

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

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

## 3. Planning History

### 3.1 There is no planning history relating to the site.

## 4. Consultation Summary

### 4.1 Statutory Consultations

### 4.2 Internal Council Consultations

#### Transportation Manager

A number of issues were raised through the initial submission and consultation. The applicant subsequently commissioned a seven day traffic count and speed survey which is contained within the technical note. The following comments include the original issues raised by the

Council's Highway Engineer as bullet points, and further comments following the submission of the technical note in italics immediately below.

- vertical and horizontal alignment of the B4220 junction at the Herefordshire House Inn  
*Applicant as offered to renew white lining / pending surfacing condition/ renewal utilising section 278 works to renew white lining at junction. This would make the junction more defined.*
- visibility pulling into the junction and out of it.  
*Justification accepted from applicant that no accidents are recorded at the location in the last 5 years and substantially mitigated by renewing poor white lining at the junction. To be programmed with resurfacing works at the junction. Additional signage or renewal to be considered.*
- Disputing the ATC location and its data lending the supplied data for visibility not trustworthy.  
*Applicant has undertaken a new full review of ATC at the location, as requested, and the initial review show no concerning issues.*
- Existing road widths not allowing for safe passage of 2 vehicles without evading actions in multiple locations.  
*Provision of an additional passing bay within highway owned land to be confirmed, and additional width to the front of the proposed access.*
- Road only wide enough for 1 way traffic on the access to the site.  
*Road widened at access as per new access layout*
- Actual network capacity could not cope with a large increase as stated by multiple objectors.  
*Applicant has undertaken a new full review of ATC at the location, as requested, and the initial review shows no concerning issues.*

If we could confirm actual layby positions, road widening/ layby construction details and works to the Herefordshire House junction, this will allow me to formally forward my approval subject to conditions.

#### 4.3 Conservation Manager

##### Ecology

I am happy that both Foul and Surface water can be fully managed on site as per information supplied (No HRA is required for this location). I am equally happy that the ecological survey is appropriate to the site and that the recommended mitigation identified in section 5.2 of the report by Pure Ecology dated June 2016 should be implemented as proposed.

##### Landscape

In relation to the impact upon landscape character I agree with the statement set out within the landscape appraisal. The site and its surroundings are highly representative of the local landscape type; Timbered Plateau Farmlands. The key characteristics of which are field boundaries thrown into visual prominence by the landform, wooded valleys and dingles and a linear pattern of woodland with medium open views. However I accept that the adjacent development at Malvern View Leisure Park has an influence over this agricultural landscape, potentially reducing its sensitivity to change. However currently development focuses around Boyce Farm which is set in the lower contours of the land, the proposal will therefore extend

development westwards onto the higher contours of the open countryside, thereby increasing its influence over the local landscape.

In terms of visual effects, despite the site extending onto higher ground, the visual envelope is relatively narrow. I have walked the surrounding footpaths and agree with the submitted appraisal that the visual effects of the proposal are confined to the view looking north east from the B4220 and C1136 junction. Whilst this is a near distance view it is for a relatively short distance is not considered a sensitive viewpoint given that it is from a local highway, unlikely to be used extensively by walkers.

Any development brings with it a degree of impact upon the landscape as well as associated visual effects, in this instance the proposal will extend development in a westerly direction across the wider landscape, bringing it to the forefront of the view. The existing development therefore in conjunction with what is now proposed will have a cumulative impact upon the landscape. In my view there are other parcels of land which relate more closely to the existing leisure park which will be potentially less intrusive in the wider countryside.

However the landscape plans indicate extensive mitigation through the proposed planting this brings with it enhancement through biodiversity and strengthening of the local landscape character. The nature of the landform means that the mitigation proposed, whilst taking a number of years to establish, will be effective in assisting in screening views of the proposal.

#### Historic Buildings

No objection

#### 4.4 Environmental Health Officer (contaminated land)

No objection

#### 4.5 Land Drainage Engineer

In principle we do not object to the proposed development on flood risk and drainage grounds. However, prior to granting planning permission we recommended that the Council requests a summary of the proposed foul water strategy.

Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters associated with the permission / suitably worded planning conditions:

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Details of the proposed attenuation pond, including cross sections through the pond and details of the recommended spillway;
- Details of any proposed outfall structures.

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

## 5. Representations

5.1 Acton Beauchamp Group Parish Council - Unanimously cannot support for the following reasons:

- increase in traffic in a small unsuitable lane
- poor visibility
- effect on existing businesses
- bad access and junction onto a main road; and
- light pollution

5.2 The Forestry Commission have responded to their consultation response and have directed the Council to their standing advice in respect of assessing the impacts of development on ancient woodlands.

5.3 Thirty one letters of objection have been received in response to the application. In summary the points raised are as follows:

### Highway matters

- Increased traffic movements along an unsuitable minor road with no passing places
- Visibility at the junction of the lane with the B4220 is limited. Further intensification will compromise highway safety
- Potential safety issues for pedestrians, cyclists and horse riders using the lane as a result in intensification of its use by other vehicles
- The proposed development is unsustainable as all trips to and from the site will be made by private car

### Landscape impacts

- The proposal will have an unacceptable visual impact. The site is in open countryside and is not tucked away in the same way as Malvern View Caravan Park
- The proposal will have a detrimental impact on the setting of the Malvern Hills AONB

### Ecology

- Potentially damaging effect on local wildlife through increased human activity
- The environmental harm caused by allowing the development far outweighs any social or economic benefits

### Impact on heritage assets

- The proposals will have a detrimental impact on the setting of the nearby Grade II listed buildings Silkcroft and Bydawells Cottage

### Amenity issues

- The proposals will result in increased noise
- Increased light pollution will be damaging to local residents

## Other issues

- The company has flouted Council guidelines on advertising by displaying yellow signs on local roads
- It is inappropriate to allow further holiday homes as there are already adequate similar developments in the area
- A similar proposal for the expansion of Rock Farm Caravan Park was refused and dismissed on appeal
- There are limited local facilities in the area

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=162809&search=162809](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162809&search=162809)

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 Paragraph 28 of the National Planning Policy Framework (the NPPF) provides the basis for the Government's approach to diversification of the rural economy. It relates to economic growth in rural areas and advocates a positive approach to new development that is sustainable. It makes specific reference to rural tourism advising that local and neighbourhood plans should:

*Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.*

6.2 In the absence of a Neighbourhood Development Plan, Policy E4 of the Core Strategy is most relevant. It advises that Herefordshire will be promoted for sustainable tourism by utilising its unique environmental and heritage assets. It then goes on to list five measures that will be used to support the tourist industry. Of these, three are of particular relevance to this application and read as follows:

Policy E4 Tourism:-

Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:

*the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;*

*retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels;*

*ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage*

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

*trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.*

- 6.3 The policy reflects the NPPF's positive approach towards sustainable development. The matters described above do not preclude the type of development proposed and therefore the principle is accepted. The matter therefore to be resolved is whether the scheme represents *sustainable* development as defined by the NPPF – that it meets the social, economic and environmental dimensions of the definition.
- 6.4 The objections made largely question the environmental dimension of sustainability of the proposal and these will be assessed in the following paragraphs. The social and economic effects will also be considered and the planning balance applied in coming to a conclusion as to whether the scheme is representative of the type of sustainable tourism that the Core Strategy acts to promote.

