

Agenda

Planning and regulatory committee

Date: **Wednesday 21 February 2018**

Time: **10.00 am**

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

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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

Agenda for the meeting of the Planning and regulatory committee

Membership

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

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES (TO FOLLOW)</p> <p>To approve and sign the Minutes of the meeting held on 31 January 2018.</p>	
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	9 - 10
7.	<p>173600 - MODEL FARM COTTAGE, HILDERSLEY, ROSS-ON-WYE, HR9 7NN</p> <p>Hybrid planning application proposed for the development of employment uses including b1, b2 and b8, including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting.</p>	11 - 36
8.	<p>173765/F AND 173766/L - LAND ASSOCIATED WITH PEMBRIDGE HOUSE, WELSH NEWTON, HEREFORDSHIRE</p> <p>(Retrospective) construction of wall approx 2' 9" x 15' in local stone located adjacent to stable block in paddock. Sited where historical documents indicate a wall existed previously.</p>	37 - 44
9.	<p>163324 - LAND TO THE WEST OF A40, WESTON UNDER PENYARD HEREFORD</p> <p>Reserved matters application (layout, scale, appearance and landscaping) following outline approval 150888 - for the erection of 35 dwellings.</p>	45 - 60
10.	<p>173082 - LAND AT PARKGATE, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JX</p> <p>Proposed erection of an agricultural workers' dwelling (part retrospective).</p>	61 - 72

11. **174332 - 1 ARROWSMITH AVENUE, BARTESTREE, HEREFORD, HR1 4DW** 73 - 84

Proposed extension and enlargement of existing sun room.

12. **DATE OF NEXT MEETING**

Date of next site inspection – 13 March 2018

Date of next meeting – 14 March 2018

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.

ATTENDING A MEETING

Please note that the Shire Hall Hereford, where the meeting will be held, is also where Hereford Crown Court is located. For security reasons all people entering the Shire Hall when the court is in operation will be subject to a search by court staff. Please allow time for this in planning your attendance at a meeting.

RECORDING OF THIS MEETING

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.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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.

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	Conservative
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.

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	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - 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.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 164085

- The appeal was received on 18 January 2018
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Brightwells Auctioneers
- The site is located at Brightwells Auction Site, Stoney Street Industrial Estate, Madley, Hereford, Herefordshire, HR2 9NH
- The development proposed is Application to vary conditions 3 and 4 of planning permission 163117
- The appeal is to be heard by Written Representations

Case Officer: Ms Kelly Gibbons on 01432 261781

APPEALS DETERMINED

Application 161552

- The appeal was received on 30 June 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 Jon Hockton
- The site is located at Land off Paradise Green, Marden, Herefordshire

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

- The development proposed was 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 main issues were: The effect on the character and appearance of Marden and its setting in the countryside; the effect on the setting and significance of designated heritage assets; and whether benefits of the scheme outweigh any disadvantages.

Decision:

- The application was Refused under Delegated Powers on 19 September 2016
- The appeal was Dismissed on 24 January 2018

Case Officer: Mr Edward Thomas on 01432 260479

Application 170289

- The appeal was received on 24 November 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr Peter Cooke
- The site is located at Field 5251 North East of A44 & A49 Roundabout, Leominster, Herefordshire
- The development proposed was Proposed conversion of an agricultural building into a one bedroom single storey dwelling.
- The main issue is whether the proposed development is permitted under the GPDO.

Decision:

- The application was Refused under Delegated Powers on 13 March 2017
- The appeal was Dismissed on 2 February 2018

Case Officer: Mr Kevin Bishop

Application 172940

- The appeal was received on 23 November 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Reserved Matters
- The appeal was brought by Mr David Williams
- The site is located at The Trees, Orcop, Herefordshire
- The development proposed was Application for approval of reserved matters following outline permission 161771 (Site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings)).
- The main issues are the effect of the proposal on the character and appearance of the area, and the effect on the living conditions of the occupiers of the neighbouring properties, and the future occupiers of the development, with respect to privacy.

Decision:

- The application was Refused under Delegated Powers on 19 September 2017
- The appeal was Dismissed on 2 February 2018

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	<p>173600 - HYBRID PLANNING APPLICATION PROPOSED FOR THE DEVELOPMENT OF EMPLOYMENT USES INCLUDING B1, B2 AND B8, INCLUDING FULL DETAILS OF THE ACCESS, INTERNAL ROAD INFRASTRUCTURE AND CIRCULATION ROUTES, AND LANDSCAPING WITHIN A LANDSCAPE BUFFER ZONE PROVIDING SURFACE WATER ATTENUATION AND PLANTING AT MODEL FARM COTTAGE, HILDERSLEY, ROSS-ON-WYE, HR9 7NN</p> <p>For: Mr Stephens per Mr David Brown, Arup, 4 Pierhead Street, Cardiff, CF10 4QP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173600&search=173600
Reason Application submitted to Committee – Council land	

Date Received: 22 September 2017 Ward: Ross East Grid Ref: 361393,224163

Expiry Date: 28 February 2018
Local Member: Councillor PGH Cutter

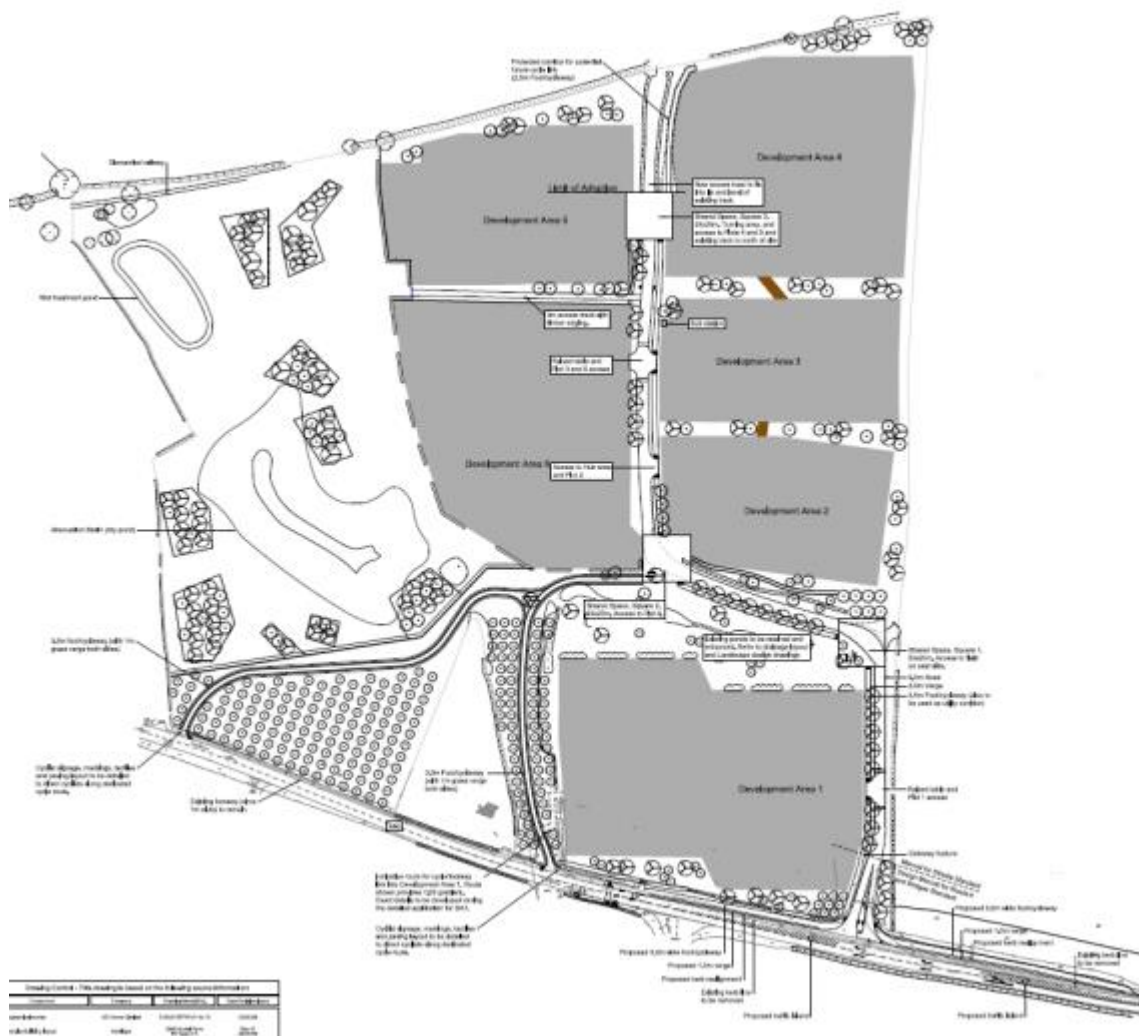
1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access and landscaping is sought for the development of employment uses (including B1, B2 and B8). The access and internal road infrastructure, circulation routes and landscaping buffer zone, within which surface water attenuation and planting would occur, have been designed and approval is sought for these elements now.
- 1.2 The site is at Model Farm and lies to the north of the A40 at the south-eastern edge of Ross-on-Wye. The site extends to approximately 15.5 hectares of agricultural land and includes a small farmstead lying centrally within the application site. Boundaries to the north and east are shared with open countryside. To the west, beyond the proposed landscape buffer zone is residential development. The detached dwelling 'Meadoway' and its curtilage takes a wedge shaped notch out of the application site on the A40 boundary. Land opposite to the south of the A40 comprises the residential allocation known as 'Land at Hildersley' – the housing allocation at Ross. There is a Committee resolution to approve outline planning permission for the erection of approximately 212 dwellings on this land.

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

- 1.3 The landscape character of the site and its surrounding area is typical of the Principal Settled Farmlands typology, with fields defined by mature hedgerows and containing occasional hedgerow trees. The site is quite open in nature and is widely visible within a local context. It is outside of the Wye Valley Area of Outstanding Natural Beauty and has no specific landscape designation. The site is also located wholly within Flood Zone 1; the area at lowest risk from fluvial flooding.
- 1.4 As above, the application is made in outline with all matters apart from access and landscaping reserved for future consideration and seeks to demolish the existing farm buildings and develop the land for employment purposes; a mix of B1 (light industrial/office), B2 (general industrial) and B8 (storage and distribution) uses. Details of the proposed split of floor area are provided in the Design and Access Statement and these are as follows:-
- B1 – 16,500 square metres gross floor area
 - B2 – 8,900 square metres gross floor area
 - B8 – 4,000 square metres gross floor area
- 1.5 The application is submitted with an indicative master plan which shows six development areas within detailed landscaping proposals. All existing buildings on site, including the farmhouse, would be demolished. The six development areas will come forward either as a single future reserved matters application or, and perhaps more likely, multiple individual applications.
- 1.6 The detailed landscaping proposals show a buffer between the existing housing to the west and the substantive part of the site that it is proposed to use for employment purposes. The landscaped area covers approximately a quarter of the site and includes surface water attenuation ponds, and orchard planting and grazing area to reflect the historic landscape character. The landscaping scheme also proposes 1.2 kilometres of new hedgerow planting to mitigate the loss of existing hedges arising as a result of the built form.
- 1.7 Access to the site is to be provided directly from the A40 at the south eastern corner. The submission advises that the internal layout will be compliant with the Council's Highway Design Guide and Specification and provides a detailed layout for this. A pedestrian and cycle link is proposed to be created through part of the orchard plantation to the south western corner of the site and footway/cycleway improvements are to be made along the A40. These include an improved footway across the entire site frontage, new bus stops and a signalised pedestrian crossing.
- 1.8 The general masterplan arrangement is shown overleaf. Potential parcels for development are shown in grey with the main estate road entering the site at the south-eastern corner, associated with a ghost right-turn lane for westbound traffic. Bus stops are introduced with a signalised pedestrian crossing and cycle/pedestrian infrastructure link both north in the vicinity of the crossing and traversing the landscape buffer to enter/exit the site at the south-western corner. The landscape buffer is set out within significant planting and is also the location of the swales and attenuation basins.
- 1.9 It should be noted that the application site is recognised in the Core Strategy as the likely allocation for employment land at Ross-on-Wye. SS5 confirms that a 10ha employment site is allocated at Ross-on-Wye. The site has also had the benefit of outline planning permission for the development now proposed on two occasions previously (see planning history section below) and was allocated historically for employment development in the Unitary Development Plan. In fact the site has been recipient of planning permission for employment related development twice before – see section 3 below.
- 1.10 The Ross Key Diagram and text at 4.7.9 refers to the delivery of employment land to the north of the strategic housing site at Hildersley at the eastern approach to the town and with a landscape buffer against residential property to the west. The masterplan reflects this.

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



Illustrative master-plan

1.11 A Screening Opinion was completed under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and it was concluded that the proposal did not represent development for which an Environmental Statement would be required. The application is, however, supported by a number of technical documents:-

- Design & Access Statement
- Planning Statement
- Statement of Community Involvement
- Framework Travel Plan
- Transport Assessment & Addendum
- Stage 1 Road Safety Audit
- Ecological Survey & Update
- Landscape Character & Visual Assessment
- Geotechnical Desk Study
- Updated Flood Risk Assessment
- Topographical Survey
- Landscape Master Plan Framework
- Detailed Landscape Plan

2. Policies

2.1 National Planning Policy Framework

Section 1	-	Introduction
Section 2	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 4	-	Promoting Sustainable Transport
Section 10	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RW1	-	Development in Ross-on-Wye
RW2	-	Land at Hildersley
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
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

2.3 Ross on Wye Neighbourhood Development Plan

A Neighbourhood Development Plan is being formulated, but is not yet advanced sufficiently to attract weight for the purpose of decision-making on planning applications.

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 133411/CD: Hybrid planning application for the development of employment uses including B1 (16,500sq.m GFA), B2 (8,900sq.m GFA) and B8 (4,000sq.m). Including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting: Approved 10th December 2014
- 3.2 101350/CD: Proposed development of employment uses including B1, B2 & B8. Alterations to access, internal road and associated infrastructure and landscaping buffer zone, which includes a change of use: Withdrawn.

- 3.3 DCSE2007/3140/O: Outline planning application for the development of employment uses including B1, B2 and B8. Together with change of use to form landscape buffer zone. Approved 18 January 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions

The proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31st March 2020. 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.

Conditions

No buildings on the application site shall be brought into beneficial use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority".

Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.

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.

- 4.2 Environment Agency: No objection subject to conditions

Thank you for reviewing the above application which was received on the 6 October 2017. We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted. We have reviewed the following information in formulation our response: 1) ARUP, Herefordshire Council Model Farm Flood Risk Assessment Update, 6 September 2017 2) ARUP, Herefordshire Council Model Farm Design and Access Statement, August 2017 3) ARUP, Herefordshire Council Model Farm Geotechnical Update to Desk Study (2008), Phase 1 Environmental Risk Assessment (2008) and the Ground Investigation Report (2009) Technical Update Report, 15 September 2017 This site is located above a Secondary Aquifer, Source Protection Zone (SPZ1/2), WFD groundwater body, WFD drinking water protected area and is adjacent to a surface watercourse. The site is considered to be of sensitive and could present potential pollutant/contaminant linkages to controlled waters.

We are in agreement with the conclusions and recommendations of the submitted reports but would recommend the condition below to offer protection in the case of contamination not previously identified.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency's approach to Groundwater Protection Position Statements.

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Condition: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

4.3 Natural England: No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites. and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Flood Risk Assessment – Section 4.2 for Foul Water and Section 6 for Surface Water, Drainage Drawings CD-100 & CD-101
- Air Quality - NOx and Ammonia arising from vehicles on site normally affect vegetation growth within 200m from the road.

We advise that foul sewage be disposed of in line with Policy SD4 of the adopted Herefordshire Core Strategy. Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology. We advise that package treatment plants/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to

allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs). Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

River Wye Site of Special Scientific Interest

The advice we provided for the River Wye SAC, applies equally to the River Wye SSSI.

Protected Landscapes – The Wye Valley AONB

The proposed development is for a site within or close to a nationally designated landscape namely The Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

4.4 Highways England: No objection subject to conditions

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application P173600/O and has been prepared by Patrick Thomas, Asset Manager for Highways England.

Planning History

The Model Farm development first gained planning permission approval in 2014, but due to delays in the construction of the site, the planning permission is due to expire at the end of 2017, thus requiring renewal. As part of the renewed planning application, an updated Transport Assessment (TA) was required.

Current Planning Application

Highways England understands that a planning application was validated on 22 September 2017 for the proposed development at Model Farm, planning application P173600/O.

Highways England issued a formal response to Herefordshire Council on 26 October 2017 recommending that planning permission should not be granted for a period of 3 months. This was due to outstanding issues relating to the Transport Assessment submitted in support of the planning application.

Since this holding recommendation was issued, Highways England has engaged with Herefordshire Council's technical advisors and additional technical information has been submitted to Highways England for review and agreement.

