

# Agenda

## Planning and regulatory committee

Date: **Wednesday 18 September 2019**

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Time: **10.00 am**

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

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

For any further information please contact:

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

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

## **Membership**

**Chairperson** Councillor John Hardwick  
**Vice-Chairperson** Councillor Alan Seldon

**Councillor Graham Andrews**  
**Councillor Paul Andrews**  
**Councillor Polly Andrews**  
**Councillor Toni Fagan**  
**Councillor Elizabeth Foxton**  
**Councillor Bernard Hunt**  
**Councillor Terry James**  
**Councillor Tony Johnson**  
**Councillor Mark Millmore**  
**Councillor Jeremy Milln**  
**Councillor Paul Rone**  
**Councillor John Stone**  
**Councillor Yolande Watson**

## Agenda

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1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive 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.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 24 July 2019.</p>	11 - 42
5.	<p><b>CHAIRPERSON'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p><b>184574 - LONG BARN HOUSE, LANE FROM JUNCTION WITH SPARROW LANE TO QUARRY ROAD, LINTON, ROSS ON WYE, HR9 7RT</b></p> <p>Erection of 2 detached dwellings.</p>	43 - 64
7.	<p><b>190438 - HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE</b></p> <p>Outline application with all matters reserved for the erection of a single dwelling.</p>	65 - 78
8.	<p><b>191813 - SUTTON PRIMARY SCHOOL, BAYLEY WAY, SUTTON ST NICHOLAS, HEREFORD, HR1 3SZ</b></p> <p>Provision of a single mobile classroom.</p>	79 - 90
9.	<p><b>192193 - ANNADALE, CASWELL TERRACE, LEOMINSTER, HEREFORDSHIRE, HR6 8BB</b></p> <p>Removal of 2 no. timber sheds and construction of rear two storey extension.</p>	91 - 96
10.	<p><b>191123 - CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP</b></p> <p>Replacement of defective lath and plaster ceilings with wood wool slabs.</p>	97 - 104
11.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 15 October 2019</p> <p>Date of next meeting – 16 October 2019</p>	



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

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

The 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 John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxton	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Herefordshire Independents

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.



**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 24 July 2019 at 10.00 am**

**Present:** Councillor John Hardwick (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors:** Paul Andrews, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Mark Millmore, Jeremy Milln, Paul Rone, Nigel Shaw, John Stone, Kevin Tillett and William Wilding

**In attendance:** Councillors Liz Harvey, Jennie Hewitt, Helen l'Anson, Tony Johnson, David Summers and Elissa Swinglehurst

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Graham Andrews, Polly Andrews and Watson.

Councillor Bolderson sent apologies as ward member for one application. Councillor Howells also sent his apologies as an adjoining ward member for an application.

**12. NAMED SUBSTITUTES**

Councillor Shaw substituted for Councillor Johnson, Councillor Tillett for Councillor Polly Andrews and Councillor Wilding for Councillor Watson.

**13. DECLARATIONS OF INTEREST**

None.

**14. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 19 June 2019 be approved as a correct record and signed by the Chairman.

**15. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson thanked members who had attended the site visits which had proved informative.

**16. 182628 - LAND TO THE SOUTH OF LEADON WAY, LEDBURY**

*(Application for approval of 1st phase reserved matters for the erection of 275 dwellings with appearance, landscaping, layout and scale.)*

The Principal Planning Officer (PPO) gave a presentation on the application, consideration of which had been deferred by the Committee on 19 June 2019.

Updates/additional representations received following the publication of the agenda were provided in the update sheet. The PPO noted that condition 22 of the outline planning permission in respect of sustainable drainage had not yet been discharged but was considered to address a concern raised by a representation in the update about drainage and ecological implications. These matters were addressed within the report.

The Government had published a revision of the Planning Practice Guidance on noise just before midnight on 22 July. The application had been reviewed in the light of this updated guidance and officers had concluded the noise assessment provided by the applicant remained valid. The Ornu cheese factory was not considered to have a significant adverse impact on the proposed dwellings. The proposal was considered to satisfy the requirements of paragraph 182 of the National Planning Policy Framework.

A late representation had been received from Ornu Ingredients UK Ltd containing a further assessment of tonal noise.

The applicant's noise consultants had responded. The PPO read this response in full to the meeting along with the Environmental Health Officer's response to the representation. This information has been included with the updates appended to these minutes. The consultants maintained their position, that sound from the Ornu factory was not tonal, therefore no noise penalty should be applied. The EHO did not recommend a noise penalty.

In accordance with the criteria for public speaking, Mr J Bannister, of Ledbury Town Council spoke in opposition to the scheme. Mr P Kinnaird, a local resident, spoke in objection. Mr S Stanion spoke on behalf of Barratt and David Wilson homes in support of the application together with Stella Yates of West Mercia Housing Ltd.

In accordance with the Council's Constitution, the local ward member, Councillor l'Anson, spoke on the application. She made the following principal points:

- Residents wanted the site issues to be resolved and the development to proceed. She noted that St Michael's church had formed a group to welcome new residents and the Church was seeking to purchase land for a new school.
- The development was not perfect. She highlighted key changes to the application since the last Planning and Regulatory Committee as set out in the committee update: amendments to the affordable housing layout; enhanced landscaping plans, including increased tree planting along the southern boundary; introduction of communal vegetable planters and provision of additional orchard walks; enhanced connectivity plans for pedestrian, cycle and potential bus routes; preparation and submission of CGI views along northern, southern and western boundaries; updated waste management plan; updated energy statement supporting fabric first approach; and improved play areas for children of all ages including an informal kickabout area.
- The PPO had commented on the latest noise assessments in his presentation.
- She was concerned that if the application were refused the applicant would be successful at appeal resulting in costs being incurred.

A statement submitted by Councillor Howells, an adjoining ward member, was read to the meeting. This is included within the amended update appended to these minutes.

Another adjoining ward member, Councillor Harvey, then spoke on the application. She made the following principal comments:

- She supported the representation from Councillor Howells.

