

# Agenda

## Planning and regulatory committee

Date: **Wednesday 11 April 2018**

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Time: **10.00 am**

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

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

For any further information please contact:

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

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

## **Membership**

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

## Agenda

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meetings held on 14 March 2018.</p>	9 - 40
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>173224 - LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE</b></p> <p>Proposed erection of eight residential dwellings (c3) along with associated garages, parking, roads, highways access and associated infrastructure.</p>	41 - 58
7.	<p><b>180077 - 1 HIGHFIELD CLOSE, KINGSLAND, HEREFORDSHIRE</b></p> <p>Proposed demolition of existing dwelling and erection of a replacement dwelling.</p>	59 - 72
8.	<p><b>180557 - WYNYATS, CHASE ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JH</b></p> <p>Demolition of existing shed &amp; kitchen area. new single storey kitchen and dining area. new stair access and bedroom/en suite formed in roof space.</p>	73 - 78
9.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 24 April 2018</p> <p>Date of next meeting – 25 April 2018</p>	



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

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

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

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

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## Guide to Planning and Regulatory Committee

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

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



**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 14 March 2018 at 10.00 am**

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

**Councillors:** BA Baker, PJ Edwards, EL Holton, TM James, AW Johnson, JLV Kenyon, MD Lloyd-Hayes, FM Norman, AJW Powers, NE Shaw, EJ Swinglehurst and SD Williams

**145. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, DW Greenow, KS Guthrie, A Seldon and WC Skelton.

**146. NAMED SUBSTITUTES**

Councillor AW Johnson substituted for Councillor CR Butler, Councillor MD Lloyd Hayes for Councillor A Seldon, Councillor NE Shaw for Councillor KS Guthrie and Councillor SD Williams for Councillor WC Skelton.

**147. DECLARATIONS OF INTEREST**

None.

**148. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 21 February 2018 be approved as a correct record and signed by the Chairman.

**149. CHAIRMAN'S ANNOUNCEMENTS**

None.

**150. APPEALS**

The Planning Committee noted the report.

**151. 150659 - LAND AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE**

*(Demolition of all existing buildings and hard standings, remediation of the site, including reinstatement or landscaping of the former canal and development of up to 120 homes, landscaping, public open space, new vehicle and pedestrian access and associated works.)*

The Acting Development Manager (ADM) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He highlighted that the update contained a response recently received from the Herefordshire & Gloucestershire Canal Trust. This replaced the Trust's objection made in 2016 as set out at paragraph 5.4 of the published report. The updated response stated, amongst other things, that the Trust could only concur with the District Valuer and could only support the developer's current position with regard to the canal.

In accordance with the criteria for public speaking, Mr S Kerry, Clerk to Hereford City Council spoke noting the Canal Trust had now indicated its agreement with the proposal which changed the City Council's response, which had been one of objection, to some degree. However, there should be no further concessions to the developer. Mr A Fieldman, the applicant's agent, spoke in support of the application.

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

- There was concern that significant concessions appeared to be being made to the developer with no benefit to the community. The scheme no longer provided any affordable housing. There were no other S106 contributions to be made and the works on the canal were being limited to preparing the canal for future restoration. It was noted that the canal route would be safeguarded and capped to a depth of 2ft.
- The ADM commented that the District Valuer did not include in his appraisal the cost the developer paid for the land at the time of purchase, but assessed the value of the land at current prices. He also commented that whilst the planning permission had included a clawback provision that would have taken effect if the costs of development had proved to be less than estimated, and this could be revisited, the estimated development costs were now such that it was highly unlikely that such a provision would be relevant.
- It was suggested that the housing mix would be important to ensure smaller units were provided to meet housing needs. It was also requested that smaller units should be of high quality with affordable running costs.
- There was a wider issue in that government grants for the remediation of brownfield land had been withdrawn and it was suggested local MPs should be made aware of the importance of government providing financial assistance if the development of brownfield land was to be achieved.
- The site was an eyesore and needed to be developed.
- It was important to safeguard the route of the canal in accordance with the Core Strategy. The restoration of the canal would bring considerable benefits to the City and the County.
- Reference was made to the Canal Trust's statement in its submission, included in the committee update, that a 'non objection' clause on the retained land was required. The ADM clarified that this would be addressed through a legal agreement between the canal trust and the developer as such an agreement was in their mutual interest.

The Chairman agreed to explore a request that information be provided to members on how the District Valuer made his viability assessments, noting what appeared to be a growing number of instances in which developers were claiming that sites had become unviable to develop and the implications this had for the provision of affordable housing.

The ADM commented that the Committee's decision in 2016 had prioritised development of the canal over the provision of affordable housing. The District Valuer had

independently assessed the viability of the site leading to the proposal before the Committee. The Canal Trust had withdrawn its objection to the proposal accepting that assessment of the site's viability. The route of the canal was safeguarded. If the application were to be refused it was likely that the site, a contaminated brownfield site with buildings on it that needed to be demolished, would remain derelict for some time, losing an opportunity to provide 120 homes. He did not consider that there would be grounds to support a refusal of the application if an appeal were to be made.

Councillor Edwards proposed and Councillor Swinglehurst seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, 2 against and no abstentions.

**RESOLVED: That subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation requiring the safeguarding of the route of the Canal and transfer of the Canal Land (at nil consideration), officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers.**

1. **A02 Time Limit for Submission of Reserved Matters (Outline Permission)**
2. **A03 Time Limit for Commencement (Outline Permission)**
3. **A04 Approval of Reserved Matters**
4. **A05 Plans and Particulars of Reserved Matters**
5. **B03 Amended Plans**
6. **H06 Vehicular Access Construction**
7. **H17 Junction Improvement/Off site Works**
8. **H19 On Site Roads - Phasing**
9. **H20 Road Completion in 2 Years**
10. **H21 Wheel Washing**
11. **H27 Parking for Site Operatives**
12. **H29 Secure Covered Cycle Parking Provision**
13. **H31 Outline Travel Plan**
14. **G19 Details of Play Equipment**
15. **G10 Landscaping Scheme**
16. **G11 Landscaping Scheme - Implementation**
17. **G14 Landscape Management Plan**
18. **L01 Foul/Surface Water Drainage**
19. **L02 No Surface Water to Connect to Public System**

20. **L03 No Drainage Run-Off to Public System**
21. **L04 Comprehensive & Integrated Draining of Site**
22. **The recommendations for species mitigations set out in Section 5 of the ecologist's reports from Ecology Services dated November 2015 and habitat enhancements set out within Section 5 of the ecologist's reports from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species present and habitat enhancement plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

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

23. **Development shall not commence until a scheme to safeguard the residential units hereby permitted from road traffic, railway and industrial noise has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of any dwellings and shall thereafter be retained.**

**Reason: To protect the amenities of the residential units hereby approved so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the NPPF.**

24. **Prior to the commencement of development, details of a scheme for acoustic attenuation of noise from the extract fans at Cavanaghs shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the residential units hereby permitted and any works or attenuation measures shall thereafter be retained.**

**Reason: To protect the amenities of the residential units hereby approved so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the NPPF.**

25. **No 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. 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

26. The Remediation Scheme, as approved pursuant to condition no. 25 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

27. 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

28. M17 Water Efficiency – Residential

29. Non-standard – Housing Mix

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N02 Section 106 Obligation
3. HN01 Mud on Highway
4. HN04 Private Apparatus within Highway
5. HN05 Works within the Highway
6. HN07 Section 278 Agreement

7. **HN08 Section 38 Agreement & Drainage Details**
8. **HN10 No Drainage to Discharge to Highway**
9. **HN21 Extraordinary Maintenance**

*(The meeting adjourned between 11.00 – 11.10 am)*

**152. 172019 - LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE**

*(Variation of condition 19 (p140285/0 76 dwellings and a business centre) amend to: the b1 commercial unit and its associated infrastructure as shown on approved plan 0609-11/d/3.01 shall be constructed and capable of occupation for employment purposes prior to the final occupation of 35 no. Dwellings.)*

*(Councillor Shaw fulfilled the role of local ward member and accordingly had no vote on this application.)*

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

In accordance with the criteria for public speaking, Mrs G Churchill, of Bromyard and Winslow Town Council spoke in opposition to the Scheme.

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

He made the following principal comments:

- It would be reasonable to expect the developer to have agreed arrangements they considered reasonable prior to signing contracts and beginning works, in particular given the hybrid nature of the scheme and the fact that the associated economic development was a key part of granting permission.
- There was a pattern of developers asking planning committees to relax the terms of agreements they had freely entered into subsequent to commencing development. This raised a question mark over the value of any such agreement made by a developer.
- It was unclear why the developer was seeking a variation to condition 19 which they had freely accepted.
- The developer needed to bring pressure to bear on its development partner.

The Chairman reported that Councillor Seldon, an adjoining ward member had submitted a statement. In summary this referred to how contentious applications on the site had been and whether the request to vary the condition was reasonable.

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

- The PPO commented:

- The planning permission only required the first of the six business units to be constructed and capable of occupation for employment purposes prior to the first occupation of any dwellings. One had been commenced but not completed.
  - The two elements of the site were now in separate ownership. He considered the housing developer, who had not been involved at the time of the original application, was doing all it could to seek to encourage the landowner who had retained the business unit element to deliver it.
  - If the application were to be refused the developer, with a partially built housing development on its hands, could either proceed and breach the condition leaving the council to decide whether enforcement action was expedient, or they could mothball the site until the business unit was constructed.
  - There had not been much housing and in particular affordable housing delivered in Bromyard for some time. Refusal would mean completed houses standing empty.
- The condition only required the business units to be capable of occupation, not actually in operation. There was a view that the unit that was under development could be completed.
  - As the two elements had passed into separate ownership it was not clear how the condition could be practical.
  - It was regrettable that the wishes of the Town Council to see the linkage between the construction of the business units and the housing development maintained were being undermined.
  - The council had sought to prioritise the co-location of housing and employment. In principle the development should have met that aim but in practice it appeared that it would not. That was unfortunate.
  - It was to be regretted that the Town Council had decided not to produce a Neighbourhood Plan.

The Acting Development Manager commented he could not countenance the prospect of housing, including affordable housing, standing empty. The proposal to vary the condition was reasonable. Whether the housing developer had erred in not foreseeing this issue and addressing it through a legal agreement at the outset was not relevant to the Committee's consideration.

The local ward member was given the opportunity to close the debate. He considered that the application should be refused and the housing developer should be required to comply with the condition. There appeared to be nothing to prevent a similar request to permit further development in advance of construction of the business unit coming forward.

Councillor Lloyd Hayes proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and 1 abstention.

**RESOLVED: That subject to the completion of a Deed of Variation to the Section 106 Town & Country Planning Act 1990 obligation agreement, 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 by officers named in the scheme of delegation to officers:**

1. **The permission hereby granted is an amendment to planning permission 140285/O dated 18 August 2014 and, otherwise than is altered by this**

permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.

**Reason: For the avoidance of doubt and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

2. The B1 commercial unit and its associated infrastructure as shown on approved plan 0609\_11/d/3.01 shall be constructed and capable of occupation for employment purposes prior to the occupation of 35no.dwellings.

**Reason: To ensure that the employment use hereby permitted is brought into use and to secure a mixed form of sustainable development in accordance with Policy SS1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **INFORMATIVES:**

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

#### **153. 174466 - 8 COTTERELL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HQ**

*(Proposed residential development to provide 4 no flats.)*

*(Councillor Powers fulfilled the role of local ward member and accordingly had no vote on this application.)*

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

In accordance with the criteria for public speaking, Mr C Powell, an officer of Hereford City Council, spoke in opposition to the Scheme.

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

He made the following principal comments:

- There was no local objection to the principle of development and change of use to residential. There was an extant permission for a development of 2 semi-detached dwellings with off-street parking. That represented suitable development in contrast to the application for four flats with no off-street parking.
- There were objections by the City Council and local residents to the new application and an in principle objection from the Transportation Manager.
- The site was big enough to allow for off-street parking for the new application as it had for the earlier application.
- The existing parking problems were an impediment to emergency vehicles and refuse vehicles.



- The proposal would add to highway safety problems and have an adverse effect on the amenity of residents.
- The location was sustainable in that there was good access to the City by means other than a car residents of the new dwellings may well still own cars.
- The proposal was contrary to policy MT1 bullet point one as set out at paragraph 6.11 of the report.
- It could not be assumed, as at paragraph 6.16 of the report, that the likely occupants of the properties would allow for significantly lower levels of off street parking provision as provided for by the car parking standards in the Council's Highways Design Guide for New Developments as referred to at paragraph 6.15 of the report.
- The benefit of 2 additional housing units was outweighed by the adverse amenity impact and highway safety issues.
- There was just as much need for small 2 bed properties as for single bed flats.
- It was contrary to the principle in Paragraph 17 of the National Planning Policy Framework in that the proposal did not meet the required standard in terms of overall design or secure a good standard of amenity for residents.
- The application would encourage further conversions of single dwellings in the area into multiple occupancy, a process that had already resulted in a cumulative loss of amenity for neighbours.

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

- The proposal would meet a housing need and represented good use of a brownfield site.
- A number of concerns were expressed about parking provision. There was an extant permission for two dwellings with off-street parking. It was considered that the site could accommodate off street parking for the new proposal. Instead the proposal would lead to anti-social parking issues and issues of highway safety with an adverse impact on the amenity of existing residents.

A question was raised as to whether the parking issue was sufficient to outweigh the other issues to be considered in the planning balance.

- There was concern about the ability of emergency vehicles and other larger vehicles to gain access.
- It was suggested that the proposal represented overdevelopment and was out of character with the area.
- The principle of providing housing without car-parking relied upon pleasant alternative means of accessing facilities. These pleasant means were not present in this case.
- The provision of 2 additional units did not outweigh the adverse impact on the amenity of existing residents.

