

Agenda

Planning and regulatory committee

Date: **Wednesday 23 January 2019**

Time: **2.00 pm (or on conclusion of the Committee's meeting held in the morning, if later)**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor PGH Cutter**
Vice-Chairperson **Councillor J Hardwick**

Councillor BA Baker
Councillor CR Butler
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor EL Holton
Councillor TM James
Councillor MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor NE Shaw
Councillor WC Skelton
Councillor SD Williams

Agenda

		Pages
GUIDE TO THE COMMITTEE		
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
5.	181523 - CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UW Proposed extension and expansion of existing B1 facility comprising: 1) change of use of grain store to new production facility 2) extension to provide additional office space and research and development facilities 3) additional car parking provision 4) production waters treatment plant	11 - 24
6.	181908 - LAND AT LOVERS WALK, GORSLEY, ROSS-ON-WYE Outline planning application for 9 proposed dwellings with all matters reserved except access and layout.	25 - 44
7.	180403 - 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA Retention of residential use of former converted carport for ancillary accommodation and retention of the non-material conversion works required to be reversed by enforcement notice EN2017/002562/ZZ.	45 - 54
8.	183678 - IVY GREEN COTTAGE, ABBEYDORE, HEREFORD, HR2 0AD Proposed garage.	55 - 60
9.	DATE OF NEXT MEETING Date of next site inspection – 12 February 2019 Date of next meeting – 13 February 2019	

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

Guide to Planning and Regulatory Committee

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

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	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	Herefordshire Independents
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor NE Shaw	Conservative
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 chairperson and vice chairperson.
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.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

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.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	<p>181523 – PROPOSED EXTENSION AND EXPANSION OF EXISTING B1 FACILITY COMPRISING OF:</p> <p>1) CHANGE OF USE OF GRAIN STORE TO NEW PRODUCTION FACILITY</p> <p>2) EXTENSION TO PROVIDE ADDITIONAL OFFICE SPACE AND RESEARCH AND DEVELOPMENT FACILITIES</p> <p>3) ADDITIONAL CAR PARKING PROVISION</p> <p>4) PRODUCTION WATERS TREATMENT PLANT</p> <p>AT CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UW</p> <p>For: Mr & Mrs Lambe per Mrs Vicky Simpson, Bayton Farm Bungalow, Bayton Farm, Phocle Green, Ross-On-Wye, Herefordshire HR9 7TS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181523&search=181523
Reason Application submitted to Committee – Redirection	

Date Received: 24 April 2018

Ward: Old Gore

Grid Ref: 365166,228795

Expiry Date: 11 January 2019

Local Member: Councillor B A Durkin

1. Site Description and Proposal

1.1 The application is located in an open countryside location north of Upton Bishop and the application site, which is part of a larger land holding and established rural enterprise, covers an area of approximately 0.59hectares. An ordinary watercourse flows through the site. The topography of the site is relatively flat. The site is not within a designated landscape and no designated heritage assets are located on or adjoining the site.

1.2 The proposal has four parts, these are:

1. Change of use of grain store to new production facility

The conversion of an existing unused building, dated circa 1984, to provide an additional production and storage facility. There are no external alterations proposed.. An air conditioning unit would be located adjacent to the northeast elevation of this building.

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

2. Extension to provide additional offices and research and development facilities

An extension of an additional 183 sq metres floor space to the East/ rear of the existing offices building which provide a meeting room, a development laboratory and a number of store rooms and W.C.s. These new facilities would be accommodated within an extension to the rear (eastern side) of the existing offices.

3. Additional car parking provision

An additional 14 car parking spaces to be provided within a field located on the opposite side of the internal access road from the existing car parking area. The car parking area would be surfaced with a permeable surface product which over time would blend into the landscape.

4. Waste water treatment plant

A new Effluent Treatment Plant (ETP) to treat the waste water from the various processes on site. The ETP will operate via the aerobic bacterial fermentation of the effluent using technology referred to as "Sequential Batch Reacting" and will result in treated water that is considered acceptable to discharge to the environment.

- 1.3 The treatment plant will comprise of three tanks, two of which will be above ground and one below. One tank is to hold the raw effluent, and this tank will be constantly topped up from production, acting as a reservoir. The other two tanks are the sequence tanks where the treatment process takes place. The tanks are to be contained in a concrete bund to provide containment of any raw effluent or effluent under treatment, in the unlikely event of a leak, overflow or similar occurrence. There is a control system designed to prevent this and provide a fail-safe operation.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:- https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 1. Introduction
- 2. Achieving Sustainable Development
- 6. Building a Strong, Competitive Economy
- 8. Promoting Healthy and Safe Communities
- 9. Promoting Sustainable Transport
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment

3. **Planning History**

- 3.1 170355 – The erection of, alterations to and change of use of buildings for: agricultural use, light industrial B1(C) use and a mixed use of light industrial B1(c) and agricultural uses – retrospective – Approved w/conditions
- 3.2 164003 – Certificate of lawfulness for an existing use of land and buildings for light industrial B1(c) use, and a mixed use of light industrial B1(c) and agricultural uses – Granted
- 3.3 SH920096PF – Change of Use of Existing farm buildings for washing, packing and chilling of culinary herbs – Approval w/conditions

4. **Consultation Summary**

Statutory Consultations

- 4.1 Severn Trent Water comments *As the proposal has minimal impact on the public sewerage system can advise we have no objections to the proposals and do not require a drainage condition to be applied.*
- 4.2 Welsh Water comments *As the applicant intends utilising a septic tank facility we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.*

Internal Consultations

- 4.3 The Transportation Manager has no objection, commenting:

Existing use

The existing site layout is permitted and previous applications have not received any objections from highways, therefore the existing development has lawful use to access the highway without restriction.

Development

1. The development proposes, a change of use of grain store to new production facility, extension to provide additional office space and research/development facilities, additional car parking provision and a water treatment plant on site.

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

2. Core strategy policy MT1 covers traffic management, highways safety and promoting active travel. The policy states that developments should demonstrate that the impact of the proposals will not have a detrimental impact on the highways network. The proposals associated with this application will look to employ an additional 5 members of staff however the development will result in the number of tankers being reduce/removed from the highway network as the water treatment plant will be on site. After a number of objections were received relation to highway movements and their impacts, discussions were had with the applicant and HC to discuss any options to reduce the current level of vehicles using the network. The applicant agreed to implement a travel plan which includes car sharing for members staff in the view to reduce the number of movements along the whole network. They have also looked a different ways to organise their deliveries to further reduce the movements. HC has been informed that these initiatives have reduced the number of movements along the highways network by 25%. The travel plan will be included as part of the conditions if permission is granted, this allows for future review and updating. Reduction of vehicle movements is in line with the HC Highways Maintenance plan which looks to reduce the number of vehicles using this class of road. The applicant has also looked at provided passing bays along the U70004; this option has been objected to by some residents whom have objected to the planning application. It is HC's view that passing places should be provided as part of the construction of the development however they can be at the smaller size shown in drawing number 20274-01. The provision of passing places will reduce private accesses being used as passing places.
3. The option of a weight restriction has commented by objectors. Weight restrictions require a TRO (Traffic Regulation Order) which requires going through pubic consultation and statutory consultation including the police. Due to its rural nature any legal restriction implemented could have issues with enforcement, therefore leading to vehicles not adhering to the restrictions. No request for a weight limit has been received from the Parish Council or Local Member by BBLP. It should be noted that even if a weight limit was to be provided, the restriction would have to allow an "except for access" exemption for existing residents, farms and businesses to have deliveries.

Conclusion

With the proposed development and the mitigation the applicant has looked to provide, the proposed development would not be classed as severe, and therefore If minded to approve please condition

- 4.4 The Conservation Manager – *Ecology* comments *I have read the ecological report and the enhancement plan submitted. The findings are acceptable.* In order to implement the ecological proposals I suggest a condition is added to any permission.
- 4.5 The Environmental Health Manager, from a noise and nuisance perspective, has no objections to this proposal.
- 4.6 The Drainage Engineer comments:

Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1.

The planning application has been supported by a Flood Risk Assessment (FRA). The FRA addresses the Risk of Surface Water Flooding. The topographical survey demonstrates that the land falls towards the south of the site to the watercourse channel.

Surface Water Drainage

The use of grasscrete will not impact on surface water runoff or flooding, so the proposals for the car parking are acceptable. The proposed extension area (183m) and the concrete areas for the treatment plant will be directed into pond 1 to follow the existing 'treatment train'.

The Applicant should provide further information in regards to the restriction devices used between ponds, beds and the watercourse. The drainage strategy must demonstrate that the ponds hold sufficient capacity to cope with the 1 in 100 year + 40% event. It appears that the ponds are often at full capacity. It may be necessary to raise the banks of the ponds to provide additional storage to ensure that there is no increased risk of flooding to the site or downstream of the site 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.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Foul Water Drainage

The Applicant has demonstrated that the sewage treatment works disposes of treated effluent to a reed bed, followed by a willow bed (for further treatment) with final outfall to the watercourse to the northeast. The Applicant has demonstrated that the proposals are compliant with the general Binding Rules.

Summary

In principle, we do not object to the proposed development, however we recommend that Clarification of the orifice size required to restrict the flows from the proposed attenuation tank to 1l/s is provided within suitably worded planning condition.

5. Representations

5.1 Upton Bishop Parish Council objects to the proposals due to the road infrastructure and the amount of vehicles travelling to and from the site on a daily basis. The fact that the plant would be running 24 hours a day, 7 days a week, and the impact on the environment. Concern was also raised regarding the noise levels.