A review of this information has concluded that the proposed development would not have a significant impact on the SRN.

Given the above, it is considered that the proposed development would be acceptable to Highways England subject to the imposition of our recommended planning conditions as detailed below.

It was agreed during scoping discussions that the requirement for a full Travel Plan could be a planning condition to be attached to any planning permission granted. There is also a need to ensure that any impact on the Strategic Road Network during construction works is minimised. We consider that this requirement is best dealt with by way of a planning condition. Therefore, the conditions below are recommended:

Highways England Recommended Planning Conditions

Condition 1

A full workplace Travel Plan will be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England prior to the occupation of each phase of the development. This shall contain details of actions to be taken to encourage the use of sustainable transport alternatives to private car, targets for mode shift and timescales for their implementation. The actions detailed shall then be implemented and monitored in accordance with the Travel Plan.

Reason

To ensure the safe and free flow of traffic on the A40, A449 and M50 Motorway and that the A40, A449 and M50 Motorway continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to ensure that sustainable travel choices are available for occupants of the site.

Condition 2

No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority for the A40 and A449 trunk roads and the M50 motorway. The CTMP shall provide details of the access routes to the site to be used by construction traffic. The approved CTMP shall be adhered to throughout the construction period

Reason

To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

Internal Council Consultations

4.5 Traffic Manager: No objection subject to conditions

Having read through both the recently submitted application and the previously approved application I raise no objections. Any design of highways works should be in line with the previous application and the additional development of Hildersley.

It should be noted that the site should provide a robust travel plan and signs for the development should meet DMRB/DFT standards.

4.6 Conservation Manager (Landscape): I have read the landscape character and visual statement and seen the landscape proposals. I am aware that no changes are proposed to the scheme since it was consented in 2014. Having visited the site I am satisfied that whilst the development will result in a change in character to the land the mitigation strategy is comprehensive and will address the most sensitive parts of the site in particular the boundaries. The proposal is therefore considered compliant with policy LD1 of the Core Strategy.

4.7 Conservation Manager (Ecology):

Thank you for consulting me on this application. I have read the report updating the ecology for the site which I note now includes the previously excluded Spring Farm. I am content with probity and findings of the surveys conducted and, if given approval, I would recommend that the following conditions are attached:

The recommendations for species and habitat enhancements set out in the ecologist's report from ARUP dated September 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for all protected species present, together with a 10 year ecological management plan integrated with the landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

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

Reasons: 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).

I would also recommend that a standard condition for tree and hedgerow protection should be added such as 'G04 – Protection of trees/hedgerows that are to be retained' is also included.

4.8 Conservation Manager (Archaeological Advisor): As was previously been advised in relation to (for instance) P133411/CD all necessary assessment and evaluation of this site has already taken place.

This assessment and evaluation indicates the choice of site to be a good one archaeologically, with little likelihood of any issues arising. I support the application, and have no further comments to make.

4.9 Strategic Planning Manager:

Thank you for consulting Strategic Planning on the above application. The comments shall focus primarily on this site's strategic allocation for employment use in the Council's past and present development plans, including the current Local Plan Core Strategy (LPCS).

The site was originally identified for employment use allocation in the Unitary Development Plan 2007 (UDP), which formed the development plan for the County until the adoption of the LPCS in October 2015.

A separate Model Farm Supplementary Planning Document (SPD) was produced in 2008 following the UDP's adoption, outlining the approach that should be taken to development of the site. It concluded that the site should be developed to create a high quality employment development, promoting innovative business uses, and the development of an enterprise business cluster within the area. It should also utilise sustainable construction methods, be affordable to a range of users, and be integrated within the landscape through design and layout. This SPD was, however, written as a supplement to the now out-of-date UDP and is now archived, so although a material consideration, it will carry less weight.

The Employment Land Study 2012 (ELS), produced by Drivers Jonas Deloitte, formed part of the evidence base for the LPCS. In a hierarchy of the Herefordshire's existing and potential employment sites, on a scale ranging from "Poor-Moderate-Good-Best", it classified this site as "Good". It highlighted its likely market attractiveness and good access to the A40 among its reasoning for this classification. One issue the ELS did highlight was the potential for development of it to detract from the environmental quality of the area, and that measures would need to be taken to protect the environmental assets of the site in conjunction with development. It is noted that the proposals include landscaping, a buffer zone and planting.

The site was carried forward from the UDP as a strategic employment site in the LPCS, under policy E1- Employment Provision. The LPCS (para 5.2.12) envisaged that this site would deliver "innovative knowledge-based industries and a high quality mix of B1, B2 and B8 employment". The proposals indicate that these three use classes are what will be accommodated by the development.

It is noted that Ross-on-Wye is producing a Neighbourhood Development Plan (NDP). However, this is still currently at pre-draft stage, and therefore there are no draft policies or proposals which can carry any material weight at present.

It is considered that this proposal has had full regard to the vision for the site envisaged by the Council in the both past and present Local Plan documents. The Strategic Planning Team supports this application.

4.10 Environmental Health Manager (contamination): No objection subject to conditions

4.11 Environmental Health Manager (noise): From a noise and nuisance perspective our department has no objections in principle to this application. We have yet to see which sites at the proposal will be designated B1, B2 and B8 respectively and will want to comment on this in due course.

4.12 Land drainage: No objection subject to conditions

Overall Comment

We have no objection to the proposed development in principle. However, we recommend that the following information is provided prior to the Council granting planning permission for this development:

Information to demonstrate that natural catchment flows, and emerging groundwater (if applicable), draining to the watercourse flowing through the site have been considered in the drainage design and that conveyance features are appropriately sized. This could potentially be addressed through reserved matters provided any changes to the current design would not materially affect the design of the access road (which is subject to full planning).

- Confirm proposals for future adoption and maintenance of the site drainage.
- Confirm appropriate agreements in principle for the construction and future maintenance of the foul connections if this crosses third party land.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information within any subsequent reserved matters application:

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage 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;
- Assessment of potential failure of above-ground attenuation features (if present), including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Description and drawings demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Results of infiltration tests in accordance with 8RE365 and contamination assessment to determine if infiltration of surface water runoff is feasible at the site.

If the results of infiltration testing indicate that infiltration will 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.

5. Representations

5.1 Ross-on-Wye Town Council: No objection

5.2 Weston-under-Penyard Parish Council (adjoining): Qualified comment

The council has serious concerns with regard to an increase in traffic, especially heavy goods vehicles. Also congestion backing up from the entrance to the site on the A40 eastbound into the village. The plans give little reassurance that the proposed layout will ease the congestion.

One of major concerns of residents during the consultation process of the NDP was traffic through the village.

5.3 Three letters of objection have been received from residents living at Weston-under-Penyard. These raise the issue of increased traffic passing through the village as a consequence of Model Farm and other developments along this corridor. The content is summarised as follows:-

- Any future development in our area (in this case, from Ross on Wye to Lea), will inevitably and markedly increase the flow of traffic on the A40. Westbound traffic has to pass through Weston under Penyard because there is no other access to the A40 before the Model Farm site.
- Even in the 30mph restricted area overtaking is common. This is a percentage of motorists who will always do this. This will get worse with increased traffic in the area.
- The only way to ensure the safety of our villagers, who wish to cross the road to and from school, or to bus stops etc, is to provide pedestrian safe havens, such as an island in the middle of the road, or an established pedestrian crossing, as well as increased enforced speed control, in the provision of a permanent radar trap.
- The safety of the existing population, especially at Weston under Penyard, will inevitably be compromised, unless these measures are put in place. Progress has to be made, but with this comes the responsibility for ensuring the safety and wellbeing of villagers further down the A40 from Model Farm, (such as Weston, Ryeford, and Lea), protecting them from the impact of increased fast traffic, which WILL happen.
- The development of the Model Farm site should not proceed without providing suitable road safety measures such as the positioning of pedestrian islands at those three points on the A40.
- It is disappointing that Herefordshire Council has made no effort to improve road safety on the A40 or to remedy the traffic hazards in Weston under Penyard.

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=173600&search=173600

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 Ross-on-Wye is designated as one of the five market towns identified as recipient for significant housing and employment growth by the Herefordshire Local Plan – Core Strategy (CS). Policy SS5 of the CS confirms that new strategic employment land allocations are identified at Hereford, Leominster, Ledbury and Ross-on-Wye, where 10ha is allocated. The supporting text at paragraph 3.70 confirms that at the time of CS drafting, Model Farm was a committed site i.e.

it had planning permission at that stage. I am unaware of any other emerging employment sites in or around the town.

- 6.2 Policy RW1 – Development in Ross-on-Wye – also confirms that approximately 10ha of employment land will be allocated and paragraph 4.7.5 confirms that the potential for new employment development will “remain at Model Farm.” All of the above combine to confirm that the application site is, in effect, allocated employment land within the CS. The principle of development is thus established.
- 6.3 The application seeks approval of access and landscaping at this stage with scale, layout and appearance reserved for future consideration. On this basis the report will discuss the matters of detail (access and landscaping) first.

Highways and Transportation

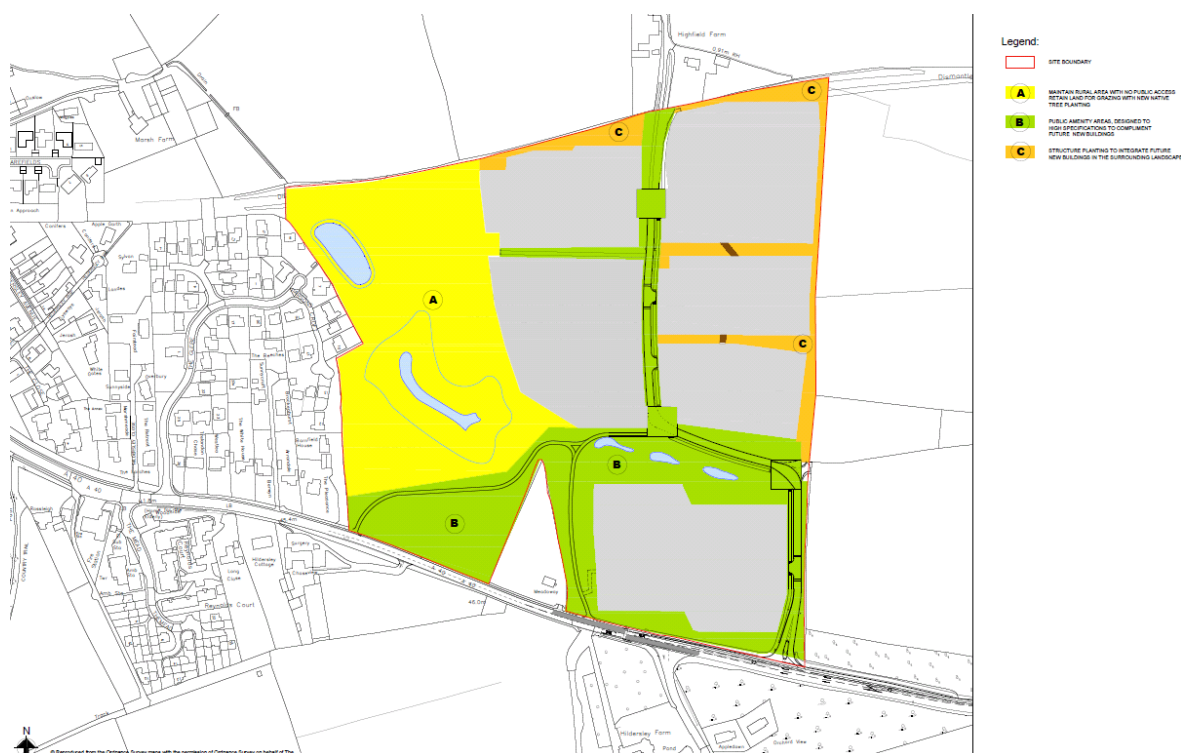
- 6.4 The access strategy proposed with this application remains as per the most recent approval 133411/CD. The sole point of vehicular access is located at the SE corner of the site from the A40. Allied to this is the formation of a ghost right-turn lane for westbound traffic. It is recommended that provision be made for the right-turn lane prior to the first occupation of any development on site; it being both necessary and difficult to install once the site is operational.
- 6.5 Elsewhere on the A40 bus stops are proposed (both eastbound and westbound) and these link to shared cycle-footway provision within the site; one extending northwards into the site from the bus stops (along the line of the secondary driveway), the other entering the site at the SW corner and crossing the landscape buffer land.
- 6.6 Elsewhere on the network, and in recognition of the potential for increased queuing times on the southern approach, modification of the southern leg of the A40 Overross roundabout is also proposed. This will amount to realigning the kerb and introducing road markings such that two lanes of traffic can form on approach i.e. those turning left or going straight on and those turning right towards the M50. It is not imperative that all of the highway mitigation work is undertaken prior to first occupation of the site, particularly as it is envisaged that the development of the site will take place in phases. For this reason the draft conditions are worded such that a phasing plan will identify the requisite mitigation for each phase or part thereof. Otherwise the approach of the proposed conditions is that a phasing plan is submitted that commits the developer to the execution of the Overross roundabout works at a point that will be agreed in conjunction with Highways England.
- 6.7 On this basis, and taking account of the proposed limitation of gross floor space within B1, B2 and B8, Highways England is content that the scheme will not have a significant impact on the Strategic Road Network and have no objection subject to the imposition of conditions.
- 6.8 Subject to the imposition of conditions, as reflected in the recommendation below, the Traffic Manager likewise has no objection. The proposed means of access is in accordance with the Council’s adopted Highways Design Guide and the requisite 2.4m x 215m visibility splay is achievable in both directions and indeed exists at present.
- 6.9 The scheme has attracted comment from the Weston-under-Penyard Parish Council and some Weston-under-Penyard residents. These comments are reported in Section 5 above. Broadly speaking there is support for the intent behind the proposal, but concern that the increase in traffic travelling through Weston-under-Penyard and indeed other villages along the A40 corridor, will increase the risk to road users, including non-motorised users. The commentary records that 30mph limit notwithstanding, it is not uncommon for motorists to overtake within the speed restricted area, causing risk to those seeking to cross the carriageway. Requests are made for the enhancement of pedestrian crossing facilities within the village.

- 6.10 In respect of the perceived increase in vehicular traffic passing through Weston-under-Penyard (and thus other villages on the A40 corridor), the modelling undertaken suggests the following:
- On the A40 through Western under Penyard, Model Farm [when fully developed] will generate 25 two-way trips in the AM Peak Hour and 21 two-way trips in the PM peak hour. This equates to less than one vehicle every two minutes during these peaks times;
 - On a typical weekday, Model Farm will result in a 2.3% increase in traffic flow on the A40 through Western under Penyard (equating to 210 two-way development trips); and
 - A ghost-island arrangement is proposed for the site access junction to protect vehicles queuing to turn right into the site. A capacity assessment has been undertaken for the proposed site access and a mean maximum queue of one vehicle is forecast in both peak hours.
- 6.11 The conclusion is that the development cannot be said to have residual cumulative impacts that are severe in highway terms.
- 6.12 However, as Members may recall, Weston-under-Penyard has a made NDP and two large-scale housing commitments are recognised within it. Adopted NDP Policy HS1 refers to land east of Penyard Gardens. This site has the benefit of outline planning permission for the erection of up to 35 dwellings (ref: 150888) and an application for approval of the Reserved Matters is currently under consideration. In any event the legal agreement appended to the outline permission requires the payment of a “Transport Contribution” towards a range of transport facilities. These include traffic calming and traffic management measures in the locality, new pedestrian and cyclist crossing facilities, creation of new footpaths and cycleways in the locality and enhancement in the usability of existing footpaths and cycleways in the locality/public initiatives to promote sustainable modes of transport. For the Penyard Gardens site the total transport contribution will be £75,691.00 (index linking to be applied).
- 6.13 Allied to the contribution is a planning condition attached to the same outline permission requiring the extension of the 30mph limit to a point beyond the proposed site entrance.
- 6.14 Payment of the transport contribution is required prior to the occupation of the 12th open market unit on the site.
- 6.15 Similar provision is made in the outline planning permission for the erection of 37 dwellings (ref: 143842) on land opposite and to the E of Hunsdon Manor. However, no RM submission has been received pursuant to the outline planning permission and it is thus less clear as to the expectation around the transport contribution in that case being realised; a RM submission must be made before 14 December 2018 if the outline permission isn't to expire.
- 6.16 It can be seen, however, that the large-scale housing commitments within the village make requisite contributions towards traffic calming and the improvement of sustainable transport infrastructure, to include a crossing of the A40 within the village. The detail of the schemes to be delivered will, of course, be decided in consultation with parishioners. It is my view that the timing of such improvements are likely to coincide with the development at Model Farm. Of course one can't be certain and the delivery of the housing sites is outwith the Model Farm applicants control, but the Penyard Gardens site has been acquired by a house-builder and the RM submission is well advanced. I don't think it unrealistic to suppose that the payment of the transport contribution for that site would be paid and the improvement work executed in advance of significant development at Model Farm. I base this opinion on two points:-
- i) Welsh Water is seeking to impose a condition requiring there be no beneficial occupation of the Model Farm site prior to 31st March 2020 (unless an upgrade is undertaken beforehand); &
 - ii) The development of Model Farm is likely to be phased (and in any event given i) above, operational no earlier than the summer of 2020; and even then at levels well below full occupation.