In reply to a question, the Acting Development Manager commented that a planning inspector would have to have regard to a number of factors in the event of an appeal against refusal of the application including the fact that the site had permission for use as a plumbers yard with B1 use that could move to B8 without planning permission. If this use recommenced this would generate vehicular movements and this had caused issues in the past. In addition, the extant permission would remove two off street parking places. Also, census data indicated that 27.3% of houses in the area did not have access to a car. The data was not broken down to indicate ownership by type of property but it seemed reasonable to assume that car ownership of occupants of 1 bed

apartments, as proposed, would be lower. He was therefore concerned as to the strength of a case for refusal.

The SPO commented that the extant permission had been obtained by a former owner of the site and was nearly 3 years old. The new owner did not consider that proposal to be viable and had therefore submitted the new application. The extant permission would have involved the loss of 2 of the four on street parking spaces in the location with the remaining 2 spaces likely to have been used by the occupants of the two dwellings, meaning no wider benefit to the community. Those on street spaces were also perpendicular to the road presenting a highway safety consideration.

The local ward member was given the opportunity to close the debate. He commented that there was a fine balance to be struck. He remained concerned that approval would set a precedent for similar conversions in other similar parts of the City with close packed Victorian terraces with insufficient parking. A consultation had been undertaken on a strategic residents parking scheme but the conclusion had been that the pressure was too great for a scheme to be operable and residents had not been in favour. He reiterated that there was no local objection to the principle of development and change of use. However, the new application was inferior to the extant permission given the loss of on street parking. In terms of access to the city, cycling on Whitecross Road was dangerous and traffic would, on the evidence of the council's consultants, increase as a result of housing development in the City and a western bypass. It therefore did not meet sustainability policy requirements. The development of four flats could be redesigned to permit off street parking. Any development of flats in the city should include off street parking. Not imposing this requirement in this case would make it harder to impose such a requirement in the case of larger scale developments.

A motion proposed by Councillor Baker and seconded by Councillor Holton that the application be approved was lost 5 votes in favour, 6 against and 2 abstentions.

Councillor Edwards proposed and Councillor Lloyd Hayes seconded a motion that the application be refused based on the grounds that the application was contrary to policy LD1 and relevant design related policies of the NPPF as it would represent overdevelopment with the appearance being out of character with the area, contrary to policies MT1 and SS4 because of the adverse effect on the safe operation of the highway network and the impact on the amenity of existing residents by potentially requiring them to park further away and increased risk of anti-social parking and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.

The motion was carried with 6 votes in favour, 5 against and 2 abstentions.

**RESOLVED: That planning permission be refused on the grounds that the application was contrary to policy LD1 and relevant design related policies of the NPPF as it would represent overdevelopment with the appearance being out of character with the area, contrary to policies MT1 and SS4 because of the adverse effect on the safe operation of the highway network and the impact on the amenity of existing residents by potentially requiring them to park further away and increased risk of anti-social parking and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.**

#### **Appendix - Schedule of Updates**

# **PLANNING COMMITTEE**

**Date: 14 March 2018**

## **MORNING**

### **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**150659 - DEMOLITION OF ALL EXISTING BUILDINGS AND HARD STANDINGS, REMEDIATION OF THE SITE, INCLUDING REINSTATEMENT OR LANDSCAPING OF THE FORMER CANAL AND DEVELOPMENT OF UP TO 120 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS AT LAND AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE,**

**For: Codex Land PCC Cell B per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL**

### ADDITIONAL REPRESENTATIONS

Herefordshire & Gloucestershire Canal Trust: Updated comment 13.3.2018

**An updated response has been received from the Herefordshire & Gloucestershire Canal Trust. This replaces the objection from 2016 at 5.4 of the published report and is recorded in full below:-**

Having reviewed the District Valuers position and worked with Codex for several years on this scheme we can only concur with DV and can only support the developer's current position with regard to the canal.

We would be seeking transfer of Ownership of the Canal corridor at the granting of Consent as this site has bounced around for so long and part of this much reduced offer needs to be that the land is definitely secured into 'public' ownership. I am comfortable that Codex will retain reasonable crossover rights for services etc subject to non conflict with the Canal obviously.

We are happy with a clause in the transfer that 'no agreement or transfer to the H&G Canal Trust shall in any way prejudice any subsisting rights of access exercised by Cavanagh'.

As discussed the unrestricted transfer to us needs to include unrestricted rights of access for the length of the common boundary to the retained land. Land Transfer to H&G Canal Trust to be to that common boundary with Highway Land [or if retained un-adopted quasi Highway Land]; and common to Highway Land above tunnel portal. Transfer to be to common boundary with Tunnel land at one end and Canal in Aylestone Park at the other and the publicly owned land of Victoria park on the remaining boundary.

Should the currently defined roadway through the development not be adopted we must reserve a position that the owner will fully co-operate with the reasonable requirements of the Trust within the roadway for the restoration of the Canal. The owner of the retained land to support the Trust in the restoration of the Canal and any applications related thereto. A 'Non objection' clause on the retained land will be required if we are to restore post Housing.

Codex/the landowner to fulfill best endeavours to secure transfer of tunnel to H&G Canal Trust.

Please note that all other terms of the s.106 should remain especially with regard to legal and related fees payable to The Canal Trust [The Wharf House Co. Ltd acting in this role] please.

### **OFFICER COMMENTS**

The Herefordshire & Gloucestershire Canal Trust is the delivery body for the canal and these updated comments assume a very high degree of significance accordingly.

The Canal Trust recognises that the unviability of delivering a restored section of canal as part of this development is unarguable. Support is expressed for the developer's position and the long-standing working relationship between the applicants and the Canal Trust is also highlighted.

These comments give, in the view of officers, further weight in support of the recommendation before Members, which acts to safeguard the canal route and require the transfer of the canal land to the Canal Trust.

### **NO CHANGE TO RECOMMENDATION**

**172019 – VARIATION OF CONDITION 19 (P140285/O – 76 DWELLINGS AND A BUSINESS CENTRE) AMENDED TO: THE B1 COMMERCIAL UNIT AND ITS ASSOCIATED INFRASTRUCTURE AS SHOWN ON APPROVED PLAN 0609-11/D/3.01 SHALL BE CONSTRUCTED AND CAPABLE OF OCCUPATION FOR EMPLOYMENT PURPOSES PRIOR TO THE FINAL OCCUPATION OF 35 NO. DWELLINGS AT LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE**

**For: Mr Jones per Miss Hawa Patel, 28 Pickford Street, Digbeth, Birmingham, B5 5QH**

### **ADDITIONAL REPRESENTATION**

Mr Hancocks has contacted the Democratic Services Officer to confirm that he wishes to withdraw his objection, which is reported at 4.2 of the Case Officer Report.

### **NO CHANGE TO RECOMMENDATION**

**174466 - PROPOSED RESIDENTIAL DEVELOPMENT TO PROVIDE 4 NO FLATS AT 8 COTTERELL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HQ**

**For: Mr Gough per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP**

### **OFFICER COMMENTS**

Condition 11 should be replaced with the following condition:

Prior to the first occupation of any of the residential units hereby approved a scheme demonstrating measures for the efficient use of water as per the optional technical standards

contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy.

**CHANGE TO RECOMMENDATION**

As per the Officer's Report, subject to amendment to condition 11 as set out above.

**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 14 March 2018 at 2.00 pm**

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

**Councillors:** BA Baker, PJ Edwards, AW Johnson, JLV Kenyon, MD Lloyd-Hayes, FM Norman, AJW Powers, NE Shaw, EJ Swinglehurst and SD Williams

**In attendance:** Councillor BA Durkin

**154. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, DW Greenow, KS Guthrie, EL Holton, TM James, A Seldon and WC Skelton.

**155. NAMED SUBSTITUTES**

Councillor AW Johnson substituted for Councillor CR Butler, Councillor MD Lloyd Hayes for Councillor A Seldon, Councillor NE Shaw for Councillor KS Guthrie and Councillor SD Williams for Councillor WC Skelton.

**156. DECLARATIONS OF INTEREST**

None.

**157. CHAIRMAN'S ANNOUNCEMENTS**

None.

**158. 173477 - LAND TO THE WEST OF THE NOGGIN FARM, MUCH MARCLE, HEREFORDSHIRE**

*(Proposed erection of agricultural buildings, associated infrastructure and landscaping to support a new agricultural enterprise.)*

*(Councillor Johnson left the meeting during consideration of this application.)*

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

In accordance with the criteria for public speaking, Dr S Grant, a local resident, spoke in objection. Mr M Tucker, the applicant's agent, spoke in support.

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

He made the following principal comments:

- A previous application on a nearby location had been withdrawn principally because it had been considered that it would have an adverse landscape impact. The site now proposed, although lower in the skyline was on top of a hill and would itself have an adverse landscape impact. It overlooked the Malvern Hills AONB. Account also needed to be taken of the height of the proposed buildings which were quite large. The proposal was contrary to policy LD1.
- Access was off a very narrow lane. The proposal would generate additional traffic.
- The proposal was contrary to policy SD1.
- There was a better alternative site within the applicant's landholding.
- The proposal would require considerable amounts of water for the livestock and it was not clear where this would be obtained from. There was concern about water run-off and the release of nitrates. The proposal was contrary to policies SD3 and SD4.
- It was contrary to policy RA6. The development was not commensurate with its location and setting, caused unacceptable adverse impacts to the amenity of nearby residents by generated traffic movements that could not safely be accommodated within the local road network; and undermined the achievement of water quality targets in accordance with Policies SD3 and SD4.
- He questioned the nature of the proposed farming business and whether it would bring benefits.
- The Parish Council and local residents objected to the proposal.

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

- In reply to questions the SPO commented that Welsh Water had not been a consultee as there was currently no water supply. As indicated in the update the applicant intended to create a mains water connection. No water was to be taken from the existing supplies on the hillside provided by an aquifer and borehole.

The Development Manager added that the County Land Agent considered the scale of the buildings to be appropriate for the proposed operation. In respect of the specific policies relevant to the application the relevant Neighbourhood Development Plan policies could be given significant weight.

It was noted that the proposal was in the Severn catchment area.

- There had been no objections from Natural England, the Conservation Officer (Landscapes, Ecology), Transportation Manager and the Drainage Manager. The County Land Agent endorsed the proposal. Whilst the concerns expressed by the local resident who had spoken at the meeting were understood, there were no grounds upon which to refuse the application.
- There was a negative impact on the amenity of the local resident who had spoken. It appeared that they would be compelled to cease using their private borehole and use and pay for mains water instead. There was also an issue with water run-off from the site. The proposal appeared to be in conflict with policies SD1, SD3 and SD4.
- The site was exposed near the top of a ridge. There was a better location within the holding.
- The Development Manager commented in relation to protecting water quality that the condition in the update proposed no groundwater abstraction should be permitted. Noting that the local resident may not want to connect to the proposed mains supply, this could be strengthened to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The SPO confirmed that the



technical consultees had required significant pre-commencement conditions and the development could not proceed if the conditions could not be discharged to the satisfaction of technical advisers. Monitoring was also required.

- The use of farmyard manure would probably be more advantageous to the land than artificial fertilisers currently being used on it.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme.

Councillor Edwards proposed and Councillor Lloyd Hayes seconded a motion that the application be approved in accordance with the printed recommendation with the additional conditions as set out in the update sheet and strengthened wording to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The motion was carried with 7 votes in favour, 1 against and 2 abstentions.

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

1. **A01 - Time limit for Commencement (Full Permission)**
2. **B02 - Development in Accordance with Approved Plans and Materials**
3. **H03 - Visibility Splays**
4. **H09 - Driveway Gradient**
5. **H06 - Vehicular Access Construction**
6. **H13 - Access, Turning Area and Parking**
7. **H20 - Road Completion in 2 Years**
8. **H27 - Parking for Site Operatives**
9. **H29 - Secure Covered Cycle Parking Provision**
10. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from EDP dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species together with an enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

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

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

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

12. F13 - Restriction on Separate Sale
13. G02 - Retention of Trees and Hedgerows
14. G04 - Protection of Trees/Hedgerows that are to be Retained
15. G10 - Landscaping Scheme
16. G11 - Landscaping Scheme – Implementation
17. I32 - Details of Floodlighting/External Lighting
18. Pre commencement drainage condition requiring and securing:
  - Detailed construction drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
  - Detailed construction drawings of proposed features such as attenuation features and outfall structures;
  - Amended calculations of the proposed discharges rates and attenuation volumes using FEH 2013 data;
  - If unlined attenuation features are proposed, confirmation of groundwater levels to demonstrate that the invert level can be located a minimum of 1m above groundwater levels;
  - Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
  - Details of how overland flows from outside of the site boundary have influenced the design of the drainage system;
  - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
  - Detailed construction drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
  - Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
  - If infiltration to ground is proposed, confirmation of groundwater levels to demonstrate that the invert level of any drainage fields can be located a minimum of 1m above groundwater levels;

- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- Demonstration that appropriate access is available to maintain drainage features;
- Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.
- Details of management of any contaminated washdown water from the livestock and sheep buildings.
- Sufficient hydrological information/evidence to confirm that existing private water supplies will not be adversely affected together with appropriate monitoring arrangements.

**Reason:** To ensure adequate drainage arrangements are in place and to protect and prevent pollution and to comply with Herefordshire Core Strategy policies RA6, SD3 and SD4.

- 19 There shall be no groundwater abstraction of water serving the land, or buildings hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the land edged red and blue on the approved plans and buildings hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise approved in writing by the local planning authority.

*Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4*

- 20 Prior to the first use of the buildings hereby permitted, the existing accesses shall be closed with details agreed in writing by the Local Planning Authority and thereafter maintained as such.