5.2 38 letters of objection have been received, comments are summarised as:

- The proposal is yet further expansion of the business
- The industrial use in a countryside location is inappropriate
- Concern regarding existing and increasing levels of commercial traffic
- Concern regarding highway and pedestrian safety
- Capacity of the local road network
- Impact on local residents
- Impact on the environment
- Recent contracts secured by the business will increase impact and concerns
- The business has outgrown its location
- A new vehicular separate access is required
- Noise, dust and nuisance
- No passing places create blockages in lane when vehicles meet
- Unsuitability of local road network to accommodate the business requirements
- Concern regarding conduct of road users

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

5.3 23 letters of support have been received, comments are summarised as:

- Planning committee is encouraged to recognise the importance of local businesses in the rural economy, particularly the ones who are doing well
- Refusing this application would be equated to scoring an own goal
- As a business owner, if the application is refused we will consider relocation due to uncertainty
- Opposition to the proposal and its resistance is and would be disappointing and alarming from perspective of other businesses
- The business employs local people and supports other local businesses
- The business delivers the economic vision of Herefordshire Council
- The business has the highest environmental credentials, no waste goes to land fill, it has won organic farm awards
- Traffic issues on the network are not solely the businesses fault
- Production capacity increase does not mean increased traffic
- Business has outstanding environmental and work place reputation
- The proposal offers significant ecological enhancement and management gains
- Much valued rural employer of skilled jobs
- The countryside is and always be a working environment and not a leisure park
- Despite accounting for 30% of all traffic the business has committed to improving and mitigating its contribution
- Previous applications for the business were approved with no issue
- Significant traffic mitigation is proposed
- The road situation hereabout is not unique and common over the county

5.4 The Preservation of Rural Beauty (PRuB) objects on the following summarised grounds:

- Concern over precedent of enabling passing places to accommodate traffic types and volumes and impact on natural environment
- Inappropriate location for such an enterprise

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181523&search=181523

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

Policy context and Principle of Development

Legislation

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The development plan is the Herefordshire Core Strategy.

Herefordshire Core Strategy

6.2 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.

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

- 6.3 Core Strategy policy SS6 states proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.4 Core Strategy Policy RA6 is in principle supportive of development proposals that enable the County's regeneration of its economic base, of which agriculture and farming is an important part. The policy criteria support and strengthen local food and drink production and the retention and/ or diversification of existing agricultural businesses.
- 6.5 Policy SD1 requires development proposals, should:
- New buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
 - Safeguard residential amenity for existing and proposed residents;
 - Ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution

National Planning Policy Framework

- 6.6 The 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 people's quality of life.
- 6.7 Paragraphs 7 and 8 set out and define sustainable development and three overarching objectives: *economic*, *social* and *environmental*, which are both the aims of the planning system and interdependent and need to be pursued in mutually supportive ways.
- 6.8 The economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. At the same time the environmental objective, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy should be met.
- 6.9 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.
- 6.10 Chapter 6 sets out how the Government's target of building a strong, competitive economy. Paragraph 80 states Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and

wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

- 6.11 The Government has specific aims and objectives regarding rural economic development set out under *Supporting a prosperous rural economy* and paragraphs 83 and 84 which state –

Planning policies and decisions should enable,

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 6.12 Paragraph 103 states *The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

- 6.13 Paragraph 109 states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 6.14 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where

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

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.15 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.16 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Background

- 6.17 Blue Sky Botanics Ltd. was established by the applicants in August 2005 and the business has operated from the complex of buildings at Castle Farm since that time. Blue Sky Botanics Ltd. process plants and herbs to produce a range of herbal products, including extracts, flavourings and distillates. These products are then sold to other business which use the products as an ingredient for their own products.
- 6.18 At present the business employs 34 full time (equivalent) members of staff, the majority of whom are either skilled or highly skilled, including 4 staff members with PHDs, and 23 staff members with degrees or equivalent. 20 out of 34(i.e. 60%) of staff live within 10 miles of Blue Sky.
- 6.19 The buildings at Castle Farm are used to provide office and meeting accommodation, research and development laboratories, a production unit/ factory, intake, despatch and storage and rest rooms associated with the operation of Blue Sky Botanics. The proposal will create an additional 5 full time jobs.
- 6.20 It is noted preceding applications 164003 and 170355 as detailed in Planning History, above paragraph 3.1, were not only approved under delegated powers but also attracted no representations of objection. There is also no record or complaints made to the LPA, transportation section, or Environmental Health with regards to the enterprise with regards the above or during the period prior to the Certificate of Lawfulness being applied for and granted.

Assessment

- 6.21 The proposal is the relatively small scale expansion and upgrading of an existing established and successful rural business with minimal new build development set within a well contained site which already benefits from the owners careful and purposeful landscaping and ecological schemes.
- 6.22 The site is in an open countryside location, partly due to a combination of being what can be considered an original farm diversification scheme and its land use requirements. The site, however, is not within or near an Area of Outstanding Natural Beauty and no designated heritage assets are on, adjoining or have inter-visibility with the site.
- 6.23 Access to the application site is from the U70004 which serves in addition to the business eight dwellings and two farms. The unclassified road then joins the C1286 which provides connection to the B4221 and B4334 which connect to the wider strategic road network, including M50 which is around 5km away from the site by road.
- 6.24 Objections from local residents with respect to highway safety, capacity and intensification concerns have been supported by, amongst other material, a traffic count, photographs and

video clips. All of this has been assessed by the Transportation Manager. Based on local concerns, Officers have required of the applicant further detailed assessments and negotiated mitigation measures including a Travel Plan of which some measures have been trialed, and creation of formal passing bays within the unclassified road on highway land.

- 6.25 The starting point is the consideration of the existing lawful use. The existing business is lawful and not subject to any specific restrictions limiting that lawful use. The highway serving the business and proposal is equally unrestricted. Accordingly there is unrestricted vehicular access to and serving the business. The test therefore is whether the proposal, and any intensification or increase in vehicular movements, individually or cumulatively with the existing situation creates a serve adverse impact on highway safety. Further to that, if there were such an impact or indeed any demonstrable impact, are there ways the impact can be mitigated.
- 6.26 The proposals would create an additional 5 members of staff however the development will result in the number of tankers being reduced/removed from the highway network as the water treatment plant on site will have increased capacity beyond the existing situation, which requires emptying around twice a week, which is four movements.
- 6.27 The proposal offers a number of mitigation measures that are, given the scale of the proposal and with regard to the existing lawful unrestricted situation, clear planning gain. Following discussions with the applicant they agreed to implement a travel plan which includes car sharing for members of staff with a view to reducing the number of movements along the whole network. They have also looked a different ways to organise their deliveries to further reduce the movements. It is understood these initiatives have reduced the number of movements along the highways network by 25%. The travel plan is recommended to be included as part of the conditions if permission is granted, which will allow for future review and updating. Reduction of vehicle movements is in line with the Council's Highways Maintenance plan which looks to reduce the number of vehicles using this class of road.
- 6.28 The applicant has also looked at providing passing bays along the U70004. The provision of passing places will reduce private accesses being used as passing places and can occur within highway land. Plans supporting the proposal show these are deliverable and conditions securing their implementation and construction are recommended. A trial period of measures to reduce movements through methods such as car sharing and control of deliveries over a 5 week period has resulted, as referenced by objectors, in a fall in vehicle numbers which they cautiously and positively welcomed. The further implementation and monitoring of such a Travel Plan within the context of the existing use and proposed application is considered capable of mitigation and enhancement of the situation.
- 6.29 The Government position is clear on the matter. NPPF paragraph 109 is unequivocal in its position:
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.30 On this basis, noting the local concern, it is considered there are no technical or policy grounds to refuse the proposal on highways grounds. The impact of the development is not classed as *severe*, and as such does not justify refusal. Highway enhancements and traffic volumes are on balance reduced due to the measures contained within the application and the recommended conditions. As such CS policies MT1 and RA6 are satisfied along with the relevant aims and objectives of the NPPF.

- 6.31 The proposal is supported by a detailed habitat enhancement plan and landscape proposals, which include:
- In-planting of native species within existing species poor hedgerows
 - New native species hedge planting
 - Sowing of wildflower and grass seed mix around the proposed new car park area
 - Proposed planting of locally sourced dessert variety orchard to the east, south and west of new car park and to the north of the site
 - Installation of 3 x 2F Schwegler bat boxes
 - Installation of 3 x 1FF Schwegler bat boxes
 - Installation of 3 x Schwegler 1B box 26mm hole
 - Installation of 3 x Schwegler 1B box 32mm hole
 - Planting of native flowering plants
 - Installation of 3 x Schwegler wood-concrete insect nesting aids
 - Wildflower areas of the site will be created that provide habitats and refugia for small mammals including hedgehogs, amphibians in their terrestrial phase and reptiles.
 - Form log piles from any felled trees on site to provide habitats for invertebrates and small mammals.
 - Installation of 2 x Schwegler woodcrete hedgehog domes
 - Installation of a rock strip will be constructed around the line of the proposed new hedgerow – to provide habitat for small mammals, amphibians
- 6.32 There are no public rights of way in close proximity to the application site, and the site is some distance from any third party dwelling, however consideration has been given to successfully ameliorate the proposal within the landscape. A landscape proposals plan forms part of the proposed development which through soft landscaping measures seeks to minimise any visual impact that the proposals might have. It is considered that the design and siting of the proposed buildings in combination with the landscape proposals further mitigates both the existing and proposed development and results in no substantial or significant new adverse landscape impact. Combined with the further significant ecological and biodiversity enhancements, the proposal satisfies CS policies LD1, LD2 and SD1 and the relevant landscape and ecological aims and objectives of the NPPF.
- 6.33 The comments of the Environmental Health Manager, who assessed the noise emitting sources and specification of the air conditioning units and blowers associated with the waste water treatment plant, are noted with regards to noise and on this basis it is considered there is no unacceptable impact to adjoining amenity. The distance to nearest third party dwellings is also noted and as such no adverse impact or concerns identified. It is noted the air conditioning unit will only run during working hours which are currently between 7:00am and 18:00pm Monday to Friday. As such the relevant criteria of CS policies RA6 and SD1 and the NPPF are satisfied.

Summary

- 6.34 The concerns of local residents are noted and appreciated. Further to this, Officers have required further assessments of the highway impacts of the business which has led to a number of mitigation and enhancement measures being proposed. It is a fact that without this application no such mitigation or enhancement would have been secured. Furthermore, conditions will ensure these measures are forthcoming and maintained. Given the nature of the application in terms of its scale, the existing lawful use and unregulated highway and movements, as detailed, there are no highway grounds to resist the proposal.
- 6.35 On the basis of this and all of the above, the proposal represents the small scale expansion and continued viability of a rural enterprise which makes a significant contribution to the local economy and the retention and offering of skilled jobs and employment. Combined with the ecological measures proposed and no impact upon designated heritage or landscape assets, the clear direction of local and national planning policies is that approval should be granted.

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

RECOMMENDATION

That planning permission be granted subject to the following conditions and any 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. **The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's report from Elizabeth Breakwell dated February 2015 and the enhancement plan dated April 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.**

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).

4. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement any reasonable avoidance measures recommended to ensure there is no impact upon protected species by development of the buildings and clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

Reason: 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).