- 6.17 Taking all of the above into account, I am of the view that the proposal is acceptable in highway terms. The access strategy is appropriate for all modes of transport and Highways England has no objection subject to conditions. Improvements to be undertaken in conjunction with the two housing sites in Weston-under-Penyard (with emphasis on the Penyard Gardens site, which is the more advanced of the two), will provide the pedestrian crossing of the A40 within the village, which addresses the concerns of Weston-under-Penyard Parish Council and local residents.
- 6.18 The scheme complies with CS Policy MT1 and is not in conflict with the Weston-under-Penyard NDP.

Impact on landscape character and visual amenity

- 6.19 The application site is on the SE edge of Ross-on-Wye. It is not subject of any landscape designation. The Wye Valley AONB, which encompasses much of Ross town centre, lies off to the west.
- 6.20 The application is accompanied by detailed landscaping proposals. The main thrust and primary function of the landscaping proposals is to provide a buffer between the employment uses on the site and the residential areas of Parsons Croft and The Glebe to the west. This is demonstrated via the landscape framework plan below.



- 6.21 Area A (yellow) is retained as grazing land and SuDs with native species tree planting and no public accessibility. Area B (green) is the publicly accessible high quality landscaped area through which the pedestrian/cycleways pass. It also encompasses planting along the main estate road. Area C (orange) is structural planting to the periphery of the indicative development areas shown in grey.

- 6.22 As existing, the site is dominated by improved grassland and the buffer is intended to retain this open character whilst enhancing bio-diversity. Planting strips around the six development areas have the combined effect of defining the individual plots whilst providing a transition from the open character of the surrounding area to the built form. The establishment of a buffer also accords with the approach outlined in the original Model Farm Supplementary Planning Document.
- 6.23 The road frontage within Area B (green) will be dominated by an area of orchard planting. The new pedestrian and cycle links pass through this area and it will also be available for public use more generally. It will provide an attractive setting for the development. The recommendation includes conditions requiring the submission of details in respect of planting and in draft condition 3 it is a requirement of the developer to confirm when the landscaping will be delivered. It would not, in my view, be realistic or proportionate to expect the first phase of development to undertake all of the landscaping work.
- 6.24 The Landscape Character and Visual Assessment submitted with the application takes the Council's Landscape Character Assessment as a point of reference and the landscape proposals are considered to be a reflection of the landscape type. Existing features, including two specimen oak trees, are retained where possible, but the scheme also mitigates the loss of existing hedgerows through their replacement. There will in any event be a significant net addition of trees by comparison to the existing situation. Whilst Natural England refer to NPPF paragraph 115, this relates that great weight should go to the conservation of landscape and scenic beauty *in* AONB's; which this site is not. In any event, with the landscaping proposed, the landscape officer is content that the scheme is appropriate to the landscape context and consideration will be given to appearance, scale and detailed layout at the Reserved Matters stage.
- 6.25 The pond that is to be retained, and the attenuation basins within the landscaped area also represent an opportunity for biodiversity enhancement and it is considered that the proposals accord with Policies LD1, LD2 and LD3 of the CS.

Other matters

Drainage & Flood Risk

- 6.26 The FRA identifies all relevant hydrology issues relating to the site. The presence of the Secondary Aquifer and the fact that the site is located within a groundwater protection zone are acknowledged by it and are directly referenced in the consultation response made by the Environment Agency. They are satisfied that the proposal will not cause harm to these, subject to the imposition of conditions as recommended below.
- 6.27 The site is located within a Flood Zone 1 and therefore is not prone to fluvial flooding. However, in accordance with the requirements of the NPPF and its technical guidance, schemes must consider the implications of all types of potential flood risk and accordingly the FRA addresses the implications of surface water flood risk. It proposes the implementation of a Sustainable Urban Drainage (SUDs) scheme on the site. The land is to be divided into two catchments; the northern area adjacent to the former railway line and the southern area adjacent to the A40.
- 6.28 Runoff from these catchments will be directed into attenuation ponds with eventual discharge to an existing watercourse. The FRA advises that the discharge from the outfall will be less than the greenfield runoff rate.

- 6.29 Comments are made in respect of the ability to cross third-party land (if required) with the foul sewer connection to the Welsh Water mains. However, this is not an issue as the applicant has provided evidence to suggest that the requisite land is in the Council's ownership. Even if it was not the case, the statutory undertaker could requisition such a sewer. In any event, this provides confirmation that connection to the mains foul sewer is proposed, which addresses the Natural England comments at 4.3 above.
- 6.30 In the event that development comes forward in phases, the recommended conditions are worded such that each phase (or part thereof) will be required to demonstrate a satisfactory means of foul and surface water drainage. In practice the applicants will likely install some of the infrastructure in order that the development areas themselves are, in effect, serviced.

7. The Planning Balance

- 7.1 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."

- 7.2 In this instance the Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS). Earlier sections of this report confirm that the development of up to 10ha of employment land at Model Farm is wholly consistent with the development plan.
- 7.3 The intent behind the development is to help provide greater employment opportunities for the residents of Ross-on-Wye and diversify and expand the local economy. This is in accord with a number of the Core Strategy's strategic objectives.
- 7.4 In my view the development responds positively to the economic and social dimensions of sustainable development.
- 7.5 In environmental terms, the site is not designated for any landscape or ecological designations and is accompanied by a detailed landscaping design that is appropriate to the character of the landscape and will assist in assimilating the future development into the local context.
- 7.6 As discussed above, a range of off-site highway measures are proposed and will be delivered in accordance with the phasing plan, the detail of which will be reserved by and agreed pursuant to a condition. Contributions via S106 agreements relating to two housing schemes at Weston-under-Penyard will also enable the delivery of traffic calming measures to mitigate ongoing concerns as expressed by the Parish Council and local residents.
- 7.7 In view of the likely phasing of the Reserved Matters submissions, the time limit for submission of future Reserved Matters is extended to 8 years. This approach has been adopted at other large-scale employment sites, including Moreton Business Park.
- 7.8 Overall I am content that the scheme is representative of sustainable development and should be recommended for approval accordingly.

RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers named in the scheme of delegation to officers:-

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of eight years from the date of this permission.

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

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

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

3. Prior to or concurrently with the submission of the first of the reserved matters application(s), a Site Wide Phasing Plan shall be submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements for each identified phase or part thereof:

- a) Development Parcels and Associated Access Off the Internal Spine Road
- b) Foul Surface Water Features and Sustainable Urban Drainage
- c) Landscaping as per the Approved Drawings
- d) Other Environmental Mitigation Measures

No development shall commence apart from works agreed in writing with the LPA until such time as the phasing plan has been approved in writing by the LPA. The development shall be carried out in accordance with the approved phasing contained within the Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development is undertaken in conjunction with the requisite mitigation and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy.

4. No development within a phase (or part thereof) shall commence until approval of the details of the layout, scale and appearance relating to that phase (hereinafter called “the reserved matters”) has been obtained from the local planning authority in writing and carried out as approved.

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

5. The development hereby approved shall be limited to the following combined gross external floor areas for Class B uses as defined by the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:

- B1 – 16,500 square metres gross floor area
- B2 – 8,900 square metres gross floor area
- B8 – 4,000 square metres gross floor area

Reason: To define the terms of the permission in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

6. No future phase of the development shall commence until a detailed scheme of landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosures (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. street furniture, lighting, refuse areas, signs etc.)

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

7. The soft landscaping scheme approved for each phase under condition 6 shall be carried out concurrently with the works to provide vehicular and pedestrian access to that phase of the development and shall be completed no later than the first planting season following the completion of that phase 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 also be completed upon the completion of the works to provide vehicular and pedestrian access.

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

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

9. The visibility splays of 4.5m x 215m as per drawing CH-051 (Appendix G of the Transport Assessment) shall be provided from a point 0.6 meters above ground level at the centre of

the access to the application site. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above. Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

10. As part of the Site Wide Phasing Plan (condition 3) details of works required at Overcross Roundabout shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details in relation to the point at which improvement works are required and work shall be completed in advance of the relevant phase of development or otherwise in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure sufficient capacity on the highway network so as to conform to Policy MT1 of the Herefordshire Local Plan – Core Strategy.

11. Before any other works hereby approved are commenced, the construction of the vehicular access from the A40 shall be carried out in accordance with approved drawing CH-050 (attached as Appendix H of the TA) at a gradient not steeper than 1 in 12. This shall include the provision of the ghost right turning lane on the A40 westbound approach, which shall be completed prior to the first occupation of the development.

Reason: In the interest of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

12. The Reserved Matters submission for each phase or part thereof shall be accompanied by details demonstrating that an area has been properly laid out, consolidated, surfaced and drained and the spaces demarked on the ground within the application site for the parking of cars and the loading and unloading of commercial vehicles and for all vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.

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

13. The sustainable transport measures as shown on approved plans CH-050 Proposed Junction Works and CH051 A40 bus stops and pedestrian crossing and the pedestrian/cycle ways, shall be constructed in accordance with a timetable to be agreed in writing with the local planning authority. The sustainable transport measures comprise:-

- Eastbound and Westbound Bus Stops on the A40 – Drawing CH-051
- Controlled Pedestrian Crossing of the A40 – Drawing CH-051
- Shared Footway/Cycleway Across the Site Frontage; &
- Shared Footway/Cycleways within the Application Site.

Reason: To ensure an adequate and acceptable means of access is available in accordance with a timetable to be agreed with the local planning authority so as to confirm to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

14. The Reserved Matters submission for each phase or part thereof shall be accompanied by details demonstrating secure and covered on site cycle parking for employees and visitors. These areas shall thereafter be retained and kept available for those uses at all times.

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

- 15. A full workplace Travel Plan will be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England prior to the occupation of each phase of the development. This shall contain details of actions to be taken to encourage the use of sustainable transport alternatives to private car, targets for mode shift and timescales for their implementation. The actions detailed shall then be implemented and monitored in accordance with the Travel Plan.**

Reason: To ensure the safe and free flow of traffic on the A40, A449 and M50 Motorway and that the A40, A449 and M50 Motorway continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to ensure that sustainable travel choices are available for occupants of the site.

- 16. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority for the A40 and A449 trunk roads and the M50 motorway. The CTMP shall provide details of the access routes to the site to be used by construction traffic. The approved CTMP shall be adhered to throughout the construction period.**

Reason: To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

- 17. No phase of the development shall commence until full details of all external lighting to be installed for each phase have been submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site 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 order to control the means of external illumination in the interests of protecting bio-diversity so as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy.

- 18. No phase of development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health.

19. The Remediation Scheme, as approved pursuant to condition no. (18) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

21. No buildings on the application site shall be brought into beneficial use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority".

Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.

22. No phase of development shall be occupied until a drainage scheme for the related phase 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.

23. Prior to the commencement of the development hereby approved a detailed survey of the existing culvert under the former railway embankment shall be completed. The survey should establish whether the culvert is blocked or damaged and that it has sufficient capacity to accommodate the outflows from the proposed attenuation ponds. The report shall be submitted to and approved in writing by the local planning authority. If the report concludes that the culvert has insufficient capacity the report should also recommend a range of measures to be implemented to ensure that sufficient capacity is available. The development shall not be occupied until the measures identified have, if required, been completed.

Reason: To ensure satisfactory arrangements are in place for the attenuation and managed discharge of surface water run-off so as to ensure that the development does not exacerbate the potential for flooding downstream, so as to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 2011-2031.

24. The recommendations for species and habitat enhancements set out in the ecologist's report from ARUP dated September 2017 should be followed unless otherwise agreed in

writing by the local planning authority. A working method statement for all protected species present, together with a 10 year ecological management plan integrated with the landscape plan should be submitted to the local planning authority in writing with each of the Reserved Matters submissions pursuant to this outline planning permission. The plan shall be implemented as approved.

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).

25. In this condition 'retained tree/hedgerow' means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

With the exception of the formation of the means of access hereby approved no development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:-

- a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.
- b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
- c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.
- d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
- e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value

26. List of approved drawings

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining

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

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. I45 HN05 Works within the Highway**
- 3. I05 HN10 No Drainage to Discharge to Highway**
- 4. I38 N19 Avoidance of Doubt - Approved Plans**

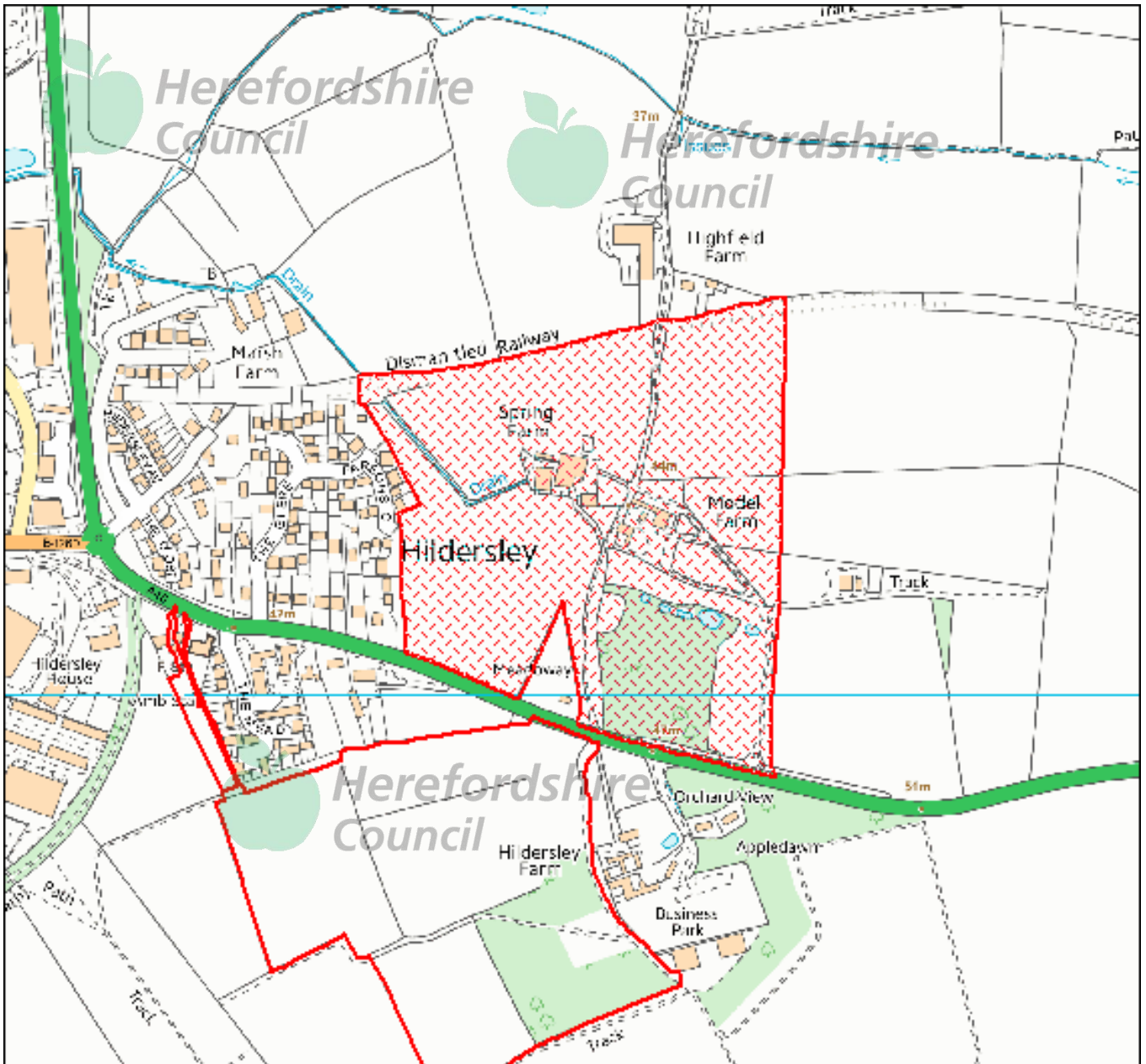
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 173600

SITE ADDRESS : MODEL FARM COTTAGE, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	<p>173765/F and 173766/L - (RETROSPECTIVE) CONSTRUCTION OF WALL APPROX 2' 9" X 15' IN LOCAL STONE LOCATED ADJACENT TO STABLE BLOCK IN Paddock. SITED WHERE HISTORICAL DOCUMENTS INDICATE A WALL EXISTED PREVIOUSLY, AT LAND ASSOCIATED WITH PEMBRIDGE HOUSE, WELSH NEWTON, HEREFORDSHIRE.</p> <p>For: Miss Swinglehurst, Pembridge House, Welsh Newton, Monmouth, Herefordshire NP25 5RN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173765&search=173765
Reason Application submitted to Committee – Member application	

Date Received: 5 October 2017

Ward: Llangarron

Grid Ref: 350036,217928

Expiry Date: 5 December 2017

Local Member: Councillor EJ Swinglehurst (Councillor DJ Harlow is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The application site features a wall and land associated with Pembridge House, a Grade II listed building and is located within Welsh Newton. The wall is located to the rear of Pembridge House and adjoins the boundary with Farley Cottage.
- 1.2 The wall subject of this application is approx. 0.88 metres high and 4.5 metres long. It is finished in locally quarried Devonian sandstone which is characteristic of the area. The stonework is 'random rubble', again this is characteristic of the area and the historic wall. It completes boundary wall to the North/East which had been demolished at some point in the past prior to the applicants' ownership. The proposal will provide a degree of structural improvement to the remaining section of this curved wall.
- 1.3 The applications are retrospective.