#### Landscape impacts

- 6.5 There is general agreement between the applicant's Landscape Consultant and the Council's Landscape Officer about the impact of the development on the landscape character of the area. This is significantly influenced by the presence of Malvern View Caravan Park which immediately abuts the site. The arrangement of static caravans, the wide bell mouth junction onto the unclassified road and the access road are quite prominent and give the locality a formalised appearance. The site immediately abuts these features and, as can be seen from the photograph below, their cumulative effect is to reduce the rurality of the area.



- 6.6 The photo also serves to show some of the mature hedgerow boundaries. Further evidence of these can also be seen in the photo below. These provide a mature setting for the proposed development and will help to integrate it into the environment. The retention of the boundary hedgerows, and one which divides the two fields that comprise the site, and existing mature trees demonstrates that the landscape has influenced the design of the scheme in accordance with Policy LD1 of the Core Strategy. The second criteria of Policy E4 echoes this approach in promoting sustainable tourism opportunities, “...where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment”

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



- 6.7 One of the letters of objection is particularly focussed on the landscape appraisal submitted by the applicant and questions its conclusions about the impacts of the development on the Malvern Hills AONB, and refers in some detail to views from Suckley Hill which is located approximately 4km to the east.
- 6.8 The NPPF places great weight on the need conserve landscape and scenic beauty in AONBs. This is also enshrined in Policy LD1 of the Core Strategy. The site is not within the Malvern Hills AONB, but its potential effect on its setting and scenic beauty should be considered.
- 6.9 There is agreement between the Council's Landscape Officer and applicant's Landscape Consultant about the extent of the study area of the appraisal. It is based on a 2.5km study area around the site. The Council's Landscape Officer concurs with the applicant's consultant that in terms of visual effects, despite the site extending onto higher ground, the visual envelope is relatively 'narrow' or limited, and that the visual effects of the proposal are confined to the view looking north east from the B4220 and C1136 junction.
- 6.10 The applicant's landscape appraisal considers that it is highly unlikely that a change to the site would have an effect upon the landscape setting or views of any receptors within the AONB. The photograph above shows the Malvern Hills in the distance with Suckley Hills to the left, partially obscured by the tree in the foreground. The case officer has visited the Suckley Hills area and has walked some of the footpaths. The site is not visually prominent from there and due to the distances involved and the lack of inter-visibility from Suckley Hill it is not considered that there is any demonstrable impact on the setting of the AONB. The proposal therefore accords with Policy LD1 of the Core Strategy and the NPPF.
- 6.11 In conclusion, any landscape impacts that will arise as a result of the development can be mitigated through a combination of retention of existing vegetation and through the implementation of further planting. The applicant has indicated that through the layout plan submitted with the application and subject to the imposition of conditions requiring implementation and management of planting, this will provide appropriate mitigation of visual effects. The applicant's agent has also confirmed that his client is agreeable to a condition which limits the finished floor level of the units to a fixed point of 0.8 metres above ground level. This will ensure that the overall height of units on each plot is known and will avoid a situation that has occurred elsewhere where units are significantly above ground level, surrounded by verandahs and consequently have a more significant visual impact than might have initially been envisaged. These conditions will further serve to mitigate impacts and ensure compliance with Policy LD1 of the Core Strategy.

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

### The effect of development on the surrounding highway network

- 6.12 The site is accessed via an unclassified road which in turn emerges onto the B4220. The comments from the Transportation Manager provide a comprehensive summary of the concerns that were initially raised about the proposal in respect of highway matters and the actions that have been taken by the applicant and their highway consultant to address these.
- 6.13 A traffic count was completed upon the request of the Council to determine current vehicle movements associated both with local residents and persons visiting the adjoining Malvern View Park. The count was conducted over the week including the Easter Bank Holiday, a time when visitor movements to Malvern View were expected to be greater. The results show average two way flows of 18 vehicles between the hours of 0800 – 0900, 27 between 1700 – 1800 and 37 at the peak hour of 1000 – 1100. The greatest single peak hour number was 52 two way vehicle movements.
- 6.14 The count also provided data for vehicle movements in and out of Malvern View on Good Friday (14<sup>th</sup> April) and showed two way peak hour movements (1200 – 1300) of 48. These figures have been used by the applicant's highway consultant to calculate a 'worst case scenario' for the proposed development. On the basis that it is one sixth the size of Malvern View (40 units proposed with 240 at Malvern View), it is estimated that the proposal would account for 8 additional traffic movements during a peak hour, and on average somewhere between 3 and 6 vehicles per hour.
- 6.15 The traffic count shows that, at their peak, the current vehicle movements on the immediate highway network amount to less than one a minute, and would be exactly one a minute if the projections for the site are factored in. On the basis of such modest traffic increases it is not considered that the proposal will compromise highway safety along the unclassified road.
- 6.16 The approach to the site along the unclassified road from its junction with the B4220 is straight and visibility is very good, as can be seen from the photo below. A passing place does already exist and there is scope within the confines of the highway to accommodate a further passing place as is recommended in the comments from the Transportation Manager. A 'Grampian' condition would achieve its delivery.





- 6.17 The suitability of the junction with the B4220 is another matter that has been raised by local residents and was also an area where further investigation was requested by the Transportation Manager. As the photograph below shows, the junction is somewhat complicated by the fact that two unclassified roads converge at the same point and form a junction with the B road. Vehicles approaching from Bromyard and turning towards the site will effectively double back on themselves as they negotiate the junction. However, the junction is sufficiently wide to allow vehicles to make this manoeuvre. It should also be noted that the site is to be used for static caravans only. Were it the case that towing vehicles were making the same manoeuvre the application may well have given rise to greater concern in terms of highway safety and the capacity of the junction to accommodate those vehicles movements.



- 6.18 It can also be seen from the photograph that the white lines that define the junction have worn away over time. The applicant has undertaken to re-line the junction in order to improve highway safety for existing and future road users.
- 6.19 The applicant has been able to demonstrate through the completion of additional traffic survey work and through their agreement to undertake improvement works to the highway to mitigate the impact of their development that the proposal is acceptable in terms of highway safety and capacity. It is therefore your officer's opinion that the proposal accords with Policy MT1 of the Core Strategy and the NPPF.

#### Potential impacts on heritage assets

- 6.20 Three listed buildings lie within approximately 500 metres of the site; the closest being Silkcroft and Woodsend at approximately 210 metres at their closest point. Boyce Farmhouse is the furthest away and is part of the Malvern View Caravan Park.
- 6.21 The application is not accompanied by a detailed Heritage Statement but reference to the listed buildings is made in the Landscape Appraisal. The NPPF requires the level of information to be submitted in terms of heritage assets to be proportionate to their significance. For reasons that are made evident in the proceeding paragraphs, your officers are content that this is acceptable.
- 6.22 As mentioned, Boyce Farmhouse is part of the Malvern View Caravan Park and is used in conjunction with it. Its original farm buildings remain and have been converted into ancillary uses associated with the caravan park. The buildings are surrounded by hard standings, static caravans and other paraphernalia associated with the use of the site as a whole. This forms

their setting and the proposal will have no demonstrable effect on this. Its impact is considered to be neutral.