- She welcomed the new planting and play areas offered by the developers. However, she did not consider that these improvements outweighed the significant negative aspects of the development that remained.
- The Neighbourhood Development Plan had had to acknowledge the outline planning permission that had been granted but this should not be taken as support for the scheme. The application had received large numbers of objections at all stages.
- The complex noise issues remained a concern as outlined in the further representations from Ornu. It appeared that further measurements could and should be undertaken to establish whether there was tonal noise, noting the implications this could have.
- She also questioned the measurement of the intermittent noise generated from the Ledbury Bypass as a result of the location of the speed limit, the available measurements having apparently been taken in 2014, prior to the development, when the national speed limit had applied along that length of road.
- There would be merit in moving the speed limit further away from the roundabout than it currently was so that vehicles approached the development and pedestrian crossing at a lower speed involving less braking.
- The provision of affordable housing was welcome. However, the proposal simply met the Core Strategy's requirement. There were other sites identified for Ledbury within the Core Strategy that would provide over 200 affordable homes.
- She drew attention to the Land Drainage Engineer's comments at page 65 of the agenda papers which indicated the need for more information to be provided.
- She questioned the economic and social benefits advanced for the scheme. She considered that the scheme had adverse social and landscape impact breaching the bypass that formed the southern boundary to the Town. The scheme had been approved by a planning inspector on appeal.
- The insertion of 7 private houses into the affordable housing that she had previously described as a buffer protecting the private housing from noise nuisance was not the response that she had been expecting. She considered the approach to the development to be out of date.

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

In response to questions the PPO and Lead Development Manager commented:

- The bund and fence surrounding the development would be 5 metres high.
- The applicants had sought to attenuate the noise from the cheese factory considerably.
- The principle of development for housing on the site had been approved by the Planning Inspector at appeal. The Committee could therefore only consider the detail of the scheme.
- Condition 22 on the outline planning permission as imposed by the Planning Inspector covered drainage issues. The discharging of that condition was not part of the application before the Committee. Officers were working with the drainage consultants and the applicants on this aspect. Appropriate monitoring arrangements could form part of those discussions.
- The EHO commented in detail on the methodology used in assessing noise at the site. Tonal noise had been identified originally. However, mitigation measures had led to the view that the tonal element was removed completely or significantly reduced. This was also the view of the applicants' noise consultants. There were

three methods of identifying tonal noise. Ornu had not found tonal noise using two methods but using the third method had identified a degree of tone stating this meant a penalty should be applied. The council was not comfortable with this because the other methods had not identified a problem. She did not consider that it would be reasonable to give these late findings too much weight.

She added that there was no methodology for assessing the intermittent noise effect of braking vehicles. The test was whether desirable internal and external noise standards could be met inside houses and gardens. There was noise alongside Leadon Way. Houses would have to be moved half way across the site if the noise impact on houses was not to breach the desirable standard with the windows open. However, there could still potentially be an impact on houses facing Leadon Way. Particularly in the daytime houses facing Leadon Way would be exposed to road traffic noise. The developers were to deploy an enhanced glazing specification and an acoustic fence. The desirable standard could be achieved with windows closed at the front and achieved to the rear of properties with the windows open. Residents could use the green spaces that were to be provided. There was a policy issue in that if housing development was to take place near towns road noise would be experienced and some of the strategic sites in Ledbury would be adversely affected by road traffic noise at its boundaries.

- The Area Engineer commented that a 30mph speed limit had been in place during the access construction phase. There was now a 40mph limit. Extending the speed limit would require a Traffic Regulation Order. There were quieter road surface options but the chosen material matched the rest of the length of the bypass. Any potential for noise mitigation had to be balanced against the lifespan and cost of a different surface, which might not deliver a significantly quieter surface.

The LDM advised that a condition seeking to require the developer to seek a TRO for a 30 mph limit would be inappropriate. A contribution could be considered within the context of the S106 contributions associated with the application.

- A concern was expressed about the lack of consultation with the local community to which reference had been made. The LDM commented on the consultation that had been undertaken.
- The absence of renewal energy provision was of regret.
- A reduction in the speed limit on Leadon Way would be welcome given the housing development.
- The severance of the development from the Town by the bypass clearly created sustainable transport issues. Reference was made to a report by the organisation Transport for New Homes with recommendations aimed at achieving sustainable development and the House of Commons Transport Select Committee report: active travel – increasing the levels of cycling and walking in England which was critical of local authority implementation of cycling and walking infrastructure. The scheme did not seem to take account of these recommendations.
- The current provisions in the core strategy regarding the climate emergency were limited but the scheme appeared in no way to have taken account of Core Strategy Policy SS7 in terms of reducing carbon emissions and encouraging sustainable travel. The Council should press the Government to provide a policy framework to address these concerns.
- The Lead Development Manager reiterated in conclusion that the principle of development had previously been agreed by a Planning Inspector following an appeal. The technical issues including a late submission by Ornu had been considered and assessed. The technical advice in relation to noise issues was that the scheme could be recommended for approval. Ledbury had not had any affordable housing built for over 12 years. The provision of 110 affordable dwellings

as part of the development should be given significant weight. Condition 22 addressed the drainage issues. The benefits of the scheme were considerable. There were pavements throughout the site, a separate cycle route through to the Town. Fencing would be required, however, alongside Leadon Way this would be behind a mature hedge. There had only been 6 objections to the reserved matters application.

The local ward members were given the opportunity to close the debate.

Councillor Harvey commented that it had been made clear that some residents would have to go to the green play areas to enjoy space without noise nuisance. The houses would have to be moved half way across the site if recommended noise levels were to be achieved. Affordable housing provision was at the level required by policy. Hundreds of objections had been made to the applications for housing development to the south of the Town. There had been a lack of engagement with the Town Council and the local community on how the unwanted development could be made more acceptable. If the application were to be approved she welcomed the suggestion that consideration be given to using S106 monies to reduce traffic speed along Leadon Way. It remained open to Ornuia to pursue concern about the impact on their business.

Councillor l'Anson provided some examples demonstrating the need for affordable housing in Ledbury.

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

**RESOLVED: That Approval of Reserved Matters 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 approved shall be carried out strictly in accordance with the approved plans and details.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 2. Prior to the first occupation of the development hereby permitted details for the long term maintenance of the acoustic fence and structural noise mitigation adjoining Leadon Way as shown on the approved plans listed under Condition 1, shall be submitted to the Local Planning Authority for written approval. The maintenance of the fence and noise mitigation shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure the long term mitigation of noise and ensure adequate amenity to residents of the development hereby approved and to comply with Herefordshire Core Strategy policies SS6 and SD1 and the relevant aims and objectives of the National Planning Policy Framework as relate to noise and associated amenity are satisfied.**

- 3. G11 Landscaping scheme – implementation**

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

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

**5. G13 Tree planting**

With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall take place until a scheme of tree planting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.

The trees shall be maintained for a period of xx years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the xxyear maintenance period.