2. Policies

- 2.1 Herefordshire Core Strategy
- 2.2 The following policies are applicable and relevant to these applications:

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness

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

- SD1 - Sustainable Design and Energy Efficiency
- LD1 - Landscape and Townscape
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets

2.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The following sections are considered particularly relevant:

- Introduction - Achieving Sustainable Development
- Section 7 - Requiring Good Design
- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.4 Neighbourhood Plan

The Neighbourhood Plan had reached examination stage however has been withdrawn. As such it currently has no weight.

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

https://www.herefordshire.gov.uk/info/200185/local_plan

3. Planning History

3.1 None specifically relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 Natural England has no comments to make on this application.

Internal Council Consultations

4.2 Conservation Manager (Building Conservation) has no objections; the proposals for the new wall would not adversely affect the listed building.

Pembridge House is a former parsonage dating from the C18. The curved wall to the rear of the property is curtilage listed. The abutment of a new wall to this therefore requires Listed Building Consent. It is not felt that this abutment of a wall would adversely affect the significance of the listed building.

4.3 Conservation Manager (Ecology) has no objection and 'can see no ecological concerns or comments with this retrospective application'.

5. Representations

5.1 Welsh Newton Parish Council supports the application.

- 5.2 A letter of objection from a neighbouring resident has been received. Comments are summarised as:
- There is no evidence that the wall, subject of this Application, has replaced a section of listed wall
 - Object to misinformation, lack of clarity and evidence in the Application
 - The walls were built to divert water away from the applicants' property

- 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=173765&search=173765

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 Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the following:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly defines a 'presumption in favour of sustainable development' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 6.3 The NPPF is clear that the three dimensions of sustainable development are indivisible. This assessment must demonstrate that adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits of development when assessed against the policies in the NPPF taken as a whole. Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.4 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government's definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. The most relevant regarding this application are:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- Takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 6.5 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141.
- 6.6 The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance taking into account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
 - The desirability of new development making a positive contribution to local character and distinctiveness
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.7 Paragraphs 131-133 set out what and how Local Planning Authorities should consider in determining planning applications featuring heritage assets. This includes:
- 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.
- 6.8 Paragraph 132 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*
- Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 6.9 Furthermore as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

- 6.10 Where a proposed development will lead to substantial harm to or total 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, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.11 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 It is noted that ‘significance’ as defined in the NPPF Glossary in Annex 2 in regards heritage policies explicitly refers to and includes not only an asset’s physical presence, but also its setting.
- 6.13 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*
- 6.14 Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*
- 6.15 Core Strategy policy LD1 criteria require new development must achieve the following:
- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
 - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area’s character and by enabling appropriate uses, design and management.
- 6.16 Core Strategy policy LD4 – Historic environment and heritage assets sets out as relevant to these applications that development proposals affecting heritage assets and the wider historic environment should:
1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
 2. *the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas*
- 6.17 The assessment of the Conservation Manager is noted and in this regard it is recommended that there is no substantial harm or impact which would justify refusal. Taking into account the detailed objection, in the event that these views are correct, the wall subject of this application is

not replacing part of a listed wall, the only practical consequence would be that Listed Building Consent is not required and approval of the planning application for the wall would be recommended on the basis of no substantial or significant harm to the setting of heritage assets.

- 6.18 With regards the wider context, the proposal has no demonstrable impact or harm on adjoining land uses or the character and appearance of the countryside.
- 6.19 On the basis of the above relevant local and national policies are satisfied and approval is recommended. For avoidance of doubt, the planning and listed building consent are considered together and parallel under the above assessment and recommendation below.

RECOMMENDATION

173765/F

That planning permission be granted subject to the following conditions:

- 1. **B02 - Development in accordance with approved plans and materials**

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.**

173766/L

That Listed Building Consent be granted subject to the following conditions:

- 1. **D01 - Time limit for commencement (Listed Building Consent)**

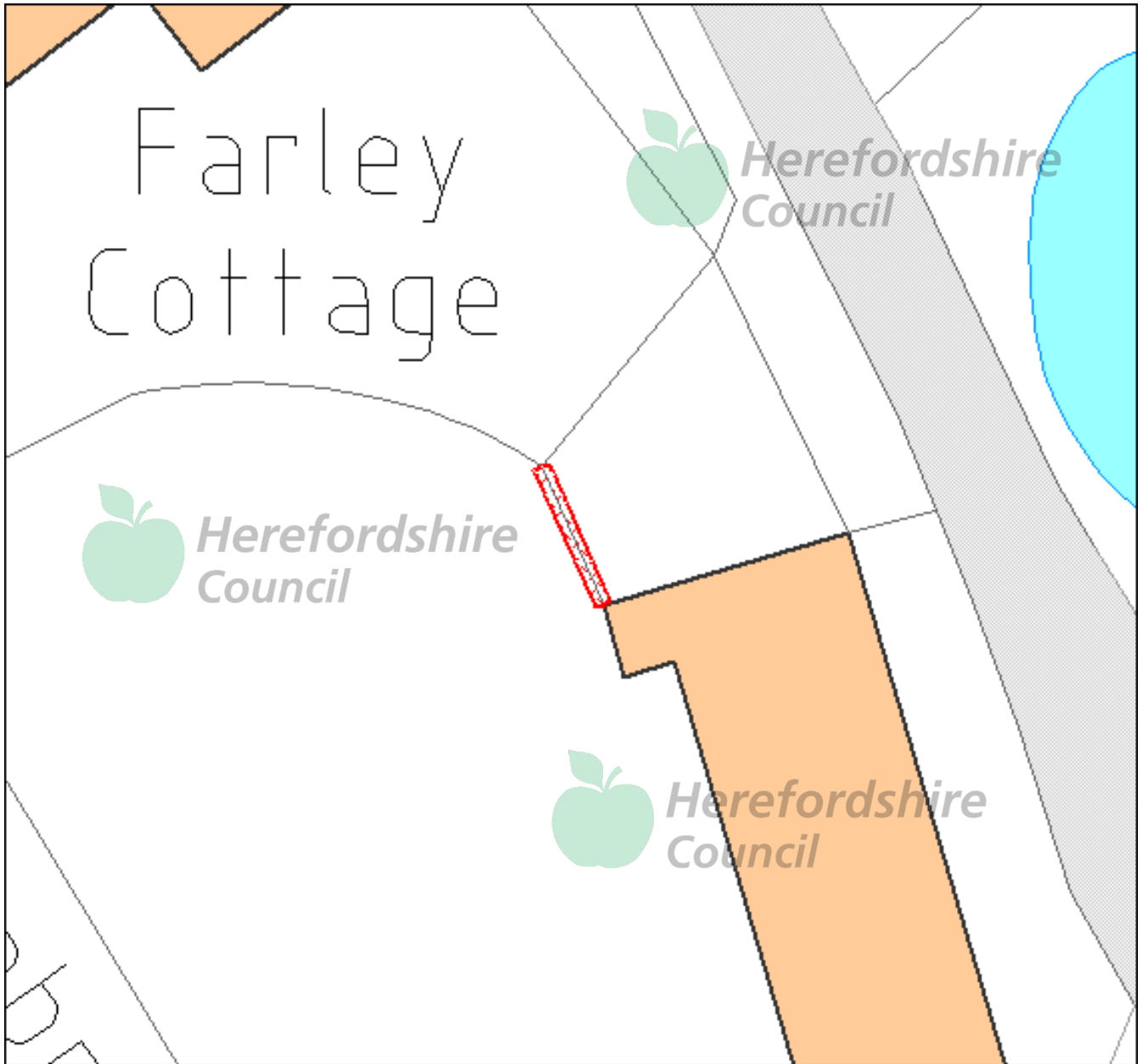
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 173765

SITE ADDRESS : LAND ASSOCIATED WITH PEMBRIDGE HOUSE, WELSH NEWTON, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	163324 - RESERVED MATTERS APPLICATION (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOLLOWING OUTLINE APPROVAL 150888 - FOR THE ERECTION OF 35 DWELLINGS AT LAND TO THE WEST OF A40, WESTON UNDER PENYARD, HEREFORDSHIRE. For: Ballimark Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Gloucester, GL17 9BH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163324&search=163324
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 17 October 2016

Ward: Penyard

Grid Ref: 363505,223088

Expiry Date: 1 October 2017

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application seeks approval of Reserved Matters following the grant of outline planning permission P150888/O, with all matters bar access reserved for the erection of 35 dwellings on land immediately west of the A40 at Weston under Penyard.
- 1.2 The application site is located on the south eastern fringe of Weston under Penyard, approximately two miles from Ross on Wye. The village is dissected by the A40 Ross-on-Wye to Gloucester Road and the application site lies on the southern side of the road.
- 1.3 The site is generally flat, although there is a gentle rise towards the south west. It is roughly rectangular in shape and approximately 1.3 hectares in size. Its current use is not immediately evident but it appears as an area of rough pasture on the edge of the village.
- 1.4 Its north western boundary is formed by a modern residential estate which is a mix of bungalows and two storey houses. A mature hedge and the A40 form the boundary to the north east, while the south western boundary is formed by a hedgerow and a track which gives access to an agricultural building. Finally, the south eastern boundary is made up of a gappy hedgerow with open countryside beyond.

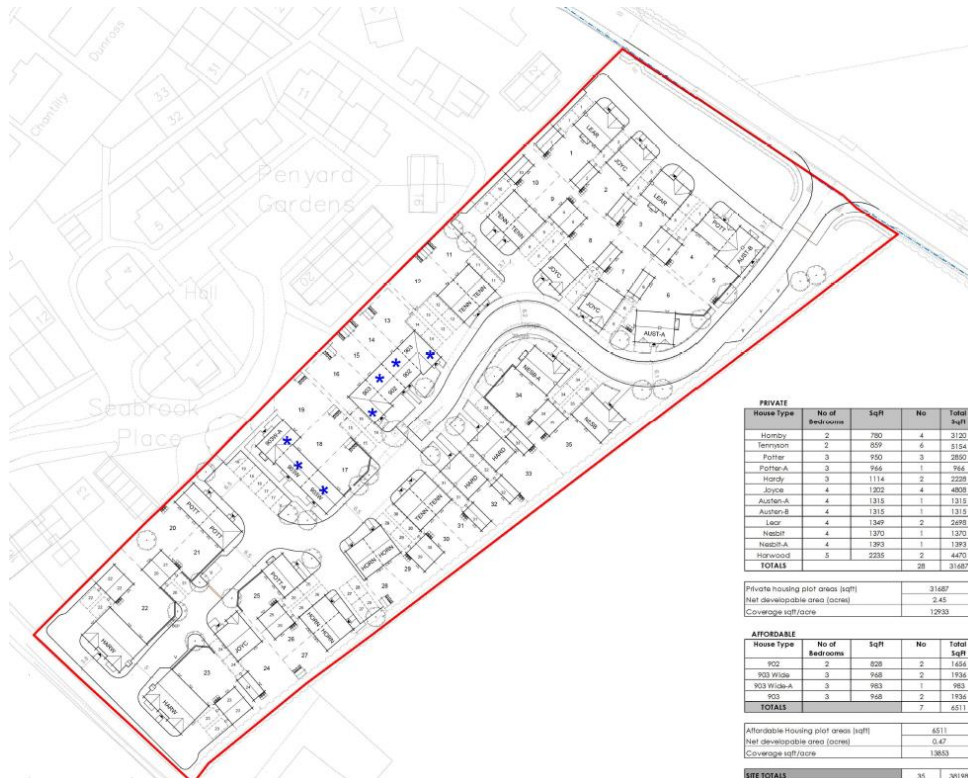
Further information on the subject of this report is available from Mr A Banks on 01432 383085

View of the site from the A40



1.5 The layout arrangement, which has been subject to amendment during the course of the application, shows the detailed layout for 35 dwellings. These comprise a range of detached, semi-detached and terraced properties. The layout plan is shown below. Given the rectangular shape of the site, development is shown in depth, but is constrained by the presence of existing residential development on Seabrook Place and Penyard Gardens along the south western boundary. Plots arranged along this shared boundary are either orientated with a back garden along the boundary or with a blank gable end opposing existing properties. The scheme provides a clear development frontage onto the A40, although dwellings are set back from the road as a consequence of a drainage easement that runs across this part of the site. The main point of access into the site is positioned in the south eastern corner of the road frontage. As stated earlier, this was previously agreed by the outline planning permission.

Proposed site layout



1.6 Other significant amendments to the application relate to the ability of the scheme to deliver affordable housing. The applicants have submitted a viability assessment which concluded that, on the basis of the S106 requirements set out by the Outline planning permission to provide 12 no. affordable dwellings and contributions totalling £196,405 the scheme would not be viable. The scheme to be determined delivers a reduced number of 7 affordable dwellings and a full suite of contributions in accordance with the Council's Planning Obligations Supplementary Planning Document. The rationale behind this will be explored later in this report.

1.7 In addition to the amended plans, the application is also supported by the following documents:

- Design Statement
- Materials Schedule
- Boundary Materials Layout
- Construction Management Plan
- Arboricultural Constraints Report
- Five Year Landscape Management Plan
- Preliminary Ground Investigation Report
- Drainage Strategy and Flood Risk Assessment
- Archaeological Excavation and Watching Brief

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
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
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
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

2.3 Weston under Penyard Neighbourhood Development Plan (made 20 May 2016 – this attracts full weight for the purposes of decision-making.)

H1	-	Number of New Houses
----	---	----------------------

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

HS1	-	Land East of Penyard Gardens, SW of A40
H3	-	Housing Mix and Tenancy
H4	-	Type of Housing
H5	-	Provision of Affordable Housing
D1	-	Design Appearance
D2	-	Technical Design
SD1	-	Community Facilities
ST1	-	Accommodating Traffic within the Parish
SE1	-	Sustaining the Parish Environment and Landscape
SE2	-	Sustaining Local Heritage and Character
SE6	-	Sustainable Water Management

https://www.herefordshire.gov.uk/downloads/file/9257/neighbourhood_development_plan

- 2.4 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 150888/O - Outline application for proposed erection of (up to) 35 dwellings with new access and associated landscaping and parking – Approved following the completion of a Section 106 Agreement on 2 April 2015.

On the basis of the Reserved Matters as they were originally submitted, the Agreement would have delivered the following:

- 12 no. affordable dwellings – six 2 bed and six 3 bed
- £71,464 towards education improvements
- £4,482 towards special educational needs
- £75,961 towards traffic calming and traffic management measures in the locality;
- £53,989 towards the open space and play
- £2,800 towards recycling facilities

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water

No objection subject to compliance with condition 15 of the outline planning permission.

Internal Council Consultations

- 4.2 Traffic Manager

The footway/cycleway is an important connection. Whilst the information notes that it is the intention to provide this link it should be shown/demonstrated on submitted documents. The connection also needs a drop kerb provision within the Herefordshire Housing land. The existing footway at the front of the site is to be widened and this needs to be shown on the submitted plans. The site layout is generally agreed, minor points to be agreed through the S38/278 process.

Please can a plan be supplied showing the number of bedrooms and the number of parking spaces allotted to the dwellings. This is to confirm that the layout meets HC design guide parking guidance. Parking adjacent to dwelling numbers 25-28 could pose problems with vehicles being blocked in.

4.3 Conservation Manager

Ecology

Having looked through all the relevant plans and reports provided, I am satisfied that if built as specified then all relevant ecological considerations have been taken in to account and that the detailed biodiversity enhancements are appropriate.

Landscape

I have seen the landscape proposals (sheets 1 and 2). I am content with landscaping shown. As previously discussed the securing of the hedgerow through the removal of PD rights of properties along the eastern boundary is appropriate in this instance. In addition to this the maintenance of the hedgerow height through an agreed maintenance plan is also recommended.