- 6.23 Woodsend is located to the north of the site and beyond the former railway cutting. This boundary is heavily wooded and the property has a woodland setting. The former railway cutting provides a visually impenetrable buffer between Woodsend and the site and again it is considered that the proposal will have no demonstrable effect on its setting. Its impact is considered to be neutral.
- 6.24 Of the three listed buildings identified, Silkcroft is the most visible and glimpses of it and the small group of buildings that comprise the holding can be gained from the unclassified road as one approaches the application site. Views are across agricultural land and are limited by the roadside hedge. As can be seen from the aerial photograph that identifies the location of the listed buildings at the beginning of this report; two modern agricultural / workshop buildings lie in the foreground of Silkcroft when looking from the unclassified road in a westerly direction. These play a significant role in forming the setting of the listed building.
- 6.25 There is no obvious visual connection between the site and Silkcroft. Existing vegetation serves to filter views from one to the other. The Council's Conservation Officer has not objected to the application and has commented in the knowledge of representations received regarding the setting of Silkcroft. While there may be some marginal impact upon its setting as a result of the proposed development, it is considered that this would be very limited.
- 6.26 Overall, therefore, it is only in relation to Silkcroft that officers discern any impact on significance, and such harm as there may be falls very much towards the lower end of the less than substantial spectrum identified at paragraph 134 of the NPPF – to which recourse must be had in the context that Policy LD4 of the Core Strategy does not address how harm should be factored into the planning balance. There are no non-designated heritage assets affected by the proposal and in this case the harm to heritage assets is marginal. Your officer's opinion is that this does not give rise to a reason to refuse the application i.e. the harm to significance does not outweigh the public benefits arising and the NPPF 134 'test' is passed. On this basis weight will be attributed accordingly.

### Ecology

- 6.27 The Council's Ecologist has raised no objection to the proposal and has referred to the proposed mitigation measures as outlined in the Ecological Report that supports the application. In summary these mitigation measures are as follows:
- The northern boundary of the site that abuts the disused railway cutting should not be lit.
  - Any lighting that is required should be low level and placed away from the site boundaries to minimise light spill
  - Although not proposed, any clearance work should be completed outside the bird breeding season
  - Relaxed approach to hedgerow management to allow a more bushy structure
  - Hedgerow allowed to grow into the site at strategic points
  - New planting within the site to be comprised of native species
  - Areas of longer grassland are retained within the caravan park setting, for example around hedgerows and shrubby areas
  - Bat roost boxes to be erected on site
- 6.28 The site is presently grazing land. While its margins and the disused railway cutting to the north provide valuable habitat, the site itself has limited biodiversity value. Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity. It is considered that the measures outlined above will improve the site's value as a nesting and foraging habitat for birds, provide shelter for small mammals and encourage insects. They will

also address particular concerns about light spill raised by some of the objectors both in the context of ecological and more general amenity impacts. The proposal therefore accords with Policy LD2.

#### Other issues

- 6.29 Some of the objectors appear to have confused the ownership of the application site with that of Malvern View Caravan Park, referring to signage that has been erected on highway land by the latter. Members should be clear that this application is not connected with Malvern View in any way and its determination should not be influenced by any such perception.
- 6.30 There have been some suggestions in the representations received that the proposal represents over-development by virtue of the fact that there are a number of holiday parks in the area already. The Committee will be mindful of the fact that the planning system does not exist to stifle competition and the issue of over-development can only be assessed in terms of planning related issues. In this case it has been demonstrated that the scheme does not cause harm in terms of its landscape impact or through intensification in the use of the local highway network such that it compromises highway safety. Your officer's view is that there are no substantive grounds to warrant the refusal of the application on the basis that it represents over-development.
- 6.31 Reference has been made to a dismissed appeal for the expansion of an existing caravan site at Rock Farm, a site to the north of Bromyard on the B4214. Members will be mindful that each application must be determined on its own merits but for the sake of completeness the application was refused on landscape impact grounds. The land is steeply sloping and the Inspector concluded that the site would clearly be visible from near and middle distant views to the detriment of the landscape character of the area. It has already been demonstrated that any landscape impacts associated with this proposal can be ameliorated through further planting and it does not attract objection from the Council's Landscape Officer.
- 6.32 It might be considered that the location of the proposed development away from local services at Bromyard renders it unsustainable and therefore it should be refused. However, the context in which this type of tourism generating proposal is to be considered is different to that of residential proposals and one would not ordinarily expect them to be within or immediately adjacent to a town or village.
- 6.33 The scheme will bring visitors from outside of the county and they will potentially spend within the area. Bromyard is approximately 3 miles away and it is considered that the proposal will be economically beneficial to the town.
- 6.34 The proposal includes the provision of manager's accommodation. No objection has been raised to this in principle and it is considered to be necessary in order for the site to function efficiently. There is a reasonable necessity for someone to be on site at all times of the day to manage the day-to-day running of the site and to respond to emergencies. This element of the proposal thus accords with Core Strategy Policies RA3 and RA4. The applicant's agent has acknowledged the need for the occupation of the accommodation to be controlled and the recommendation includes an appropriately worded condition to address this.

#### Summary and conclusions

- 6.35 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where it accords with the development plan.

- 6.36 The principle of development is considered to be acceptable. The site is immediately adjacent to an existing, but unrelated, caravan park and policy E4 of the Core Strategy does encourage further sustainable tourism related development.
- 6.37 Whilst local residents concerns have been considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon the landscape and biodiversity have been resolved satisfactorily and officers are content that the mitigation measures proposed are sufficient to ensure that the requirements of policies LD1 and LD2 of the Core Strategy are met. Only very limited harm to the significance of Silkcroft is identified and the public benefits of the proposal are considered to outweigh this less than substantial harm in the NPPF paragraph 134 balance.
- 6.38 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and the increased spending by tourists in the local area that will support local businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.39 To conclude, the proposed development is considered to represent a sustainable development for which there is a presumption in favour and, as such, the application is recommended for approval subject to conditions listed below.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F34 Numbers limitation**
- 5. F35 Caravan colours**
- 6. G02 Retention of trees and hedgerows**
- 7. G10 Landscaping scheme**
- 8. G11 Landscaping scheme – implementation**
- 9. Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme & establishment phase (minimum 5 full growing seasons) management plan; and based on the recommended mitigations in section 5.2 of the ecological report by Pure Ecology dated June 2016; 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**

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

10. H03 Visibility splays
11. H06 Vehicular access construction
12. H13 Access, turning area and parking
13. H16 Parking/unloading provision - submission of details
14. H17 Junction improvement/off site works – to include:
  - White lining to junction of the B4420 junction and improved signage.
  - Applicant to ensure One way departure from the site towards B4420 only.
  - Passing bays and road widening to front of site to be constructed before works start on site, to be constructed to adoptable standards. All details to be agreed with highways including locations of passing bays.
15. I33 External lighting
16. I41 Scheme of refuse storage (commercial)
17. M17 Efficient use of water
18. The finished floor level of the holiday caravans and associated decking shall not be greater than 850mm above the existing ground levels denoted on the Topographical Survey drawing (NRG Survey dated 21/03/2016) received on 6th September 2016.

Reason: In the interests of visual amenity and the character and appearance of the area and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy.
19. The development hereby approved is for the use of the land as a caravan holiday park. The following shall apply:
  - (i) the caravans shall only be occupied for holiday purposes only;
  - (ii) the caravans shall not be occupied as a person's sole, or main place of residence;
  - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to conform to Policy RA5 of the Herefordshire Local Plan – Core Strategy so as to prevent the establishment of a residential use in the countryside where it would not normally be permitted.
20. The occupation of the managerial unit shall be limited to a person wholly employed as the manager / warden of the Holiday Park (and any dependants) only.

**Reason:** It would be contrary to Policy RA4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for a dwelling in this location except to meet the expressed case of need associated with the management of the site.

**21.** With the exception of any site clearance and groundwork, no further development shall take place until the following details have been submitted:

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Details of the proposed attenuation pond, including cross sections through the pond and details of the recommended spillway;
- Details of any proposed outfall structures.