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

**6. G14 Landscape management plan**

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

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

**7. Maintenance condition for acoustic fence**

**8. No development shall be undertaken to commence details of the play areas including equipment, surfacing, landscaping, means of enclosure and provision of seating, litter bins and the phasing of their provision until**

**plans have been submitted and approved in writing by the Local Planning Authority. The play areas shall be constructed in accordance with the approved details and thereafter retained as approved.**

**Reason: in order to comply with the requirements of the Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 9. Development shall be carried out in accordance with glazing specification details to be submitted to and approved in writing by the Local Planning Authority and thereafter included as such within the development and thereafter maintained.**

**Reason: To ensure adequate levels of amenity are maintained with those dwellings and to Comply with Herefordshire Core Strategy policies SS6 and SD1 and paragraphs 127 and 180 of the National Planning Policy Framework.**

#### **INFORMATIVES:**

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

*(The meeting adjourned between 12.00pm and 12.10pm)*

#### **17. 190416 - LAND ADJACENT TO PLOUGHFIELDS, PRESTON-ON-WYE, HEREFORDSHIRE**

*(Site for a proposed development for the erection of 10 dwellings.)*

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

In accordance with the criteria for public speaking a statement was read out on behalf of Mr M Hodgson, a local resident, in objection to the application. Mr J Hicks, of Owen Hicks Architects, spoke in support.

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

She made the following principal comments:

- The report referred to eleven objections having been received from local residents, but this represented 15 individuals.
- A neighbourhood development plan (NDP) had been made and weight should be given to it. The proposal appeared to be contrary to the NDP. The proposal for 10 dwellings was not modest, sustainable or of an appropriate scale. The nearest shop was 3 miles away, as was the nearest post office and school. There were 2 buses a week. The development would mean additional journeys by car. Three houses were being constructed in the village centre, with permission for another development of five dwellings. The minimum target for Preston on Wye in the Core Strategy was 10 dwellings. If the application were approved this would mean the provision of 18

dwellings, representing 20% growth of Preston on Wye. The development was not dictated by local need. In the area of the Wyeside Group of parishes 31 further houses were required to be delivered by 2031. This was ample time for organic community led infill growth.

- The NDP indicated that the maximum size for a single development considered acceptable for Preston on Wye was 5 dwellings. A development of 10 or more was considered unlikely due to historical low levels of supply and demand, which was not expected to change significantly. Eleven or more houses on one site would be the exception, and should not be treated as a priority at the expense of smaller developments which can more easily fulfil the housing target.
- Preston-on-Wye had a village centre and was not a linear development along the roadside like many Herefordshire villages. There was the opportunity to deliver housing plots in the future.
- She was concerned about the access to the development noting the narrow single track roads leading to the village, with limited passing places. The traffic levels had not been assessed at the peak summer period when a local camp site was in full use. The cumulative effect on the road network would be severe.
- The access road often flooded.
- The Core Strategy said development should be focused on the most sustainable locations, reduced the need to travel by car and encouraged sustainable travel options.
- The development would mean the loss of agricultural land. The security of the Country's food production needed to be considered. In addition, developments on such land affected the special characteristics of villages in the area. Wyeside was situated within the Herefordshire Green Infrastructure Strategy 2010, District Strategic Corridor (DSC) 7, where development needed to be sensitive to its unique character.
- In terms of local need and social wellbeing, the village did not need increased traffic or dormitory development.
- The development would cause demonstrable harm. The scale and nature of the development on the outskirts of the village would take a long time to embed and integrate into the community.

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

- The development was adjacent to the settlement and there was a footpath to it. It would ensure the viability of the settlement but was not too large.
- The road access was to be widened. The impact of the increased traffic would not be significant.
- Concern about overlooking had been expressed by some residents. However, the distance was considered reasonable and none of the existing dwellings would be front on to the new dwellings.
- Any landscaping to screen the development would have to be sensitive so as not to obscure the long distance views currently enjoyed by the existing dwellings.
- The Parish Council opposed the development as did several local residents.
- There was a concern that moving the existing access towards the village would mean that lights from vehicles leaving the development would shine directly into an existing property. It was requested that if approved consideration should be given to this as part of a reserved matters application.
- The housing mix was welcomed.

- It was also requested that consideration be given to the provision of water butts for all properties and provision of electricity supply to facilitate charging of electric vehicles and the removal of permitted development rights to prevent extensions that might create overlooking issues without express permission.
- There was insufficient infrastructure to support such a development.
- The NDP had indicated that the maximum size for a single development considered acceptable for Preston on Wye was 5 dwellings. The proposal was contrary to the NDP. The views of the local community should be respected.
- It had to be recognised that much of the housing growth for the Group Parish area would have to be accommodated within Preston on Wye. The NDP did not contain a settlement boundary or identify any housing sites.

In response to questions officers commented:

- There was not a continuous pedestrian route from the village but it extended for most of the length and there was good visibility when walking.
- NDP policy WHO1 provided for 32 dwellings across the whole Group Parish area. The provision in the NDP that the maximum size for a single development in Preston on Wye should be 5 dwellings was an objective not a policy.
- The 2018 housing figures for the Wyese Group area indicated a requirement for 39 dwellings. Four had been completed with a further 4 commitments.
- Notwithstanding the national 60mph speed limit applied to the access road, an analysis had recorded average 85%ile speeds of 36.2mph eastbound and 32.5 mph westbound.

The Lead Development Manager commented that the Transportation Manager considered the access acceptable. The application was an outline application. The housing mix was in accordance with policy and was controlled by condition. Whilst acknowledging the objective stated in the NDP, the development was adjacent to the main settlement in accordance with policy RA2. It could be considered organic growth.

The local ward member was given the opportunity to close the debate. She commented that the local roads were used for walking and horse riding by children. Vehicles exceeded 30 mph increasing risk of serious injury. The NDP did identify an area for affordable housing. The national presumption in favour of sustainable growth was in fact compromising sustainable growth in local communities and did not seem to recognise the wishes expressed in NDPs. There would be better opportunities for development in Preston on Wye and that should be community led.

Councillor Hunt proposed and Councillor Shaw seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 9 votes in favour, 3 against and 2 abstentions.