Archaeology

The submitted archaeological scheme is fully acceptable and (particularly since the work referred to has actually been done) Condition 16 should be discharged.

4.4 Environmental Health & Trading Standards Manager

We have had sight of the applicant's proposals for the discharge of conditions 10 and 17. A construction management plan is supplied in accordance with condition 10. We would ask that this be amended specifically to include a named contact point for local residents and details of how the developer intends to communicate with them.

Condition 17 noise attenuation scheme – the design layout of the site means that amenity areas to the houses closest to the road will be shielded by the houses themselves and so we have no further objections or comments to make on noise grounds.

4.5 Land Drainage Engineer

We have no objections in principle to the approval of this reserved matters application in regard to flood risk and drainage. The Applicant has addressed the majority of the points raised within our response to the outline planning application and we are confident that outstanding issues can be addressed prior to construction as part of suitably worded planning conditions.

We therefore recommend the following information is provided as part of suitably worded planning conditions prior to construction:

- Detailed drawings of the proposed crate soakaways, permeable paving and infiltration pond – including inlet and outfall details of the pond and appropriate overflow during exceedance events.
- A copy of infiltration testing calculations and confirmation of test locations, demonstrating that tests were undertaken in accordance with BRE 365.
- Evidence that groundwater levels are greater than 1m below all infiltration structures.
- A revised infiltration basin design with supporting micro-drainage calculations
- Correspondence with Herefordshire Council confirming that a S38 agreement has been made to adopt the infiltration basin.

If closer inspection of the submitted infiltration testing calculations indicates an unacceptable uncertainty then a lower infiltration rate may be considered more appropriate at the location of the proposed infiltration pond, and revised calculations and drawings will need to be submitted prior to construction.

Following the submission of additional drainage information further comments have been received as follows:

The Applicant has addressed the majority of the points raised within our previous response to the reserved matters planning application and we are confident that outstanding issues can be addressed prior to construction as part of suitably worded planning conditions. We therefore recommend the following information is provided as part of suitably worded planning conditions prior to construction:

- *Detailed drawings of the infiltration basin including confirmation of the location of the high level overflow for all events greater than the 1 in 100 year event and demonstration that exceedance flows from the basin will be directed towards an area of low vulnerability.*

The Applicant intends for the infiltration basin to be adopted by Herefordshire Council Highways. We have no further comment on this matter but refer this to the Council for review and comment.

4.6 Housing Officer

With regards to the site in Weston under Penyard, Strategic Housing's preference concerning affordable housing delivery is that priority has to be given to the delivery of dwellings on site rather than the payment of a commuted sum. No affordable dwellings for rent or shared ownership have been delivered in the village in over 20 years. The last form of affordable development produced in the village was for Low Cost Market and these were approximately 10 years ago. There is an immediate housing need in the village for the dwellings.

If a commuted sum were to be received there are no sites in or adjacent to the village to invest the money in. Consequently the immediate delivery of affordable housing would not happen.

5. Representations

5.1 Weston under Penyard Parish Council

Policy HS1 (c) requires a combined footway / cycleway link to be provided between the development site and the existing adopted highways to the SW side of the development. This is described in the applicant's Design Statement as a "pedestrian link to the village". However a firm proposal for the layout of this link has not been sighted in the application. The reserved matters application should not be approved until this link is confirmed and designed appropriately.

Policy HA1 (h) states that the developer should ensure that the phasing of construction minimises the effect on the amenity or visual intrusion of residents of properties located nearby and those new residents nearby within their development. The developer should provide a working method statement showing how development should be brought forward in phases to minimise any adverse effects. A Construction Management Plan has been provided but does not address the issue of phasing or the duration of the construction phase from start to finish.

A "Site Strategy Plan" has been provided, which is unclear but may indicate four phases for the first 27 houses, with no mention of the remaining 8 houses. Clarification is requested. The intention for the location of the Sales Complex is unclear since the Site Strategy Plan seems to indicate that it shares the same site Phase 1 construction. Clarification is requested.

Postscript 30th November 2016: The Parish Council has now received from MFF an additional drawing SL.01 which clarifies that all the houses will be built over four phases. However no information has been provided to date on the time-line for each of the phases and the complete development, or whether the four phases will be contiguous. The PC is seeking assurances that the entire development will be completed in the shortest possible time so that the village is not adversely affected by the presence of the construction site over a long period of time. Clarification is also required on the location of the sales complex and how this relates to phase 1 construction. The Parish Council presumes that the revised drawing SL-01 will be issued as an amendment to the application.

Policy D2 (b) requires that adequate off-street parking should be provided. Excluding garages, which are often not used for regular parking of cars, it seems that the design layout has adopted the simplistic approach of providing two parking spaces for each dwelling regardless of whether these are 2, 3, 4 or 5 bedroom houses.

Weston under Penyard has a poor and deteriorating bus service and so the local car ownership is high. Many hundreds of houses are planned for the eastern side of Ross on Wye spreading out along the A40 and nearby area. This is expected to lead to increasing car journeys as residents travel longer distances to find employment and education, resulting in even higher car ownership levels.

On-street parking for residents and visitors is undesirable, untidy and increases the risk of accidents. Two parking spaces for four-bedroom houses is considered insufficient and should be increased to at least three spaces per house. For the two five-bedroom houses it seems that the proposed layouts could reasonably accommodate the parking of up to four cars per house without undue inconvenience and so this is probably acceptable.

The site layout does indicate three parking spaces for visitors near the entrance from the A40. In practical terms these are too far from the houses and the spaces are unlikely to be used for that purpose.

As already discussed with MFF there are concerns about the increasing numbers of commercial vehicles being parked in housing developments by residents. Arrangements should be included to permit any long term on-street parking of commercial vehicles only within the grounds of residential houses.

- 5.2 Following the receipt of amended plans showing the reduction in affordable housing and further consultation, the parish council **object** to the revisions and have made further comments:

During the NP consultation process residents expressed a need for affordable homes. This re-consultation only achieves 7 affordable homes, nearly 50% less than the original plan. The parish council prefers the arrangement of housing in the original plan.

- 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=163324&search=163324

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>

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

6. Officer's Appraisal

- 6.1 The principle of development on this land is established via the outline planning permission and the RM submission is submitted in accordance with the relevant conditions.
- 6.2 In this instance access was approved, so the RM's comprise appearance, scale, layout and landscaping.
- 6.3 The Development Plan for the area comprises the Core Strategy and the Weston under Penyard NDP and the documents attract full weight for the purposes of decision-making.
- 6.4 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and CS, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits. There are, in my view, no restrictive policies applicable.

Appearance

- 6.5 The site is adjacent to the residential areas comprised of Penyard Gardens and Seabrook Place. It forms part of the eastern approach to the village when travelling along the A40 in a westerly direction, but is not immediately discernible as a separate parcel of land from the road due to the mature hedge forming the eastern boundary and the proximity of the built edge of the village to it.
- 6.6 Penyard Gardens and Seabrook Place are currently seen as the defined edge of the village. Neither are of any particular architectural quality and inhibit views of the older parts of the village that lie around the church. Moreover, it is my opinion they should not provide the cues for the detailed design and appearance of this proposal; it often being argued that new development should reflect that to which is most closely relates.

Eastern approach towards the village with application site in the foreground



- 6.7 Policy LD1 of the Core Strategy requires that developments demonstrate that they have been positively influenced in terms of their scale and design by their surroundings. Policy D1 of the NDP is a similarly criteria-based policy which requires that:

“...new development should offer a design that seeks to reflect local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in South Herefordshire. Development proposals should contain design measures which, in addition to regulatory requirements, will:

- a) Be sympathetic to the existing traditional character of the parish, utilising a mixture of materials and architectural styles and incorporate locally distinctive features, for example, the use of local stone;
- b) Ensure that the design and use of materials is such that affordable homes are visually indistinguishable from market housing;
- c) Respect the scale, density and character of existing properties in the parish;”

6.8 The proposal creates a frontage onto the A40 which, in your officer’s view, helps to assimilate the development with the rest of the village. The house types proposed use a variety of materials, which includes brick, render and stone and architectural features to add visual interest to the appearance of the development and some examples are shown below:

Examples of house types



6.9 The submission includes a detailed materials schedule. This is also reflective of the surrounding area with a mix of brick, stone and render for elevations and a variation of roofing materials which will create a degree of visual interest in the built form. The materials schedule is considered to be acceptable. Your officers view is that the proposal has been positively influenced by the character of its surroundings in accordance with Policy LD1 of the Core Strategy. Furthermore, it is also considered that the development will serve to enhance the appearance of the approach to the village in accordance with Policy D1 of the NDP. The proposal accords with both policies and is acceptable in terms of its appearance.

Scale

6.10 The dwellings proposed are all two storeys and are broadly of a scale consistent with the surrounding context. Penyard Gardens does provide an exception to this as it is predominantly comprised of single storey dwellings. This, in your officers opinion, does not preclude a development that is entirely of two storeys and the relationship with properties on Penyard Gardens will be explored further in the layout section of this report.

6.11 The scale, in terms of dwelling numbers, is consistent with the outline planning permission. A development of 35 dwellings on a site of 1.3 hectares represents a density of 27 dwellings per hectare. It was accepted in the determination of the outline application that the proposal is not of a high density and is in fact comparable in this regard to its immediate surroundings. The proposal makes good use of the land at a level that is considered to be appropriate in terms of its context.

- 6.12 For the purposes of this assessment, I am content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with LD1 and SD1 of the Core Strategy and D1 of the NDP.

Layout

- 6.13 Policies SD1 of the Core Strategy and D1 of the NDP both place importance on ensuring that the residential amenity of existing and future residents is safeguarded. The layout as originally submitted gave some concern to officers that the residential amenity of 17 to 20 Penyard Gardens would be impacted as a consequence of overlooking. As a result the plans have been amended to increase the separation between these properties and those within the site. Space has been created between dwellings within the site through the reconfiguration of parking spaces and your officers are of the view that this has addressed the concerns originally raised by them.
- 6.14 The layout is also influenced by the drainage easement that runs across the front of the site. While plots 1 to 4 front onto the A40, they are set behind an area of green space. This will serve to provide an attractive setting for the development and enables the retention of a hedgerow along the road frontage, albeit that this will be a newly planted hedgerow as the existing one will need to be removed to facilitate visibility splays at the junction and footpath improvements along the A40.
- 6.15 Discussions have continued between officers, the applicants and Herefordshire Housing as an adjoining landowner in order to ensure a footpath link onto Seabrook Place is provided. This is crucial as it creates an obvious route to the primary school and playing fields to the south west of the site. Herefordshire Housing own a grass verge that lies between the boundary of the application site and the adopted highway of Seabrook Place. A Deed of Dedication of the land for it to be used for highway purposes has been signed which will ensure that a footpath link can be delivered. This is an important part of the layout as it ensures connectivity with the surrounding area and addresses the Parish Council's specific comments in this regard at 5.1. Its delivery will ensure compliance with Policy MT1 of the Core Strategy and Policies D2 and ST1 of the NDP, all of which seek to promote schemes that are integrated with their locality and all access to local services by means other than private modes of transport.

Landscape

- 6.16 The submission includes a five year landscape management plan which also provides a detailed planting schedule and measures to be implemented for biodiversity enhancement. The proposals include the retention of the existing hedgerow along the south eastern boundary. This is to be properly laid to encourage bushy growth. However, the hedge will form the curtilage boundary to a number of properties and it is therefore recommended that, should reserved matters be approved, a condition is imposed to remove permitted development rights for those specific plots. This will therefore require residents to apply for planning permission should they wish to replace their section of hedgerow with another form of enclosure, and afford the local planning authority with a degree of control over this.
- 6.17 The retention of the hedgerow is particularly important as it is an important landscape feature on approach to the village. It also has significant biodiversity value and acts as a 'green corridor' along the site's boundary. This particular aspect of the scheme ensures compliance with Policies LD1, LD2 and LD3 of the Core Strategy, and Policy SE1 of the NDP.
- 6.18 The Council's Ecologist and Landscape Officer have both assessed the management plan and have confirmed that it is acceptable and it is therefore concluded that the scheme is acceptable in terms of landscape matters.

Other Matters

Viability and Section 106 Agreement

- 6.19 The application has evolved and has been amended since its original submission, reflecting negotiations that have taken place between officers and the applicants. This has included the issue of the viability of the approved outline scheme; a matter raised by the applicants which has been substantiated by them through the submission of a viability assessment.
- 6.20 Paragraph 173 of the NPPF provides some guidance concerning the financial viability of schemes and reads as follows:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
- 6.21 Policy H3 of the NDP takes the intention of paragraph 173 of the NPPF into account by stating that schemes:
- “...should demonstrate they meet local housing needs and should provide a tenure mix of 40% of Affordable Homes unless viability considerations can be shown to necessitate an alternative percentage of provision.”*
- 6.22 Members will be aware that in such cases your officers require that assessments be independently audited by the District Valuer. This has been the case with this application.
- 6.23 The District Valuer’s assessment assumes a slightly lower developer profit of 15% as opposed to the 17.46% on which the applicant’s Financial Viability Report is based. Notwithstanding this variation the District Valuer concludes that on the basis of the provision of affordable housing as detailed earlier in this report, and the Section 106 contribution, the scheme is not viable.
- 6.24 As part of the instruction given to the District Valuer when they were engaged by your officers, they have undertaken sensitivity testing to determine a point when the scheme would be viable. This has established that the proposed scheme could support a maximum planning contribution equivalent to £705,000. The District Valuer recommends that this could either take the form of:
- the provision of seven affordable dwellings and the payment of Section 106 contributions in accordance with the Council’s Planning Obligations SPD; or
 - the payment of an off-site affordable housing contribution totalling £497,000 (a commuted sum) together with other Section 106 contributions as per the SPD.
- 6.25 The District Valuer provides your officers with an entirely independent review of the financial viability of development schemes. The assumptions made about development costs are based on up to date figures provided by the Building Cost Information Service (BCIS) and I am content that the findings are a true reflection of the viability of the scheme.
- 6.26 Following the receipt of the District Valuers report your officers met with the applicants to agree how the application should progress. The applicant’s preference was to make a financial contribution, including a commuted sum in lieu of affordable housing. However, this is not your officer’s preferred approach. The payment of a commuted sum relies on a premise that other land will become available and / or schemes will come forward to deliver affordable housing on

other sites. There are no such schemes in Weston under Penyard at the present time as confirmed by the comments of the Housing Officer. Furthermore, very little affordable housing has been delivered in the village in recent years and therefore the preference is to maximum number that can be viably delivered on the application site; in this case seven affordable dwellings.

- 6.27 On the basis of all of the above your officers are content that the scheme as approved by the outline permission is not viable. It has been demonstrated that a scheme can be delivered that provides planning gain for the village if the affordable housing provision is reduced from 12 to 7. This will require the completion of a Deed of Variation to the Section 106 Agreement signed as part of the outline planning permission.

Phasing

- 6.28 The Parish Council comments refer to concerns in respect of the phasing of development and the expectation that development will be completed as quickly as possible in order to minimise disruption to nearby residents. At 35 dwellings, the scheme is not of a scale whereby one would expect a phasing plan to be delivered. Rather the site will be constructed in a manner that works in a practical sense and enables occupation (and thus cash flow) before the site is complete. Moreover, the S106 payments are phased according to occupation such that the quicker the units are completed and occupied, the sooner the S106 monies are payable.

Parking provision

- 6.29 Each property is provided with a minimum of two parking spaces. Larger 4 bed properties are provided with three spaces, including garaging and the two 5 bed dwellings have four spaces when their double garages are taken into account. Whilst the comments from the parish council are noted regarding garaging and its use for storage rather than parking, it is unreasonable to discount them as part of the parking provision. However, a condition is recommended to prevent conversion of garaging to habitable accommodation without further application.
- 6.30 The comments from the Traffic Manager question the arrangements to be made for plots 25 to 28. In response the applicant has provided tracking diagrams to show that vehicles can manoeuvre in and out of spaces satisfactorily.

Conditions

- 6.31 The plans and documents submitted with the application substantively address the requirements of the outline planning permission and the conditions it imposes. The one exception to this relates to the details of drainage arrangements and this is reflected in the comments from the land drainage engineer. Condition 15 of the outline planning permission deals specifically with the provision of an appropriate surface water management scheme and the further submission of information to discharge that condition negates the need to impose further conditions at this stage.
- 6.32 Whilst a materials schedule is provided, it does not provide specific manufacturers details of bricks or roof tiles, or the type of stone to be used. A condition to require these specific details is recommended, together with one to ensure that stonework is properly laid.
- 6.33 A condition is also recommended to secure the delivery of the footpath prior to the occupation of the 19th dwelling on the site. This is based upon the direction of build proposed in the applicants Construction Management Plan, the intention being that the footpath would be delivered at a point when residents would not be required to walk through an active part of a building site to use the footpath.