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

**Reason:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

- 1.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2.** HN07 Section 278 Agreement
- 3.** HN10 No drainage to discharge to highway
- 4.** HN04 Private apparatus within highway
- 5.** HN01 Mud on highway
- 6.** HN28 Highways Design Guide and Specification
- 7.** HN05 Works within the highway
- 8.** HN22 Works adjoining highway

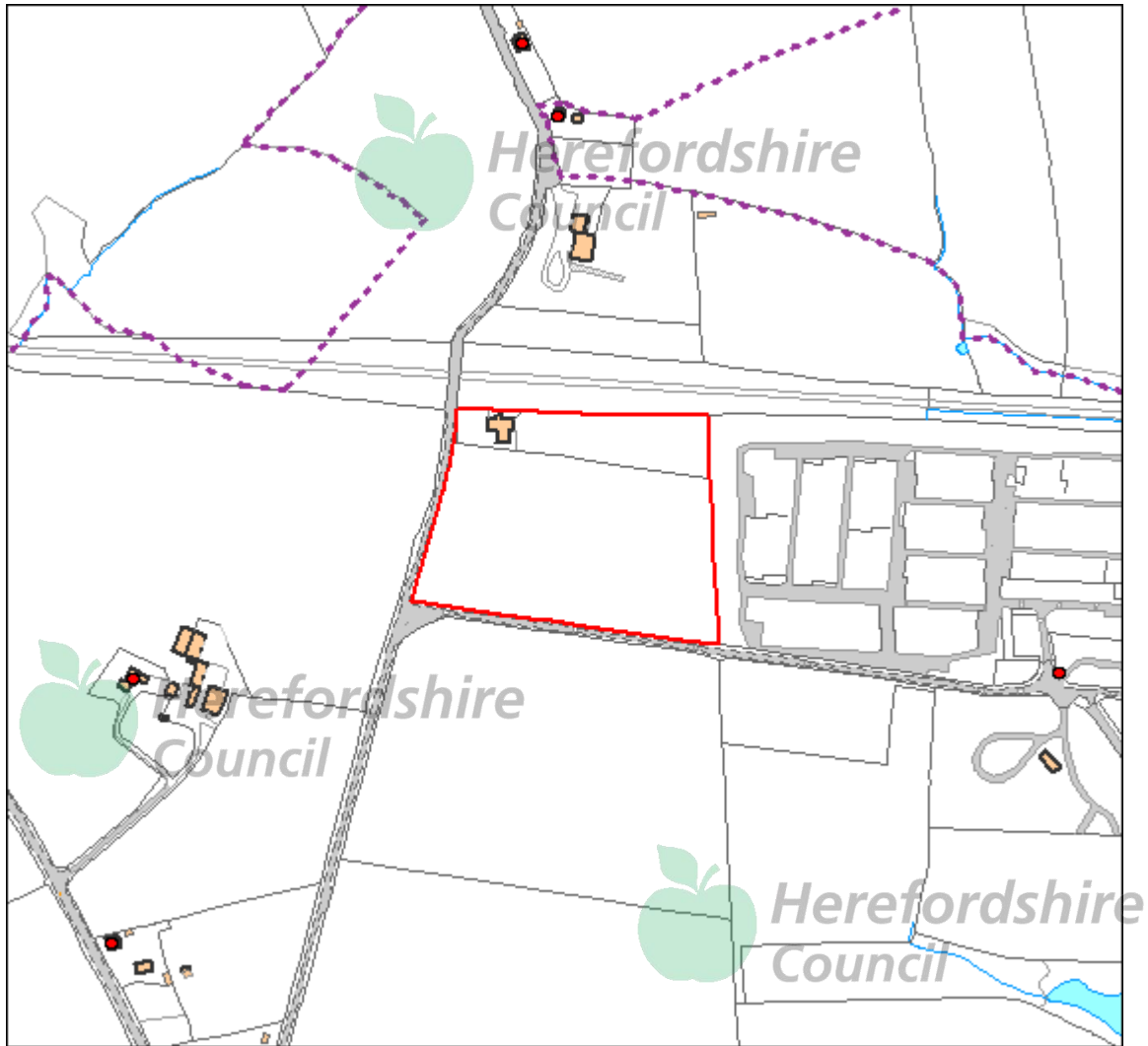
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 162809

**SITE ADDRESS :** TOM'S PATCH, STANFORD BISHOP, BRINGSTY, WORCESTER

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 August 2017</b>
<b>TITLE OF REPORT:</b>	<b>170984 - ERECTION OF A 3 BED DWELLING, AMENDED ACCESS AND BIO-DISC DRAINAGE AT LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE.</b>  <b>For: Mr &amp; Mrs Long per Mr Brian Griffin, The Cottage, Green Bottom, Littledean, Cinderford, Gloucestershire GL14 3LH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&amp;search=170984">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&amp;search=170984</a>
<b>Reason Application submitted to Committee - Redirection</b>	

Date Received: 16 March 2017

Ward: Old Gore

Grid Ref: 362146,225868

Expiry Date: 16 May 2017

Local Member: Councillor BA Durkin

## 1. Site Description and Proposal

- 1.1 The application site lies to the north east of Four Winds, a detached bungalow, while the site lies outside of the curtilage associated with Four Winds, it is understood that this dwelling is within the ownership of the applicants albeit rented out to a tenant at present.
- 1.2 The site is accessed to the north of a driveway shared with Four Winds and the neighbouring dwelling to the east, Westwood View. This is presently accessed off an entrance (understood to be outside of the applicants' ownership), which goes on to serve four additional dwellings located to the west of the site off a driveway named The Downs. There are dense hedgerows bounding all four sides of the application site.
- 1.3 The site, while located within the parish of Brampton Abbots, is within open countryside and away from this identified settlement within that parish.
- 1.4 The application seeks outline permission for the erection of a detached three bedroomed bungalow with only access to be considered at this stage. With this in mind, while drawings of a dwelling accompany the application, they are purely for indicative purposes.
- 1.5 As well as a proposed layout plan, the application was accompanied by:
  - An indicative photograph
  - Planning statement
  - Ecology Inspection
  - Seven letters of support

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

## 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 Brampton Abbots & Foy Group Neighbourhood Development Plan (NDP)

The Neighbourhood plan area was designated on the 29<sup>th</sup> January 2013 and while it is a material planning consideration, the plan is not yet at a stage where it is afforded any weight.

## 3. Planning History

3.1 163759/F - Site for erection of 1 detached dormer Bungalow, use of an existing access, treatment plant drainage. Refused 2 February 2017.

3.2 This previous application is similar to the one that is now submitted, albeit some alterations have been made to the application form to clarify the number of proposed bedrooms and drainage methods as well as amendments to the access so that it no longer goes over third party land. It was refused on the following grounds:

- 1) *The proposal is found to represent an unsustainable form of development that would be contrary to policies SS1, RA2 and RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework due to its isolated location within open countryside, where residential development of this type is not supported unless it meets exceptional criteria.*

- 2) The proposal is considered to be out of keeping with the pattern of the surrounding January 2013 development, introducing an uncharacteristic 'backland' development. As such, the character of the landscape has not positively influenced the site selection with the application therefore being contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy.
- 3) In the absence of sufficient information, the highways implications of the proposal cannot be adequately assessed in relation to visibility splays, connection to the highway and increased vehicle movements onto the highway. The proposal is therefore unable to be assessed favourably against Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.

#### **4. Consultation Summary**

##### Statutory Consultations

##### 4.1. Welsh Water

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

##### Internal Council Consultations

##### 4.2. Transportation Manager

As raised in the previous application, the applicant had not provided enough information in regards to the speed of the road and volume of traffic which uses the C1283. The submitted documents now show a new access which has not been fully assessed.