**RESOLVED: 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. **C02 - Time limit for submission of reserved matters (outline permission)**
2. **C03 - Time limit for commencement (outline permission)**
3. **C04 - Approval of reserved matters**

4. C06 – Approved plans
5. B01 - Development in accordance with the approved plans
6. CAB - Visibility splays- 53 X 2.4M EASTBOUND, 44M X 2.4M WESTBOUND
7. CAE - Vehicular access construction
8. CAH – Driveway gradient
9. CAJ – Parking gradient
10. CAP – Highway Improvements/off site works
11. CAQ – CB2 Secure covered cycle parking provision On site roads – submission of details
12. C01 - Samples of external materials
13. C49 – Site Observation – Archaeology
14. CNS - Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through an attenuation system with final discharge to local watercourse; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

16. CNS - Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Star Ecology dated June 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

16. CNS – Drainage

**No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

**17. CNS – Drainage**

**The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme a detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**

- **Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
- **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
- **Evidence of agreement from third party land owner(s) (if this differs from the Applicant) to confirm that the pipe can be located as proposed, in addition to agreement from the riparian owner(s) of the watercourse into which the outfall is proposed.**
- **Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;**
- **Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;**
- **Demonstration that appropriate pollution control measures are in place prior to discharge;**
- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

**Reason: To ensure drainage conforms with Policies SD3 and SD4 of the Herefordshire local Plan - Core Strategy and the national planning Policy Framework.**

**18. CNS - Housing Mix**

**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 in accordance with the details submitted.**

**Reason: To define the terms of the permission and to comply with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

19. **Tree protection area – condition.**
20. **C97 – Landscape Implementation 5 year planting plan**
21. **CAT – Wheel Washing**
22. **CAZ – Parking for site operatives and Construction Environmental Management Plan.**
23. **CBK – Hours of working during construction**
24. **CB2 – Secure Cycle Parking Provision**
25. **CE6 – Water Efficiency**
26. **The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of the dwelling houses hereby permitted that shall have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).**

**Reason: To define the terms of the permission and to comply with policy H1 and ID1 of The Herefordshire Local 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  2. **I11 – Mud on the highway**
  3. **I09 – Private apparatus within the highway**
  4. **I45 – Works within the highway**
  5. **I05 – No drainage to discharge to highway**
  6. **108 Section 278 Agreement**
  7. **107 Section 38 Agreement and Drainage details**
  8. **147 Drainage other than via highway System**
  9. **Highway Design Guide and Specification**
- 18. 182938 - LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN**

*(Development of 2 dwellings with garages.)*

*(Councillor Wilding had left the meeting and was not present during consideration of this application.)*

The Senior Planning Officer (SPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes. She added that Natural England had confirmed that they had no objection to the Habitat Regulations Appropriate Assessment undertaken by the Council.

In accordance with the criteria for public speaking, Mr T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr D Alakija spoke on behalf of a local resident in objection. Mr R Pryce, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, Councillor Swinglehurst read out a statement on the application on behalf of Councillor Bolderson, the local ward member. This is included within the update.

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

- There had been a suggestion that the new access road may also provide access to the scrapyards to the south east of the site. The SPO clarified that the access lane would only provide access to the two proposed dwellings and a paddock within the applicant's ownership. Access to the scrapyards was off a separate road. Any new access would require planning permission.
- Concern was expressed about poor drainage and the risk of flooding as highlighted in the Parish Council's representations. The site was in flood zone one. There was historic evidence of flooding. It was questioned whether this represented grounds for refusing the application. The Lead Development Manager (LDM) commented that, as set out in the report, the Drainage Engineer was content with the proposed scheme. Condition 13 required a full drainage strategy to be agreed prior to any development. He cautioned against seeking to refuse the application on grounds of poor drainage.
- It was observed that there were concerns within communities about the robustness of the percolation tests carried out during the hot and dry summer of 2018. The LDM commented that several tests had been carried out on the site in accordance with the required national standards.
- The LDM acknowledged concerns about flooding in the area but reiterated that the technical consultees considered the drainage proposals to be acceptable. He suggested an additional condition that one of the dwellings should be a bungalow to be in keeping with existing development. This was accepted. The access was considered acceptable. The Neighbourhood Development Plan had limited weight at this stage. Whilst the area had reached its minimum housing target a small number of additional properties was not significant enough to provide grounds for refusing the application.

Councillor Swinglehurst was given the opportunity to close the debate on behalf of the local ward member. She commented that the application highlighted tensions between local knowledge and expert opinion, and local wishes and national policies. The site was in flood zone 1. It was essential that any drainage scheme was detailed and thorough. The development was contrary to the character of the settlement. She questioned whether the development could be considered an enhancement, noting the impact on the residential amenity of a neighbouring property. The site was specifically not recommended for allocation for housing within the NDP which attracted limited weight.

Councillor Hardwick proposed and Councillor Seldon seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition requiring the proposed dwelling adjacent to the existing buildings to be a single storey dwelling. The motion was carried with 5 votes in favour, 3 against and 5 abstentions.

**RESOLVED: That outline planning permission be granted and subject to the conditions below and any other further conditions considered necessary by officers named in the Scheme of Delegation to Officers:**

1. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters**
4. **C06 Development in accordance with the approved plans**
5. **CAB Visibility splays**
6. **CAE Vehicular access construction**
7. **CAH Driveway gradient**
8. **CAT Construction Management Plan**
9. **CB2 Secure covered cycle parking provision**
10. **CBK Restriction of hours during construction**
11. **All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.**

12. **Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

13. **CBM Scheme of foul and surface water disposal**
14. **CAP Bus stop relocation**
15. **The dwelling located nearest to Montrose and Murrayfield shall be single storey.**

**Reason: To protect the amenity of neighbouring dwellings and to accord with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework**

**INFORMATIVES:**

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

*(The meeting adjourned between 2.00pm and 2.08pm)*

(Councillor Seldon Vice-Chairperson in the chair)

**19. 183661 - OAKFIELD, NASH END LANE, BOSBURY, LEDBURY.**

*(Proposed extension to an existing gypsy/travellers site comprising 5no. Residential pitches, 1 no. Extended dayroom, 2 no. Utility blocks, 1 no. Access, hardstanding and associated works.)*

(Councillors Paul Andrews, Hardwick, James and Wilding had left the meeting and were not present during consideration of this application.)

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

In accordance with the criteria for public speaking, Mr P Whitehead, of Bosbury and Coddington Parish Council spoke in opposition to the scheme. Ruth Munns, on behalf of the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Johnson, spoke on the application. He expressed the view that whilst on the site visit the site had appeared tidy and potentially suitable it was not necessarily the right place for such a development. He intended to comment in more detail at the end of the debate.

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

- A Councillor highlighted paragraph 6.50 of the report.
- Clarification was sought on the proposed new western site access which had already been constructed but in part appeared to be outside the red line delineating the application. The Lead Development Manager commented that the application did not take account of the need to include highway land. A consent from the highway authority would need to be sought and granted. The application was valid as it stood.
- It was asked whether the impact on seven mature oaks bordering the site had been assessed. It was suggested that the proposed area of hard standing did not respect the root protection zone. The new access road also appeared very close to one of

the oak trees. The Lead Development Manager suggested that a suitable condition could be added to protect the trees, subject to the advice of the tree officer.

- The SPO confirmed that the Drainage Engineer had no objection to the drainage proposals.