6.34 Finally, a condition is also proposed to remove permitted development rights, only for the erection of means of enclosure, in an effort to ensure the retention of the south eastern boundary hedge. The rationale for this is set out in the landscaping section earlier.

Conclusion

6.35 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. It is of an appropriate scale in terms of the amount of development proposed (35 dwellings) and also in terms of the types of dwellings.

6.36 The appearance of the development is also acceptable. The submission includes a detailed materials schedule which is reflective of the surrounding area, with a mix of brick, stone and render for elevations and a variation of roofing materials. The layout is influenced by existing landscape features and the proximity of existing dwellings to the site's boundaries. It ensures that residential amenity is safeguarded and that existing landscaping features provide a mature landscape and biodiversity setting.

6.37 It has been demonstrated that the scheme as approved in outline is not financially viable. However, and as discussed above, a viable scheme can still be delivered on site; one that provides a reduced number of affordable dwellings but the full extent of the financial contributions. Officers of course acknowledge that the delivery of affordable housing is one of the Core Strategy's key objectives. In recognition of this, a detailed viability report has been submitted and scrutinised by the District Valuation Office. On this occasion officers are, on balance, prepared to recommend approval on the following basis:-

- It has been demonstrated that the scheme is unviable if affordable housing and S106 contributions are sought jointly as per the Section 106 Obligation forming part of the outline planning permission;
- The scheme can deliver a reduced amount of planning gain. Officer's have been clear that an option delivering some affordable housing; albeit less than previously agreed, is preferred, particularly given the lack of newly built affordable housing over the past 20 years as outlined by the Council's Housing Officer.
- The proposal will otherwise deliver a full amount of Section 106 contributions in accordance with the original Agreement.
- The scheme has outline planning permission and would make an important contribution to the housing land supply, with an appropriate mix and a reduced level of affordable housing.

6.38 On this basis the proposal is considered to be acceptable and in accordance, other than where varied relative to the proportion of affordable housing delivered, with the Core Strategy and NDP. There are no other material planning considerations of such weight that would justify the refusal of planing permission. The application is therefore recommended for approval subject to the completion of a Deed of Variation necessary to reflect the revised terms.

RECOMMENDATION

That subject to the completion of a Deed of Variation to the Section 106 Town & Country Planning Act 1990 obligation agreement to reduce Affordable Housing provision from twelve to seven units, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.

1. B01 Development in accordance with approved plans and documents
2. C01 Samples of external materials
3. C06 Stonework laid on natural bed
4. With specific regard to Plots 23, 24, 35 and Plots 27 to 33 inclusive - Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class A Part 2 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality; particularly as the existing hedgerow forms an important landscape and biodiversity feature, and to comply with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy SE1 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

5. With the exception of any site clearance and groundwork, no further development shall take place until details of a footpath from the site onto Seabrook Place are submitted to and approved in writing by the local planning authority. The footpath shall be constructed in accordance with the approved details and shall be capable of use not later than upon the occupation of the 19th dwelling.

Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy D2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

6. F08 No conversion of garage to habitable accommodation
7. 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. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 2 April 2015 (Reference No. P132924/O. This application for

the approval of reserved matters is granted subject to these conditions.

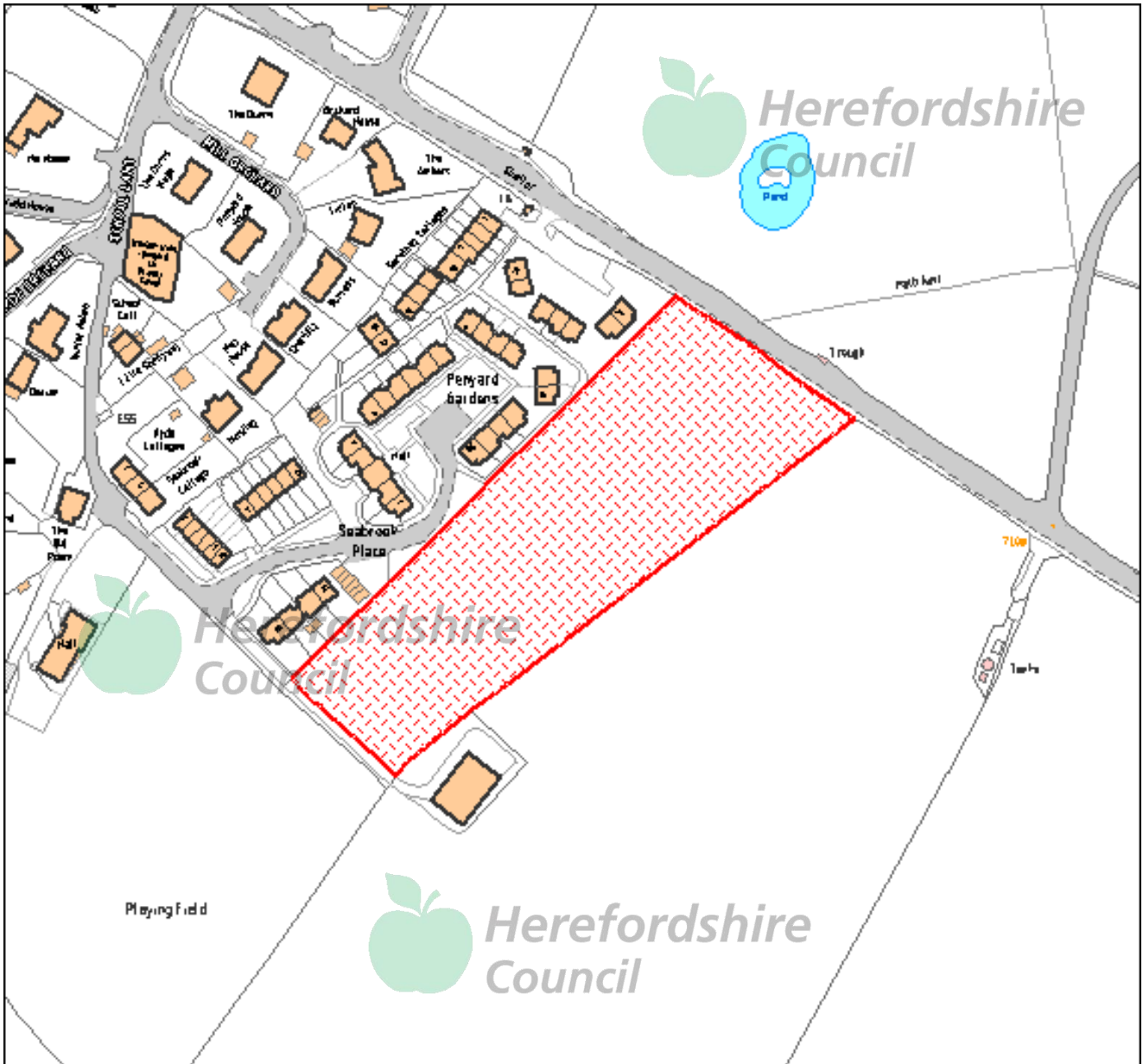
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 163324

SITE ADDRESS : LAND TO THE WEST OF A40, WESTON UNDER PENYARD, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	173082 - PROPOSED ERECTION OF AN AGRICULTURAL WORKERS' DWELLING (PART RETROSPECTIVE) AT LAND AT PARKGATE, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JX For: Mr Hanson per Ms Sarah Hanson, The Old Watermill, Kingsland, Leominster, Herefordshire HR6 9SW
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173082&search=173082
Reason Application submitted to Committee – Re-direction	

Date Received: 16 August 2017

Ward: Leominster
South

Grid Ref: 347644,255860

Expiry Date: 2 February 2018

Local Member: Councillor PP Marsh

1. Site Description and Proposal

- 1.1 The site lies on the southern side of the C1106, in open countryside approximately 800m south of the centre of Ivington. It lies between two dwellings also in the applicant's ownership.
- 1.2 The formerly derelict/abandoned property which was re-built without the benefit of planning permission and is subject of an enforcement notice to demolish. That notice was also the subject of a dismissed appeal. This application is to retain/complete it as an agricultural workers dwelling comes about following court action in June 2017 for non compliance with that notice, which was withdrawn to allow consideration of this proposal.
- 1.3 Confidential information was submitted re accounts for 2014 and 2015.
- 1.4 The original intention was for this item to be considered at the previous meeting, but late representation, which were sent separately to Members resulted in the item being withdrawn from the agenda.

2. Policies

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

- RA3 - Herefordshire's Countryside
RA4 - Agricultural, Forestry and Rural Enterprise

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

- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD2 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency

2.2 NPPF

2.3 Leominster NDP has now been sent for examination and can be afforded moderate weight.

Policy LANP 5

New housing development in the countryside (including settlements not covered in LANP4) will only be permitted when it satisfies one or more of the following:

- i) It is essential for an agricultural, forestry or other rural worker to live permanently at or near their place of work;
- ii) It is essential to enable the establishment or growth of a rural enterprise, and complies with the Herefordshire Core Strategy and the Neighbourhood Plan design criteria;
- iii) It replaces an existing dwelling on the same site and is of a similar size and scale to the dwelling to be replaced;
- iv) It re-uses an existing building that is structurally sound and capable of conversion without substantial rebuilding, providing there are no adverse impacts upon the architectural or historic interest or significance of the heritage asset.
- v) Is rural exception housing in accordance with Policy HR2 of the Core Strategy and meets the requirements of the Neighbourhood Plan design criteria;
- vi) It will not have a detrimental impact on the privacy of neighbours or the appearance of the countryside.
- vii) Is a site that provides for the needs of gypsies or other travellers in accordance with Policy H4 of the Core Strategy and makes a positive contribution to the surrounding environment and rural landscape.
- viii) It shows exceptional quality design and rural enterprise.

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 Temporary Stop Notice 15/5/15
- 3.2 Enforcement Notice 27/5/15
- 3.3 Enforcement Appeal dismissed 17/2/16

4. Consultation Summary

Statutory Consultations

- 4.1. Natural England – no comment
- 4.2. Welsh Water – no objection

Internal Council Consultations

- 4.3 Conservation Manager (Ecology) – objection re lack of information re drainage and protection of The River Wye SAC Catchment
- 4.4 County Land Agent

Housing:

- a. The farmhouse, this is occupied by Mr and Mrs Hanson senior and their foster children, Mr Hanson works part time on the farm being semi retired.
The farm is a mixed farm with the enterprises being a breeding flock of sheep, fattening cattle and arable including a small area of potatoes.
Mr Hanson is the overall manager of the business, both the sons have their main areas of responsibility but all work together as needed.
- b. The converted barn, this is occupied by Mr and Mrs D Hanson and his family, he manages the cattle and shares the arable work with Mr J Hanson. The conversion has an agricultural tie.
- c. No 3 Park gate, this is occupied by Mr and Mrs J Hanson and his family, he manages the cattle and shares the arable work as well as being the main mechanic on the farm.
- d. No 1 Park gate is occupied by Mr Hanson 's daughter and her family, they are not involved in the farm.
- e. No 2 Park gate, partially restored cottage, unoccupied.
Note, Park gate cottages belong to Mr Hanson senior and have no ag ties, and were bought in the 1960s.

Future proposals, farm to continue as a mixed farm, Mr and Mrs Hanson to retire and move in preference to no 2 Park gate and Mr J Hanson to move to the farmhouse.

Opinion, there would appear to be no reason for the retirement not being to no3 Park gate, although it could be let to bring in income to act as a pension if no 2 was renovated and Mr and Mrs Hanson moved in there.

Financial

We have been given 2 years of accounts, 2014 and 15.

In 2014 the accounts show a loss of £xxxxx and in 2015 a profit of £xxxxx , leaving a loss of the 2 years combined £xxxx overall, there appears to be no specific reason for the loss except poor trading figures for 2014. We are awaiting the accounts for 2016.

Labour

The labour on the farm is provided by the family only, no outside labour is employed at present, although in 2014 £xxxxx was spent on casual labour, none in 2015.

At present with Mr Hanson senior working part time there are 2 full time workers and one part time. The SMD work out at approx 2.5, what the present amount is.

The Land

The farm consists of approx 240ac owned land and 120 ac rented, and is good quality being mainly upper grade 3. The enclosures are suited to mixed farming rather than arable, and suit the size of farm machinery used on the holding. The farm tends to be traditionally farmed and the small area of potatoes approx 15 ac is lifted, bagged, and delivered straight from the farm rather than through a merchant.

The Stock

The sheep flock is approx 600 ewes and the objective is to sell approx 1,000 fat lambs a year. The fattening cattle vary between 150 and 200, and are all sold fat.

The arable area is approx 125 ac, 110ac being grain an oilseed rape the remaining 15 ac are in potatoes.

The Need for an Extra House

In my opinion there is no need for another full time worker, part time yes, but not full time, and therefore there is no justification for another dwelling, part of the justification for a full time dwelling being that it there is a need for another full time worker to be living on site and in this case there only being 2.5 labour units required that is not the case.

4.5 Transportation Manager: No response.

5. Representations

5.1 Town Council: no response

5.2 Two letters of support have been received, one from a local resident the other from CLA.

5.3 In addition to the limited information provided with the application at time of submission and subsequent material relating to the farming operation, further information was submitted by the agent prior to the last Planning Committee as identified at 1.4 above. The points raised are as follows:-

1. Mr John Hanson is nearing retirement from a lifetime of farming during which time he and his wife have also fostered children and intend to continue after retirement from the farm.
2. The application is to re-use a former cottage which had been abandoned.
3. The building together with the adjoining cottages form a small group of dwellings known as Parkgate and close the the applicants farm, Lower Wintercott.
4. All the cottages at Park Gate are within the ownership of the applicant.
5. None of the cottages have an agricultural tie
6. The cottage was abandoned due to insufficient funds to repair and bring up to modern habitable standards. It was always the intention to renovate and re-instate for a member of the family.
7. The works were started in 2011 as Mr Hanson did not believe he needed planning permission.
8. Subsequent visits by enforcement officers were made and eventually a temporary stop notice and enforcement notice were served. Mr Hanson was not given the opportunity or advice to make an application before the notices were served.
9. Mr Hanson's previous agent failed to advice of errors during the appeal process and the Planning Inspectorate upheld the enforcement notice the result of which was that the cottage had to be demolished.
10. There then followed a legal debate resulting in this application.
11. It is confirmed that works to restore the cottage did require planning permission
12. The agent refers to a similar proposal that has been granted planning permission
13. The agent claims that there are other alternatives for which her client could have applied which would be compliant with planning policy such as holiday use or re-use of a redundant building.
14. The demolition of the house would mean a complete waste of an affordable dwelling.
15. This is a family run farm providing accommodation for all family members and is run on a more labour intensive method where an additional worker is required on the retirement of Mr John Hanson.

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=173082&search=173082

5.5 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>

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

6. Officer's Appraisal

- 6.1 The site lies in open countryside where policy RA3 of the Core Strategy applies, this refers on to policy RA4 for agricultural workers dwellings. Policy LANP5 of the Leominster Area NDP also applies.
- 6.2 When the appeal was submitted no case was made at that time to suggest the dwelling met any agricultural need. Consequently the Inspector had no need to consider policy RA4.
- 6.3 When determining the deemed application on the enforcement appeal, the Inspector stated:

'The deemed application is to retain the building in its present form. It is the appellant's intention to occupy the building as a dwellinghouse. The main issue therefore is whether the development is acceptable in this location with due regard to the development plan and national policy.

15. In part 4 of the enforcement notice the reasons for issuing the notice include the unsustainable location of the appeal site. Neither of the main parties have provided evidence regarding the sustainability or otherwise of the appeal site.

16. The overarching aim of CS policy RA3 is to locate new development in sustainable locations. This policy is consistent with the Framework insofar as it does not enable development which would compromise the principles of sustainable development. The development does not meet any of the circumstances that are set out in either the policy or the Framework.

17. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 advises that housing should be located where it will enhance or maintain the vitality of rural communities.

18. The economic role of sustainability includes contributing to a strong, responsive and competitive economy. The building of one dwelling would generate some temporary economic benefit during the construction phase. Furthermore, the contribution one dwelling would make to support the services and facilities in key settlements would be minimal.

19. The social role includes supporting a strong, vibrant and healthy community by providing housing required to meet the needs of present and future generations, and creating a high quality environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being. Due to its isolated location it is reasonable to assume that residents would be likely to need to travel by car to access day to day facilities and services which are some distance from the appeal site. Thus, the development would not facilitate sustainable modes of transport. As a result, the development would not meet one of the core principles of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

20. As far as the environmental role is concerned the development would not help to move towards a low carbon economy because it would not help to concentrate development close to infrastructure and services. The Framework is clear that the three roles of sustainability are mutually dependent; they should not be undertaken in isolation. In the overall balance, I am not persuaded that the modest economic benefit of the provision of one additional home demonstrably outweighs the adverse environmental implications of a dwelling in this location.