**Reason:** In the interests of highway safety and to enhance the character and appearance of the countryside hereabouts and to comply with Herefordshire Core Strategy policies MT1 and LD1.

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN01 - Mud on Highway**
3. **HN04 - Private Apparatus within Highway**
4. **HN05 - Works Within the Highway**
5. **HN10 - No Drainage to Discharge to Highway**
6. **HN24 - Drainage Other than via Highway System**
7. **HN28 - Highways Design Guide and Specification**

*(The meeting adjourned between 3.15 – 3.20 pm.)*

**159. 173476 - LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE**

*(Proposed erection of temporary agricultural workers dwelling with associated parking and residential curtilage.)*

*(Councillor Edwards and Councillor Johnson had left the meeting and were not present during consideration of this application.)*

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He noted the interrelationship with the previous agenda item – application 173477. He confirmed that the site was not within an AONB and there were no designated heritage assets on the adjoining site. He reported that the Neighbourhood Development Plan could be given moderate weight.

In accordance with the criteria for public speaking, Mr W Grant, local resident, spoke in objection. Mr M Tucker, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application. He referred to the comments he had made on the previous agenda item - application 173477. He sought clarification on the temporary status of the proposed dwelling, the report noting that the applicants intended to replace it with a permanent dwelling after 3 years, and assurance that it would be an agricultural tied dwelling and would not become a house available for disposal on the open market.

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

- The Development Manager commented that the conditions on the application for a temporary dwelling restricted occupancy to an agricultural worker. Any future application would be considered based on an assessment of the long term viability of the business and if a permanent permission was considered acceptable a s106 agreement could be made tying the occupancy to an agricultural worker and to the holding in accordance with policy RA4. In relation to a possible extension of the three year period to assess viability, he added that this could be considered. However, a 3 year period was a well-established period for assessing viability. The applicant could also apply for an extended period.
- Whilst there was a concern that the development appeared to be a more substantial dwelling than was often provided in such cases it appeared to be modest and in keeping.
- Clarification was sought on the fact that the applicant did have a cottage in his ownership on the landholding that could accommodate an agricultural worker. It was suggested that he could have submitted an application for the buildings the subject of application 173466 to be closer to that house rather than seeking to create another house in this remote location, the justification for which was that the agricultural worker had to be in proximity to those buildings.

The SPO commented that in relation to the cottage that the applicant had made a separate application for a replacement dwelling to which the existing dwelling, an unlisted heritage asset, would be an annex.

He added that condition 14 provided that if the holding proved to be unviable the temporary dwelling would have to be removed. Condition 12 would prevent the

separation of the proposed temporary dwelling from the agricultural buildings and their disposal as individual components.

The local ward member was given the opportunity to close the debate. He expressed a concern as to what might happen on the expiry of a temporary three year permission.

Councillor Kenyon proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with the additional condition as set out in the update sheet and strengthened wording to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The motion was carried with 8 votes in favour, none against and 3 abstentions.

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

1. **A01 - Time Limit for Commencement**
2. **B02 - Development in Accordance with Approved Plans and Details**
3. **H03 - Visibility Splays**
4. **H09 - Driveway Gradient**
5. **H06 - Vehicular Access Construction**
6. **H13 - Access, Turning Area and Parking**
7. **H20 - Road Completion in 2 Years**
8. **H27- Parking for Site Operatives**
9. **H29 - Secure Covered Cycle Parking Provision**
10. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from EDP dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species together with an enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment) and 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).**
11. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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

- 12. F13 - Restriction on Separate Sale**
- 13. F14 - Removal of Permitted Development Rights**
- 14. F20 - Temporary Permission and Reinstatement of Land**
- 15. F27 - Agricultural Occupancy**
- 16. No development shall take place on the construction of the temporary dwelling as hereby permitted until the agricultural buildings approved under planning permission 173477 have been constructed are ready for use.**

**Reason: Having regard to the agricultural need, ensuring the agricultural business is established and to facilitate the integration of the dwelling into the landscape in this open countryside location and to comply with Herefordshire Core Strategy policies SS1, RA3, RA4, LD1 and SD1**

- 17. G02 - Retention of Trees and Hedgerows**
- 18. G04 - Protection of Trees/Hedgerows that are to be Retained**
- 19. G10 - Landscaping Scheme**
- 20. G11 - Landscaping Scheme – Implementation**
- 21. I32 - Details of Floodlighting/External Lighting**
- 22. Pre commencement drainage condition requiring and securing:**
  - Detailed construction drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;**
  - Detailed construction drawings of proposed features such as attenuation features and outfall structures;**
  - Amended calculations of the proposed discharges rates and attenuation volumes using FEH 2013 data;**
  - If unlined attenuation features are proposed, confirmation of groundwater levels to demonstrate that the invert level can be located a minimum of 1m above groundwater levels;**
  - Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;**
  - Details of how overland flows from outside of the site boundary have influenced the design of the drainage system;**

- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Detailed construction drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
- If infiltration to ground is proposed, confirmation of groundwater levels to demonstrate that the invert level of any drainage fields can be located a minimum of 1m above groundwater levels;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- Demonstration that appropriate access is available to maintain drainage features;
- Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.
- Details of management of any contaminated washdown water from the livestock and sheep buildings.
- Sufficient hydrological information/evidence to confirm that existing private water supplies will not be adversely affected together with appropriate monitoring arrangements

**Reason:** To ensure adequate drainage arrangements are in place and to protect and prevent pollution and to comply with Herefordshire Core Strategy policies RA6, SD3 and SD4.

23. There shall be no groundwater abstraction of water serving the dwelling hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the dwelling hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise agreed in writing by the local planning authority..

**Reason:** To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

**INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01- Mud on Highway
3. HN04 - Private Apparatus within Highway
4. HN05 - Works within the Highway
5. HN10 - No Drainage to Discharge to Highway
6. HN24 - Drainage other than via Highway System

**7. HN28 - Highways Design Guide and Specification**

**160. 174198 - LAND AT SOUTH LEA, ASTON CREWS, ROSS-ON-WYE, HR9 7LW**

*(Proposed new 3 bedroom, single storey, eco-fully-accessible house.)*

*(Councillors Edwards and Johnson had left the meeting and were not present during consideration of this application.)*

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

In accordance with the criteria for public speaking, Mr W Meynell, the applicant's agent, spoke in support of the scheme.

There was general support for the application as an exceptional, energy efficient sustainable dwelling, with a good setting in the landscape.

An observation was made that that the application had not been subject to peer review as required by paragraph 55 of the National Planning Policy Framework. However, the setting was not isolated, the proposal was sustainable and the exceptional design and concept weighed in favour of this particular application.

Councillor Norman proposed and Councillor Powers seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, none against and no abstentions.

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

- 1. A01 - Time Limit for Commencement (Full Permission)**
- 2. B02 - Development in Accordance with Approved Plans and Materials**
- 3. H20 - Road Completion in 2 Years**
- 4. H06 - Vehicular Access Construction**
- 5. H09 - Driveway Gradient**
- 6. H12 - Parking and Turning - Single House**
- 7. M17 - Water Efficiency - Residential**
- 8. H27 - Parking for Site Operatives**
- 9. H29 - Secure Covered Cycle Parking Provision**
- 10. The recommendations for species and habitat enhancements set out in the ecologist's report from November 2016 and great crested newt report of June 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species present together with an enhancement plan integrated with the**



landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy and to meet the requirements of the National Planning Policy Framework (NPPF).

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

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy and to meet the requirements of the National Planning Policy Framework (NPPF).

12. Prior to the commencement of the development hereby permitted, the following details shall be submitted to the Local Planning Authority for written approval –

Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event and allowing for the potential effects of climate change;
- Details of proposed outfall structures. Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage

The development shall thereafter be carried out in accordance with the approved details and thereafter be maintained as such.

**Reason: To protect water quality hereabouts, in the interests of the environment and public safety, minimise the impact of development on water quality and surface water flooding and to comply with Herefordshire Core Strategy policies SS1, LD2, SD3 and SD4.**

**13. F14 - Removal of Permitted Development Rights**

**14. G09 - Details of Boundary Treatments**

**15. G10 - Landscaping Scheme**

**16. G14 - Landscape Management Plan**

**17. I33 - External Lighting**

**18. C01 - Samples of External Materials**

**161. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting had changed to 11 April 2018 with site inspections on 10 April.

**Appendix - Schedule of Updates**

The meeting ended at 4.10 pm

**Chairman**

# **PLANNING COMMITTEE**

**Date: 14 March 2018**

**AFTERNOON**

## **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**173477 - PROPOSED ERECTION OF AGRICULTURAL BUILDINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING TO SUPPORT A NEW AGRICULTURAL ENTERPRISE AT LAND TO THE WEST OF THE NOGGIN FARM, MUCH MARCLE, HEREFORDSHIRE**

**For: Mr Boulton-Brooks per Mr Matthew Tucker, Embassy House, Queens Avenue, Bristol, BS8 1SB**

### ADDITIONAL REPRESENTATIONS

The Council's Environmental Health Manager comments:–

My comments are with regard to potential noise and nuisance issues that might arise from development and also in relation to any representations made with regard to potential impacts on the sufficiency of private water supplies.

The immediate neighbours have raised concerns regarding the potential impacts of the proposal of two barns and a residential property on their private water supplies. The applicant is requested to supply further information regarding the proposed water source to be used in relation to the development and is also advised that they are likely to be requested to undertake a hydrogeological assessment of the impact of this on neighbouring water sources.

The comments regarding drainage arrangements made by Balfour Beatty are noted.

I recommend a condition that specifies that all external lighting must be approved in writing by the local authority.

Lastly, I recommend that the northern elevations to both proposed barns are made solid (with ventilation as need be). This is supply some mitigation to the residence at Messcott from potential sources of nuisance.

Further comments were received from the Environmental Health Manager on 12 March 2018 responding to further details and amended plans provided by the applicants' agent. These further comments state:–

Neighbouring residents have raised concerns regarding the potential impacts on private water supplies in the vicinity that might arise from this proposal. The applicant has supplied details of a proposal to create a mains water connection from the connection point in the road south westwards to a property at point A on the Welsh Water map and I am advised that it is the intention if permission is granted for both livestock buildings and the proposed agricultural workers dwelling to be connected to this mains.

To safeguard the local private water supplies I therefore recommend a condition that there should be no groundwater abstraction for this site and all water to be supplied from rainwater harvesting or mains. I note the comments that Welsh Water have made about the water pressure and it will be incumbent on the applicant to ensure that there are adequate water storage arrangements at the proposal.

The applicant has also supplied revised drawings showing the northern elevations to both sets of barns made more solid.

I therefore have no objections to this proposal.

## **OFFICER COMMENTS**

The applicants' agent responded to the original comments from the Environmental Health Manager with a written response and amended plans, addressing these points in turn:

### Noise and Nuisance

The proposed agricultural buildings are required predominantly to house cattle and ewes. For reference the following periods are when the animals will be housed within these buildings –

Calves under three months old will be housed in the young livestock building for 48 weeks per year and there will be no more than 75 in the building at any one time. A maximum of 150 older cattle, between 3 and 16 months in age, will be housed in the building for 5 to 6 months from November onwards. Breeding ewes, approximately 200, will be housed in the sheep building for no more than 6 weeks during the spring months. For the remainder of the year, the animals will be turned out and are likely to be some distance from the neighbouring residential properties.

The proposals include openings in the northern elevations of both the young livestock and sheep buildings. The openings are required for two reasons: the ease of operation associated with the farm; and, principally, for the welfare of the animals with respect to the necessary levels of ventilation required. Concerning the latter, it is important that livestock, when housed within the proposed buildings, have access to good levels of ventilation. In order to reduce potential noise arising from these buildings without compromising animal welfare, the Applicant would be willing to include 2.7m gate on the north elevations of these buildings which are openable but remain closed during hours when the farm is not operational.

Amended plans based on the above have been provided and now form the plans and details considered. These will be shown within the presentation.

It is also emphasised the proposals also include a significant amount of woodland planting to around the parameters of the Site, and the proposed buildings and nearby residential properties, which will act as an acoustic barrier for sounds arising from the agricultural buildings.

### Private Water Supplies

A partner of Applicant, Noggin Ridge LLP, owns Upper Greens Place which is located 600m to the north-west of the proposed Site for the agricultural enterprise at Upper Greens Place. Planning permission (reference: P163596/F) was granted in January 2017 for a replacement dwelling at Upper Greens Place. As part of this permission, the Applicant has obtained, and paid for, a new connection to Welsh Water mains supply. A plan showing this is within the presentation.

The Applicant has also confirmed that a connection to Welsh Water will also be extended to Hillcrest Cottage (the Applicant does not own this property).

The Applicant would extend the Welsh Water connection to the Lower Noggin to service the temporary agricultural workers dwelling and to provide a water point for farm works associated with the proposed agricultural buildings. At the same time, the Applicant would be willing to provide spurs / connection points to the extended Welsh Water connection at the nearest practicable point to residential properties: Messcott and The Noggin. This would

enable these properties to upgrade their water supply and to benefit from mains water rather than rely upon natural springs as a source of water.

The Applicant has accepted that a Welsh Water connection need to be in place prior to commencement and / or occupation of the proposed buildings for agricultural purposes and therefore, agree that a prior to commencement/ occupation condition is required to ensure that the Welsh Water connection is installed.

### Proposed Conditions

The Applicant also agrees the details of any external lighting scheme will need to be submitted to and approved by the Local Planning Authority. A condition for this is already recommended as set out in the Report.