The local ward member was given the opportunity to close the debate. He made the following principal points:

- The local community was opposed to the application. Bosbury had 4 travellers sites with 14 pitches representing 12% of the total pitches provided within the county. The additional 5 pitches proposed within the application together with another development being proposed nearby would bring the proportion of pitches up to 16% accommodating some 40-60 travellers.
- The Parish Council had supported the application for 2 pitches on the site in 2012 on the basis that there would be no additional development. The report stated at paragraph 5.3 that “there must be consideration as whether the reasons for imposing these conditions are still applicable or whether different conditions could be imposed to mitigate any potential impacts.” He questioned the disregarding of the agreed conditions.
- He questioned whether the policy complied with Core Strategy policies H4 and RA3. He also questioned whether there was a local need noting that the second pitch for which permission had been granted in 2012 had never been occupied. The site was also outside the settlement boundary.
- He referred to paragraphs 22 and 25 of the Government’s revised Planning Policy for Traveller sites as referenced at paragraph 6.9 of the officer report.
- The report was based on the premise that the application was not for a new site but for an extension to an existing site. However, the increase in size was of relevance.
- With reference to policy H4 regarding the need for sites to have reasonable access to services, subject to an exception provision, there was no access to services. The school was oversubscribed, the surgery was full, there were no shops and very little public transport. He questioned if the site was sustainable bearing in mind the travel distance to Cradley or to Ledbury. He questioned the statement in paragraph 6.22 of the report that officers considered there was capacity in local infrastructure and services given the lack of objection from service providers.
- He acknowledged the report’s recommendation and the rationale behind it. However, he considered that Members had a responsibility to represent residents and ensure that they were treated fairly. He considered that the County’s target for pitches should be shared more evenly across the county noting the current level of provision in Bosbury.
- The application was contrary to policies RA3 and H4 and officers should be encouraged to develop sites across the county as a means of securing successful integration of travellers.

The Lead Development Manager noted that considerable work had been undertaken to prepare the Travellers Development Plan Document. That had identified the need for additional pitches and the document which included the application site within it had been subject to public examination. He referred to a paragraph in the examiner’s report stating that the development would not dominate the nearest settled community and be contrary to paragraph 14 of the PPTS and there was no reason why there should not be peaceful and integrated co-existence. He requested that delegated authority be granted to resolve the issues that had been raised relating to the new access and protection of trees. If an acceptable resolution was not possible the application would be brought back to the Committee.

Councillor Hunt proposed and Councillor Fagan seconded a motion that the application be approved in accordance with the printed recommendation and authority delegated to officers to determine following consultation with the tree officer an appropriate condition to protect mature oak trees on the site and to resolve any issues relating to the new access. The motion was carried with 5 votes in favour, 2 against and 3 abstentions.

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

1. **C01 – Time limit for commencement (full permission)**
  
2. **C06 – Development in accordance with the approved plans (drawing numbers: TDA.2406.01; TDA.2406.03 Revision B; TDA.2406.05; TDA.2406.07 and TDA.2406.08).**
  
3. **C14 - The materials to be used in the construction of the external surfaces of the dayroom extension hereby permitted shall match those used in the existing building.**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

4. **CAH – Prior to the first occupation of the development hereby approved the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to relevant works commencing in relation to the driveway/vehicle turning area.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

5. **The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annexe 1, paragraph 1 of the Communities and Local Government "Planning Policy for Traveller Sites" March 2015.**

**Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).**

6. **Any material change to the position of the static caravans, or its replacement by another caravan in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the**

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

- 7. No more than 7 mobile homes and no more than 7 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time.**

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

- 8. The soft landscaping and habitat creation and planting as proposed in supplied plan reference TCA.2406.03 Revision B dated 16th June 2019 shall be implemented in full, any trees or shrubs dying within 5 years of completion of all works on the site shall be replaced like for like and all the site hereafter maintained in full as approved unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006**

- 9. The utility block and day room buildings (as shown on the approved drawing nos. TDA.2406.05 and TDA.2406.07) shall not be used other than as utility block/day room structures ancillary to the use hereby approved. No part of the buildings shall be used as a bedroom or otherwise for sleeping accommodation.**

**Reason: To ensure that the buildings are not used as separate and independent residential units and to comply with Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).**

- 10. The new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

**Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 11. The applicant shall be required to enter into a Section 184 agreement under the Highways Act 1980 with the local Highway Authority prior to relevant works commencing in relation to the new access. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**

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

## **INFORMATIVES**

- 1. IP2 – Application Approved Following Revisions**
- 2. I05 – No drainage to discharge to highway**
- 3. I11 – Mud on highway**
- 4. I35 – Highways Design Guide and Specification**
- 5. I45 – Works within the highway**
- 6. I30 - Wildlife and Countryside Act 1981 (as amended)**

## **20. DATE OF NEXT MEETING**

Noted.

**Appendix - Schedule of Updates**

The meeting ended at 3.06 pm

**Chairperson**



## **PLANNING AND REGULATORY COMMITTEE**

**Date: 24 July 2019**

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

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

## SCHEDULE OF COMMITTEE UPDATES

**182628 - APPLICATION FOR APPROVAL OF 1ST PHASE RESERVED MATTERS FOR THE ERECTION OF 275 DWELLINGS WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO BE CONSIDERED ONLY. AT LAND TO THE SOUTH OF LEADON WAY, LEDBURY,**

**For: Mr Mark Elliot, 60 Whitehall Road, Halesowen, B63 3JS**

### ADDITIONAL REPRESENTATIONS

A local resident has raised concerns regarding the impact of the proposals refuting the applicants' assertion that land drains to their pond are not on the application site. The third party has submitted land drain maps passed to which show that the drains collect to a pipe on the boundary and then feed to the sump at the driveway to the adjacent field (Gladman's appeal site). The resident states *It is observed that shortly after a heavy downpour, the outfall to the pond is heavily contaminated with silt from the excavated Barratt site at a time when the Gladman site has not been disturbed by cultivation. This confirms the connectivity indicated by the land drains maps.* The resident requests confirmation of the existence of the land drains on the Barratt site and the connectivity to my pond.

The above and further comments and plans show the relevant land drain maps below and the schematic supplied by Barratt. The resident states the land drain maps show that the catch pit across the Dymock Road from their pond has at least 3 pipes feeding the pit from the fields above but Barratt shows only 2 pipes being examined, perhaps they conclude leading them to the wrong conclusions.

The residents concerns have been shared with the applicant who has responded *In light of this information we are prepared to undertake further investigations to establish a final position with regards to the presence/absence of a land drain connection between the two sites should this be deemed necessary by the Local Planning Authority. If, as suggested, there is a land drain connection between our site and the Gladman land then we are prepared to provide mitigation within our site, in the form of a silt trap, to prevent any potential silt deposits to the adjacent ponds. This would be maintained by the management company that will be appointed to maintain all public areas within the site.* This can reasonably be controlled via condition 22 of the outline planning permission in respect of sustainable drainage.