21. I therefore conclude that the location of this dwelling in the open countryside does not represent a sustainable form of development having regard to the definition of sustainable development as set out in paragraph 7 of the Framework. It is contrary to Policy RA3 of the CS which aims to ensure development is appropriate to the rural area. The appeal on ground (a) and the application for deemed consent fail.'

- 6.4 The only difference between the case during the appeal and the case now is the inclusion of the agricultural occupancy element and the late reliance on the character of the applicant.
- 6.5 Limited information was submitted originally and the agent was advised that additional information was required to give the applicant every opportunity to make his case, this was supplemented by information gathered by the County Land Agent during a meeting with the applicant. His comments are reported above, with confidential elements redacted.
- 6.6 It is clear that there is not an essential functional need for a further dwelling, there are already four dwellings available, the farm justifies 2.5 fte in total, and not all of these for necessarily essential stock welfare, and that as a consequence the application is contrary to policies RA3 and RA4.
- 6.7 Latterly reference has been made to the prospect of selling or letting three of the existing four dwellings on the farm, to non farm workers. Part of the consideration in applications of this nature is to examine the recent history of such transactions, and also the need to impose agricultural occupancy conditions on existing non tied dwellings. The suggestion further demonstrates that a fifth dwelling on the holding is not essential. The fact that the applicant, in the recent letter, chooses not to operate the farm in an optimal manner is a legitimate business decision, but further detracts from his case for an essential agricultural need.
- 6.8 Reference is made to the delay in recognising the breach and then for acting quickly thereafter. As soon as the breach was recognised action was taken swiftly to avoid any further potential abortive work. Prior to the service of any notice, the 'deemed' application is considered, where there is no application. The council cannot be responsible for the advice that is given by agents, nor what is submitted to The Planning Inspectorate in an appeal.
- 6.9 Furthermore the proposal is also contrary to the sustainability requirements of the NPPF. Similarly the proposal is contrary to the Leominster NDP Policy LANP5. This plan has now been sent for examination so can be afforded moderate weight.
- 6.10 The S38 (Planning and Compulsory Purchase Act 2004,) S70 (Town and Country Planning Act 1990) duty is to determine applications in accordance with the development plan unless material considerations dictate otherwise. Development plan policies do not support this proposal. The implication which would follow from the refusal of this application is not a material consideration. There are no other material considerations which would outweigh that duty.
- 6.11 The reference to the character of the applicant being a foster parent over a long period of time and having received the MBE are not material to the determination of this application. They would have been considered a relevant part of the court case had the applicant chosen to continue with the proceedings rather than offer to submit an application prior to commencement on the day of the court case.
- 6.12 Notwithstanding the officer opinion in terms of the essential agricultural need, if members consider that the case has been made, however this is contrary to the evidence above, then it would be appropriate to impose an agricultural occupancy condition not only on this dwelling, but the three other dwellings not already so tied.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. It is considered that the proposal is contrary to policies RA3 and RA4 of the Herefordshire Local Plan and policy LANP5 of the Leominster Neighbourhood Development Plan in that there is no essential agricultural need for the dwelling.
- 2. The location of this dwelling in the open countryside does not represent a sustainable form of development having regard to the definition of sustainable development as set out in paragraph 7 of the National Planning Policy Framework.

INFORMATIVE:

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

Decision:

Notes:

.....

Background Papers

Enforcement Appeal Decision

Site visit made on 15 December 2015

by Elizabeth Jones BSc (Hons) MTCP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2016

Appeal Ref: APP/W1850/C/15/3129349

Land at Park Gate, Ivington, Leominster, Herefordshire HR6 0JX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Hanson against an enforcement notice issued by Herefordshire Council.
- The notice was issued on 27 May 2015.
- The breach of planning control as alleged in the notice is without planning permission unauthorised operational development in the form of rebuilding of a derelict building.
- The requirements of the notice are:
 1. Permanently cease rebuilding of the unauthorised building.
 2. Permanently demolish the unauthorised building and remove all resulting brickwork and waste materials from the site to a registered waste disposal site.
- The period for compliance with the requirements is 90 days.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

1. The enforcement notice refers to Policy H7 of the Herefordshire Unitary Development Plan (Local Plan) together with the National Planning Policy Framework (the Framework). The Local Plan has subsequently been superseded by the Herefordshire Local Plan – Core Strategy (CS). Therefore, the relevant policy is Policy RA3 of the CS.

Site description and background

2. The appeal site lies in open countryside on the south side of the C1106.
3. It is common ground that the building was originally a dwelling which was last occupied in the mid-1950s. The Council maintain that the residential use has been abandoned.
4. At the time of my site visit the building was not occupied.

Appeal on ground (c)

5. For the appeal on ground (c) to succeed the onus of proof is on the appellant to demonstrate that there has been no breach of planning control. The appellant contends that although the property has not been lived in for some time, the use has not been abandoned and it is still a dwelling house, the substantial rebuilding of which does not constitute operational development.

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

6. Section 55 of the Act sets out the meaning of development and section 55 (2) sets out certain operations which do not involve development. Paragraph (2) (a) allows for the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.

7. The appellant stated in 2012 (in response to the Requisition for Information) that the works being carried out were “renovating an existing farm cottage into a house”. The Council contest that “nothing of the main structure of the original building remains apart from a small section of the stone wall at the front of the building. All other stone work, brick work and roof are new”.

8. Case law establishes four criteria to be of relevance in considering whether a use has been abandoned; the period of non-use, physical condition of the land or buildings, whether any other use has occurred and the owner’s intentions.

9. The appellant’s evidence would suggest that whilst there was a cottage on this site for many years, it has not been used as a dwellinghouse for approximately 60 years and over the passage of time has fallen into a state of disrepair. The appellant’s photographic evidence shows the cottage in an advanced stage of dereliction. The main body of the cottage had no roof, parts of its walls were missing and extensive vegetation was growing on and within its remains. I therefore consider that due to its physical condition the cottage was not capable of being a lived in as a dwelling house. The submissions indicate that there has not been any other use.

10. Whilst it was the appellant’s intention to “repair and improve the dwelling once the funds became available”, there is no evidence before me to show that the appellant or anyone else previous undertook any works to preserve the remains of the cottage or to prevent its deterioration. The absence of any such action does not indicate an intention to retain residential use in due course.

11. Based on the available evidence, on the balance of probabilities I consider that the residential use of the cottage was abandoned before the present works commenced.

12. In any event, the substantial rebuilding of the walls, new internal block work, the addition of a completely new roof and a rear extension goes well beyond what might be regarded as the carrying out for the maintenance, improvement or other alteration of a building (s55(2)(a)). Only part of the building remained and the operational development carried out is tantamount to a new building. Consequently, I consider that the building works constitute development as defined in s55.

13. From all I have seen and read, I agree with the Council, that the building was not a dwellinghouse at the time the work was being undertaken. The works have gone beyond repair and renovation and have amounted to building operations for which planning permission is required. Planning permission has not been granted. Thus, there has been a breach of planning control and the appeal on ground (c) therefore fails.

Appeal on ground (a) and the deemed planning application

14. The deemed application is to retain the building in its present form. It is the appellant’s intention to occupy the building as a dwellinghouse. The main issue therefore is whether the development is acceptable in this location with due regard to the development plan and national policy.

15. In part 4 of the enforcement notice the reasons for issuing the notice include the unsustainable location of the appeal site. Neither of the main parties have provided evidence regarding the sustainability or otherwise of the appeal site.

16. The overarching aim of CS policy RA3 is to locate new development in sustainable locations. This policy is consistent with the Framework insofar as it does not enable development which would

compromise the principles of sustainable development. The development does not meet any of the circumstances that are set out in either the policy or the Framework.

17. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 advises that housing should be located where it will enhance or maintain the vitality of rural communities.

18. The economic role of sustainability includes contributing to a strong, responsive and competitive economy. The building of one dwelling would generate some temporary economic benefit during the construction phase. Furthermore, the contribution one dwelling would make to support the services and facilities in key settlements would be minimal.

19. The social role includes supporting a strong, vibrant and healthy community by providing housing required to meet the needs of present and future generations, and creating a high quality environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being. Due to its isolated location it is reasonable to assume that residents would be likely to need to travel by car to access day to day facilities and services which are some distance from the appeal site. Thus, the development would not facilitate sustainable modes of transport. As a result, the development would not meet one of the core principles of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

20. As far as the environmental role is concerned the development would not help to move towards a low carbon economy because it would not help to concentrate development close to infrastructure and services. The Framework is clear that the three roles of sustainability are mutually dependent; they should not be undertaken in isolation. In the overall balance, I am not persuaded that the modest economic benefit of the provision of one additional home demonstrably outweighs the adverse environmental implications of a dwelling in this location.

21. I therefore conclude that the location of this dwelling in the open countryside does not represent a sustainable form of development having regard to the definition of sustainable development as set out in paragraph 7 of the Framework. It is contrary to Policy RA3 of the CS which aims to ensure development is appropriate to the rural area. The appeal on ground (a) and the application for deemed consent fail.

Appeal on ground (f)

22. Section 173(4) (a) of the Act provides that the purpose of an enforcement notice can be to remedy the breach of planning control which has occurred by restoring the land to its condition before the breach took place.

23. The appellant contends that the steps to remedy the breach which require the demolition of the entire building are excessive and that the building could be returned to its original size.

24. The alleged breach of planning control is the rebuilding of a derelict building. The enforcement notice is not therefore directed at any demolition works that may have been carried out to facilitate those rebuilding works. It is not therefore necessary for the requirements of the notice to require any works to be carried out, other than the demolition of all of the new building, to remedy the breach.

25. The appellant has provided limited evidence regarding how much of the derelict building still remains. The Council argue that apart from a small section of the stone wall at the front of the building, this is completely a new dwelling. Accordingly, by requiring the demolition of those building operations carried out, the requirements of the notice would remedy the alleged breach of planning control. Insufficient evidence is available to demonstrate accurately what, if any, of the derelict building, still remains. Accordingly an alternative requirement could not be drafted with any necessary precision. In any event, in so far as any remains, it has been subsumed into the new building.

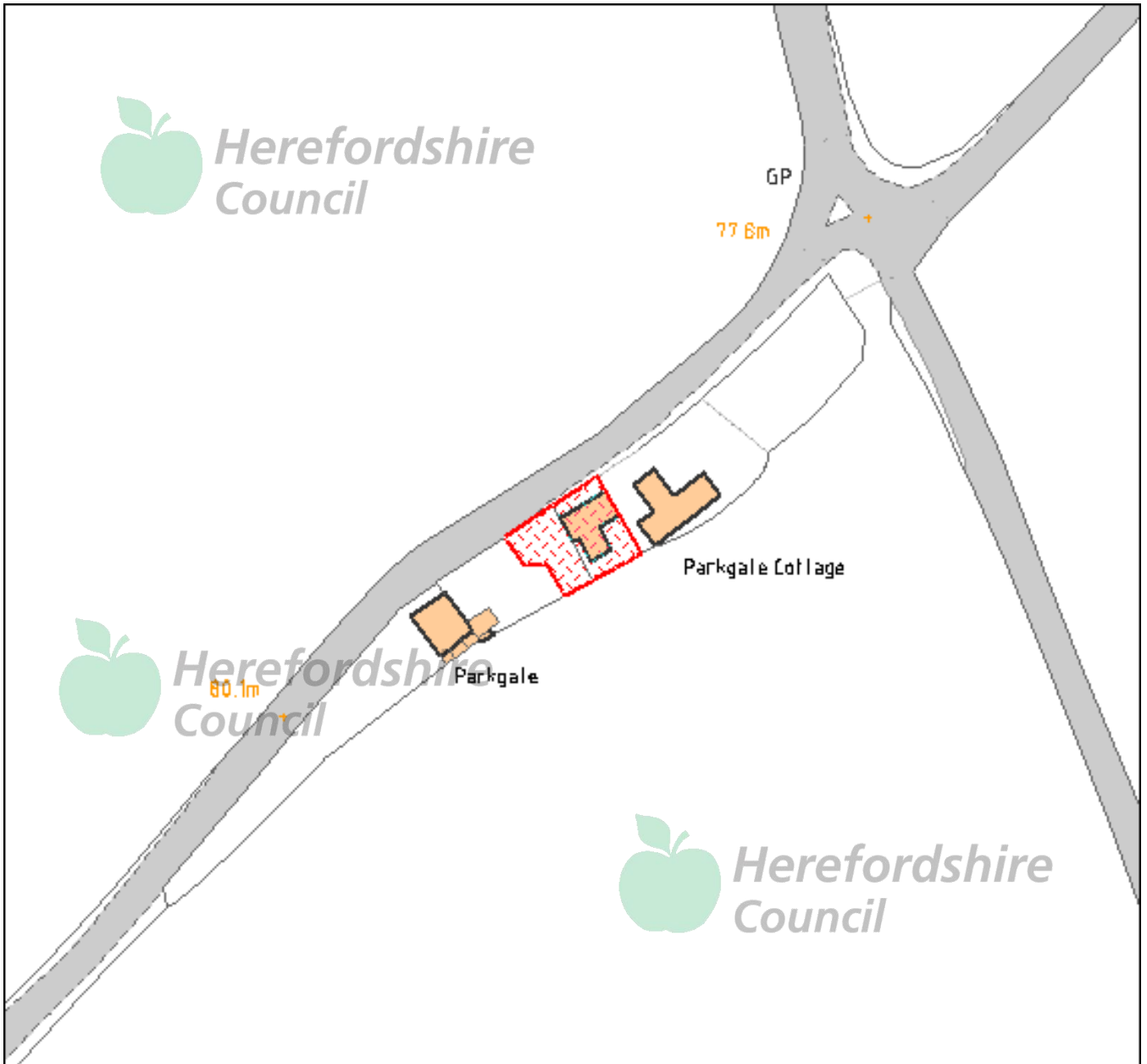
26. For the reasons above, I conclude that no lesser steps would remedy the breach of planning control that has occurred. The appeal on ground (f) therefore fails.

Decision

27. It is directed that the appeal is dismissed and the enforcement notice is upheld.

Elizabeth Jones
INSPECTOR

Internal departmental consultation replies.



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

APPLICATION NO: 173082

SITE ADDRESS : LAND AT PARKGATE, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

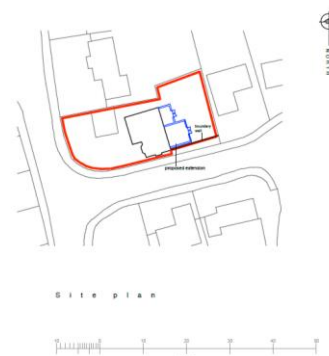
MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 FEBRUARY 2018
TITLE OF REPORT:	174332 - PROPOSED EXTENSION AND ENLARGEMENT OF EXISTING SUN ROOM AT 1 ARROWSMITH AVENUE, BARTESTREE, HEREFORD, HR1 4DW For: Mr Ponnambalam per Mr Tom Margrett, Old Field Barn, Green Farm, Hope Mansell, Ross-On-Wye, Herefordshire HR9 5TJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174332&search=174332
Reason Application submitted to Committee – Redirection	

Date Received: 20 November 2017 Ward: Hagley Grid Ref: 356134,241366

Expiry Date: 22 February 2018
Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 1 Arrowsmith Avenue comprises a modern two storey detached property that occupies a corner plot at the junction of Wilcroft Park and Arrowsmith Avenue, in the village of Bartestree.
- 1.2 The application seeks permission for the erection of a two storey extension and the enlargement of the existing sun room.
- 1.3 Since the application’s original submission, and in response to comments received from third parties, the plans have been amended to alter the previous red line boundary of the site.



Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- LD1 - Landscape and Townscape
- 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/info/200185/local_plan

2.2 National Planning Policy Framework (NPPF)

- Introduction - Achieving Sustainable Development
- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment

2.3 The Bartestree with Lugwardine Group Neighbourhood Development Plan (NDP).

The Bartestree with Lugwardine Group Neighbourhood Development Plan was made in December 2016 and therefore forms part of the Development Plan and is accorded full weight in the determination of applications.

Policy BL2 - Extensions to Properties.

https://www.herefordshire.gov.uk/downloads/file/3207/neighbourhood_development_plan_adopted

3. Planning History

3.1 P172385/FH - Proposed extension and enlargement of existing sun room. Withdrawn 22 August 2017.

3.2 This previous application is similar to the one that is now submitted; however the size of the two storey extension has been reduced.

3.3 P131287/FH - Erection of porch (retrospective) Approved 26 June 2013.

4. Consultation Summary

Statutory Consultations

4.1 Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED
We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation

Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 62 of the Habitats Regulations 2017, as amended.