### **CHANGE TO RECOMMENDATION**

An additional condition added as requested by the Environmental Health Manager is proposed –

*There shall be no groundwater abstraction of water serving the land, or buildings hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the land edged red and blue on the approved plans and buildings hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise approved in writing by the local planning authority*

*Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4*

For clarity a further condition regarding the closing up and making good of the existing access is also recommended and has been agreed with the applicant –

*Prior to the first use of the buildings hereby permitted, the existing accesses shall be closed with details agreed in writing by the Local Planning Authority and thereafter maintained as such.*

*Reason: In the interests of highway safety and to enhance the character and appearance of the countryside hereabouts and to comply with Herefordshire Core Strategy policies MT1 and LD1.*

**173476 – PROPOSED ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING WITH ASSOCIATED PARKING AND RESIDENTIAL CURTILAGE AT LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE**

**For: Mr Boulton Brooks per Mr Matthew Tucker, Embassy House, Queens Avenue, Bristol, BS8 1SB**

### **ADDITIONAL REPRESENTATIONS**

The Council's Drainage Engineer confirms in principle they do not object to the proposals, however they recommend that the following information is provided within suitably worded planning conditions –

Schedule of Committee Updates

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of including percolation testing undertaken in accordance with BS6297.

The Council's Environmental Health Manager comments –

Neighbouring residents have raised concerns regarding the potential impacts on private water supplies in the vicinity that might arise from this proposal. The applicant has supplied details of a proposal to create a mains water connection from the connection point in the road south westwards to a property at point A on the Welsh Water map and I am advised that it is the intention if permission is granted for both livestock buildings and the proposed agricultural workers dwelling to be connected to this mains.

To safeguard the local private water supplies I therefore recommend a condition that there should be no groundwater abstraction for this site and all water to be supplied from rainwater harvesting or mains. I note the comments that Welsh Water have made about the water pressure and it will be incumbent on the applicant to ensure that there are adequate water storage arrangements at the proposal.

### **OFFICER COMMENTS**

The comments from the Drainage Engineer are noted. These precise requirements will be incorporated into Condition 22 as listed within the Recommendation of the report.

### **CHANGE TO RECOMMENDATION**

An additional condition added as requested by the Environmental Health Manager is proposed –

There shall be no groundwater abstraction of water serving the dwelling hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the dwelling hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise agreed in writing by the local planning authority..

Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

**174198 - PROPOSED NEW 3 BEDROOM, SINGLE STOREY,  
ECO-FULLY-ACCESSIBLE HOUSE AT LAND AT SOUTH LEA,  
ASTON CREWS, ROSS-ON-WYE, HR9 7LW**

**For: Mrs Burns per Studio Bark, Studio 1k Autumn Yard,  
Autumn Street, London E3 2TT**

**ADDITIONAL REPRESENTATIONS**

A further three letters of support have been received, the comments are summarised as –

- consider it to be a innovative and forward thinking building that would benefit the area
- As long term residents of Aston Crews we would like to express our full support for the proposed development
- the design is forward thinking and innovative and would not impose on any aspect of village life
- It is clear that the modern design using non standard construction methods has been thought about with great care and attention to detail and coupled with its eco friendly credentials
- Consider the proposal is an absolute enhancement to the area
- The proposal 'raises the bar'
- We hope to see this project proceed

**OFFICER COMMENTS**

These representations add further local support to the proposals.

**NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>11 APRIL 2018</b>
<b>TITLE OF REPORT:</b>	<b>173224 - PROPOSED ERECTION OF EIGHT RESIDENTIAL DWELLINGS (C3) ALONG WITH ASSOCIATED GARAGES, PARKING, ROADS, HIGHWAYS ACCESS AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE</b>  <b>For: Mr Collinson per Mr Stuart Leaver, Singleton Court Business Park, Wonastow Road, Monmouth, NP25 5JA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173224&amp;search=173224">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173224&amp;search=173224</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 25 August 2017

Ward: Birch

Grid Ref: 346640,222832

Expiry Date: 31 December 2017

Local Member: Councillor DG Harlow

## 1. Site Description and Proposal

- 1.1 The site comprises a roughly L-shaped field located on the north-eastern edge of the village of Garway. The land is associated with Ivy Cottage which is located immediately to the west fronting onto common land (Garway Common). To the north and west, beyond the established field boundaries is agricultural land with levels dropping away quite significantly to the north.
- 1.2 The village is characterised by its linear form, orientated east to west and stretched out along C1239, occupying an elevated position set within the surrounding common and agricultural land and providing an attractive rural setting. Garway Common is a designated Special Wildlife Site.
- 1.3 The site itself is served by an unclassified road (U71413) which links Garway to Garway Hill and St Weonards to the north.
- 1.4 The site is bounded by open fields to the north, east and west and is bounded by a cluster of small cottages to the south. There is a line of mature trees on the western boundary and two large mature trees on the northern boundary and a smaller one on the eastern boundary.
- 1.5 There are overhead cables that traverse the site from its northern corner and these would be diverted.

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

- 1.6 Planning permission is sought for the construction of a total of 8 dwellings ( 4 no. 3 bed semi-detached properties and 4no. 4 bed detached properties). These would be served of 2 proposed access points. One serving Plots 1-4, which are semi-detached dwellings and the other serving Plots 5-8, the detached dwellings. The detached houses would be provided with shared garaging and would be set behind a large area of open space influenced by the common land setting of the existing properties to the south.
- 1.7 The layout and design of the scheme has been amended and the proposed dwellings would be predominantly rendered with some stone and artificial slate rooves. Proposed ridge heights are typically 8.5 metres with eaves set between 5.2 metres and 4.2 metres approximately.
- 1.8 Key landscaping proposals include additional tree planting to the northern boundary, the common/open space feature that would incorporate a SUDS basin and native species hedgerows planting.



(extract from Drawing No. 2246-PL01 Rev C)

- 1.9 The application is accompanied by a Planning Justification Statement, Voluntary Pre-application Consultation Summary, Design and Access Statement, Transport Statement, Drainage Strategy and Ecological Impact Assessment (with associated Protection and Enhancement Plan)

## 2. **Policies**

### Herefordshire Local Plan Core Strategy

- |     |     |   |  |
|-----|-----|---|--|
| 2.1 | SS1 | - | Presumption in Favour of Sustainable Development               |
|     | SS2 | - | Delivering New Homes   |
|     | SS3 | - | Releasing Land for Residential Development                     |
|     | SS4 | - | Movement and Transportation                                    |
|     | SS6 | - | Environmental Quality and Local Distinctiveness                |
|     | SS7 | - | Addressing Climate Change                                      |
|     | RA2 | - | Herefordshire's Villages                                       |
|     | H3  | - | Ensuring an Appropriate Range and Mix of Housing               |
|     | MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
|     | LD1 | - | Landscape and Townscape  |

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

LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

#### National Planning Policy Framework (NPPF)

2.2 The following sections are considered to be particularly relevant to the application:

Building a strong, competitive economy  
 Supporting a prosperous rural economy  
 Delivering a wide choice of high quality homes  
 Requiring good design  
 Meeting the challenge of climate change, flooding and coastal change  
 Conserving and enhancing the natural environment

#### Neighbourhood Development Plan

2.3 A Neighbourhood Area was designated on 22 November 2012 but the Neighbourhood Development Plan is still at the drafting stage (Pre-Regulation 14) and as such does not attract any weight for the purposes of decision-making.

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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **3. Planning History**

3.1 None identified

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water

#### SEWERAGE

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

#### WATER SUPPLY

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

#### Internal Council Consultations

4.2 Transportation Manager

Visibility splays should be shown on a plan and submitted.

Visibility splays should equate to 40.6m to 46.3m southbound and 47.2m – 53.5m northbound, these figures are in line with Manual for Streets 2 absolute and desirable distances respectively.

If this can be supplied please condition and informatives as follows:

CAB – 2.4 x associated visibility splays as shown on drawing no. 2246/550

CAD 5m

CAE, CAH, CAL, CAJ, CAS, CAT, CAZ, CB2.

I11, I09, I45, I05, I47, I35.

#### 4.3 Conservation Manager (Landscapes)

I have seen the amended planning layout as well as the landscape scheme drawing no 2246-LS10. I am satisfied with the planting proposals and selection in the main. However I do consider there is scope for 1 to 2 hedgerow trees along hedge B to assist in assimilating the new built form into the surrounding open countryside.

I would not encourage the planting of Ash due to ash dieback across the country; an alternative native species should be selected.

In terms of external materials I am broadly satisfied with what has been proposed, the detail of which can be agreed with the local authority via a condition. I would recommend the applicant consider the following guidance when considering choice of render.

<http://www.malvernhillsaonb.org.uk/managing-the-aonb/guidance-documents/>

#### Conservation Manager (Ecology)

Thank you for consulting me on this application. I have read the ecological report together with the biodiversity protection and enhancement plan submitted in support of the application. I am happy that there are appropriate and sufficient mitigation measures for protected species with ecological enhancements proposed. To ensure that the species mitigation measures are implemented I suggest that the following non-standard condition be attached to any approval:

The recommendations for species and habitat enhancements set out in the ecologist's reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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 note that the details of SuDS drainage and the management of foul water have been laid out in the plan and I would not be expecting any Likely Significant Effects on any statutory sites in relation to the Habitats Regulations.

#### 4.4 Balfour Beatty Living Places (Drainage)

##### Response to Original Consultation

Prior to the Council granting planning permission, we request a revised foul drainage strategy to accommodate individual package treatment plants and individual drainage fields.

Once the above information has been provided and approved, we recommend that the following information provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

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

Please refer to "Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist" (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

##### Updated Response

A package treatment plant was proposed going to a soakage field at the new village hall a couple of years ago. The application was approved and construction began, then there were difficulties because there was inadequate soakage. The applicant had no option but to seek a connection to a highway drain. My main concern is that there will not be positive soakage at the Ivy Cottage site.

Separate to this, the applicant will need to provide answers to all of the questions that we have presented, before we accept the maintenance strategy. We would consider that the provision of a maintenance strategy that addressed all of the questions needs to be issued and approved.

## 5. Representations

### 5.1 Garway Parish Council objects to the application:

#### Response to Original Consultation

The application for the proposed erection of eight residential dwellings (c3) along with associated garages, parking, roads highways access and associated infrastructure is Unsupported and Objected to by Garway Parish Council as the application for the following reasons

#### **Layout scale and appearance**

Core strategy policies SD1, LD1 & LD4 set out the key principals in terms of scale, layout said appearance of new development. In summary these require proposals to demonstrate that the landscape and built environment have positively influenced design, scale nature and site selection. The setting of heritage assets (including non-designated assets) should be protected, conserved and where ever possible enhanced under CP policy LD4 and the NPPF confirms the importance and desirability of the significance of assets. Where harm would result the NPPF sets out the relevant tests to be applied. In the terms of sustainable design policy SD1 required new buildings to maintain local distinctiveness through the incorporation of local architectural detailing and materials and respecting scale, height proportions and massing of surrounding development.

The application by its design, scale, size and mass fails to demonstrate the character of the area has influenced it and it would not make a positive contribution to the architectural diversity of the area and is therefore is contrary to polices SD1 LD1& LD4 and the requirements of the NPPF

#### **Housing in settlements outside Hereford and the market towns Policy RA2**

The opening sentence of RA2, the first criterion again requires that proposals for housing development should be located within or adjacent to the main built up area .This application is not located adjacent to or within the main built up area of the parish

We would also like to comment on Mr Tompkins conclusions in the pre planning advice given in relation to NDP's. He anticipated that the NDP steering group will be minded to commence a call for potential housing sites and it was recommended that the applicant/ planning agent speak to the Parish Council .The planning agent did contact the Parish Clerk about coming to speak with the PC and the clerk advise that any discussion relating to the application would need to be at a Parish Council meeting where a presentation could be given by the planning agent, However he was reluctant to come to a PC meeting but rather wanted to meet with the PC on their own and not in a PC meeting , of which the parish clerk informed the planning agent this would not be acceptable. Nothing was asked about the NDP and where the NDP was at present in relation to how far it had got by the planning agent.

The Parish Council will in the next few weeks be undertaking a call for sites as part of the NDP process for Garway.

#### **Access**

Core strategy policy MT1 and the NPPF require proposals to provide safe access, and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The development is accessed off an unclassified single-track road on which it is not possible for 2 cars to pass of which is principally used by agricultural vehicles.

The single-track road is bordered on both sides by common land that is protected under the Commons Act 2006:

At an Extraordinary Parish Council meeting on 17//10/2017 12 Parishioners attended, all having concerns and issues relating to the planning application.

The Parish Council have requested that the Ward Councillor ask that this application is considered by Herefordshire Council Planning Committee in the light of the extent of public interest in the application concerned.

#### Response to Revised Consultation

Neither the Garway Parish Councillors nor the residents present at the Parish Council meeting saw any reason to change from their original objection to the above application and I therefore attach a copy of comments made in October 2017 (as above).