5. **H09 - Driveway gradient**
6. **H13 - Access, turning area and parking**
7. **H17 - Highway improvement/off site works**
8. **H20 - Road completion in 2 years**
9. **H27 Parking for site operatives**
10. **H30 - Travel plans**
11. **Clarification of the orifice size required to restrict the flows from the proposed attenuation tank to 1l/s shall be provided to the Local Planning Authority prior to the installation of the drainage facilities for written approval and thereafter maintained as approved.**

Reason: To ensure the drainage arrangements are of an appropriate specification and to comply with Herefordshire Core Strategy policies SD3 and SD4.

12. **The buildings hereby approved shall be used for agricultural and B1 use only and**

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

for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, to align with previous planning permissions on the site to which the development hereby approved relates and in the interest of local amenity and to comply with Policy SS1, LD1, RA6 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

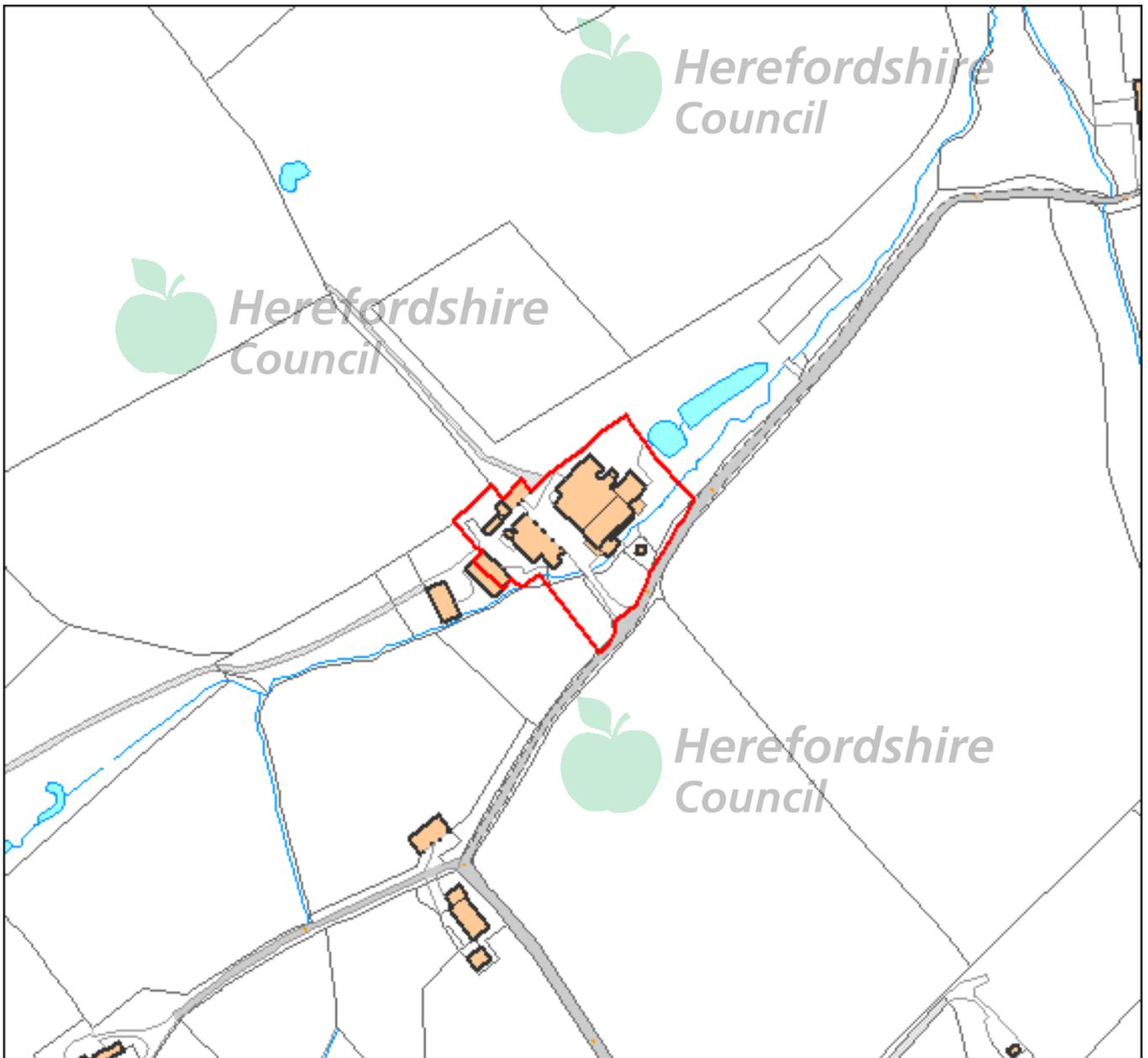
1. IP1 - Application approved without amendment
2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway
5. HN10 - No drainage to discharge to highway
6. HN24 - Drainage other than via highway system
7. HN28 - Highways design guide and specification
8. HN16 - Sky glow
9. HN25 - Travel plans
10. HN07 - Section 278 agreement

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181523

SITE ADDRESS : CASTLE FARM, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UW

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	181908 – OUTLINE PLANNING APPLICATION FOR 9 PROPOSED DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AND LAYOUT AT LAND AT LOVERS WALK, GORSLEY, ROSS-ON-WYE For: Mr Hickton per Mr Gareth Sibley, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, WR9 0QE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181908&search=181908
Reason Application submitted to Committee – Redirection	

Date Received: 22 May 2018

Ward: Penyard

Grid Ref: 367875,226026

Expiry Date: 31 January 2019

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site lies on the southern side of the B4221 at Gorsley and is formed of an undeveloped triangular parcel of land located at the eastern extreme of what one could reasonably regard as the village of Gorsley. The site is a “gateway site” with the development effectively representing the entrance to the village when approaching from Newent to the east.
- 1.2 The application site is triangular in shape with the apex of the triangle being at its eastern end. The land slopes markedly but gradually from west to east. In fact the land rises from approximately 68.12 m (AOD) to 82.18 m (AOD) – a difference of 14.06 metres. When approaching the site from the east (Newent) travelling west into the village the site is a materially higher level and any built development upon that land could be very apparent and prominent.
- 1.3 Along the southern boundary of the site is an important row of trees. These appear to be located on the neighbour’s land but evidently their canopy spreads and root systems encroach into the site. There is a public footpath that runs parallel to the southern boundary. There is a hedgerow along the frontage which has some landscape value. To the south of the site are two detached bungalows set in spacious plots. Further west, beyond the brow of the hill, is a detached cottage whilst opposite the site is the now closed Post Office / Shop building.
- 1.4 The B4221 hereabouts is very heavily trafficked (volumes) with considerable speeds. Officers observations having visited the site on numerous occasions have been of excessive speeds and frequent overtaking manoeuvres, especially by motor vehicles traveling east.

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

- 1.5 The proposal is an outline application for the erection of nine dwellings. Access and layout are under consideration. Appearance, landscaping and scale are reserved matters.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

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
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Water Quality

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

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

- 2.3 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 8. Promoting Healthy and Safe Communities
- 9. Promoting Sustainable Transport
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

- 2.4 The Neighbourhood Development Plan is at the drafting stage. A Neighbourhood area application was received on 21 November 2017 and was designated on 2 January 2018

3. Planning History

- 3.1 153661/O – Proposed residential development of 26 homes (10 affordable) – Refused, Appeal Dismissed on highway safety grounds and significant harm and impact on the character and appearance of the area.

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

- 3.2 151589/O – Proposed residential development for up to 36 dwellings, of which 35% will be affordable – Withdrawn

4. Consultation Summary

Statutory Consultations

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

Linton Quarry Site of Special Scientific Interest – Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

- 4.2 Severn Trent Water comments I can confirm that we have no objections to the proposals subject to the inclusion of the requested conditions.
- 4.3 Welsh Water comments We have no objection to a connection to the potable water network. Please note that Welsh Water do not provide sewerage services in this area.

Internal Consultations

- 4.4 The Transportation Manager states:

After discussion regarding this application the following has been agreed:

1. Pedestrian crossing to be provided across the B4221, including widening footway works and other works required for the crossing provision.
2. Provision of bus stop infrastructure works on both sides of the B4221.
3. Extension of the footway to the existing bus stop near to Quarry Road.
4. Provision of footway on the south side of the B4221 for the length shown in the submitted documents.
5. The site will provide a connection through to the PROW which runs at the back of the site.

The provision of these works will look to remove the previous issues and concerns raised. A number of conditions are requested if permission is granted.

- 4.5 The Conservation Manager – *Ecology* states I note the information supplied and comments from Natural England. I also note the proposal to move/replant the existing roadside hedgerow behind the new lay-by and footway. Full details of this and all proposed tree, shrub and hedgerow planting should be supplied for approval at Reserved Matters – including full specification for plants, planting and protection, 5 year establishment/replacement scheme and a subsequent 5 year maintenance plan. In line with the Council's Highway Design Guide NO thorny or spikey species should be planted within 3m of any highway. Footway, path or cycleway.

I note the low current ecological potential for the site but with hedgerow removal proposed I would request a relevant Ecological Working Method Statement. In line with NPPF Guidance, NERC Act and Core Strategy policies all developments should show how they are going to enhance the local biodiversity potential and full details, specification and proposed location of Biodiversity enhancements is also requested. Biodiversity enhancements should include bird boxes, bat roosting features (eg Tiles, bricks or boxes), pollinating/solitary insect homes and provision of hedgehog homes and associated gaps in any solid boundary features on the site. I would suggest that the EWMS and Biodiversity Enhancements are all included in one detailed

Ecological Mitigation and Enhancement Strategy that is submitted for approval as a Reserved Matter.

- 4.6 The Drainage Engineer comments this application borders Gloucestershire. The site slopes towards Gloucestershire, so we wanted to ensure that Gloucestershire County Council (GCC) are aware of it and we want to understand their position and stance on this one.

The proposals are currently for a pumped system discharging water uphill to a soakaway. We (Herefordshire Council as LLFA) would not regard this as fully sustainable in the long term, and thus there is a potential liability to GCC (as in the event of a failure, the runoff rate from the site would increase).

Currently, the developer has not presented a solution involving discharge to the highway ditch, however as mentioned above, in the event of a pump failure, the existing ditch appears to discharge into the highway drainage system that is maintained by GCC highways (this is an assumption made by BBLP, the route and outfall of the ditch should be confirmed by the Applicant).

We welcome the use of soakaways (due to the SuDS hierarchy). The west of the site has suitable infiltration rates for the use of infiltration features, thus we hold no reservations to the use of gravity fed soakaways in the west of the site (from plots 7, 8, 9, 1, 6 and 5). The east of the site does not have infiltration capabilities. Thus we request that the Applicant establishes and identifies the existing and proposed runoff rates and then obtains approval from GCC.