Natural England's advice on other natural environment issues is set out below.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 in of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Internal Council Consultations

4.2 Conservation Manager (Ecologist) (First Consultation Response)

I can see no changes to foul or surface water so no impacts on River Lugg/Wye SAC/SSSI and I can see no other ecological comments.

4.3 Conservation Manager (Ecologist) (Second Consultation Response)

I note Natural England's standard response supplied. To expand on my original comments:

There is no additional Foul Water generated by the proposed development so there are no issues or Conditions required as regards Core Strategy Policy SD4. The potentially small increase in surface water that may be generated is not an ecology issue and will be managed through existing on site soakaway system or through connection to the mains sewer system - if this is already occurring and so a historically permitted right for this property managed by the relevant Statutory Body - Welsh Water (as may well be the case given the age of the development). I would interpret this as being acceptable under Policy SD3 of the Core Strategy. Based on this information it is evidenced that there would be NO additional unmitigated 'Likely Significant Effects' on the River Lugg/Wye SAC &SSSI.

Any issues as regards to locations of existing drains etc. on site in relation to the extension is to my understanding a Building Regulations issue and not part of the planning process or an ecology consideration.

5. Representations

5.1 Bartestree with Lugwardine Group Parish Council (First Consultation Response)

Following the meeting of the parish council, they would like the following comments to be noted with respect to application 174332.

2 members of the public attended to voice their objections to this application.

The parish council would like to "object" to the application. Please see the following points:

Whilst the application has been scaled down slightly from the original it was considered that the proposed extension was excessive and would have a negative impact on neighbouring properties particularly no'2 and 25.

The addition of dormer windows was not considered helpful in that they overlook the garden and ensuite toilet of No2.

NDP Reference BL2 (1) & (3)

Whilst not a material consideration the parish council would also like it noted that the owners of No2 claim to own the boundary wall alongside the road and also alongside part of the garden of No1 Arrowsmith. There is no reference to this in the application

5.2 Bartestree with Lugwardine Group Parish Council (Second Consultation Response)

The parish council continue to object to this application as the amendment is minimal. It will have an overbearing impact on 2 Arrowsmith Avenue and contravenes NDP Ref: BL2 (iii)

5.3 8 letters of objection from five households have been received in response to the first public consultation process.

5.4 5 letters of objection from four households have been received in response to the second public consultation process for the amended plans. In summary the points raised within both consultations are as follows:

- The proposed building is out of character with other homes around;
- Loss of light to 25 Arrowsmith Avenue, would be looking at a brick wall, which would cause occupants to be even more isolated in a mental and physical sense;
- Although extension size is smaller than the previous application, it is still out of scale and inappropriate for roads such as this, already with close housing and few gaps;
- New development would seem dominating and out of keeping with existing houses;
- Proposed development would be over 80% larger than the original house without the sun room;
- Impression from Arrowsmith Avenue would still be that the house has doubled in size which would have an overbearing effect on neighbouring properties;
- Substantial, inappropriate development & unnecessary development;
- Loss of light to house and garden at 2 Arrowsmith Avenue that such a huge two storey extension would surely cause;
- Proposed site location plan & site plan does not accurately represent the boundary between No1 & No2 Arrowsmith Avenue;
- Proposed extension will meet the boundary, according to plans the proposed new build will partially replace the existing boundary wall;
- No 2 Arrowsmith Avenue incorporates strip of land along the roadside which is not marked on the 'planning application site plan';
- Permission has not been sought to cross, dig up or place footing on land outside applicants ownership, concerns raised that any construction or alterations to neighbours land will be unlawful and may impact further sale of the property;
- How the footing for a substantial two storey extension will be dug and placed without affecting the existing boundary wall;
- Owner of 2 Arrowsmith Avenue owns all of the boundary walls and fences to No 2 Arrowsmith avenue, does not wish for the boundary wall to be altered in any way, seeks assurance the boundary walls will remain in situ if planning is granted;
- Recent alterations to No1 Arrowsmith Avenue have significantly changed the appearance of the property and entrance to the estate, alterations are not in keeping with the neighbouring properties. Adding a two storey extension to the property would significantly change the appearance of the established residential area;

Further information on the subject of this report is available from Abigail Molyneux on 01432 260246

- The proposed description is misleading, plan is for a two storey extension not a bigger conservatory;
- The proposed plans do not show a gap between the structure and boundary wall, this can only mean the removal of part of that wall to facilitate the new build and more removal than just the amount needed to extend, as access to work and footings would be required;
- Concerns about building disruption and noise, increase and heavier traffic during such works with scaffolding and the necessary safety zones rendering the pavement adjacent to those works out of bound. This will have an effect on residents access through this area and will be a major concern for those walking with children to and from school;
- The proposal will bring a larger No1 considerably closer to No2. Therefore light to No2 will be severely affected especially in the winter months;
- Concerns regarding drainage, the proposed building works are probably on top of the existing drains and potential exists for many problems;
- Proposal still seems unreasonable and without any thought of the impact its size will have on the overbearing visual impact, brings concerns of proximity, privacy, loss of light and increased noise;
- Extension would negatively affect all residents of Arrowsmith Avenue and Barber Close, given the prominent position of this house;
- Disruption caused during the build phase;
- Whilst the overall development has been reduced, it states that the materials to be used are bricks and tile so how does this create a sun room?, development not in keeping with surrounding houses;
- Wording of the description is misleading, proposed extension is disproportionate to the existing house;
- Whilst it is good the amended plans show the actual boundaries between No1 & No2 Arrowsmith Avenue, very little else has changed; no reassurance from the latest application that the work proposed will not affect boundary land wall;
- Very minor changes to the original plan;
- Enormity and visual impact of this two storey overbearing extension proposal still raises concerns;
- New build will compromise many existing features currently enjoyed, impacting severely on both daylight and privacy;
- Visual impact will be heavy and dominating, with respect to surrounding properties;
- Overbear the surrounding properties especially Nos 2 and 25.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174332&search=174332

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

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

6. Officer's Appraisal

- 6.1 The application seeks permission to allow for a two storey extension and the enlargement of the existing sun room to the rear of 1 Arrowsmith Avenue. The enlargement of the sun room will see the length of the existing sun room increased by approximately 1 metre further from the rear wall than currently exists. The northern part of the two storey extension will project from the rear wall by approximately 2.7 metres.
- 6.2 The main considerations identified in this case are the affect the proposal may have upon nearby neighbouring properties and also the design of the proposed development.

Amenity

- 6.3 A number of the objections received raise concerns that the proposal will have an adverse impact due to loss of light and privacy upon nearby neighbouring properties namely number 2 and 25 Arrowsmith Avenue.
- 6.4 Policy SD1 of the Core Strategy and the NPPF require that development delivers good standards of amenity for existing and future occupiers.
- 6.5 Policy BL2 of the NDP states that extensions will be supported provided the extension will not result in significant adverse impact on the amenity of neighbouring properties.
- 6.6 When looking at the potential adverse impact from a loss of light upon No25 Arrowsmith Avenue, the proposed extension will be sited approximately 10m from the property. There is a high boundary wall and a road located between No25 and the proposed extension. I consider that due to the siting and design of the proposed extension there will be no adverse impact upon the levels of light No25 receives as a consequence of allowing the development to proceed.
- 6.7 The occupiers of No25 also state that the proposed extension will impact their view, whilst this is not a planning consideration, I consider that the proposal due to the siting and distance from No25 will not have an adverse impact upon the outlook from this property.
- 6.8 The proposal does not seek to include any additional windows within the southern elevation of the property and as such it is considered the proposal will not have an adverse impact upon privacy for the occupiers of No25 Arrowsmith Avenue.
- 6.9 The proposed extension does seek to include three dormer windows and it is acknowledged that these will be sited closer to No2 Arrowsmith Avenue than existing. No2 Arrowsmith Avenue is to the east of the site and is set further back from the roadside than the application. The proposed extension will overlook the front aspect of the No2 and also look upon the western side of No2.
- 6.10 The western elevation of No2 Arrowsmith Avenue contains one small window at first floor level. When measuring the distances between No2 and the proposed extension, the larger part of the extension will be approximately 5m from the boundary of the site, however this part of the development will overlook the front aspect of No2. The smaller part of the extension will be approximately 8m from No2 and will face the western side of the property. By reason of the distances; the orientation of the properties and the number of windows on the western elevation of No2, it is considered the proposal will not have an adverse impact upon the neighbour's privacy or the level of light that they currently receive. The level of overlooking into No2 Arrowsmith Avenue's rear garden will be negligible due to the siting and orientation of the properties.
- 6.11 When looking at the potential impact the proposal may have upon No20a Wilcroft which is located to the north of the site, the site sits further back from Wilcroft Park Road than No20a and so there is a concern that the proposal could have an adverse impact upon privacy levels due to the level of overlooking that will be caused into the neighbour's garden.
- 6.12 Whilst there was already a window on the eastern elevation, the proposal will result in the windows projecting further forward than existing. However the two windows proposed are shown to serve bathrooms, and so to reduce the level of impact upon privacy levels it is considered reasonable to condition these windows so that they will be obscured glazed.

- 6.13 A window is also proposed on the northern elevation at ground level, however due to the existing boundary fences, it is considered the inclusion of this window will not have an adverse impact upon privacy levels for the neighbouring property.
- 6.14 It is considered that the proposal will not have a significant detrimental impact upon the amount of light received within the neighbouring properties gardens. New housing developments such as this one, are already built in such a way that there is a degree of overlooking, it is considered the proposed siting and orientation of proposed extension will not cause such an unacceptable level of impact in terms of overlooking or overshadowing to consider the proposal unacceptable. As such it is considered the proposal complies with Policy SD1 of the Core Strategy and BL2 of the NDP.

Design and Townscape

- 6.15 Chapter 7 of the NPPF states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.16 Policy LD1 seeks to see proposals that will conserve and enhance the landscape and townscape.
- 6.17 Policy BL2 of the NDP also states that extension to properties will be supported provided the overall design, size, appearance scale, height and mass remain subservient to the main dwelling. The policy also states that the external facing materials should match or complement the materials in the host dwelling.
- 6.18 When considering the amount of built development as a result of the proposals there will be an increase to the current footprint of the built development, but it is not considered to be at a scale that would be unacceptable or constitute over development.
- 6.19 The proposal relies on its position of being located at the rear of the property and so if viewing from directly in front of the property the extension will not compete with the existing property, and as such it is considered the proposal will not have an adverse impact upon the surrounding townscape when viewing Arrowsmith Avenue from the junction from Wilcroft Park.
- 6.20 However the proposed extension will be seen from the side and rear by the occupants of these properties. A catslide roof is proposed which allows for the roof to continue down below the main eaves height. This type of roof design allows a greater depth of building without increasing the ridge height. The design also replaces the existing windows on the western elevation with three dormers.



- 6.21 The proposed site does benefit from a high boundary wall which will minimise the amount of the development that will be seen from within the surrounding townscape.
- 6.22 Whilst a number of the objections received state that the proposed design of the extension is not in keeping with the surrounding properties and so will have an adverse impact upon the character of the area, catslide roofs have been used on the majority of the houses built within Arrowsmith Avenue. Whilst the catslide roof has been used primarily to the side of the properties within the area, the use of a catslide roof to the rear of the property shows that the development has been designed to respect and resemble the character of the area and as such the proposal will not have an adverse impact upon the surrounding townscape or character of the area.
- 6.23 The proposed extension will be subservient to the existing property, the development proposes to use materials that will match the host dwelling and so will be in keeping with the existing dwelling and also the surrounding built environment. It is considered the proposed extension will not have an adverse impact upon the surrounding landscape and as such the proposal complies with Policy LD1 of the Core Strategy and BL2 of the NDP.

Other Matters

- 6.24 A number of the objections received raise concerns over the disruption that the building of the proposed extension will cause, along with noise and traffic issues that will arise if the extension is permitted. This is not a material planning consideration when assessing the proposal, however due to the site being located within a residential area a condition is proposed to limit the times when building work can be carried out to help minimise the impact the building of the extension would have on neighbouring properties.
- 6.25 Objections have also been raised regarding the potential for the applicant to remove the boundary wall that is not in the applicant's ownership. This is not a material planning consideration, however the red line boundary was amended to remove the boundary wall from within the application boundary. The application does not seek to remove any boundaries from around the application site to allow the development to proceed. The matter raised is a civil issue and would need to be resolved between the owners of the boundary wall and applicants if any work was to be undertaken to the boundaries of the site.

- 6.26 On balance, the proposal is acceptable and complies with national and local planning policy and will be in keeping with the surrounding properties. It is considered the proposal will not cause an adverse impact upon the surrounding environment or neighbouring amenity and so accords with LD1 and SD1 of the Core Strategy, Policy BL2 of the NDP and NPPF guidance.
- 6.27 The proposal complies with the adopted Development Plan and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **C02 Matching external materials (extension)**
- 4. **F17 Obscure glazing to windows**
- 5. **I16 Restriction of hours during construction**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.**

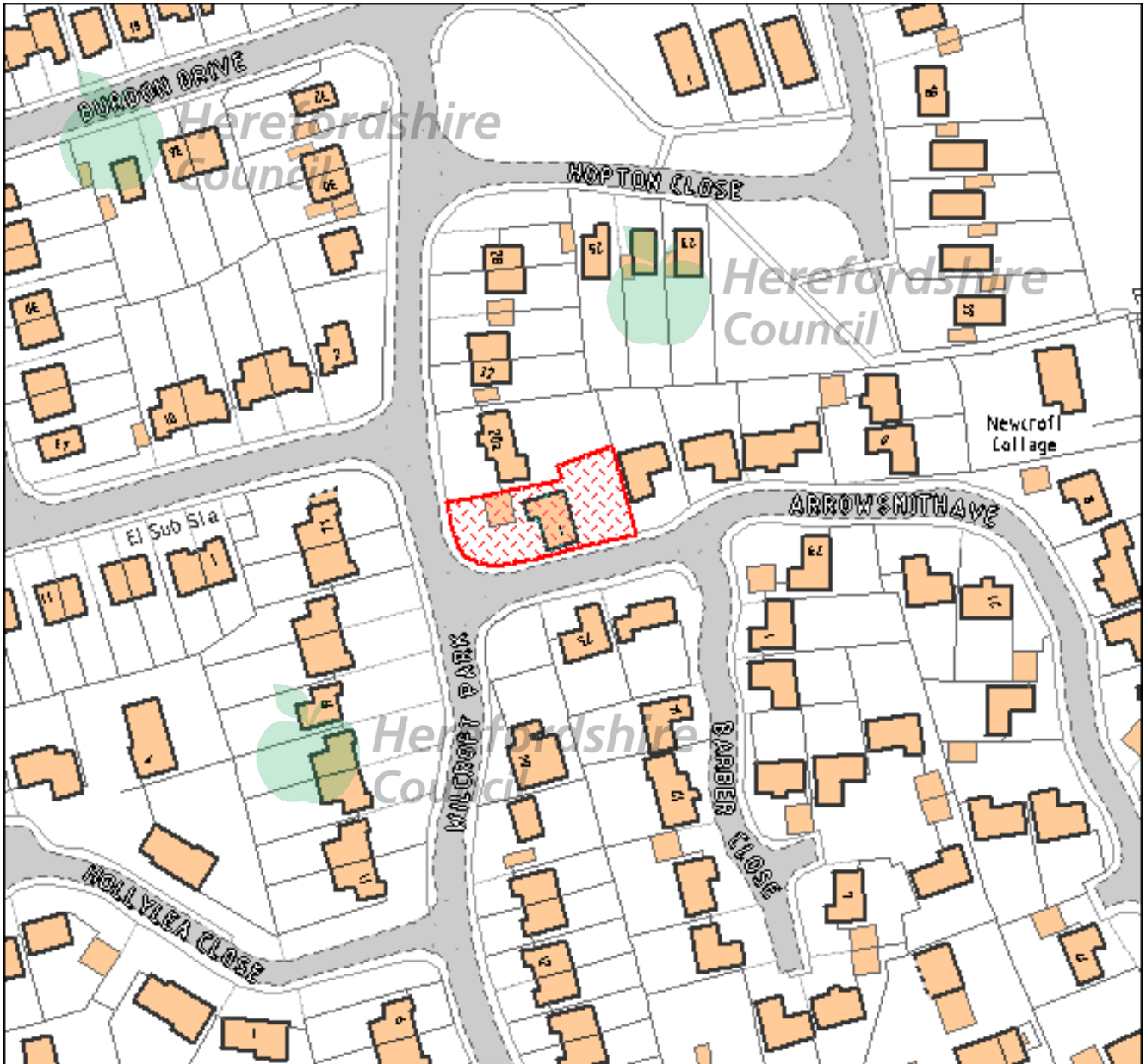
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 174332

SITE ADDRESS : 1 ARROWSMITH AVENUE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