This condition also requires the implementation of a surface water drainage strategy that is based on the principles set out in the Flood Risk Assessment and Surface Water Drainage Strategy dated October 2014 and the accompanying Drainage Strategy layout that supports this assessment. The technical details of this will be agreed with the Council's own flood authority.

West Mercia Housing has submitted a statement supporting the application, stating –

WM Housing Ltd have contracted with Barratt David Wilson under a development agreement for the affordable homes which form part of the scheme at Leadon Way, Ledbury.

The mix to be delivered on phase 1 is shown below.

### **Social Rent**

10 x 1 bed houses  
2 x 2 bed bungalows  
23 x 2 bed houses  
19 x 3 bed houses  
5 x 4 bed houses

### **Shared Ownership**

35 x 2 bed houses  
16 x 3 bed houses

There is currently a significant demand for housing in Ledbury based on current information on Homepoint and interest in the area.

These new homes will provide a mix of rented and shared ownership accommodation within the Ledbury which will help meet housing demand in the area and be suitable for people on a range of income levels. All rents plus indicative service charges used in our appraisals are within Local Housing Allowance levels. 11 of the affordable homes will also be designed to DQS standards so that they can be easily adapted if required either at first let or in the future if customers' needs require this.

We have internally reviewed the design and layout of the scheme and are happy with the locations of plots, in particular with regards to position of open spaces and play areas. Tenures are mixed and dispersed evenly across the site, and a tenure blind approach has been adopted by Barratt Homes David Wilson Homes with regards to design and materials.

The development will provide much needed affordable housing for the area to help meet demand in the locality. WM also welcome that some home are design to DQS standard to provide flexibility at the point of letting. WM welcome this development and believe that it will have a positive impact on the area providing much needed affordable housing for local people.

I trust this outline WM's support for the proposed scheme and we look forward successfully delivering new affordable housing for Ledbury.

The applicants have submitted a summary statement setting out amendments to the proposal following the June Planning Committee and how the development satisfies local and national planning policies and delivers economic, social and environmental benefits.

The amendments are summarised –

- Amendments to the Affordable housing layout;
- Enhanced landscaping plans, including increased tree planting along the southern boundary;
- Introduction of communal vegetable planters and provision of additional orchard walks;
- Enhanced connectivity plans for pedestrian, cycle and potential bus routes;
- Preparation and submission of CGI views along northern, southern and western boundaries;
- Updated waste management plan;
- Updated Energy statement supporting fabric first approach.
- Improved play areas for children of all ages including an informal kickabout area.

### **Economic Benefits**

- Job Creation: it is anticipated that the development will create 288 direct, indirect and induced employments through Barratt David Wilson, its sub-contractors and suppliers per annum.

- New Homes Bonus: deliver approximately £1.8m over five years paid by Central Government to the council through the New Homes Bonus scheme.
- Local Economic Boost: development of the site is expected to deliver an economic output of £6.8m. This equates to the indirect creation of 40 jobs per annum.
- Increased council tax receipts: the proposed development would contribute around £0.45m per annum in council tax payments.
- Highways investment: Approximately

#### Environmental Benefits

- Deliver net gain in biodiversity terms and enhancements.
- New walking orchards and community vegetable planters throughout open areas.
- Enable more sustainable patterns of activity through provision of walking and cycling routes.
- Surface water drainage improvements
- Retain important trees and hedgerows

#### Social Benefits

- Provision of total 275 dwellings.
- Provision of 110 affordable dwellings.
- Informal public open space (approximately 2.5ha).
- Children's play areas on site.
- Contributions towards enhanced football and rugby pitches.
- £0.39m contribution towards Ledbury Primary School.
- Additional population to support local facilities.
- Improved pedestrian linkages.

Representatives of Ornu (cheese factory) have submitted a further noise assessment, titled 'Tonality Update'. The assessment confirms that the noise from the factory has a tonal quality. This was received Tuesday 23<sup>rd</sup> July 2019.

On the basis of this updated assessment Ornu disagree with the Council's position and request that the Council provide an explanation of how it considers a penalty should not apply in the light of this new evidence. Ornu emphasise that the updated evidence is a material consideration and should be afforded significant weight in the overall planning balance.

The assessment was sent to the Council's Environmental Health Officers and the applicants for comment a verbal update will be given at committee.

#### **OFFICER COMMENTS**

The concerns of the third party are noted, as are the comments from the applicant. It is considered the Condition 22 of the outline planning permission, which has not been discharged, is the appropriate mechanism to address the residents concerns and that position is agreed and accepted by the applicants.

The comments from West Mercia Housing are noted and the Committee Report sets out the significant contribution the development makes to affordable housing delivery where there has been a dramatic lack of such housing over the last ten years and significant demand is held.

The amendments to the proposals following comments from Planning Committee and Local Members are welcomed and overall enhance the development. The Economic, Environmental and Social Benefits of the development and compliance with the Herefordshire Core Strategy, Ledbury Neighbourhood Plan and National Planning Policy Framework are detailed within the Committee Report which recommends approval with suggested conditions.

Further to the above, the Government published revision of Planning Practice Guidance – Noise (PPG-Noise) on the 22nd July 2019 and both the Council's Environmental Health Officers and the applicants responses will be provided as a verbal update.

## **NO CHANGE TO RECOMMENDATION**

### **Response by applicants noise consultants to late representation from Ornuu Ingredients UK Ltd**

The March 2019 Noise Assessment Report identified that the sound from the Ornuu factory was not tonal, when assessed subjectively, and in accordance with Annex C in BS4142:2014, *Methods for rating and assessing industrial and commercial sound* (BS4142). The assessment by WA was undertaken at the proposed dwellings nearest to the Ornuu factory. These findings have not previously been disputed by either Ornuu or HMK. Additionally Herefordshire Council (HC) have found that the noise from the Ornuu factory is not tonal.

However, the technical note prepared by HMK identifies that a 70Hz tone occurred for 36% of the time between 0000hrs and 0030hrs on the 23<sup>rd</sup> July 2019 at the western development site boundary and adjacent to the Ornuu factory. HMK state that a 1.7dB noise penalty should be applied to the measured specific sound level in accordance with BS4142.

The assessment by HMK was undertaken over a short period of time, which may or may not be representative of the long term noise emissions from the site. Furthermore, BS4142 states that the audibility of any tonal component should be assessed at the receptor. However, the assessment location employed by HMK is approximately 25m from the eastern façade of the factory, whereas the nearest dwellings are located approximately 150m from the eastern façade of the factory. Even if a tone is identifiable at 25m from the sources, there is no evidence to suggest that it will be audible at a distance of 150m.