The exceedance routes would need to be carefully designed considering the scenario of blocked gullies as there may be additional runoff onto the highway. Approval for the exceedance design must be sought from Gloucestershire County Council highways.

Please review the initial comments from Gloucestershire County Council:

Neil Troughton would need to be consulted on this because we (LLFA) would refer this to him for comment on the proposal to discharge the water to a ditch that outfalls to a highway drain. We would require confirmation that GCC Highways have been consulted on the following issues, please note GCC LLFA likely responses in italics;

1. Is the existing connection/outfall to the highway drainage system consented/legal?
If not agreed with GCC Highways we would object.
2. Is there likely to be an increase in the site discharge to the highway system?
If there is we would need it to be agreed with GCC Highways otherwise we would object.
3. Notwithstanding the legality of the existing connection to the HD system and deployment of a device to control the discharge rate to the existing greenfield rate, would the outfall to the HD system add to any prevailing surface water drainage problem on the highway, i.e. this is an opportunity to object in principle to a third party connection to the HD system and thus mitigate an existing problem (if there is one).
If there is an existing issue with highway drainage capacity and there is a risk of increasing flood risk we would object.

In the absence of reassurances from GCC Highways/Highways Development Management on the above the LLFA would object in principle.

In response to a rebuttal by the applicants, the Drainage Engineer further objects stating *We have reviewed this and as a highway authority we would raise a strong objection to the use of any mechanical device that could break down (pump) as there will be a significant risk of increased water on the highway.*

- 4.7 The Public Rights of Way Manager comments Public footpath LTR18 must be given a width of 2m. If hedges are planted alongside the footpath, they must be well maintained to ensure there is no encroachment. Kissing gates are acceptable if they are replacing existing structures. If construction work is likely to endanger path users, a temporary closure must be applied for.
- 4.8 The Environmental Health Manager – Contaminated Land comments, Pre-app advice from ourselves recommended the applicant submit information which considers risk from the nearby landfill. I'd recommend this be provided.
- 4.9 The Waste Manager comments Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin. The area is accessed currently by an 18 tonne refuse collection vehicle (RCV). Any road the RCV is expected to travel would need to be constructed to adoptable standards. The maximum distance between the collection point of the bins and where the vehicle can safely access is 25metres. Collection points, (an area of hardstanding where bins can be placed on collection day) need to be provided for any properties located over 25metres from where the vehicle can access e.g. plots 2, 3, 7 and 8.

5. Representations

- 5.1 Linton Parish Council objects. There are a number of reasons why the proposed development of the land at Lovers Lane does not sit comfortably:

Point 1 – The proportionate housing requirements of the Core Strategy have been met In the parish.

As at June 9 2018, Total completions and new permissions / commitments for housing for the period 2011 -2031 have reached 78. So from a base of 435 houses in the parish in 2011 this represents an 18% increase. This exceeds our quota for proportionate development, which was set at 14% for the Ross on Wye area over the 20 year period of which we are only 7 years through! Approving the 9 houses at Lovers lane will take the number up to 87 and a total of 20% growth in the parish housing numbers. Whilst the 14% target is a minimum, where do you draw the line when you are considering incremental growth?

The cumulative impact of the growth is now affecting the character of the settlement and with the local school now fully subscribed this means that already some primary school age children have to be driven out of the village to attend school elsewhere, thus impacting on the sustainability of building further housing here.

Whilst there is still a little way to go for Herefordshire to demonstrate a 5 year supply, the delay is mainly due to the major infrastructure project (the new ring road), this project is not in doubt and will be completed in the next 5 years and release substantial housing numbers to meet the targets in the Core Strategy. By permitting further houses here and taking the total to well in excess of the proportional growth identified for the parish, we will have the cumulative effect of permanently changing the distinctive rural character of this parish, just to cover up a timing issue on the major supply of houses into the main county town.

Point 2 – This is the wrong type of housing.

In the Local Housing Market Analysis[^] for the Ross on Wye area it states that of the 1,180 houses required by 2031, 490 (41%) should be affordable and 690 (59%) market houses. Of the 78 houses achieved to date 10 (13%) have been affordable. The Parish Council have been reviewing the mix of housing built and committed to support the council with their monitoring obligation under 5.1.18 of the Core Strategy. This has found that in detail we can see that 64% of all housing (and 74% of market housing) since 2011 has been 4+ bedroomed detached housing.

The Ross on Wye HMA stated that the following splits were required:

- 1 bed 54.4%
- 2 Bed 18.4%
- 3 bed 28.2%
- 4 bed - 1.1%

On this basis it is clear that the proposed development at Lovers Lane is the wrong type of housing required in the village and does not accord with policy H3 of the Core Strategy that developments should have an appropriate mix and range of housing. Given the developments that have been approved already for Gorsley and the Parish during the plan period, then any further proposed development should be considered in the light of the overall cumulative impact of these developments on the housing mix in the area.

Point 3 – Impact on the character of the village by building a 9 house estate at this location In the village.

This plot is on the far eastern edge of the village of Gorsley. The natural grain of development is for decreasing density of development from west (the area near the pub and school) to the east (this is detailed in the officer's report for application number 153661 on the previous application). Whilst the number of houses have been reduced from 26 to 9, the development does still represent an estate development on the farthest eastern edge of the village and with the land sloping down from west to east will make this even more prominent and will adversely impact the current character of the village as viewed from the B4221 which as per the previous inspector's report "plays an important part in defining the character of the village.

Point 4 – The permission requested is for outline permission with many of the important aspects reserved.

The Parish Council objects strongly to an application whereby many factors such as the size, type, design of housing are not sufficiently detailed and which have been requested to be reserved. Without this detail there is a clear risk of significant harm to the character of the area through the proposed development. We request that the principle of development on this site at the eastern entrance of the village should not be granted without firm and detailed plans for the any intended development, which the developer would then be required to adhere to.

Point 5 – If the site is considered necessary, then it should be socially sustainable as well as environmentally

Whilst it is clear that the developer has listened to the points raised by the council and the inspector from the dismissal of the appeal to their previous application in environmental terms, the proposed application is now so diluted that it is in conflict with the policies in the NPPF which promote social sustainability, namely paragraph 57 that "developments optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks"

The 9 houses on the site would be at a density of 5.12 houses per hectare. This is substantially lower than the target levels in the Herefordshire core strategy, policy SS2, and also below the two recent approvals of 7 and 4 houses on 2 adjoining sites off Chapel lane in Gorsley which have been at a density of 12.8 and 12.5 houses per hectare respectively.

So, while the level of harm to character from the earlier application for 26 houses has been reduced, there are absolutely no benefits here for the community, because planning obligations only apply for sites of 10 or more. This proposal is simply not optimising the potential of the site for e.g. by making the houses a little smaller, they would accommodate one or more additional houses, so instigating the requirement for some to be affordable and help our parish achieve its target for this type of housing.

Point 6 – Highway concerns

Unless there are significant traffic calming measures put in place then The Parish Council do not consider it safe to put another access point onto the B4221 to serve this level of housing. Traffic speeds are well in excess of the current 40 mph speed limit. The comments from West Midlands police in response to the previous application are unequivocal:

"Speed of the road - The speed surveys commissioned as part of this application recorded 85th %tile of 49.5 mph eastbound and 45.9mph westbound. Considering that the signed speed limit for the road is 40 mph, these speeds are on the higher side of what would be classed as appropriate speeds for the speed limit. The road is straight with few full bends to reduce vehicles down therefore without appropriate traffic calming measures, speeds of vehicles would still be a high concern."

In order to help shape future development in the Parish, the Parish Council is currently now undertaking a Neighbourhood Development Plan and it is expected, based on the approved Parish Plan comments, that road speeds on the B4221 will again top the list of parishioner's concerns.

Summary and Conclusion

The Parish Council believe this proposal should be refused for a number of reasons, some of which on their own should be strong grounds for refusal, but taken together demonstrate that this is the wrong site in the village for development.

The housing supply situation in the parish has changed since the earlier application some 2-3 years ago. A number of other more suitable sites in Gorsley have been approved for development and so the housing targets (proportionate growth) for the parish have actually been exceeded by some distance and this fact should now weaken the case for the need for the development of this site.

Much detail has already been written in the Officer and Inspector reports about the landscape character in this part of the village and the proposal on this site in this part of the village.

So, on the one hand it still represents too many houses at the eastern entrance to the village and in a form that will harm the historic settlement pattern and unique character of the village. - Yet on the other hand, given the size of the development site, it will be at odds with the policies of paragraph 57 of the NPPF in terms of optimizing the potential of a development site.

It is simply not the right site in the village for further development. No doubt there will be further housing provision in the next 13 years of the plan period, but having already achieved in excess of proportionate development for the area, it would be much better that further development be from smaller infill sites where there will be less harm to the character of the village and of housing types that better meet the needs of the parish in terms of housing mix and tenure.

5.2 Gorsley and Kilcot Parish Council, in summary, allied to the valid points made by Linton Parish Council in their response, is of the strong opinion that this application should be rejected:

1. It is not needed - In the first 7 years of the plan period, Gorsley has more than achieved its target growth in a controlled and appropriate manner within its settlement boundary, and will continue to do so.
2. It is in the wrong place - The site is on the extreme eastern fringe of Gorsley away from the main settlement and if approved will set a precedent for further sporadic development along the B4221 with an adverse impact on the rural character of the area.
3. It creates risk to highway safety and potential flooding of existing properties.

The Parish Council's full objection states:

The Parish of Gorsley & Kilcot lies within the Forest of Dean District and is the neighbouring Parish to Linton Parish. The two Parishes are on the County boundary and residences within the village of Gorsley fall within one or other of the two parishes. As such our parishioners who live in Gorsley, and indeed those who live within the neighbouring village of Kilcot, share the same facilities as the parishioners of Linton and we are in effect one community. The proposed development on land situated between the B4221 and Lovers Walk, Gorsley will therefore affect our parishioners to the same degree as the parishioners of Linton.

The village of Gorsley is entirely rural in nature. Dwellings in the village are widely dispersed, surrounded by agricultural land and services are limited. This development will have a detrimental impact upon the rural character and appearance of the area.

In the Herefordshire Local Plan, the 2013 paper on Rural Housing Background states that growth throughout the County should be proportional to its towns, villages and settlements. Furthermore any such development should be sited within or adjacent to the main settlement area (RAI in this case). In the Ross Housing Market Assessment the proportional growth for the period 2011 to 2031 is set at 14%.