Please note that a call for sites has now been undertaken for the NDP and those sites are currently being assessed

- 5.2 A total of 47 representations have been received from other interested parties in respect of the application. Some 44 have raised objections and 3 have expressed support:

#### Response to Original Consultation

- 5.3 A total of 24 objections were received which can be summarised as follows:

- Inappropriate scale of development
- Concerns regarding impact of surface water on local watercourses and road network
- Unacceptable impact on narrow local road network
- Design and layout of proposed development not in keeping with linear character of Garway
- Unacceptable impact upon the Common and implications for Commoners rights
- Lack of engagement with Parish Council and Neighbourhood Planning team
- No provision made for smaller affordable housing which is what the village needs
- Site is not within or adjacent to the village/significant distance from heart of the village
- Inappropriate suburban cul-de-sac layout
- Detrimental to highway safety – additional traffic, pedestrians, horse riders and cyclists
- Increased noise and activity detrimental to quiet ambience of the village
- Adverse impact upon local ecology/unacceptable loss of hedgerow
- Adverse impact upon character and setting of older cottage in locality
- Will cause irreversible harm to precious landscape
- Decision should be delayed until NDP ratified
- Inappropriate modern designs out of keeping with local vernacular
- Cramped form of development, overdevelopment
- Adverse impact of construction traffic on Common
- If approved a dangerous precedent will be established for unplanned expansion
- Unjustified loss of agricultural land

## Response to Revised Consultation

- 5.4 A further 16 objections/representations have been received in response to the consultation on the revised proposed. These largely reference the previous objections and refer regularly to the progress being made in respect of the Neighbourhood Development Plan. An additional number of the objections referred to the importance of prioritising brownfield sites
- 5.5 A total of 3 letters of support were received, which can be summarised as follows:
- Growth will support the village and the struggling school
  - Family homes are what is required/3 bed dwellings are most sustainable option
  - Design, layout and proposed materials much improved/concerns of key consultees addressed
  - Site well related to village services
- 5.6 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=173224&search=173224](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173224&search=173224)

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

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

## **6. Officer's Appraisal**

### Principle of Development

- 6.1 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly prescribes a '*presumption in favour of sustainable development*' as the golden thread running through the NPPF and that in respect of decision making 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.
- 6.2 Furthermore it remains the case that the local authority is currently failing to provide a 5 year Housing Land Supply as required by paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.
- 6.3 In reaching a decision upon new residential development, the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission.
- 6.4 This position has been crystallised following a recent Supreme Court Decision and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC* [2017] UKSC 37 On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)
- 6.5 Of greater significance locally in terms of it being a Herefordshire-based example, an Inspector has considered this issue with regards to Lea and at a countywide level with regards to appeal APP/W1850/W/17/3174980, *Land at Castle End, Lea, Ross on Wye, Herefordshire HR9 7JY*.



The Inspector concluded:

*The Council accepts that it cannot demonstrate a five year housing land supply, and so the tilting balance set out in para 14 of the NPPF is triggered. The Government's objective, as set out in the NPPF, is to boost significantly the supply of housing. The benefit of granting planning permission would be the provision of up to 10 dwellings. The provision of housing in an area where there is a shortfall in housing sites is a significant benefit which carries significant weight.*

*The settlement of Lea is situated within the Ross on Wye rural housing market area (HMA) and is identified in CS as providing a minimum of 43 dwellings during the plan period. Currently 90 dwellings are committed in Lea, which is significantly more than the minimum and contrary to the 14% expected growth in this HMA sought by CS Policy RA1. There is however no demonstrable five year housing land supply and, as a result of the shortfall, any restriction imposed by CS Policy RA1 is out of date. I therefore give the incompatibility between the proposal and CS Policy RA1 limited weight.*

*I have not found any other harm that should be weighed against this benefit. I therefore consider that the adverse impact of granting planning permission in this regard would not significantly and demonstrably outweigh the benefits of the proposal. The proposal would therefore constitute sustainable development as defined in the NPPF and benefits from the presumption in favour of sustainable development as set out in para 14.*

- 6.6 Core Strategy (CS) Policy SS1 echoes the Framework's presumption in favour of sustainable development, setting out the strategy for delivery of new homes. CS Policy SS2 provides that in the rural areas housing will be acceptable within identified settlements where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of the community.
- 6.7 CS Policy SS3 reinforces the importance of ensuring a plan-led supply of housing land. CS Policy RA1 identifies a minimum proportionate growth target for housing of 14% within the Ross on Wye Rural Housing Market Area, equating to a minimum number of 25 dwellings for Garway Parish (including Garway and Broad Oak). Based upon the latest available information, there remains a deficit for the delivery of 17 further dwellings by 2031.
- 6.8 The Neighbourhood Development Plan (NDP) for the Parish is still at an early stage in its preparation and has no weight with regards the assessment of this application. Accordingly, it is considered that there is no fundamental conflict with CS Policy RA2, which confirms that adopted NDPs will allocate sites for housing, but in the interim applications will be assessed against their relationship to the built form of the settlement. In this case, the site shares a common boundary with Ivy Cottage which fronts onto Garway Common and is clearly adjacent to the village with the Public House, School and Village Hall all within walking distance via the main road through the village. Accordingly, it is maintained that the broad principle of residential development can be supported and that the acceptability or otherwise of the proposal must be considered on the basis of the tilted balance described by the NPPF.

#### Landscape and Townscape

- 6.9 CS policy LD1 requires new development to 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.

- 6.10 CS policy SD1, amongst other criteria, requires development proposals to incorporate the following requirements:
- Ensure that proposals make efficient use of land – taking into account the local context and site characteristics;
  - New buildings should be designed to maintain local distinctiveness.
- 6.11 The application site extends to some 0.65 hectares of agricultural land to the north of Ivy Cottage. It has a road frontage of some 115 metres which is defined by a well established hedgerow. The northern and western field boundaries are characterised by mature hedgerows and a number of mature trees that would be retained and supplemented by additional planting proposals. The site is considered to be relatively inconspicuous and is not readily visible from the C1239 or in longer distant views from the higher ground to the north of the site where it can be glimpsed in the context of the established dwellings at the eastern edge of the village, intervening properties and farmsteads and the large range agricultural buildings at Yew Tree Farm. Having regard to the visually contained nature of the site, it is not considered that there is any adverse impact in relation to the wider undesignated landscape or long distance views of the setting of the village and its relationship with Garway Common. Any impact is considered to be localised, relating to the immediate vicinity of the site.
- 6.12 This localised impact is focussed on the orientation of the site relative to the strongly prevailing west-east linear form of Garway, which together with the scale and layout of the proposed eight dwellings has attracted a significant number of objections. The extent to which the orientation of the site is “at odds” with linear form of the village is recognised, but having regard to the wider setting of Garway, whilst at a clearly greater density, the arrangement of the proposed dwellings is not dissimilar to the looser group of dwellings located on the south side of Garway Common (Newlands, an extant outline permission for two dwellings 162120/O; Newholme, The Forge, Heronden and Oakdene inclusive). This coupled with the fact that the site is not visible on the main road through Garway from either the east or west, is such that any harm attributed to the perpendicular orientation of the dwellings is very limited and having regard to the “tilted balance” required by the NPPF does not, in your officers opinion, result in a significant adverse impact upon the character of the village.
- 6.13 Officers are acutely aware of the fact that a “call for sites” is currently under consideration as part of the NDP process and have no desire to undermine this process. However, the NDP is not at a stage where it can be afforded weight; is some 9 months away from a point at which the Neighbourhood Development Manager considers it would be at Regulation 16 stage; the application at hand has been valid since September 2017 and there are genuine concerns about the delivery of sufficient infill developments within the village whilst applying a strict interpretation of the linear form of the village.
- 6.14 Turning to the detailed design and layout of the proposal, this has been informed by pre-application advice, which evolved following the initial exchanges, accounting for some of the misconceptions that are referred to in the objections referring to advice given in respect of the site’s capacity. The site is considered to provide an opportunity to make a valuable contribution to the required housing for the Parish, in a location which is considered to have limited visual implications and minimises the extent of impact upon individual residents living conditions.

- 6.15 This to a large extent informed the subsequent uplift in the number of dwellings proposed. Currently the eight dwellings provides for a satisfactory mix of 3 and 4 bed units arranged around 2 access points with an interpretation of a small piece of Common land (incorporating SuDS) set behind the road side boundary hedge providing a focal point. Plots 1-4 have been redesigned and slightly re-orientated to reduce their perceived scale and specifically to reflect the form of The Old Post Office and Cae-Duff. The remaining detached properties are arranged in a relatively loose form facing “the Common” and now have shared garages and much reduced and softened boundary treatments.



(extract from drawing no. 2246-200-40)

- 6.16 The mix of materials has been changed and now excludes brick in favour of render and stone and the porches have been enhanced, which combined are considered to be more in keeping with the grain of Garway and are considered to demonstrate that appropriate consideration has been given to the townscape and local distinctiveness in accordance with CS policies LD1 and SD1.
- 6.17 The height of the individual dwellings, at 8.5 metres, and their apparent scale has been the subject of objections and whilst a reduction in overall height would be welcomed, it is not considered that the currently proposed designs result in any measurable harm to the character of the locality and the wider landscape and as such would not warrant a recommendation of refusal in this context.
- 6.18 The new dwellings would be accommodated within a well screened field parcel and whilst the loss of some 28 metres of hedgerow is regrettable, the impact of this loss will be localised and can be appropriately mitigated by the additional hedgerow planting proposed.
- 6.19 Finally on the issue of the landscape implications of the proposed development, attention is drawn to the comments of the Conservation Manager (Landscapes) who does not object to the revised layout subject to some additional hedgerow tree planting and careful attention to render colour, which are matters that can be addressed by condition.

#### Access and Highway Safety

- 6.20 CS policy MT1 requires new development to demonstrate that the local highway network can absorb the traffic impacts of development without adversely affecting the safe and efficient flow of traffic. This issue is clearly of concern to local residents who have drawn attention to the narrow nature of the unclassified road from which access would be derived, the lack of passing places and the fact that it is a well-used “rat run” through to Garway Hill and St Weonards.

- 6.21 These concerns notwithstanding, the Transportation Manager raises no objection to the proposed development subject to a range of conditions, including most importantly the retention of the visibility splays in accordance with Manual for Streets 2. These are achieved whilst minimising the removal of hedgerow.
- 6.22 In other respects the nature of the local road network is considered sufficiently safe to support additional pedestrian activity and the recommended pedestrian warning sign can be secured by condition. Furthermore, in light of the relative proximity of the nearest bus stop (370 metres from site) and primary school (750 metres) away it is maintained that the site is sustainably located and well related to the village and its services.

#### Biodiversity

- 6.23 The Conservation Manager (Ecology) has reviewed the Ecological Report (Swift Ecology) and the associated Biodiversity Protection and Enhancement Plan and raises no objection. Accordingly, subject to attaching the recommended conditions, CS policy LD2 is satisfied. The Ecologist has considered the proposed foul and surface water drainage and on the basis that this is to be managed within the site and in light of the distance of the site from protected habitats, he has carried out a Habitat Regulations Assessment concluding that the development would not have Likely Significant Effects upon any statutorily protected biodiversity sites in accordance with CS policy SD4.
- 6.24 The proposed drainage arrangements are covered in more detail in the section below.

#### Foul and Surface Water Drainage

- 6.25 The proposed drainage strategy incorporate SuDS techniques and includes a single shared Package Treatment Plant (PTP) and soakaway for foul drainage and a combination of individual soakaways, an infiltration basin and swales to deal with individual dwellings and road drainage. The Land Drainage Consultant has raised some concerns about the site's porosity and would generally recommend the use of individual PTPs. However, no formal objection is raised and subject to a condition requiring the submission of a detailed drainage strategy with supporting calculations and details of the proposed maintenance arrangements, it is considered that the requirements of CS policies SD3 and SD4 are satisfied.

#### Other Matters

- 6.26 Having regard to other concerns raised by objectors, the development proposed is not at a scale where affordable housing can be secured and under current policy arrangements this is unlikely to be possible on sites in and around Garway. This is unfortunate but currently unavoidable. Criticism is levelled at the lack of public engagement by the applicant, and whilst this is not a requirement of an application, it is worth considering the detailed summary that has been set out in the Voluntary Pre-application Consultation Summary which accompanies the application. At face value this demonstrates a willingness to engage which has not been taken up prior to the submission of the application itself.
- 6.27 A number of concerns raised relate to the impact of the development on Garway Common and the rights of Commoners. These are separate legal rights that are not material to the determination of the application but it is important to stress that should permission be granted, the applicant would be required to comply with any separate legal requirements.
- 6.28 By reason of the site's location and position in relation to existing dwellings, it would not have any direct impact upon the privacy, daylight and sunlight enjoyed by the nearest properties.

There would clearly be some disruption during construction, but subject to conditions regarding hours of construction and the parking of site operatives, this would be satisfactorily mitigated in my view.

### Conclusion and Planning Balance

- 6.29 It is very clear from the level of local response to this application that objectors consider the site in general is not well related to the village and the proposed design and layout of the development is inappropriate and out of keeping. However in the context of the Council's continuing 5 year housing land supply deficit and the absence of an NDP, it is clear that the NPPF's tilted balance in favour of sustainable development is engaged.
- 6.30 It is considered that the site is well related to the village, with the facilities and services available, readily accessible by foot and comparable in this respect to many other properties in Garway. In locational terms there is considered to be no conflict with CS policy RA2. Thus, having regard to the absence of a five year supply of housing land, the balance to be struck is whether the harm to the landscape character of the area, in the context of CS Policies LD1 and SD1 is so pronounced that it significantly and demonstrably outweighs the benefits of the scheme when assessed against the development plan taken as a whole.
- 6.31 In my view the benefits of the scheme can reasonably be considered to amount to the following:
- a) The economic benefits arising through the construction phase of the development and then via the lifetime of the development i.e. through increased expenditure in the local economy and potential underpinning of local services as a consequence;
  - b) The social benefits associated with delivering smaller 3 bed dwellings within the development;
  - c) The delivery of a significant contribution of housing towards the Parish's proportional growth target where there is currently uncertainty.
- 6.32 Considering the environmental impacts of the development, it is considered that the proposal has limited visual and landscape impacts and/or implications for the living conditions of existing residents and in absence of harm in other areas (e.g. flooding, highways and design approach), my overall conclusion is that in the context of the decision-making approach set out above the adverse impacts associated with the development that are attributed by third parties, do not significantly and demonstrably outweigh the benefits. As a consequence and in these circumstances, I am of the view that the development is representative of sustainable development and it is recommended for approval accordingly.