WA have undertaken noise monitoring at the development site, over two 8 hour night-time periods within the bedrooms of Plots 1 and 2 with windows open. The noise monitoring shows that the noise from the Ornuu factory is not tonal.

We therefore maintain our position, which is based upon long term noise monitoring, on and off the development site, that sound from the Ornuu factory is not tonal, therefore no noise penalty should be applied.

### **Comment by Environmental Health Officer on response by applicants noise consultants**

The document advises that the factory noise was measured at night time for 48 minutes at a field gateway opposite the factory and 2 further locations although these are not identified and no results are supplied. The document advises that the noise consultant detected tonal qualities at the factory gate but the spectral analysis supplied does not confirm this. No noise measurements were taken from the proposal site.

The BS4142 guidance gives 3 alternative methods for determining the appropriate character correction to be applied for a noise which is tonal. A subjective assessment based on audibility would award a penalty for a tonal sound. The noise consultant has identified tones (3.3) – not a distinctive tone - so we do not think it appropriate to award a penalty on the basis that a variety of tones have been heard. We have found that the factory noise as a whole has a low frequency characteristic but have not experienced a single distinctive tone

which is over and above the overall sound source and Hayes McKenzie have not found this either.

The spectral analysis supplied in figure 2 does not give results that indicate that there is a 15dB or greater difference in dB levels at low frequency one third octave bands (25Hz to 125Hz). Therefore there is no evidence that the BS4142 objective second method for the determination of a tonal characteristic has found that a character correction should be applied. This corroborates the earlier findings of noise measurements taken in February 2019 by the applicant's noise consultants after mitigation and which did not find any low frequency characteristics (Appendix F WA March 2019) and has not been disputed.

The final method for the determination of the appropriate character correction is the reference method set out in Appendix D of BS4142 ie the use of narrow-band frequency analysis. Hayes McKenzie have argued that a tonal penalty be awarded using the results of this analysis alone. We are reluctant to accept this analysis as the sole determinant of a character correction given the lack of corroborating evidence supplied by the use of either other methodology ie the subjective and objective methods for determining a character correction due to a tonal element.

Even if the suggested 1.7dB character correction was accepted by using the narrow-band frequency analysis only this does not alter the findings on site in March 2019 which were undertaken inside the built plots 1 and 2 which found noise levels below 30dB inside the bedrooms with the windows open in a real time monitoring environment.

### **Statement by adjoining ward member Councillor Howells read to the meeting**

This development was an unplanned, unstructured and unmanaged one which was never wanted by the people of Ledbury in the form now presented and about which the people of Ledbury were never consulted. It is therefore a development which did not and in my view still does not meet the real requirements of the town or adequately comply with either the core strategy or Ledbury Neighbourhood Development Plan planning requirements.

Given the current position with aspects of the development now at an advanced stage, realistically it has to be accepted and progressed at some point, but any planning comment has to be taken from this inadequate starting position. Whilst the Town fully accepts the requirement in the core strategy for Ledbury to deliver 825 houses, this development falls far short of the ideal so any planning objection submissions can only be aimed at mitigation of all the many aspects in which the site does not meet Ledbury needs or, in my view, yet fully meet all planning requirements, in order to limit the unacceptable aspects as much as possible.

I'm mindful that the developers, Barratt Homes, have made genuine attempts to reflect resident and Councillor concerns given this is an overall unacceptable development for Ledbury. At the meeting between Barratts, HCC Planning Officers and Ledbury Ward Members on 9<sup>th</sup> July, Barratts made significant landscaping and other improvement concessions which Ward members appreciated were made in good faith. In particular, I am mindful that Barratts were always willing to be compliant on delivering 40% affordable housing without attempting to reduce this commitment – as many developers try to do.

However, there are a number of planning areas which still concern me and which I would like the Planning Committee to consider when arriving at a decision.

- As my Ledbury Town Councillor John Bannister colleague will submit in his presentation, we are agreed that this application, which comes under the remit of the adopted Ledbury NDP, does not adequately reflect, or explain how NDP policies have been considered, in the following areas:
  - Policy SD1.1 on sustainable development on aspects such as zero carbon houses, renewable energy sources, locally recycled waste or promoting a

reduced dependence on the private car as much as possible. We do not regard the cycling and walking aspects of the application to go far enough in reflecting this policy as it could.

- Although we recognise that the affordable housing is likely to be sold to a housing association which could adapt the housing for different group needs, we feel that not enough suitable consideration has been given in the design stage to the housing policies such as HO2.1 of balanced communities (such as housing for adults and young people with disability), HO3.1 (housing for the elderly), HO4.1 (housing for young people and especially for those transitioning from care), and HO5.1 (self-build opportunities). Adequate provision of such features of incorporated electric charging points for e-bikes and disabled vehicles with suitable related storage, for example, is not apparent.
  - The Planning and Regulatory Committee report for the meeting in section 2.2 glosses over the Ledbury NDP and makes no reference to how these policies have been adequately considered and handled within the application.
- I would also refer the committee to section 4.3 of this report in which the Service Manager Built and Natural Environment comments upon the harm the 3m high bund and fence will cause to local amenity. The officer makes it clear that this is still an undecided consideration and in our view we simply cannot accept that current mitigation proposals are adequate. Barratts own artists' impressions demonstrate clearly that what was once open field country with sweeping views will now effectively be a walled fort which will take years for suggested vegetation to disguise. Whilst understanding why this is felt necessary, its construction is an appalling contradiction of what sustainable development, as defined by the Core Strategy and NDP policies, should be reflecting. More needs to be done to ensure these fences are less obvious from the start and not simply wait until nature takes its course.
  - It is also clear, and recognised by Officers, that many core strategy policies have been compromised in order to enable this development and whilst I do understand the reality that this may be necessary, including any NPFF considerations, a reading of the Core Strategy document suggests a revisit is needed to at least explain in more detail why these compromises have been reached in order for Ward and Town Councillors to be satisfied that the decisions made are as acceptable as possible.
  - The Planning and Regulatory Committee report in section 4.5 states that on site drainage, any concerns of ground water supply to an offsite Great Crested Newt pond/population can be reassured that there will be no negative effect. This seems very clearly to be palpably untrue. It is maintained by Barratts that no site drainage pipes go in the direction of the pond, but they know this is not the case since plans showing the underground pipes which prove there are drainage pipes under the land, and which lead into the pond, have been submitted to both Barratts and HCC planning months ago, but appear to have been ignored. Not only do the plans clearly show these drainage pipes, but since the development has started, the pond has shown equally clear (excusing the pun) effects of mud and water flowing into the pond. Until this issue has been more fully investigated and satisfactorily resolved, there is surely no way the landscaping/ecology aspect of the reserved matters can be approved.