Gorsley's requirement to meet the minimum target growth of 14% has already been achieved with 13 years of the plan period still to go. The village is growing steadily with small developments of 1 or 2 houses.

This site adjacent to the County Boundary adjoins Gorsley; it is not within or closely adjacent to the existing settlement as indicated by the settlement boundary plan.

Whereas the Council may have issues generally with demonstrating a 5 year supply of housing land, this is not the case in Gorsley.

The Herefordshire Strategic Housing Assessment in 2015 identified various sites within the settlement boundary with potential for development during the plan period. Gorsley has a number of sites that offer "medium suitability" for development, but this particular site is identified as having "no suitability during the Plan period."

It has been previously recognised the Gorsley is a settlement that is predominantly to the South of the B4221 and is an irregular mixture of scattered dwellings with some small clusters along a network of country lanes.

Development along the B4221 is sparse in nature and as such this proposal would create a long frontage which would entirely change the character of the area. No doubt should this proposal

be approved it will lead to many more along the B4221 which will create a straggly ribbon development that will stretch from the County Boundary to the M50 Motorway.

We note that the Land to the east of The Old Post Office, Gorsley Road, which is opposite the site, has just had its application for erection of two dwellings rejected for two reasons that are relevant to this application. Firstly, "The proposal by reason of its density, layout, design and landscaping, is not considered to represent an appropriate informed response to its landscape setting and context and as such does not represent a positive contribution to the surrounding environment and its landscape setting resulting in an adverse impact on the character and setting of Gorsley and the countryside" and secondly "The proposal does not respond to local housing need or provide a suitable mix of housing".

The necessary removal of the roadside hedge and many of its trees to provide the access vision splays, will again have a serious impact on the visual amenity and will destroy the rural feel to the approach to the village. Although proposals to replace the hedge further back from the carriageway, this will take many years to mature, by this time the harm has been done.

We believe that the creation of any further access points on to the B4221 as it passes through the villages of Gorsley and Kilcot is irresponsible bearing in mind the road safety issues arising from the speed of traffic and volume of HGV's. Any development which would result in an increase in the number of cars using the B4221 as an entrance and exit to and from a site is wholly inappropriate in the circumstances.

The 2014 traffic data whilst providing useful information to a degree, its results are somewhat distorted by the disruption to through traffic by vehicles parking at the village shop and post office which were open at the time of the survey. The data was recorded at a point some 85 metres from the shop and post office.

A speed survey undertaken by Gloucestershire Constabulary in February 2014, over an 11 day period, on a similar open stretch of the B4221, approximately 1.5 miles from the proposed site established an 85% percentile speed of 60mph (173 vehicles in excess of 90mph, 24 of which were recorded at over 100 mph).

Whereas the site entrance may be designed for the 85% percentile speeds it cannot mitigate the risk posed by those who continue to drive at reckless speed along the B4221. In June 2014, The Planning Inspectorate upheld a refusal by Forest of Dean District Council to allow a development adjacent to the B4221, some mile from the proposed site, because the proposed access would pose "a significant danger for road users on the B4221 as well as those entering and leaving the site."

Furthermore Forest of Dean District Council when consulted on application 153661/O objected and held the view that development of this site would *"create a long frontage altering the character of the area"*.

Such a development would be almost entirely car-dependent, with the situation having been made worse in recent years due to significant reductions in the frequency of the bus service. There is no provision for cyclists and the footway on the north side of the B 4221 is narrow, (as little as 0.5 of a metre in places) overgrown and extremely dangerous for pedestrians, given the sheer size and speed of passing vehicles.

In addition we have grave concerns regarding drainage systems on this site. Properties to the East of the site at present have issues with a degree of flooding in their gardens. We believe the creation of a SuDS with a pond at the eastern corner of the site will pose a severe risk to these properties and any SuDs would require a long-term maintenance agreement.

5.4 Eight objections have been received from local residents, comments are summarised as:

- Impact on amenity and setting of existing dwellings
- Noise
- Impact on adjoining property value
- Impact on character of the area
- Concern regarding drainage
- The Parish has more than met and is delivering its housing quota
- Impact on infrastructure and capacity of local facilities
- No need for further houses at Gorsley
- Concern approval will lead to a further and higher density development
- Outside Gorsley's built form
- Pedestrian safety
- Loss of hedgerow and impact on trees
- Previous application was refused at Appeal
- Support of Parish Council's objection and position
- No community benefits
- Over development
- Impact on the PROW

5.5 The Ramblers' Association objects, commenting *The proposed development will adversely affect the public's use and enjoyment of public footpath Linton 18 (LTR18) which runs along the inside southern boundary of the site. The proposed 2 metre wide permeable surface for the length of footpath LTR18 passing through the site is noted.*

The adjacent new hedge is a matter of some concern to users of the footpath. Whilst the assurance of the applicant's agent that, '...a management company will maintain up to the halfway point of the hedge between the PROW and the dwellings.', is welcome, it does nothing to assure users of the public footpath that the height of the hedge will not exceed 3 metres or more, creating a very unwelcome 'tunnel' effect. This would completely remove the current open aspect available to the north by people walking along the footpath. The proposed dwellings themselves will have an adverse effect on the visual amenity of walking along the footpath, but a hedge will provide a green wall.

In view of the desire to plant vegetation adjacent to the footpath where none currently exists, it is reasonable that to avoid the ultimate creation of a 'tunnel' effect, a minimum width for the public footpath should be at least 3 metres.

The Ramblers Association therefore objects to this application because the proposed 2 metre footpath and proposed adjacent hedge will adversely affect the public's use and enjoyment of the public right of way by creating a 'tunnel' effect where none exists presently.

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=181908&search=181908

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

Policy context and Principle of Development

Legislation

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "In regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The development plan is the Herefordshire Core Strategy.
- 6.2 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Herefordshire Core Strategy

- 6.3 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.4 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.5 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.6 Core Strategy policy SS7 – Addressing climate change describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- Focussing development to the most sustainable locations
 - Delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.7 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.

- 6.8 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Gorsley is one of these settlements and is within the Ross on Wye HMA. Policy RA2 sets Housing proposals will be permitted in the identified settlements 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;
 2. Their locations make best and full use of suitable 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.
- 6.9 Core Strategy Policy MT1 – Traffic management, highway safety and promoting active travel states Development proposals should incorporate the following principle requirements covering movement and transportation:
1. 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;
 2. Promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
 3. Encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
 4. Ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;
 5. Protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and
 6. Have regard to with both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.
- 6.10 Core Strategy policy LD1 criteria requires new development must achieve the following:
- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;

- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

National Planning Policy Framework

- 6.11 The 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.
- 6.12 Paragraphs 7 and 8 set out and define sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.13 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.
- 6.14 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.15 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing 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. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.16 This position was crystalised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*
- 6.17 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.

- 6.18 Paragraph 103 states The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.19 Paragraph 109 states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 NPPF Paragraph 124 states The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 outlines that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.21 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.22 Paragraph 193 advises that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.23 Paragraph 197 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment

- 6.24 The site is considered to be located as part of Gorsley as defined by policy RA2. This position was not found to be inaccurate by the Appeal Inspector who considered his assessment with regards to that policy. In the absence of any NDP with weight and no emerging settlement boundary defining Gorsley, it is considered reasonable to continue on the same basis.
- 6.25 The proposed layout is formed with six dwellings providing a frontage development to the B4221 divided in half by the singular access point. The three dwellings set to the rear, south of the site, replicate the layout pattern of the dwellings accessed from Lovers Walk. A SuDs feature is located within a green landscape wedge on the west part of the site.
- 6.26 It is considered the proposal represents an appropriate response to context and builds upon existing development pattern principles. The retention of green assets and looseness of the layout aligns with the important characteristics of Gorsley, which the Landscape Character Assessment, identifies is that of *“forest smallholdings and dwellings”*. This landscape type is described as intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings which nestle within a complex matrix of pastoral fields and narrow lanes.
- 6.27 As such the relevant criteria of CS policies SS6, RA2 and LD1 and aims and objectives are satisfied.

Highways

- 6.28 The site accesses onto a very fast stretch of the B4221 and will increase movements, vehicular and pedestrian. Officers have had significant safety concerns on the matter and have visited the site on numerous occasions and at numerous times of the day. The following observations have been made:
- High traffic speeds in excess of 40 mph speed limit by significant number of users
 - Number of HGVs including articulated lorries
 - When walking along the footpath, where possible HGVs would move to middle of road. It is considered this is because of:
 - Perception of vulnerability of pedestrians
 - Tunnel effect of road and narrow footpath
 - Cars parked in lay-by opposite old shop caused all non two wheel vehicles to cross central reservation to pass
 - Witnessed a van clip footpath kerb at speed Gloucester side of old shop
 - Near miss between motorbike and vehicle
 - Overtaking
 - Impact on visibility from junction onto main road from pedestrians at bus stop towards Gorsley
- 6.29 The highway mitigation proposed and delivery of three significant improvements delivered by the development, namely a controlled pedestrian crossing, closure of the ‘parking bay’ opposite the now closed shop, and new and improved works relating to bus stops are fundamental to Officers recommendation and conclusion.
- 6.30 The controlled crossing, as originally proposed with the 26 unit scheme and found by the Appeal Inspector to be a good thing, absolutely and fundamentally must be provided to ensure pedestrian safety and meet the requirements of criteria 2, 3, and 4 of Core Strategy policy MT1 which along with ensuring safety, promotes active travel, reduction in vehicular based short journeys and improvement and integration of development of transport infrastructure.

- 6.31 Further to the above, and pursuant to ensuring the applicant is aware of their responsibilities, the delivery of these improvements and mitigation prior to the occupation of the dwellings and at the same time ensuring an appropriate mix of housing sizes is delivered in line with policies RA2 and H3, is secured through conditions and a S278 agreement.
- 6.32 Officers are concerned, in the absence of the applicants not committing to confirming the proposed housing mix, despite being requested, and potential future claims of the unviability of the development on the grounds of meeting the housing mix and or providing the package of highway safety measures agreed, that it should be understood the recommendation of approval is completely dependent on the suggested conditions and S278 legal agreement therein set out below. On this strict basis policy MT1 is satisfied.