### **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 to officers:**

- 1. A01 - Time Limit for Commencement (Full Permission)**
- 2. B01 - Development in Accordance with the Approved Plans**
- 3. C01 - Samples of External Materials**
- 4. D05 - Details of External Joinery Finishes**
- 5. G04 - Protection of Trees/Hedgerows that are to be Retained**

6. **G10 - Landscaping Scheme**
7. **G11 - Landscaping Scheme - Implementation**
8. **H03 - Visibility Splays**
9. **H06 - Vehicular Access Construction**
10. **H09 – Driveway gradient**
10. **H13 - Access, Turning Area and Parking**
11. **H17 – Junction improvement/off site works**
12. **H21 – Wheel washing**
13. **H27 – Parking for site operatives**
14. **H29 - Secure Covered Cycle Parking Provision**
15. **I16 - Restriction of Hours During Construction**
16. **I18 - Scheme of Foul Drainage Disposal**
17. **M17 - Water Efficiency – Residential**
18. **The recommendations for species and habitat enhancements set out in the ecologist’s reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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.**

## **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. In relation to Condition 16, above the following information has been provided:**
  - **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
  - **Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
  - **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
  - **Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;**
  - **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

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

- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN24 - Drainage other than via highway system**
- 8. HN28 - Highways Design Guide and Specification**
- 9. N11C - General**

Decision: .....

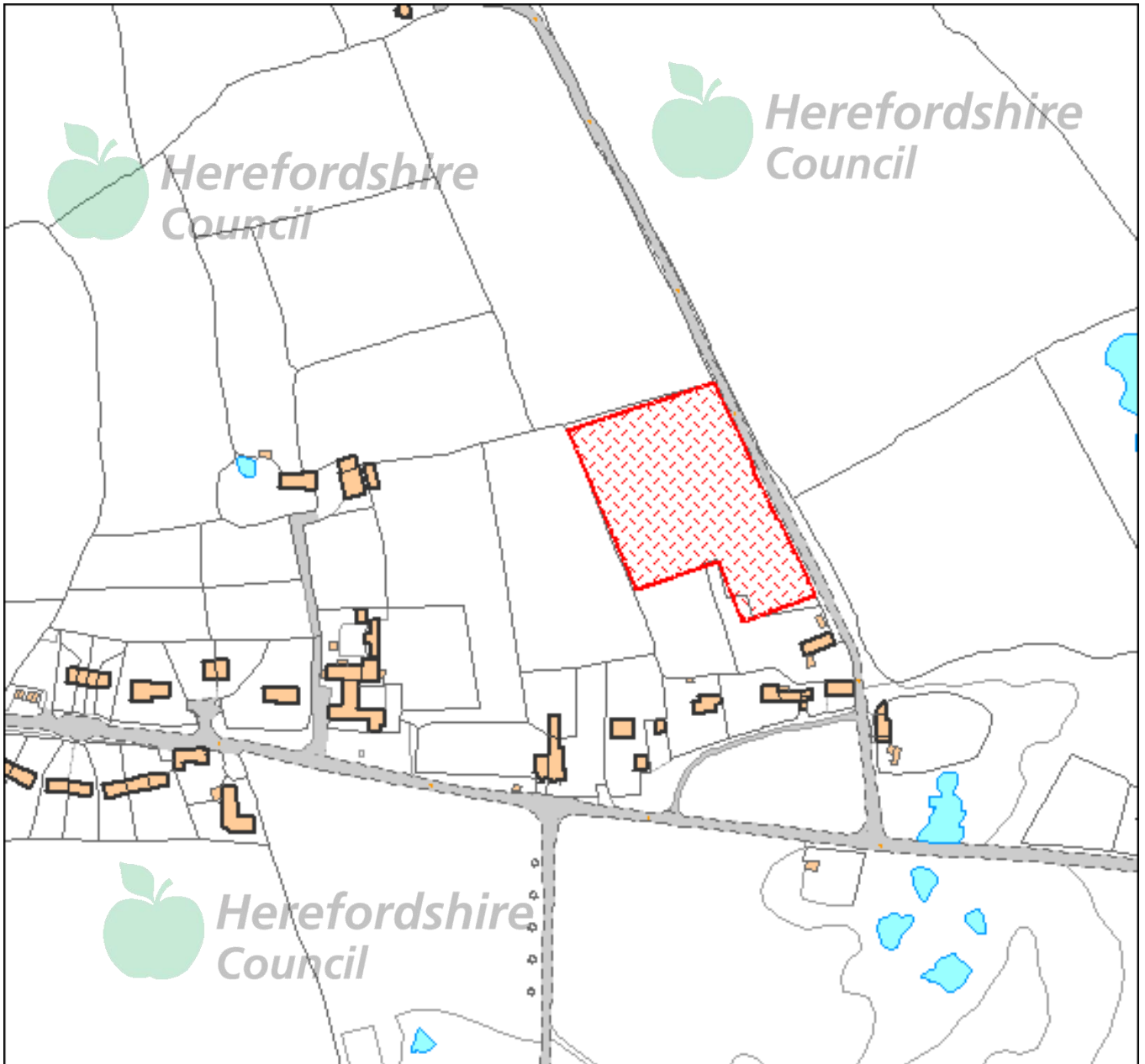
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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

**APPLICATION NO:** 173224

**SITE ADDRESS :** LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>11 APRIL 2018</b>
<b>TITLE OF REPORT:</b>	<b>180077 - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING AT 1 HIGHFIELD CLOSE, KINGSLAND, HEREFORDSHIRE</b>  <b>For: Mr &amp; Mrs Taylor per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180077&amp;search=180077">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180077&amp;search=180077</a>
<b>Reason Application submitted to Committee – redirection</b>	

**Date Received: 9 January 2018**

**Ward: Bircher**

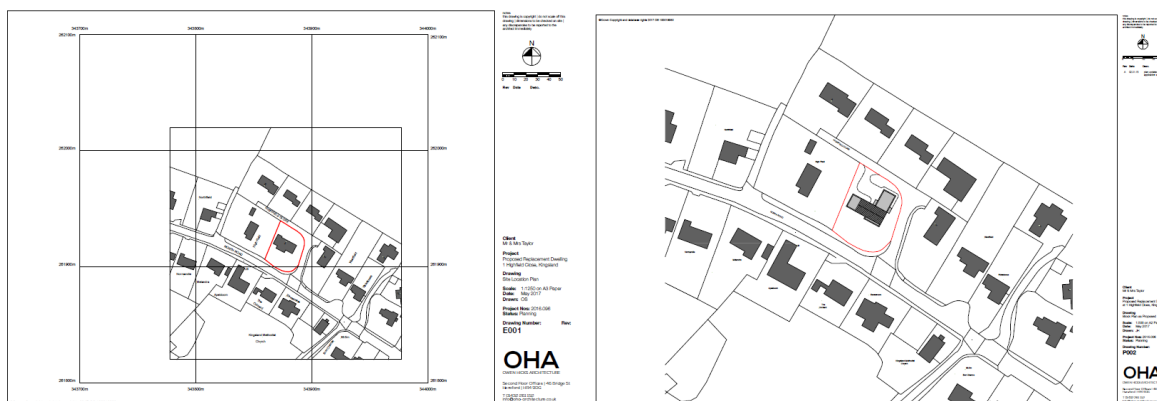
**Grid Ref: 343876,261917**

**Expiry Date: 16 March 2018**

Local Member: Councillor WLS Bowen

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

- 1.1 1 Highfield Close is a detached 1970s brick bungalow, occupying a rectangular parcel of land, located in the north-west of the rural settlement of Kingsland. 1 Highfield Close is currently accessed off the B4360, the main thoroughfare which runs through Kingsland, and is within a residential close of seven dwellings, all of which utilise access from the U93025, the private access road for Highfield Close.
- 1.2 The site is seen as domestic in its characteristics, through its maintained lawns, paving and mature ornamental vegetation, which currently borders the site boundary. The surrounding residential properties of Highfield Close are all detached, with a mixture of single- and two-storey dwellings, comprised of predominantly brick, along with aspects of stonework (prevalent on the other single-storey bungalows in Highfield Close).
- 1.3 The application is for the demolition of the existing dwelling and the erection of a replacement two-storey dwelling, occupying a L-shaped layout, comprised of white render and dark stained timber cladding for the walls, wood and aluminium composite for the doors and windows, and a metal standing seam roof. Vehicular access is proposed to be gained through a tarmac/block paved drive from an existing gate, providing access to a double garage with two car parking spaces at the north-west elevation.



*(Existing Site Location)*

*(Proposed Site Location)*

- 1.4 The proposed elevations are for the main dwelling to measure 17.3 metres along the south-east elevation, the rear elevation measuring 19 metres, and at the north-west elevation, the main dwelling measures 12.3 metres, before the building is interrupted by the proposed double garage with hall and utility room link to the remainder of the proposed replacement dwelling. The double garage will be attached to the main dwelling, occupying a size of 6.7 metres x 6.7 metres, with ridge at 2.9 metres. The roof eaves of the proposed dwelling measures 5 metres with ridge measuring 8.5 metres. The site area footprint measures 964 m<sup>2</sup>.

## 2. Policies

### 2.1 Herefordshire Local Plan: Core Strategy

SS1	–	Presumption in Favour of Sustainable Development
SS6	–	Environmental Quality and Local Distinctiveness
RA2	–	Housing in Settlements Outside Hereford and the Market Towns
LD1	–	Landscape and Townscape
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency

### 2.2 National Planning Policy Framework (NPPF)

The following chapters of the National Planning Policy Framework are of particular relevance:

Chapter 7	–	Requiring Good Design
Chapter 12	–	Conserving and Enhancing the Historic Environment

### 2.3 Neighbourhood Development Plan (NDP)

The site is located within the Kingsland Neighbourhood area. The Kingsland Neighbourhood Development Plan was adopted on 16<sup>th</sup> October 2017 and now forms part of the Development Plan for Herefordshire. The following policies are of particular relevance:

KNDP1	–	Promoting a Sustainable Community
KNDP2	–	Development Strategy
KNDP3	–	Sustainable Design
KNDP4	–	Retaining the Rural Character of Kingsland Parish
KNDP6	–	Kingsland Village and Conservation Area
KNDP8	–	Highways and Transport Infrastructure

[https://www.herefordshire.gov.uk/downloads/file/11288/neighbourhood\\_development\\_plan\\_june\\_2017](https://www.herefordshire.gov.uk/downloads/file/11288/neighbourhood_development_plan_june_2017)

- 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 3. Planning History

- 3.1 DCH770430/A30 – Erection of one bungalow with garage and vehicular access thereto, on Plot 1, North Road, Kingsland – application approved.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water - No Objection:

*“We have reviewed the information submitted as part of this application and note that the intention is to utilise sustainable drainage systems or soakaways. With regards to foul water we have no objection to the communication to the public sewerage network. We do however draw the applicant's attention to the fact that the site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer”. Welsh Water recommends a condition, which is included in the recommendation section below.*

- 4.2 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 have no objection”.*

#### Internal Council Consultations

- 4.3 Building Conservation Officer - No objection:

The purpose in the designation of a conservation area is to protect the elements within it which contribute positively to its character. Although Highfield Close is within the Kingsland Conservation Area, the only features which enhance this part of the conservation area are the trees and hedgerows fronting North Road. The post war bungalows have no architectural distinctiveness and do not contribute to the special character of the conservation area. The house to be demolished is typical of this type of housing and so its demolition will cause no harm either to any nearby listed buildings or the character of the area in general. The proposed replacement is of two stories, which is more typical of the buildings which do add to the character of the conservation area. The scale and proportions are suitable for its plot. The materials reflect the palette of materials used in the older buildings in the core of the village which enhance the character of the conservation area, but the modern design means the proposed dwelling avoids being seen as a pastiche of the traditional buildings. The proposed new building is more sensitive to the elements that enhance Kingsland Conservation Area than the dwelling it is proposed to replace, and it will not harm the setting of any nearby listed buildings. Therefore we have no objection to this proposal.

4.4 Principal Countryside Officer for Strategy and Development (Ecology) – Approve with conditions:

“I note that existing foul and surface water management is being retained and I can identify NO unmitigated Likely Significant Effects on the River Lugg (River Wye) SSSI & SAC. The bird and bat report is noted along with plans clearly identifying the existing trees and hedgerows to be retained and protected during construction. I would request that the recommendation, including proposed biodiversity enhancements are subject to an implementation condition that also includes the required construction process protection for retained trees and hedgerow.” The condition is attached to the recommendation section below.

4.5 Transportation – No objection:

Proposal acceptable (no conditions and/or informatives required).

## 5. Representations

5.1 Kingsland Parish Council – Objection:

- The proposed dwelling does not preserve or enhance the Kingsland Conservation Area (KNDP6).
- The dwellings at Highfield Close were built in a similar style and the character and appearance of the Close should be protected.
- The proposed dwelling is not in keeping with the neighbouring properties.

5.2 11 representations have been received which object to the application on the following summarised grounds:

- The demolition of a perfectly habitable bungalow is senseless.
- Highfield Close was built with a unified design in keeping with the original brick-built house known as Highfield House.
- The proposed property is not in keeping with other properties in close proximity. The design looks like a badly converted barn or industrial unit, not in keeping within an established residential area. The proposal is unsympathetic in design and materials to the other buildings in the Close, and disproportionate to the surrounding buildings.
- A house would be very intrusive in the Close which is not in keeping with Kingsland Village.
- Any proposal should fit in harmoniously within the context and character of the Kingsland Conservation Area as stated in Kingsland Neighbourhood Development Plan (KNDP6).
- The upheaval to everyone in the Close and nearby is going to be quite considerable with machinery and vehicles required to carry out this unnecessary operation.
- Application does not comply with the requirements for a development in a conservation area, Policy LD1.
- The application does not comply with Policy LD4.
- The proposed design has been designed to minimise costs rather than enhance the environment, using inappropriate materials such as profiled steel roofing for which there is no precedent in Kingsland. This is clearly an uneconomic development given the value of the existing building and the costs of demolition and will therefore lead to an unsatisfactory result in a prominent location at the entrance to the village.
- The granting of permission for the construction methods demonstrated in this design will provide a precedent for lower quality design and construction when other areas of Kingsland conservation area are developed in future.
- It will look out of place in this location and do not believe it is in keeping with the surrounding properties.
- It is a bit over-powering for this site.