A full 7 day speed and volume survey (undertaken during term time) should be supplied Applications should be submitted with the access clearly shown on submitted plans to facilitate the proposed using required visibility splays, designed and informed by Manual for Streets 2 using the 85 %tile based on a full seven day speed and volume survey carried out in term time. If these are not provided then it will be refused on highways due to lack of information.

The road is subject to a national speed limit; however the submission of a speed and volume survey may record a lower speed therefore requiring a smaller visibility splay. Manual for streets 2 (2.0 sec reaction time) states a visibility splay for a road subject to a national speed limit should be 152m in both directions. The visibility from the existing access is restricted by a number of over grown hedges, these limit the visibility further than the proposed shown on the submitted documents.

Without the submission of a full speed and volume survey as described above I can not look to support this application.

##### 4.3 Conservation Manager (Ecology)

I note that this is a slightly reworked application from that refused under application ref 163759. Previously I had requested confirmation details of location of proposed foul water (package treatment plant with final outfall to soakaway/spreader) and surface (soakaway) in order to confirm through a basic HRA screening that the development would have no 'likely significant effects' on the River Wye SAC & SSSI (site falls within SAC catchment and within SSSI Impact Risk Zone for water discharges) – this information has again not been provided and is required prior to determination.

I do note one change is now a loss of roadside hedgerow and I would request that some relevant compensatory planting of native trees is requested to mitigate this loss. This could be

by the planting (including relevant support and protection) of a minimum of 6 'heavy standard', native trees in existing hedgerows (northern boundary is indicated to predominantly native hedge species from ecological survey and within existing retained roadside hedge). Species such as Oak, Hornbeam and Field Maple would be appropriate. This compensatory planting should be detailed (including species, location, planting and protection methodology and a 5 year establishment management plan) on a plan and supplied for approval alongside the required confirmation and locations of foul and surface water management systems.

The biodiversity working methods and enhancements as detailed in the supplied ecological report by James Johnston dated September 2016 should be implemented as recommended – as per comments/suggested condition on previous application.

#### 4.4 Drainage Consultant

We recommend that the following information is provided prior to the Council granting planning permission for this development

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of. If infiltration of treated effluent is proposed, the Applicant should undertake infiltration testing in accordance with BS6297 to determine whether infiltration is a viable option. We note that the Applicant owns land to the rear of the property, however this land is higher than the proposed dwelling, and so draining the treated effluent into a soakage field would require a pump. We do not support pumping treated effluent.

Once the above has been submitted and approved, the following information should be provided within suitably worded planning conditions:

- Provision of a detailed surface water drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

## 5. **Representations**

### 5.1 Brampton Abbots & Foy Group Parish Council

No objections

### 5.2 29 letters of support have been received in response to the public consultation process. In summary the points raised are as follows:

- The applicants have been actively involved in the agricultural and nursing community around Ross-on-Wye for many years and have been given notice to quit their tenancy and therefore need somewhere to live
- To be able to continue his contribution to local community this obviously needs to be in the locality
- The proposal will have minimal visual impact on the area and negligible impact on the traffic
- In previous years the land formed part of a Sun Valley poultry site and is unsuitable for agricultural use due to hardstanding and septic tank

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

- They already own one dwelling on Four Winds and in order to prevent the tenants from being evicted they would prefer to build a second dwelling
- The proposed would balance the smaller bungalows against the larger ones
- The plot of land is of ample size to accommodate an affordable retirement dwelling and is surrounded by a well-established hedge
- Would not interfere with anyone or the view
- If they need to evict their tenant they may require council accommodation which has a knock on effect

5.3 2 letters of objection have been received in response to the public consultation process. In summary the points raised are as follows:

- The building would be squeezed into such a small site it would be completely out of character and would represent backland development
- The access now worsens the traffic impacts by the driveway being directly alongside that from The Downs and straight onto the lane. An additional driveway will only increase the risk of accidents
- Some conifer hedges have been removed but this was to aid the tenant of Four Winds
- Do not wish to malign Mr Long but he will not be homeless when leaving the farm, owning Four Winds and, we believe, another house in Ross-on-Wye
- The development claims to be a replacement dwelling in effect but there is no immediate need for a replacement dwelling
- The owner has jumped the gun and assumed that planning permission will be granted and cut down hedgerow to make a way for a drive
- Documents providing support that have been submitted with the application are not from within the vicinity of the application

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=170984&search=170984](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&search=170984)

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.

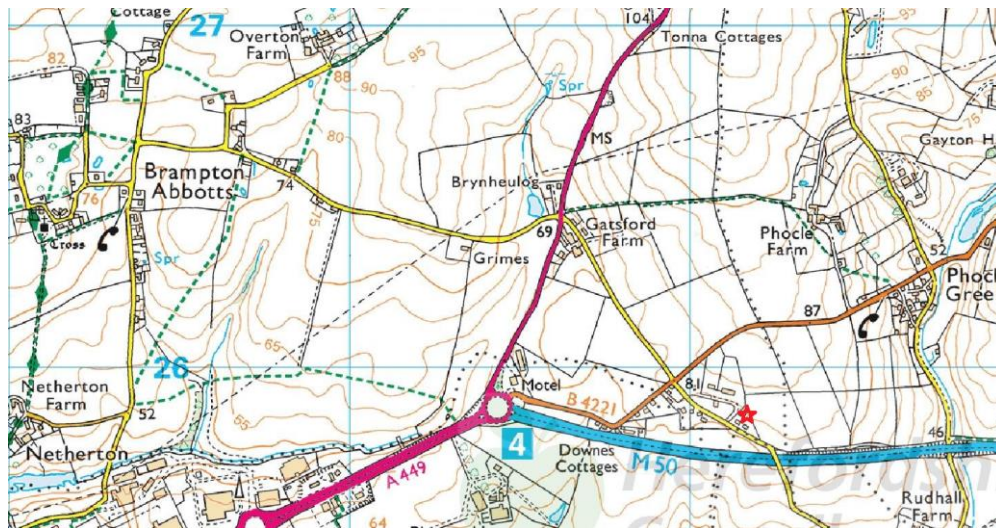
6.3 An appeal decision for an outline application for up to 100 dwellings in Bartestree (LPA reference: 143771 / PINS ref: 3051153). considered the weight to go to the Council's spatial strategy in the context of a housing land supply shortfall; then held at 3.63 years' worth of

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

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 to 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. Brampton Abbots 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 Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. As stated above, the Brampton Abbots & Foy Group NDP is not yet at a stage where it is afforded any weight. With this in mind, it is the relationship between the built up part of Brampton Abbots and the application site that is to be assessed.



- 6.10 The application site is indicated on the map above by the red star. The main built up part of Brampton Abbots can be found approximately 1.8km to the north west. While there is a collection of dwellings within Phocle Green approximately 550m to the north east from the application site, Phocle Green is not a settlement where the principle of residential development is accepted under Policy RA2. Since the application site is clearly divorced from the main built up part of Brampton Abbots, it lies within open countryside.
- 6.11 In such locations, Policy RA3 is engaged when assessing proposals for new residential development. 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.
- 6.12 While the situation of the applicants, whose tenancy is due to end at a Council owned farm within Hildersley, is acknowledged, this is not found to represent one of the exception criteria under Policy RA3. It is also noted that they do own a dwelling within the immediate vicinity (Four Winds directly to the south west of the application site). Accordingly it is considered that no weight can be afforded to the personal circumstances of the applicant.
- 6.13 In relation to the case that the proposal seeks a replacement dwelling, Policy RA3 makes it clear that any replacement dwelling should be located within a lawful residential use, comparable in size and scale with, and located within the lawful domestic curtilage, of the existing dwelling it is to replace. It is evident that this proposal does not satisfy this exception.
- 6.14 It follows that the application conflicts with policies RA2 and RA3 of the Core Strategy resulting in residential development being unacceptable in this location. Notwithstanding this in principle objection to the proposal, the other areas of this outline application are assessed below.