Drainage

- 6.33 At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water. It is noted the Drainage Engineer, despite further communication with the applicant, maintains an objection on a technical ground, stating *We have reviewed this and as a highway authority we would raise a strong objection to the use of any mechanical device that could break down (pump) as there will be a significant risk of increased water on the highway.*
- 6.34 It is proposed that the pump would be provided in accordance with the requirements of Building Regulations and/or Sewers for Adoption (should the developer wish to have the network adopted). In the unlikely event of failure, the surface water from the pump shall be stored within the pump chamber and adjacent attenuation pond prior to discharge overland onto the adjacent highway network via the existing overland flood route. It should be noted that the frequency, flow and volume of water flowing overland post development would be significantly less compared to the existing greenfield situation as a result of the proposed drainage network. These details could be provided at the detailed design stage covered by planning condition.
- 6.35 The Inspector, in considering the refused 26 unit scheme stated that the proposed drainage strategy was sufficient for the purposes of an outline planning application and that the detailed design and subsequent maintenance of the SuDs could be agreed as part of a discharge of condition application.
- 6.36 At the informal hearing, it was agreed between all parties that a technical solution to both foul and surface water drainage could be achieved in accordance with the proposed drainage strategy. The Inspector did discuss the issue of an increased risk of flooding of nearby land but stated that *in the light of the evidence I am satisfied that there is adequate potential within the site to ensure that both surface and foul drainage can be adequately addressed ... and thus the failure to provide a fully-worked up scheme is not a sufficient justification to withhold permission.*
- 6.37 On this basis and noting the sole point of objection from the Drainage Engineer, it is considered based on all of the above, the situation can be mitigated and controlled by condition and CS policies SD3 and SD4 are satisfied in principle.

Summary

- 6.38 The proposal delivers nine dwellings in a location identified as suitable for new residential development within a layout that respects and enhances the landscape character type. Technical matters relating to highways, drainage and ecology have been assessed as being addressed and where necessary, mitigated with conditions. The delivery of a number of highway improvements are considered necessary and required to ensure highway and pedestrian safety and meet local and national planning policy aims and objectives.

- 6.39 The Parish Councils' concerns are noted however given the location of the site and the previous appeal inspector's comments a modest development of this nature with associated highway improvements is considered to be compliant with policies RA2 and MT1.
- 6.40 In the absence of an NDP with significant weight, the Council's housing land supply position, and ability to ensure an appropriate mix of dwellings by condition, there is no basis to resist the development on the basis of over supply.
- 6.41 Having regard to all of the above and with the conditions set out below approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officer named in the scheme of delegation to 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. **B01 - Development in accordance with the approved plans**
6. **H03 - Visibility splays, 2.4 M X 143 m west, 126 m east**
7. **H06 - Vehicular access construction**
8. **H09 - Driveway gradient**
9. **H11 - Parking - estate development**
10. **H13 - Access, turning area and parking**
11. **H17 - Junction improvement/off site works. Section 278 Agreement**
12. **H20 - Road completion in 2 years**
13. **H21 - Wheel washing**
14. **H27 - Parking for site operatives**
15. **H29 - Secure covered cycle parking provision**
16. **The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the open market housing. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).**

Reason: To define the terms of the permission and to comply with Policies SS2, RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the housing and social aims and objectives National Planning Policy Framework.

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

17. Prior to commencement of the development, a detailed Green Infrastructure scheme with full details of all proposed tree, shrub and hedgerow planting and subsequent 10 years establishment and management should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved and hereafter maintained unless otherwise agreed 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.

18. Prior to commencement of the development, a Ecological Mitigation and Enhancement Strategy including ecological working methods in particular in relation to any hedgerow removal; and detailed biodiversity enhancements for bats, birds, invertebrates and hedgehogs should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. The scheme shall be maintained hereafter as approved unless otherwise agreed 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.

19. Prior to the first occupation of the dwellings hereby permitted, full written details and plans for refuse and waste Collection points for all plots located over a 25metre distance from where the RCV can safely access shall be submitted to the Local Planning Authority for written approval and thereafter provided and maintained as approved.

All refuse and waste collection points must be within 25metres of where the RCV can access, in accordance with *'Guidance Notes for storage and collection of domestic refuse and recycling'*.

Reason: In the interests of highway safety and promoting sustainable development and land use and to comply with Herefordshire Core Strategy policies SS1, MT1, LD1, RA2 and SD1 and the relevant aims and objectives of the National Planning Policy Framework.

20. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter be maintained as such.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and to comply with Herefordshire Core Strategy policies SS1, SD1, SD3 and SD4.

INFORMATIVES:

- 1. IP1 - Application Approved Without Amendment
- 2. The landscaping plan, as required by Condition 17, should include full details of all proposed tree, shrub and hedge planting plus any new or reseeded grass areas. Locally typical, native species with stock of local provenance should be used where practicable.

Details supplied should include details of native species mix, stock specification, planting and protection methodology and a 5 year establishment and subsequent 5 year maintenance plan. Elder, Ivy and Dog Rose are not considered as appropriate 'woody' species to be included in the hedge. Hornbeam should normally be used instead of Beech. 'Exotic' species will only be considered where they are appropriate to existing established planting and landscape character (eg historic parkland or in an 'urban' environment).

As detailed in the Council's *Highway Design Guide for New Developments* no thorny species should be planted immediately adjacent to a footway/public footpath/pavement or within 3m of a cycleway.

- 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

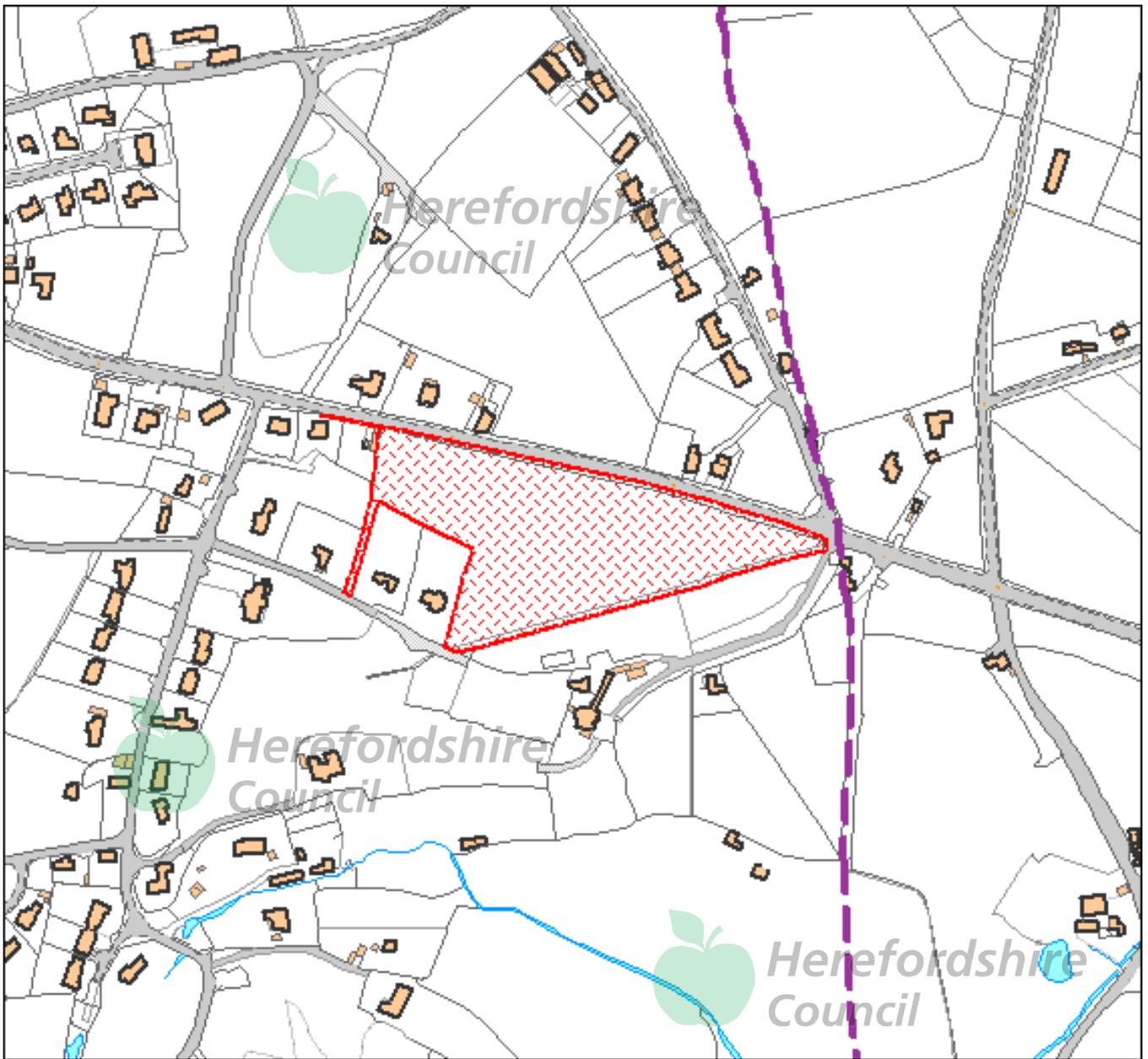
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181908

SITE ADDRESS : LAND AT LOVERS WALK, GORSLEY, ROSS-ON-WYE, HEREFORSHIRE

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	<p>180403 - RETENTION OF RESIDENTIAL USE OF FORMER CONVERTED CARPORT FOR ANCILLARY ACCOMMODATION AND RETENTION OF THE NON-MATERIAL CONVERSION WORKS REQUIRED TO BE REVERSED BY ENFORCEMENT NOTICE EN2017/002562/ZZ AT 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA</p> <p>For: Mr Wilson per Mr J. S Brearley, 42 Rectory Avenue, High Wycombe, Bucks, HP13 6HW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&search=180403
Reason Application submitted to Committee – re-direction	

Date Received: 1 February 2018

Ward: Backbury

Grid Ref: 358346,240256

Expiry Date: 21 May 2018

Local Member: Councillor J Hardwick

Introduction

This application was previously reported to committee on 25 July 2018 where it was resolved to 'decline to determine' the application under section 70c of the Town and Country Planning ACT 1990. Following this resolution the applicant's solicitor provided precedents in the form of High Court decisions relating to this type of resolution. In addition it was noted that the power to decline to determine an application under section 70c did not form part of the powers granted to the Planning Committee in the constitution. Therefore the application is presented back to committee for determination. The constitution has now been amended.

S70(c) of the Town and Country Planning Act 1990 (inserted (6.4.2012) by Localism Act 2011 (c. 20)) allows a Local Planning Authority to decline to determine a planning application where the development relates wholly or in part to development that is subject of an enforcement notice. In this instance officers did not recommend that option in the report as there appeared to be an acceptable resolution.