- Concerns with current proposals, as it outside the context of Policy SS6, outside policy proposals within the NDP and Policy LD1.
- If considered in the context of surrounding area, proposed design does not accord to local designs and materials.
- Understanding that the design is trying to use clues such as barn conversions and materials you would find in such a building. However, there are no barns in the immediate area to consider, so it is out of context.
- External finishes and materials should be re-considered.
- If planning permission is granted, a request is asked for no further development being permitted to the single storey elevation to the west of the property (i.e. adjacent to High Field), on the basis that further development would adversely affect the amenity of neighbouring properties due to overlooking and overshadowing and the loss of existing views would adversely affect these properties.

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=180077&search=180077](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180077&search=180077)

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 for the demolition of the existing dwelling and the erection of a replacement two-storey dwelling on the site of 1 Highfield Close. Occupying a L-shaped layout, and comprised of white render and dark stained timber cladding for the walls, wood and aluminium composite for the doors and windows, and the roof being a metal standing seam roof.
- 6.2 The main considerations identified in this application, and where the majority of objections have been raised, concern how the proposal may affect nearby neighbouring properties, details regarding the design of the proposed development, and the impact the proposal has on Kingsland settlement. Primarily this can be addressed through discussing the principles surrounding the proposed development.

### Principle of the Development

- 6.3 The site of the proposal is located in Kingsland, a settlement identified as suitable for proportionate housing growth within the adopted Herefordshire Local Plan: Core Strategy under policy RA2, housing in settlements outside Hereford and the market towns. This is referenced under figure 4.14, where Kingsland is seen as a main focus for proportionate housing development in the rural areas. To maintain and strengthen locally sustainable communities across rural Herefordshire, sustainable housing growth is permitted where the following criteria are met:
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in figure 4.14 of the Herefordshire Core Strategy, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
  2. Their locations make best and full use of sustainable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

6.4 When assessing the proposal against policies contained within the Herefordshire Core Strategy, it can be seen that the proposal accords with RA2, on the basis that the result of the proposed scheme would comprise a replacement dwelling. The proposed development is of a comparable size and scale with other dwellings which are currently located within Highfield Close, as there are a large proportion of two-storey dwellings, and so this is considered to be of an acceptable and appropriate nature when assessed against policy RA2.

6.5 Additionally, this application conforms with all of the relevant criteria outlined in RA2 as the proposed design will make use of the existing site of 1 Highfield Close, and furthermore, it is felt the proposal will produce a positive contribution to the Kingsland settlement, adopting colours for the materials which matches and subsequently, reflects in the historic core of other dwellings throughout Kingsland, effectively resulting in the delivery of a scheme which can reflect local character with a variety of housing which is both suitable and sustainable. It can be argued this supports what the Kingsland NDP aims to achieve. I refer to the Kingsland NDP, and the introduction to the NDP, which quotes, "This plan sets out to allow for a range of housing sizes and styles, which suit their individual settings, location and purpose and the historic pattern of development". This proposal undoubtedly achieves this vision as the proposal would incorporate a housing style, which is located close to the outskirts of Kingsland, and through the colours and use of materials, is identified as a type of architecturally imposing dwelling, which the Kingsland NDP identifies that it can accept. It is referenced from the NDP, point 1.17, that architecturally imposing dwelling retains an important aspect of the current housing stock, seen as "an eclectic mix" of housing types to meet circumstances. The proposal demonstrates intentions to reflect the material and colour pallet of the historic core, particularly illustrated by the proposed 3D Visualisation Plans, which were submitted as part of this proposal.



(3D visualisation view from the north-west – seen as the main access to the proposed replacement dwelling at 1 Highfield Close)





*(3D visualisation view from the rear of the proposed replacement dwelling at 1 Highfield Close)*



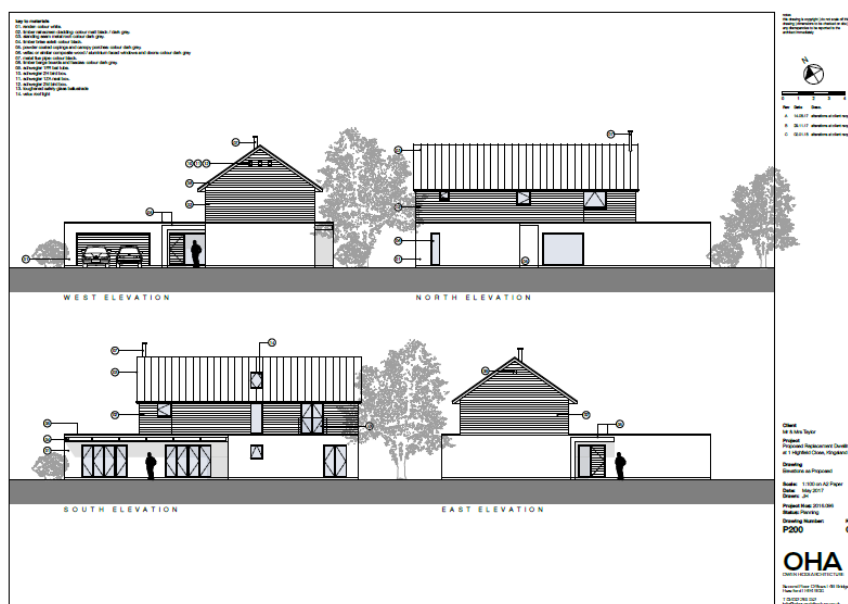
*(View from the north-east coming into Highfield Close, depicting the setting of the proposed replacement dwelling at 1 Highfield Close)*

### Design and Context

6.6 Kingsland NDP Policy KNDP1: Promoting a Sustainable Community, makes clear reference to ensuring that all development proposals throughout the Kingsland settlement should address the following high-level priorities considered essential for maintaining a cohesive and resilient community, identified as:

- a) The conservation and enhancement of the rural character and local distinctiveness within the parish. This includes the settings and amenity within its settlements, particularly in relation to the preservation of the Kingsland Conservation Area and its associated character, landscape and views.
- b) Development should be accommodated within infrastructure limits in particular for sewage treatment, highway safety, resilience from flooding, and measures brought forward for adapting to or mitigating climate change.
- c) Improvements to community facilities will be sought for the wellbeing of the whole community.
- d) Housing provision should meet the on-going identified needs of the community with a suitable mix of size, style and tenure.
- e) Emphasis should be on promoting employment which is appropriate in terms of scale and contributes positively to the character of the parish.

- 6.7 Furthermore, Chapter 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is considered as a key aspect comprising sustainable development, indivisible from good planning, and contributes positively towards making places better for people. Similarly, Policy LD1 of the Herefordshire Core Strategy seeks that proposals must demonstrate that the character of the landscape has positively influenced the design, scale and nature of the development.
- 6.8 It can be considered that the scale and siting of the proposal is of an acceptable nature, and as such, the proposal complies with Policy LD1 and KNDP1 on the basis that although the siting of the proposed dwelling is somewhat in contrast to the existing dwelling location, the proposal will be sited more centrally within the site, located slightly further from neighbouring dwellings, no closer to the main thoroughfare of the B4360, and does not result in any perceived overshadowing or overlooking to neighbouring dwellings in Highfield Close, namely High Field. It is considered that the proposed siting is therefore suitable, providing a more efficient use for the site. This is demonstrated in the supplied elevation plans, indicating that the proposal is clearly appropriate in context and does not result in massing of development upon the site.



*(Proposed elevations for replacement dwelling at 1 Highfield Close)*

- 6.9 It is imperative to note that there are important details provided in the representation from the Building Conservation Officer, who quotes: “the materials reflect the palette of materials used in the older buildings in the core of the village which enhance the character of the conservation area, but the modern design means the proposed dwelling avoids being seen as a pastiche of the traditional buildings. The proposed new building is more sensitive to the elements that enhance Kingsland Conservation Area than the dwelling it is proposed to replace, and it will not harm the setting of any nearby listed buildings”.
- 6.10 Whilst the comments objecting to the proposal are of material consideration, in providing a balanced perspective, I draw attention to the 1975 Conservation Area Designation Report, which states, “whilst new development elsewhere in the village is maturing into the existing landscape, with the removal of the hedgerows at the front of the new bungalow development on both sides of the road, a completely new street scene is created quite at odds with the overall character of the village...these variable buildings with their superficial finish, and the sudden open aspect of them all together, are completely unconnected to the village and its character,

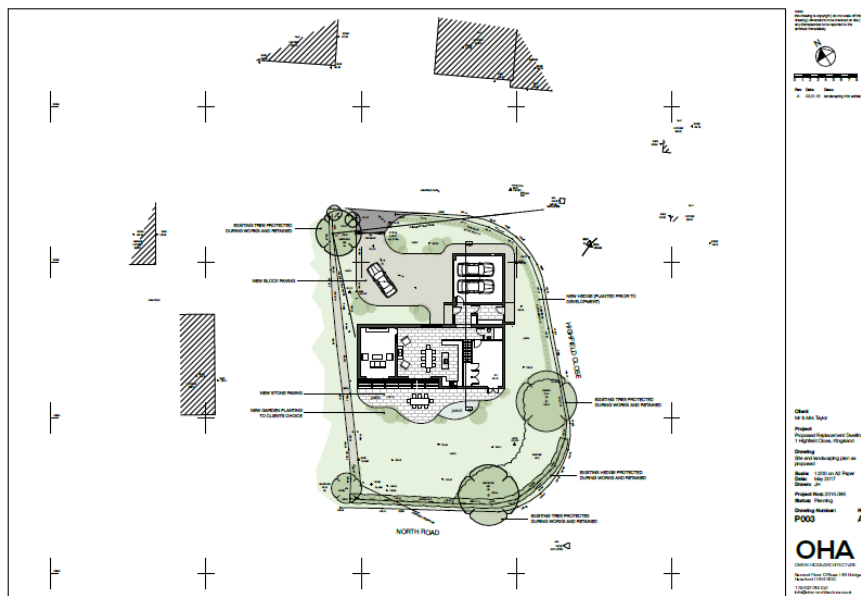
Further information on the subject of this report is available from Mr J Bailey on 01432 261903

and as such, must be excluded from the conservation area”. The proposal will ensure an asset of value to the Kingsland Conservation Area, through reflecting the material and colour pallet of the historic core, as not only are the 1970s developments, including Highfield Close, excluded from the conservation area considerations, as clearly outlined in the aforementioned report, but the design ensures a advantageous opportunity to reference Kingsland’s more distinctive architecture and historic character, which as explained previously, is identified in the NDP.

- 6.11 Objective One of the NDP illustrates that “visual effect of all development preserves and enhances the traditional character of the parish and protects our landscape and historic character”. As part of NDP Policy KNDP4, proposals should conserve the character and the setting of historic and traditional rural buildings, the historic landscape and archaeological sites. The proposal does not inaugurate a down-grading in potential construction and design. It is perceived that certainly the proposal helps to conserve the distinctive and enhance the rural character of Kingsland. In echoing the judgement of the Buildings Conservation Officer, this innovative design not only prevents it being recognised as a pastiche of the traditional buildings of Kingsland, but moreover, is sensitive in its elements, ensuring the proposal does not harm the elements which could provide an unduly detrimental impact on the Kingsland Conservation Area.
- 6.12 The relevance that this proposal is within a designated heritage asset, this being the Kingsland Conservation Area, means that it is essential to evaluate the harm the proposal may cause to the significance of heritage assets. I refer to the NPPF Paragraph 134, which identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including the securing of its optimum viable use. It is felt that the significance of a non-designated heritage asset should be taken into consideration before determining an application. When comparing the proposal against HCS Policy LD4, historic environment and heritage assets, I feel that the proposal will help to protect and enhance the heritage asset of the Kingsland Conservation Area. This is on the basis that the proposal is sympathetic in terms of uses and design, which will help to contribute to the character and local distinctiveness of the wider environment and the settlement of Kingsland. To this extent policy LD4 is satisfied and NPPF 134 is engaged. This is supported by the Building Conservation Manager. Therefore the proposal is considered to pass the 134 test of the NPPF.
- 6.13 NDP Policy KNDP6 refers that “the sense of enclosure within the village historic core formed principally around the staggered crossroads at the Corners Inn with its concentration of listed buildings, extending south east to Fairfield Cottage, north east to Myrtle Cottage, north-west to Lilac Cottage and south west to Kingsland House (the old Rectory)”. This is seen as a valued characteristic of the area, which this proposal does not affect, whilst demonstrating high quality design for a new building, respecting massing and the scale of the dwelling, choice of materials and keeping a clear vision of being sensitive to the landscape. Hence, the proposed design retains connectivity with the special character of the conservation area, complying with KNDP6, as well as conforming to the Herefordshire Core Strategy Policies LD4 and SS6, and the NPPF, under paragraphs 60, 61, 64 and 126.
- 6.14 Further attempts towards achieving inclusive design have been proposed, whereby the layout internally will be positively welcoming of both wheelchair and ambulant disabled users with a minimum 750mm clear opening doors, towards achieving increased accessibility and movement. In accordance with The Building Regulations Part M, an accessible ground floor WC and electrical sockets and switches positioned between 450mm and 1200mm from the finished ground floor level is proposed. This will additionally allow for enhanced accessibilities and openness within the proposed dwelling.