### Landscape

- 6.15 While the application only seeks outline permission at this stage, the impact on the wider landscape of a dwelling on the site is something to be considered. Policy LD1 of the Core Strategy states that development proposals should demonstrate that the 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.

- 6.16 The application site is located to the north east of Four Winds, and effectively to the rear of the dwelling. It is proposed that the access would be located along the eastern boundary and approximately 3.5m away from the east elevation of Four Winds.



- 6.17 The application site is indicated on the photograph above, again by the red star, and shows the relationship between the existing dwellings and the location of the proposed.
- 6.18 While it is acknowledged that the four dwellings to the west are not accessed directly off the road, the 'backland' nature of the proposal, which sits directly behind, and requires an access directly adjacent to, another dwelling are characteristics not found within the locality. This arrangement is considered to be far more in keeping within an urban setting as opposed to this rural one.
- 6.19 The proposed pattern of development is not found to reflect the local landscape and as such has an associated harm. With this in mind, there is found to be conflict with Policy LD1 as the character of the landscape has not positively influenced the proposed siting of a dwelling.

#### Access

- 6.20 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.



- 6.21 Under the previous application there was some doubt regarding the access being wholly within the applicants ownership. The current application has amended the access so that instead of leaving the road through the existing access which serves Four Winds and Westwood View (as well as the four bungalows off The Downs, a private drive) a new access will be created so that it is within the applicants ownership.
- 6.22 However, no speed or volume survey accompanies the application and therefore, while a 100m+ visibility splay is indicated on the plans, it cannot be calculated whether this is sufficient. Furthermore, the plan does not show the entirety of the visibility splay and it cannot therefore be determined whether this includes highway land or land within a third party's ownership. The concern in respect of a lack of survey was highlighted under the previous application.
- 6.23 With the above in mind, it cannot be assessed whether the application provides a safe entrance and exit to the site due to a lack of information. As such, the proposal cannot be favourably assessed against policy MT1.

#### Design and amenity

- 6.24 Policy SD1 of the Core Strategy 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.
- 6.25 With the application seeking outline planning permission, at this stage detailed elevations do not accompany the proposal. However, it is noted that since the previous refusal the indicative floor plan included on the proposed layout plan has been amended and a first floor is no longer submitted. Given the nature of the application, these aspects are not for detailed consideration at this stage, rather something for any reserved matters application. However, given the majority of the neighbouring dwellings are detached bungalows, it is found likely that, notwithstanding the concerns about the impact upon the character of the site and locality, a design solution could be reached that would be both in keeping and ensure that the amenity of neighbouring dwellings is safeguarded.

#### Ecology

- 6.26 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.
- 6.27 The comments of the Council's Ecologist are noted. However, while ideally the drainage arrangements would accompany the application at this stage so that a HRA screening can be carried out, given the size of the plot it is likely that a suitable method can be found so that there is no significant impact on the River Wye Special Area of Conservation and Site of Special Scientific Interest.
- 6.28 With regard to the removal of a hedgrow in order to form the new access, landscaping and mitigation details could be conditioned on any approval and considered in detail under a reserved matters application.

## Drainage

- 6.29 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.
- 6.30 The form that accompanies the application states that a private treatment plant would be utilised for the disposal of foul sewage and a soakaway utilised for surface water. While the comments of the Land Drainage consultant are noted, given the size of the plot, these methods appear acceptable in principle but details would be obtained through a planning condition or as part of a reserved matters application.

## Conclusion

- 6.31 The application proposes residential development in a unsustainable location that is not supported by policies RA2 or RA3 of the Core Strategy. Furthermore, the siting of a dwelling, resulting in backland development, is out of keeping and has not been influenced by the surrounding development, conflicting with the aims of policy LD1. Finally, as insufficient information in relation to the access has been submitted, this aspect can not be favourably assessed against Policy MT1. While the personal circumstances of the applicant are appreciated, this does not outweigh the clear conflict with local and national planning policies.

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 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 RA2 and RA3 of the Herefordshire Local Plan – Core Strategy.**
- 2. The proposal is considered to be out of keeping with the pattern of the surrounding development, introducing an uncharacteristic ‘backland’ development. As such, the character of the landscape has not positively influenced the site selection with the application therefore being contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy.**
- 3. In the absence of sufficient information, the highways implications of the proposal cannot be adequately assessed in relation to visibility splays, connection to the highway and increased vehicle movements onto the highway. The proposal is therefore unable to be assessed favourably against Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.**

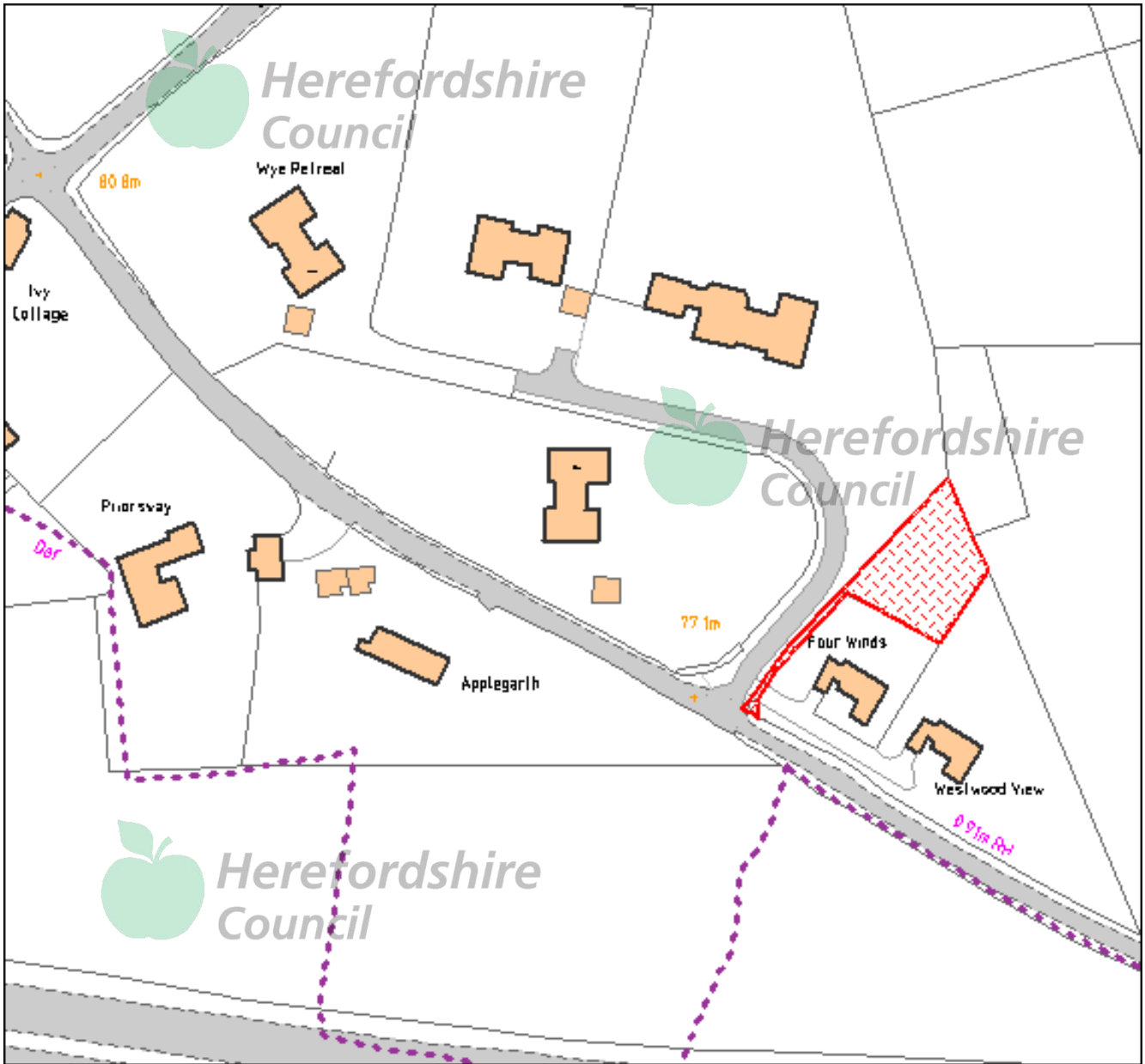
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 170984