The relevant sections states:-

70C Power to decline to determine retrospective application

- (1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the

Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

- (2) For the purposes of the operation of this section in relation to any particular application for planning permission, a “pre-existing enforcement notice” is an enforcement notice issued before the application was received by the local planning authority.

In this instance an Enforcement Notice was served for the following reasons:

- ‘It appears to the Council that the above breach of planning control has occurred within the last four years.
- The works undertaken to create a self-contained dwelling are in breach of Conditions 8 and 10 of the Planning Permission ref: SH951128PF dated 15 Dec1995.
- An application for Planning Permission for the unauthorised development would not receive officer report having regard to Policies MT1 and LD 1 of the Herefordshire Local Plan Core Strategy 2011-2031
- The Council do not consider that Planning Permission should be given because planning conditions do not overcome these objections to the development.’

and required the following;

- ‘Return the outbuilding, the position of which is marked X on the attached plan, to its former use as garages by the removal of the kitchen and bathroom fittings, staircase, first floor, dormer window and all other items installed to convert the building’.

The time allowed for compliance was 90 days.

It is understood that in attempting to resolve the matter without recourse to the appeal process and for other personal reasons the applicant missed the opportunity to appeal within the set time limit of 35 days.

The applicant’s agent has submitted case law which he considers sets out the purpose of the section, essentially to prevent delay through continual consideration of matters already considered. In this instance the alternative parking arrangements had not previously been considered as details were not available to officers at the time the enforcement notice was issued. Following the application the Council’s Transportation Manager was consulted and he advised that the proposed alternative parking arrangements were adequate and would therefore satisfy Policy MT1 of the Herefordshire Local Plan Core Strategy

Members may of course reach a different conclusion on the merits of the application however it is considered that it is reasonable for the agent to request that the application be determined on the basis of this advice.

The application is therefore re-presented for further consideration. The previous report follows and has been updated accordingly.

1. Site Description and Proposal

- 1.1 The development comprises the conversion of an outbuilding formerly used as garages and storage to self-contained residential accommodation which is to be used as ancillary accommodation to the main house. The accommodation comprises: kitchen, living room, store with shower on the ground floor and a bedroom with en-suite shower on the first floor. A dormer window has been installed to light the first floor room.
- 1.2 The development was carried out without planning permission and the applicant now seeks permission for residential accommodation where he intends to accommodate a house-keeper. Permitted development rights were removed when planning permission was granted for the original development.
- 1.3 The development constitutes a conversion of part of the former outbuildings to the adjacent Dormington Court, a grade II Listed Building. The outbuildings were originally converted to form garaging and storage areas for the three houses known as 21 to 23 The Maltings and were constructed to form a small courtyard development. These outbuildings are not listed.
- 1.4 The access to the property is shared with Nos 22 and 23 The Maltings.
- 1.5 21 The Maltings was constructed with four-bedroom accommodation but has since been reduced to three bedrooms by knocking two bedrooms into one. The dwelling also incorporates an adjoining single-storey ground-floor area, formerly a store, converted to form part of the accommodation and currently used as a home-office where it is understood the applicant operates an accountancy business.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SD1	-	Sustainable Design and Energy Efficiency
Policy RA2	-	Housing in Settlements outside Hereford and the Market Towns
Policy LD4	-	Historic Environment and Heritage Assets
Policy MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
Policy LD1	-	Landscape and Townscape

2.2 NPPF

2.3 Neighbourhood Plan

The Dormington and Mordiford Group NDP is in the drafting stage and therefore whilst a material consideration has no weight with 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

3. Planning History

- 3.1 **SH951128PF:** Demolition of outbuildings and construction of three 2-storey houses including part-conversion of existing buildings. Approved.
- 3.2 **Enforcement Notice 2017:** This seeks to restore the use of the outbuildings to use as garages. Whilst this application remains to be determined any further action that may be appropriate is held in abeyance.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.1 Transportation Manager; No objection subject to four parking spaces being provided and maintained with adequate manoeuvring area to allow vehicles to exit the site in a forward direction.
- 4.2 Conservation Manager (Historic Buildings):

Whilst the building in question is situated within 70m of three designated heritage assets, Grade II* Church of St. Peter, and Grade II Dormington House and Dormington Court, it is considered that the alteration has caused less than substantial harm in heritage policy terms, and that the impact on the setting of the listed buildings has been minimal. On this basis, there would have been no heritage objection to the conversion of the structure; however, clarification may have been sought on the loss of parking/amenity space and how that was to be addressed without the need for new structures or areas of hard standing. Equally, it would have been advised that the use of a dormer window in this context was not in keeping with the form of the garage, and that rooflights would have been a preferable solution to provide the roof space with light and ventilation.

5. Representations

- 5.1 Dormington and Mordiford Parish Council: Objects – development of three dwellings was provided with appropriate parking for that number of dwellings. Addition of fourth dwelling leads to lack of parking, congestion, reduced visibility at junction of access with main road and access problems for emergency vehicles.
- 5.2 Nine letters/emails of objection have been received the main points are summarised as follows:
1. Inadequate parking.
 2. Original 4 or 5 spaces were allocated to No 21 - now reduced.
 3. Traffic congestion within the mews with access frequently made difficult for residents.
 4. Shared access to other properties obstructed.
 5. Parking on road verges obstructing visibility at junction onto main road.
 6. Restricted turning space within the site.
 7. Conversion could be used as 2-bedrooms thereby increasing traffic/parking problems.
 8. Access impeded for emergency vehicles.
 9. Traffic hazard for pedestrians crossing main road to bus stop.
 10. Existing business use of No 21 increases traffic problems.

11. Footpath blocked.
12. Cars having to reverse onto main road.
13. Remaining garage should have internal partition and pillar removed to allow for easier access.
14. Parking in front of No 21 will compromise ease of access to No 22's garages.
15. Since the original report, more photographic evidence of congestion and obstruction of the access has been submitted by objectors.

5.3 The applicants' agent has submitted a supporting statement which also comments on the background to the enforcement notice.

Since the original report information gathered from video evidence has been submitted together with the following statement:

'Please find attached the camera log spreadsheet now supplied by Mr Wilson for 19 to 26 August (I ignore the slight spill over into the 27). We had hoped to provide you with a fortnight or more of data but extracting and recording it is very time consuming and Edwin can confirm that what is revealed is representative of the ensuing months to date. He could in time produce further spreadsheets if that was really called for, which I am sure you will agree it is not. The present exercise took in excess of 9 hours, including download & copying time.

Edwin has been scrupulously fair and you will note that the 'all' column refers to visits by the postman. Excluding their total, the respective visit totals for nos 21, 22 & 23 are 30, 36 and 78, making a gross total of 144. Accordingly the share generated by each of the respective properties is 20.8%, 25% and 54.2%. As there has been a claim of highway unsafety pedestrian/dog movements have been included. You can work out the % for vehicle only movements if you wish but a cursory scan indicates that Edwin's share will still be markedly the smallest. Please note that some registration numbers are incomplete, particularly '64' but Edwin can vouch from personal observation that this was always attributable to No 22. There have been some neighbour vehicle ownership changes and apparently this is one of them and relates to a vehicle that no longer visits the premises, with its replacement replicating its former pattern.'

In summary this shows vehicular and pedestrian movement for the week 19 -26 Aug. For this period the total movements for no.21 were 30, for no.22-36 and for no.23 – 78. 16 movements were unattributed and 11 more were the postman visiting all properties and the refuse lorry.

This information is submitted by the agent to counter what he considers to be misleading representations. He also considers that case law on S70(c) shows that it is not applicable in this instance.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&search=180403

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

Policy context and Principle of Development

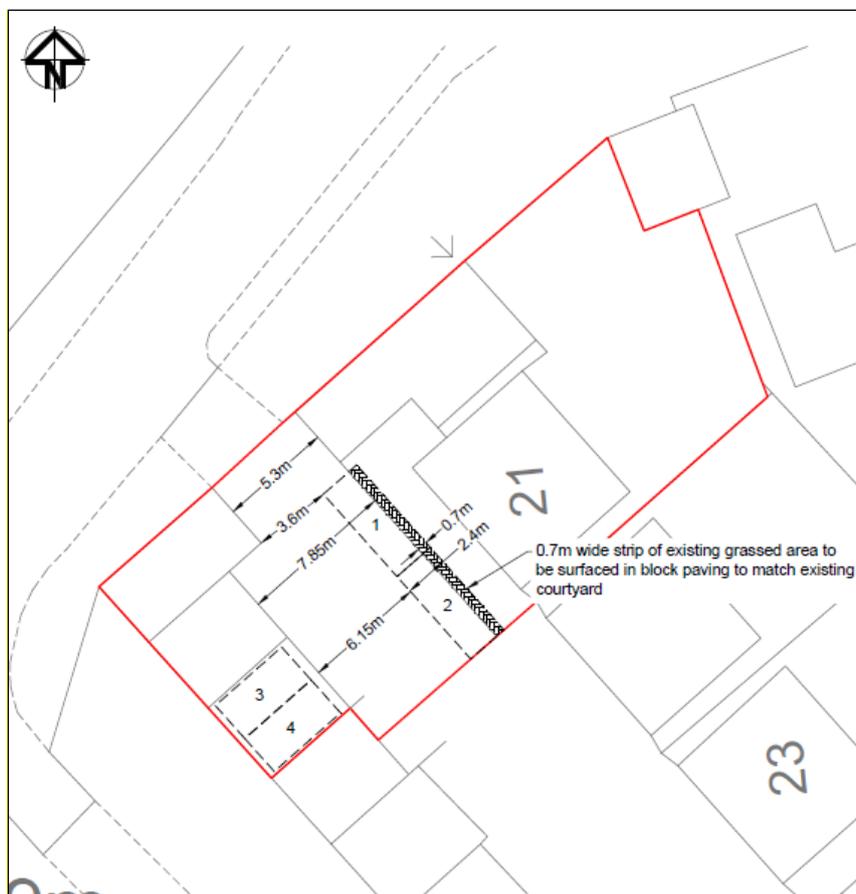
6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.2 The application is assessed against the relevant policies of the Herefordshire Local Plan – Core Strategy and the National Policy Planning Framework. The Dormington and Mordiford Group Neighbourhood Development Plan is only at the drafting stage with no submission to the council as yet and therefore whilst a material consideration has no weight within the decision making process.
- 6.3 Policy RA2 supports sustainable housing in identified settlements which includes Dormington, though this application seeks retention of ancillary accommodation not a separate dwelling in its own right, in this instance to provide accommodation for a housekeeper. Having regard to the lack of amenity space, the restricted parking, the nature and character of the housing in the immediate area and the density that would result it is not considered an appropriate location for a new separate dwelling.
- 6.4 Policy SD1 seeks to safeguard residential amenity for existing and proposed residents. This includes, but is not restricted to the convenience and availability of vehicular access and parking.
- 6.5 The home office use in a part of the main house relates to a sole operator accountancy business with occasional client visits. Such a use is not considered to constitute a material change of use of the dwelling. This of course would be subject to change should the intensity of the use increase.
- 6.6 The main issue in this case centres on the access/parking situation and this is the main subject of the objections.
- 6.7 Photographic and video evidence has been provided which supports the claims that the combined use of No 21 as a dwelling / home office and subject development, leads to congestion of the courtyard area around No 21 leading to obstruction of the access to the other two properties, a safety hazard to pedestrians using the access and safety issues at the junction of the access with the adjacent main road. There is evidence that this congestion makes it difficult for vehicles to turn within the available space and are therefore sometimes reversing onto the highway.
- 6.8 A few minutes spent observing this junction reveals that the road is busy, carrying a substantial amount of traffic travelling to and from Mordiford, and that speeds are high. There is also a bus-stop opposite the junction and pedestrians cross the road here to reach it.
- 6.9 There is a concave bend in the road at this point and verges are provided which allow visibility in both directions. There is evidence that vehicles sometimes park on these verges when the courtyard is congested, leading to restricted visibility at the junction. However examination of the grass on these verges reveals little wear leading to the conclusion that this is not a common occurrence.
- 6.10 Having reviewed the evidence I take the view that the current parking arrangements within the courtyard in front of No 21 can be inadequate and create congestion and potentially compromise highway safety. The data provided more recently by the applicant refers to numbers of movements. The actual video has not been submitted to assess whether this has caused congestion.
- 6.11 The main issue with this application, therefore, is whether sufficient provision of parking and turning space can be provided and its proper future use adequately ensured.

Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

- 6.12 The original development provided four garage/carport spaces for No 21. Two of these spaces have been incorporated into the recent development and the other two are currently used for storage. There is no formal or safe street-parking adjacent to the property. All of the parking and manoeuvring of traffic associated with no 21 is therefore likely take place either within the courtyard or informally on the adjacent road or its verges where it potentially causes a traffic hazard.
- 6.13 No 21 was constructed as a four-bedroom house and subsequently converted to three bedrooms. It could be easily converted back to four bedrooms. The proposed ancillary one-bed accommodation produces a further parking requirement, but could also be used as 2-bedroom accommodation. Indeed, the applicant gained Building Regulations approval for the development and the Building Regulations plans annotated the room which is now described as a 'Store Room with Shower Room' as 'Bedroom 1'. There is therefore the potential for six bedrooms to be used within the overall accommodation and there is potentially also occasional requirement from clients in relation to the home-office use.
- 6.14 Extensive consultation has taken place with the Council's Transportation Manager and the objections and evidence supplied have been carefully considered. The Transportation Manager has advised that if four spaces which comply with the standard guidelines (Highways Design for New Developments) can be provided within the property, allowing adequate turning space within the courtyard and boundaries of the property, the development will be acceptable in relation to parking and access.
- 6.15 The parking scheme proposed by the applicant shows two new parking spaces within the courtyard and two spaces within the garages all of which conform to the guidelines. The scheme is regarded as acceptable by the Council's Transportation Manager. Acceptable manoeuvring space is also provided.



Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

- 6.16 A site inspection was undertaken on 7 November. At that time there was a car parked in parking space no1, of the above diagram. This did not make it difficult to enter the site. There was also a skip outside no.22 which again did not impede movement unreasonably.
- 6.17 A condition can be imposed requiring the two remaining garages, which are currently used for storage, to be kept available for parking together with the provision of two marked spaces created by modifying the landscaped area in front of the No 21. and surfaced and finished in accordance with a scheme to be submitted and approved by the Council.
- 6.18 The Council's Conservation Manager was also consulted and the advice was that the development caused less than substantial harm and the impact on the setting of the adjacent listed building was minimal. Taking this into account, it is considered that the development is not significantly contrary to policy LD4 which requires that development proposals should demonstrate that the character of the area has positively influenced the design, with particular reference to the adjacent listed building in this case.

Conclusion

- 6.19 It is considered that it is appropriate to determine the application on its merits rather than decline to determine under S70 (c) as set out above. As the objections on parking and highway safety grounds can be overcome to the extent that there is no significant harm to either these interests nor to residential amenity it is recommended that planning permission be granted, subject to the following conditions.

RECOMMENDATION

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

- 1. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 The Maltings, Dormington, Herefordshire. HR1 4FA.**

Reason: It would be contrary to Policies RA2 and SD1 of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location.

- 2. Within one month of the date of this decision the existing double garage shown on Drwg no. 1126/004 rev D shall be made available for use for the garaging of private motor vehicles and the garages shall at no time be converted or used for any other purpose.**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

- 3. Within 3 months of the date of this permission details of the parking spaces shown on drawing number 1126/004 rev D dated 19th June 2018 shall be submitted to the local planning authority for their approval.**

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

4. Within six months of the date of this permission parking spaces shall be laid out and properly consolidated, surfaced and drained, and thereafter maintained, in accordance with the details approved by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles and the remaining courtyard within the boundaries of the property shall be kept clear at all times.

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

5. The ancillary accommodation and the dwelling known as 21 The Maltings, Dormington, Herefordshire HR1 4FA shall not be sold, leased or let separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policies RA2 and SD1 of Herefordshire Local Plan-Core Strategy which seeks to safeguard residential amenity for existing and proposed residents.

6. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180403

SITE ADDRESS : 21 THE MALTINGS, DORMINGTON, HEREFORD, HEREFORDSHIRE, HR1 4FA

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	183678 - PROPOSED GARAGE AT IVY GREEN COTTAGE, ABBEYDORE, HEREFORD, HR2 0AD For: Mr & Mrs Bowen per Mr Mark Owen, 46 Bridge Street, Hereford, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183678&search=183678
Reason Application submitted to Committee – Staff Member	

Date Received: 5 October 2018

**Ward: Golden Valley
South**

Grid Ref: 339305,231320

Expiry Date: 30 November 2018

Local Member: Councillor PC Jinman (Councillor WLS Bowen has fulfilled the role of ward member for this application.)

1. Site Description and Proposal

- 1.1 Ivy Green Cottage is a detached property located in an elevated position on the north side of the C1212 between Abbeydore to the west and Wormbridge to the east. It was constructed as a replacement dwelling pursuant to 121627/F and comprises a rendered 4 bedroom property. The permission approved a detached double garage to the north of the new dwelling and this has not been implemented, although a green storage container has been sited in its place. The approved double garage measured 6metres by 6metres with a maximum ridge height of approximately 4.2 metres.
- 1.2 Permission is sought for a larger building in lieu of the approved structure. The proposed building would have a footprint of 11.2 metres by 6.7 metres with a maximum ridge height of 5.5 metres. The ground floor would provide garaging, a WC and access to the first floor which would be used as a games room/home office. The building would be constructed using materials that match Ivy Green Cottage and set into the embankment towards to rear of the plot.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS6 - Environmental Quality and Local Distinctiveness
- RA3 - Herefordshire's Countryside
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel

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

- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

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

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

- 2.2 The Abbeydore and Bacton, Ewyas Harold Group and Kentchurch Neighbourhood Development Plan was made on 20 April 2018 and can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/directory_record/3021/abbeydore_and_bacton_ewyas_harold_group_and_kentchurch_neighbourhood_development_plan

- Policy G1 – Protecting and enhancing the landscape of the Golden Valley
- Policy G2 – Design
- Policy G5 – Golden Valley green infrastructure
- Policy G6 – Highways and transport
- Policy G7 – Rural environment and tranquility
- Policy G8 – Dark skies

- 2.3 NPPF

- 2.4 NPPG

3. Planning History

- 3.1 121627/F Proposed replacement dwelling. Approved 8.8.2012

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.2 None

5. Representations

- 5.1 Abbeydore and Bacton Group Parish Council resolved to unanimously support the application.

- 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=183678&search=183678

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

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

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

6. Officer's Appraisal

Policy Context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The site falls within the Abbeydore and Bacton, Ewyas Harold Group and Kentchurch Neighbourhood Area, which has a made Neighbourhood Development Plan (ABEKNDP). The National Planning Policy Framework (NPPF) is also a material consideration.

6.3 Additional incidental accommodation is proposed within the roof structure of the building which is described as home office/games room. In recognition of the relative scale of the building, consideration has been given to the intended use. The applicant runs a plumbing business and does require room to securely store tools and equipment in addition to the approved double garage. This accounts for the existing metal storage container which would be removed. This does, in my view, provide a reasonable justification for a building of the additional size proposed. Furthermore, there would be a degree of interdependence between the main house and the new building and subject to a restriction of the use of the building to purposes incidental to the established dwelling on the site, there is no objection in principle to the proposal.

Scale and Visual Impact

6.4 The site is located in a relatively isolated rural location but is not a designated landscape. By comparison to the previously approved double garage, the proposed building would be 1.3 metres taller to the ridge and whilst it maintains a similar depth, it would be 5.2 metres wider than the existing garage.

6.5 In the context of the intended flexible incidental use of the building and the ability to control its use, I do not consider its size to be out of keeping with the site or its surroundings. It will relate visually to the main dwelling and its set back position; siting into the bank with a backdrop of rising agricultural land; and its lower height relative to the house and the existing higher level stable building at higher level, is such that in my view it would conserve the scenic beauty of this important landscape in a manner that accords satisfactorily with CS Policies LD1 and SD1 and Policies G1, G2 and G7 of the ABEKNDP

Biodiversity

6.6 The site lies outside of the designated River Wye catchment and as such there is no specific requirement to carry out a Habitat Regulations Assessment in relation to the potential risk of additional discharges from the site as a result of the development. Whilst there are no adverse impacts associated with the proposal, in accordance with CS policy LD2 and ABEKNDP policy G5, it is appropriate to secure enhancements where it is reasonable to do so. In this instance, I consider that it is and a condition securing this is recommended below.

Conclusion

6.7 It is acknowledged that the proposed building is larger than the modest two bay garage that was originally approved but in light of my assessment and subject to conditions, it is not considered that there is any policy conflict that would warrant the refusal of planning permission and as such I recommend approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F07 Domestic use only of garage**
- 4. Ecological mitigation (2 bat boxes and 2 bird boxes)**
- 5. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. Application Approved Without Amendment**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