## Landscape and Ecology

- 6.15 The demolition of the existing bungalow in what is part of a Conservation Area will not have an adverse impact on the significance of this part of the heritage asset, based upon the representations of both the Building Conservation Officer and the Ecologist. This interpretation is supported on the basis that the proposal demonstrates that landscape and townscape character can assimilate positively into the landscape, which has been influenced through the design, scale and nature of site selection, whilst protecting and enhancing the setting of settlements and designated areas, conforming to LD1 of the Herefordshire Core Strategy. Provided the proposed scheme conserves and enhances the natural, historic, and scenic beauty of important features and landscapes, including conservation areas, the proposal is considered to satisfy LD1.
- 6.16 The design of and the scale of the new dwelling is appropriate for this particular plot, notwithstanding the reasonable proportion of single storey dwellings in the locality. This is given the extent that established trees and hedgerows around the plot and in the vicinity of the site provide amenity to Kingsland, and through protecting these, not only does this screen the proposal to a considerably significant extent from the B4360, but enables the retention of vegetation, preventing exposure of the dwelling, which has had significant merit due to the maturity of the vegetation. Based on the responses provided by the ecologist, in conjunction with the supplied plans, including the design and access statement and the bat and nesting bird assessment, the proposed building would be no closer to existing trees than the existing dwelling, in conjunction with the fact that all trees are proposed to be retained in the scheme, this further conforms to LD1 of the Herefordshire Core Strategy. This has principally been illustrated through the proposed site & landscaping plans, submitted in conjunction with the application.



*(Proposed site and landscaping plans at 1 Highfield Close)*

### Access, Parking, Connectivity

- 6.17 Transportation was consulted with respect to the possible potential for increased traffic movements due to the increased size of dwelling and site footprint. Policy MT1 states proposals should ensure the local road network is capable of accommodating traffic impacts, designed and laid out to ensure adequate operational and manoeuvring space and have regard to the parking standards contained within the council's Highways Development Design Guide. The proposed access arrangements are acceptable, notwithstanding possible increases in traffic movements, safeguarding and guaranteeing there are not any highway/transportation concerns relating to this proposal. Hence, this application is in compliance with MT1 of the Herefordshire Core Strategy and KNDP8 of the NDP, as the existing gate would be used for access to the proposed double garage.

### Drainage

- 6.18 The submitted application specified that the building would dispose foul sewerage through a mains sewer connected to the existing drainage system, by supplying drawing P003-A with the existing sewer manhole location. No objections have been raised with regards to this aspect of the proposal, albeit the comments received from Welsh Water recommending a safeguarding condition, and so this aspect of the proposal is considered acceptable.

### Sustainability

- 6.19 With regards to the building envelope, this will be constructed from PEFC certified and responsibly sourced pre-fabricated timber frame panels from a local supplier, and insulated to achieve thermal performance. This is undoubtedly in excess of Building Regulation requirements, which means that combined with undertaking a natural rather than man-made appearance with the materials, which are proposed to reduce embodied CO<sub>2</sub> and also subsequently achieve an external appearance which will naturally soften and mellow over time, appropriate sustainability measures have been adopted. Further to this, potable water use is to be limited to 105 litres per occupant per day as part of attempts towards achieving water saving measures, whereby this will include aerated 'low flow' taps and shower heads, and surface water run off to be sustainably managed through a suite of SUDs techniques.

### Summary

- 6.20 The proposal conforms to relevant planning policies both at a national and local level, whilst preserving and potentially enhancing the Conservation Area, based particularly on the representations received from the Buildings Conservation Officer, as well as from the Ecologist. Whilst the objections raised by third parties are noted, having regard to the lack of objection from technical consultees and the ability to control and mitigate the impact of the development through conditions attached to the recommendation, it is considered that the proposal is worthy of support. As such on the basis of the assessment set out above, approval is recommended for this application.

## **RECOMMENDATION**

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

- 1. A01 - Time Limit for Commencement (Full Permission)**
- 2. B02 - Development in Accordance with Approved Plans and Materials**
- 3. I16 - Restriction of Hours during Construction**

4. **F08 - No Conversion of Garage to Habitable Accommodation**
5. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

**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.**

6. **The ecological recommendations and Biodiversity Enhancements in the Bat and Bird Nesting Assessment by Star Ecology dated May 2017 and the retained tree and hedgerow protection identified on supplied plans shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

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

7. **No further development is permitted to the west of the property (i.e. adjacent to High Field).**

**Reason: Further development would have an adverse effect on the amenity of neighbouring properties due to overlooking and overshadowing.**

8. **F14 – Removal of permitted development rights.**

**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.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 180077

**SITE ADDRESS :** 1 HIGHFIELD CLOSE, KINGSLAND, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>11 April 2018</b>
<b>TITLE OF REPORT:</b>	<b>180557 - DEMOLITION OF EXISTING SHED &amp; KITCHEN AREA. NEW SINGLE STOREY KITCHEN AND DINING AREA. NEW STAIR ACCESS AND BEDROOM/EN SUITE FORMED IN ROOF SPACE AT WYNYATS, CHASE ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JH</b>  <b>For: Mr &amp; Mrs Riddle per Mr Richard Ball, Ilex, Ashfield Crescent, Ross-On-Wye, Herefordshire, HR9 5PH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180557&amp;search=180557">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180557&amp;search=180557</a>
<b>Reason Application submitted to Committee – Staff Member</b>	

Date Received: 12 February 2018

Ward: Ross East

Grid Ref: 360133,223878

Expiry Date: 10 April 2018

Local Member: Councillor PGH Cutter

## 1. Site Description and Proposal

- 1.1 The application site features Wynyats, a detached dwelling located on Chase Road within an established residential area of Ross on Wye close to the town centre. The site is within the Wye Valley Area of Outstanding Natural Beauty and a conservation area. A Grade II listed dwelling, The New House, is located within 75 metres to the south-west of the application site, however it is screened by an historic wall.
- 1.2 The proposal is the demolition of an existing shed and kitchen area to be replaced with a new single storey kitchen and dining area, a new stair access and bedroom/en suite formed in the roof space of the original dwelling.

## 2. Policies

### Herefordshire Core Strategy

- 2.1 The following policies are applicable and relevant to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness
RW1	-	Development in Ross-on-Wye
LD1	-	Landscape and Townscape
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

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

## National Planning Policy Framework

- 2.2 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

## Neighbourhood Development Plan

- 2.3 The Ross Neighbourhood Area was designated on 11 September 2013. The Neighbourhood Development Plan is in the drafting stage (Pre-Regulation 14) and as such cannot be afforded any weight in the decision-making process.
- 2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## **3. Planning History**

- 3.1 None

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None

### Internal Council Consultations

- 4.2 Conservation Manager (Building Conservation) has no objection commenting *the proposed scheme is considered acceptable from a heritage perspective. The scale and material palette proposed for the extension would have a neutral impact on the conservation area. The use of conservation rooflights which sit flush with the roof covering would be welcomed in this instance, to minimise the visual impact on the road facing roof pitch.*

Requested conditions are attached to the recommendation, below.

## **5. Representations**

- 5.1 Ross on Wye Town Council has no objection.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=180557&search=180557](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180557&search=180557)

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>

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

## **6. Officer's Appraisal**

- 6.1 To facilitate the single storey extension it will be necessary to demolish part of the existing kitchen area (7.42 sq metres) together with existing shed (3.08 sq metres), a total of 10.50 sq metres. Part of the boundary fence between Wynyats and Coppice View will be removed and replaced with a brick wall, to allow for the new extension. It is considered there are no adverse heritage implications to the removal of these structures or, in principle, their replacement with new development. The proposed new kitchen/dining area will be some 33.4 sq metres, a net increase of 19.9 sq metres over the existing situation.
- 6.2 The proposed new single storey extension measures at its maximum 6.1 x 6 metres in plan with a maximum height of 2.9 metres. The extension has a flat roof design as this reduces the extension's mass and profile and reduces the impact on neighbouring property. With regards to the roof conversion, the only external physical alteration to the appearance of the dwelling is the insertion of rooflights into the existing roof plane. Regarding rooflights, which are required to provide light into the deep Family Room / Dining area and the bedroom and en suite and staircase proposed within the dwelling's existing roofspace, these are subject of a condition as requested by the Conservation Manager to ensure a satisfactory appearance.
- 6.3 Having regards to the context, scale and nature of the proposal as described above, the absence of meaningful public views into the site or of the proposal, which would be glimpsed at most, it is considered there is no demonstrable impact upon the character and appearance of either the Wye Valley AONB or the character and appearance of the conservation area. Furthermore, given the relationship with Grade II listed The New House, it is considered there is no appreciable impact upon the setting of the listed building. The comments of the Conservation Manager are also noted and as such policies RW1, LD1, LD4 and SD1 of the Herefordshire Core Strategy and the relevant landscape and heritage aims and objectives of the NPPF are met. Furthermore the Council's duty to have special regard to the desirability of preserving the setting of the nearby listed building (Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990) and of preserving or enhancing the character or appearance of Conservation Area (Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990) has been addressed.
- 6.4 The extension and roof alterations are appropriate and proportionate to the existing dwelling and are not considered to have any significant or detrimental impact on adjoining amenity and privacy. As such policy SD1 is satisfied and the proposal is of an acceptable design quality as required by policies LD1 and SD1 of the Core Strategy and NPPF.
- 6.5 On the basis of all of the above approval is recommended.

## **RECOMMENDATION**

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

- 1. A01 – Time Limit for Commencement**
- 2. B02 – Development in Accordance with Approved Plans and Materials**
- 3. C04 – Matching Brickwork**
- 4. D09 – Details of Rooflights**

**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.**

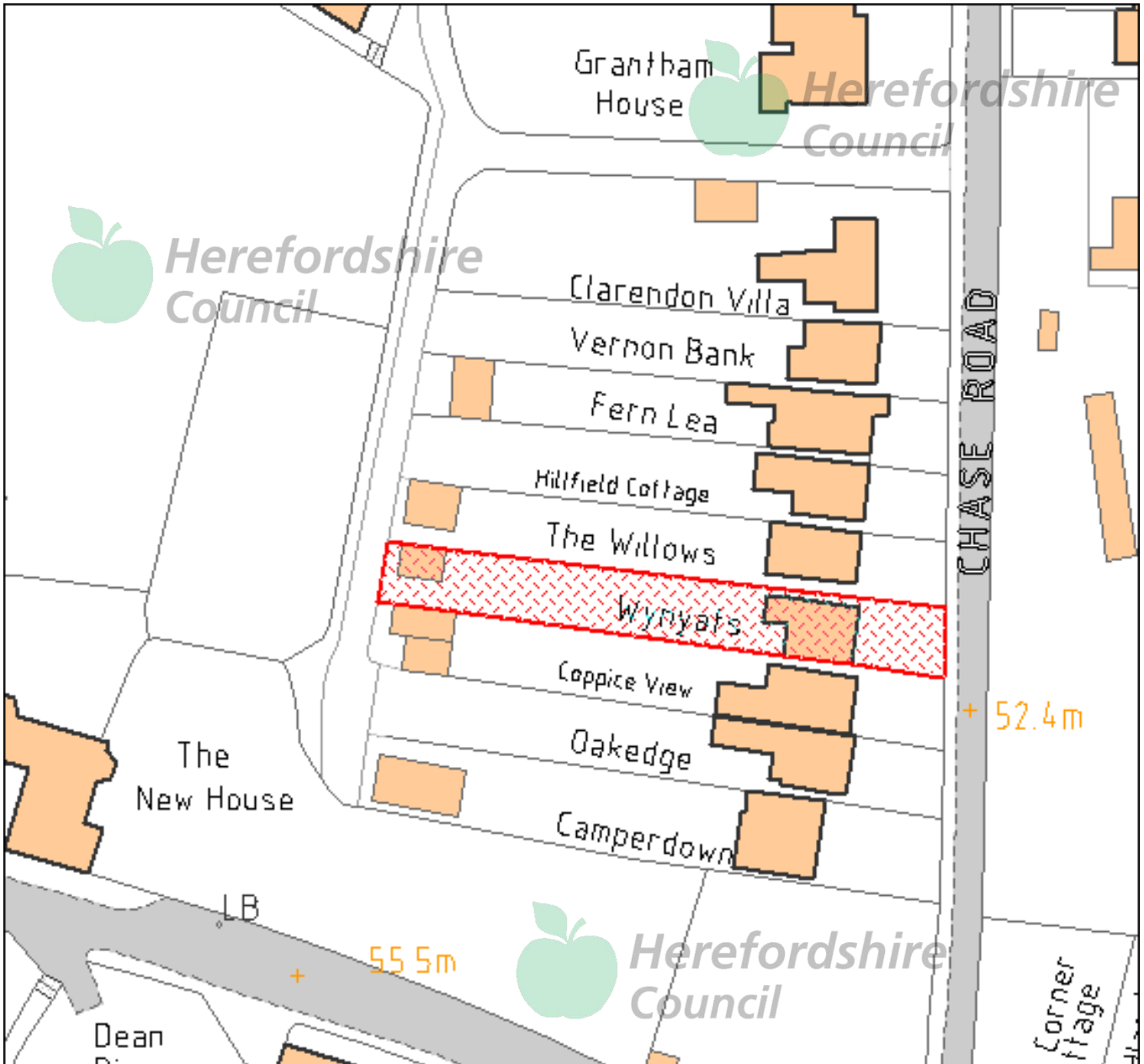
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 180557

**SITE ADDRESS :** WYNYATS, CHASE ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JH

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