**SITE ADDRESS :** LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 August 2017</b>
<b>TITLE OF REPORT:</b>	<b>170465 - PROPOSED BUNGALOW AND GARAGE WITH ACCESS AT LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HEREFORDSHIRE, HR4 8AD</b>  <b>For: Mr Hall per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170465&amp;search=170465">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170465&amp;search=170465</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 7 February 2017**      **Ward: Queenswood**      **Grid Ref: 350108,244414**

**Expiry Date: 4 April 2017**

Local Member: Councillor PE Crockett

## 1. Site Description and Proposal

- 1.1 The site comprises an elevated backland plot between new dwellings, Holly Brook Cottage to the north and to the south (on lower ground), The Dorall. Existing access into the site is via an unsurfaced strip of land in between the above dwellings, and those dwellings have rear gardens with open aspects onto the application site. The eastern boundary of the application site adjoins the A49T between Hereford and Leominster.
- 1.2 The site is 2 km north of Hereford in a group of dwellings identifiable as within Lyde. Pipe and Lyde is identified as a settlement for proportionate growth within policy RA2 of the Herefordshire Local Plan and in the absence of Neighbourhood Development Plan it is considered that the site is within the settlement.
- 1.3 The proposal is for an H shaped floor plan bungalow with detached garage outbuilding on the southern boundary. Vehicle and pedestrian access into the site would be via the gap between the two immediate dwellings to the west.
- 1.4 No landscaping or boundary treatment has been indicated.

## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- LD2 - Biodiversity and Geodiversity;
- SD1 - Sustainable Design and Energy Efficiency;
- SD3 - Sustainable Water Management and Water Resources;
- SD4 - Waste Water Treatment and River Water Quality.

2.2 Pipe and Lyde Parish Council are not currently preparing a Neighbourhood Development Plan.

2.3 National Planning Policy Framework (NPPF)

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

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

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

### 3. Planning History

3.1 052119 Outline Application for 2 Dwellings: Refused and Dismissed on Appeal.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Highways England: No objection.

#### Internal Council Consultations

4.2 Transportation Manager: No objection in principle subject to agreement of internal road layout and gradients.

4.3 Conservation Manager (Ecology): No objection

The original site clearance may have resulted in illegal activities (both ecologically and arboricultural related) – but what is done is done. Any residual flora and fauna from the Traditional Orchard will now be gone. However the regenerated ruderal vegetation has a potential for transient use by species due to the rural location and wildlife corridor links to the wider countryside and habitats including reptiles so an ecological Working Method Statement and Risk Avoidance Measures plan should be requested to ensure the construction works do not impact any local wildlife this should include the appointment of an Ecological Clerk of Works who should undertake and record a detailed site check immediately prior to any further site works taking place.

I do think the remaining roadside trees should be properly protected with a Root Protection Area (based on BS5837:2012) properly secured. These in the main are Ash trees which are already under stress from currently increasing pathogens and diseases so any damage to the roots could increase the risk of them dying back or dying completely. As these screen the site from the A49 I am sure the applicant would not want this anymore than we would.

I would be expecting significant biodiversity enhancements including within/on the new dwelling for bat roosting, bird nesting and pollinating insects (various durable woodcrete and similar material habitat boxes, tubes and specialist bat tiles are easily available. In the garden we

would expect at least one hedgehog home and any fences erected must have small gaps left to allow movement of hedgehogs and other wildlife in and out of the garden. Any new or replacement trees should be locally characteristic native species. The site was historically a small farm Traditional Orchard and the inclusion of some new fruit tree planting within the landscaping would be welcomed.

With the applicant's email on the file confirming final PTP discharge to soakaway, and subject to conditional implementation as part of the approved plans, I am satisfied that through an appropriate HRA screening there should be NO unmitigated 'Likely Significant Effects' on the River Lugg (River Wye) Sac and SSSI as identified in the relevant Impact Risk Zone criteria.

4.4 Environmental Health Officer: No objection. I refer to the above application and would make the following comments in relation to contaminated land issues only (excluding controlled waters).

I've no adverse comments to make.

## 5.0 Representations

5.1 Pipe and Lyde Parish Council: Pipe and Lyde Parish Council resolved (during its meeting on 10th March 2017) to object to application for a bungalow, garage and access adjacent to Holly Brook Cottage for the following reasons:

- The very narrow drive (originally a hedge removed by the applicant several years ago) giving access to the property is of concern as it would appear to be insufficient for emergency vehicles to get close to the property in the event of a fire etc., which could endanger residents and affect neighbouring properties (contrary to Policy MT1).
- Visibility at the point of access will be very restricted, and could be a safety issue for vehicles exiting the property and in the lane.
- Delivery and construction traffic accessing the site is very likely to cause considerable inconvenience to local properties
- Type of sewerage and foul water disposal is of concern as the brook is not capable of taking another run off outlet.
- The parish council does not consider the proposal to be sustainable and does not conform to Core Strategy policies SS4 and SS7, nor does it fit with the objective of the NPPF to guide development to sustainable locations. There are no local services to support another dwelling, no village shop, no school, no community centre, no mains drainage, and an infrequent bus service. Occupants of the site will be completely reliant on car use.
- An increase in density of housing in this small part of a rural village and the number of access points to this short stretch of a very narrow lane is unacceptable.
- It is disappointing to the local residents that the site has been substantially cleared immediately before the submission of a planning application; a number of trees and hedges have been removed and wildlife habitat within the paddock lost.
- The parish council also understands that boundaries shown on the application are disputed.

Prior to the application the paddock was cleared by a contractor who removed hedges which belonged to neighbours and encroached onto neighbouring properties. Boundary lines as shown on the planning application are disputed by at least two neighbours; a WPD electricity pole on one property for which the owner receives a wayleave payment is now shown within the proposed development plot.

5.2 To date 7 letters of objection received raising the following points:-

- Poor access;
- Drainage concerns;
- Unsustainable location;
- No shops or services here;
- Amenity concerns;
- Land ownership concerns.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=170465&search=170465](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170465&search=170465)

5.4 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 General Principles

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 CS Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the CS out of date. At present, the Council cannot demonstrate a 5-year supply of housing land.

6.3 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15 under policy RA2, also supported.

6.4 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan (NDP) or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Pipe and Lyde which is a settlement listed under Policy RA2 where proportionate growth is envisaged. There is no defined settlement boundary for Pipe and Lyde, as no neighbourhood development plan is being prepared.

6.5 Therefore in locational terms I consider the proposal accords with new housing allocations in Policy RA2 in that respect, in that the site lies within the built pattern of development at Lyde.



### Highway Safety and Access

- 6.6 Access into the site will include part of the neighbouring dwelling's drive (in the applicant's control) and further detail has been provided on the proposed internal road layout which involves land regrading. The Transportation Manager has advised that the access and parking arrangements are acceptable and as such it is considered that the requirements of CS policy MT1 are satisfied

### Settlement Character/Visual Impact

- 6.7 The plot backs onto the A49 demarcated by a high hedge. This means that the rear of the building will be glimpsed within the pattern of built development alongside the A49 when travelling in a northerly direction along that road. Views from the north are limited by the bend in the road, and existing built form. There will be no adverse visual impact in the narrow street-scene along the unclassified road, save the modest change to the point of access set in between other dwelling frontages. The proposed dwelling would be hidden from view behind the existing dwellings that front the road.

### Residential Amenity

- 6.8 The building is indicatively shown to be sited in the centre of plot with sufficient separation distance from the adjoining dwelling to the east. As a single storey dwelling is envisaged here the issue of overlooking and related loss of privacy is not expected, The boundary with the neighbour to the south (in applicants control) can be fenced so as to limit views into the rear garden and side and rear elevation of the house due to the application site being on higher ground. This could be achieved with a 1.8m close boarded fence, and secured by way of a planning condition. This would accord with Policies SD1 and LD1 of the Core Strategy.

### Ecology

- 6.9 The site has been cleared which is recorded as unfortunate by the Council's Ecologist. Notwithstanding these works which are not in breach of Planning legislation, the existing roadside trees/hedges can be protected by protective fence during the construction phase, and an ecological working method statement and risk avoidance measures would mitigate any potential transient ecological matters during the construction phase. Post construction ecological habitat enhancement can be secured by way of a planning condition. The combination of requirements recommended by the Council's Ecologist would secure compliance with Policy LD2 of the Core Strategy.

### Surface and Waste Water

- 6.10 A package waste water treatment with soakaway is indicated in the planning application (following clarification with the agent) and this can be secured by way of a planning condition. This accords with Policies SD3 and SD4 of the Core Strategy.

### Conclusion

- 6.11 In applying the planning balance this proposal is considered to provide modest economic and social benefits which outweigh the limited environmental dis-benefits that have been identified by third parties. The site is in a sustainable location and the site specific concerns regarding access and neighbouring amenity are or can be appropriately addressed by way of a planning condition. Consequently a recommendation of approval is put forward.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. C01 - Time limit for commencement (full permission)
2. C06 - Development in accordance with the approved plans (Drawings received 7 February 20170)
3. CAH - Driveway gradient
4. CAL - Access, turning area and parking
5. CAZ - Parking for site operatives
6. C13 - Samples of external materials
7. C95 - Details of Boundary treatments (boundary treatment (in particular Wyloe);
8. CD5 - No drainage run-off to public system
9. CD6 - Comprehensive & Integrated draining of site
10. CE6 - Water Efficiency - Residential
11. CD2 - Habitat Enhancement Scheme
12. CBK - Restriction of hours during construction
13. Single storey building only.
14. Ecological working method and risk avoidance measures statement.
15. Boundary tree protection measures during construction.

## INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I05 - HN10 No drainage to discharge to highway
3. I45 - HN05 Works within the highway

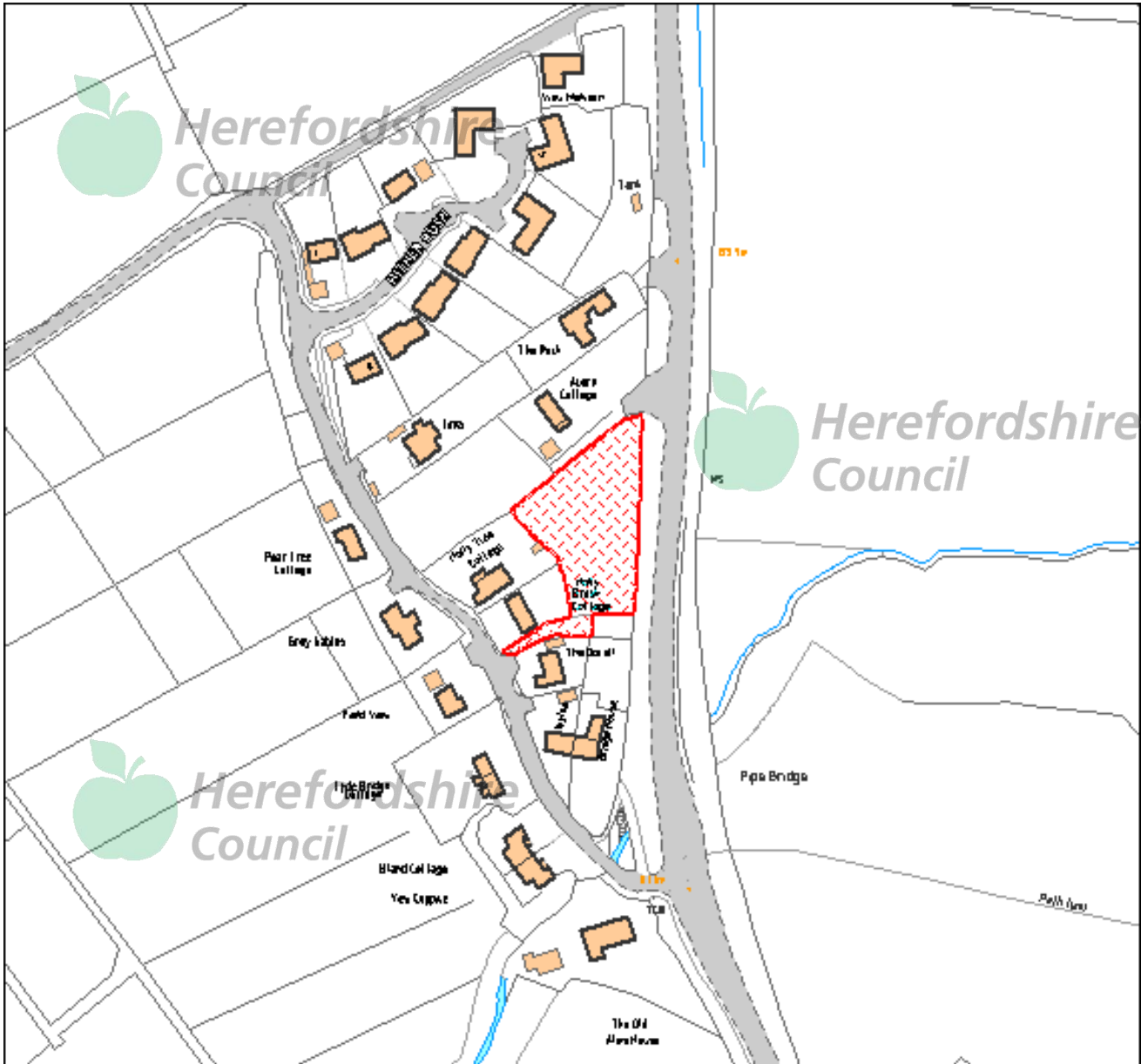
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## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 170465

**SITE ADDRESS :** LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HERFORDSHIRE, HR4 8AD

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