**190416 - SITE FOR A PROPOSED DEVELOPMENT FOR THE ERECTION OF 10 DWELLINGS AT LAND ADJACENT TO PLOUGHFIELDS, PRESTON-ON-WYE, HEREFORDSHIRE,**

**For: Mr Dale per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA**

#### **ADDITIONAL REPRESENTATIONS**

None received

#### **OFFICER COMMENTS**

Transport Officers have confirmed the speed limit outside the site is not 30 mph as stated in para 1.3 of the committee report but it falls within 'national speed limit'.

An existing gate access was noted within the western boundary of the site and officers can now confirm this farm gate is not the sole access into the adjacent field and will be stopped up or removed.

#### **Condition to be added:**

##### **Maximum Floorspace**

The reserved matters applicant submitted pursuant to Condition 1 shall be accompanied by details of the dwelling houses hereby permitted that shall have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).

Reason: To define the terms of the permission and to comply with policy H1 and ID1 of The Herefordshire Local Core Strategy.

#### **CHANGE TO RECOMMENDATION**

Additional condition as above added to the recommendation

**182938 - DEVELOPMENT OF 2 DWELLINGS WITH GARAGES AT LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN**

**For: Mr Moore per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL**

#### **ADDITIONAL REPRESENTATIONS**

Following consultation on the Council's Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION.

Neighbourhood Planning Officer has confirmed that the Neighbourhood Development Plan underwent Regulation 14 consultation ending on 12 July 2019. The Plan can be afforded limited weight.

An additional representation has been received which reads as follows:

*I understand that Cllr Bolderson has contacted you with an urgent question for the drainage engineer concerned with this application.*

*I have a related but different question which I believe is important and would be very helpful to get answered by the drainage engineer before the planning committee meeting on Wednesday.*

*It is known that the spreader pipes from a septic tank at Montrose discharge into the proposed site. It is very likely that the same happens for Murrayfield.*

*When the drainage engineer was considering the proposed drainage solution, was it apparent that the site is being required to provide the drainage, not just for the two proposed new dwellings, but also for definitely one and probably two existing dwellings, and does this fact materially affect the likely effectiveness of the proposed drainage solution?*

*I believe that this would stray beyond a civil matter into a planning matter in that it might mean that the four (2 existing and two proposed) dwellings would not have a satisfactory solution for their drainage.*

The agent for the application has stated that this is not the case. Notwithstanding this, the drainage strategy conditioned on any approval to be submitted as part of a reserved matters application will cover the drainage layout.

## **OFFICER COMMENTS**

With regard to para 6.30 of the committee report, it is confirmed that the applicant owns the paddock located to the east of the pond. As such, the access will be utilised by the proposed two dwellings and movements associated with this paddock. This notwithstanding, the visibility splays and general access are found to be adequate for the level of movements and the Council's Highways Officer is satisfied with the arrangement.

## **NO CHANGE TO RECOMMENDATION**

### **Statement by local ward member Councillor Bolderson read to the meeting**

The Allensmore NDP completed the Reg 14 consultation earlier this month with minor changes made to the draft plan as a result of feedback received. I understand that Herefordshire Council has confirmed that all the included policies are in general conformity with the Core Strategy and the Parish Council are now in a position to move forward with preparations for Reg 16. I appreciate that limited weight can be given to NDPs that have not been adopted by the Council, however, given the stage in which the Allensmore NDP is at, I think it appropriate to refer to it within my address.

As outlined in the NDP, Cobhall Common is documented in the Domesday Book of 1086 having just 13 households and has seen little growth since, with 51 dwellings now within the settlement boundary. The settlement is primarily linear in nature with buildings set back and lining narrow lanes. Out of all the Parishes within the Wormside Ward, the local community is one of the strongest I have seen with monthly BBQs, coffee mornings, a local history group, village allotment and even a decommissioned telephone box which has been

converted into a mini community library called 'Books in a Box'. When developing the NDP, residents identified the rural environment and community spirit as two key reasons why they enjoyed living in Allensmore.

As a result of this tight knit community, the NDP has been developed with a high level of local involvement. Any potential development outside the settlement boundary as outlined within the NDP is therefore vigorously challenged and this high level of community concern is the primary reason why we see this planning application in front of the committee today.

Policy RA1 outlines the minimum rural housing distribution between 2011 and 2031. The Housing Market Area relevant to Allensmore has a 14% indicative housing growth target over the period which equates to a minimum of 32 additional homes in Allensmore. I understand that Allensmore has already reached this minimum housing target and has identified capacity for at least another 8 to 10 new dwellings. Not only this, recent approvals of an additional 11 dwellings in Cobhall Common represents a growth of 22% for this very small and rural settlement. I appreciate that Herefordshire Council are not currently meeting housing targets as outlined within the Core Strategy and there is strong need for additional housing within Herefordshire. However, I ask the committee whether parishes that are currently meeting, or indeed exceeding their targets should be expected to accept housing development outside identified settlement boundaries, compensating for other underperforming rural areas within Herefordshire. When reviewing the details of this case, I would like you to consider the requirements of Policy RA1 of the Core Strategy and Policy A3 and A4 of the NDP. Please consider whether housing outside the settlement boundary should be considered, particularly when Allensmore has already exceeded minimum targets and in the last year alone 22% growth has been approved within the settlement boundary of Cobhall Common.

Policy RA2, figure 4.15 identifies Cobhall Common as a smaller settlement where particular attention must be made to the form, layout, character and setting of the site and its location within the settlement. An independent third party was appointed by the Parish Council to review possible development sites for inclusion within the NDP. The site which we are discussing today was reviewed and the conclusion was that any development would be positioned behind existing dwellings, adding depth to the built area and breaking the established linear pattern of the village. It was therefore considered that development upon this site could harm the character of the village.

Backfill is currently the exception in the predominantly linear development of Cobhall Common, not the norm. In addition, the layout of this planning application would represent backfill of 3 houses from the road where the other 3-4 exceptions within the village only show backfill of two houses from the road. When reviewing the details of this case, I would like you to consider whether approving this application would be contrary to policy RA2 and Policy A4 of the NDP and indeed set a precedent for further backfill and consequently affecting the form, layout and character of the village.

Due to the low-lying nature of Cobhall Common and a historically high-water table in the area, surface drainage and flooding is a major issue. I recognise that the planning officer is satisfied with the details and reports provided by the applicant, however, the local community are still concerned over three issues which, as of yesterday, had not yet been verified by the drainage consultant.

- Firstly, it is understood that both bungalows at the front discharge their water through spreaders to the application site. It is still unknown whether drainage calculations have taken account of this and whether work on the site would impact the access and efficiency of these spreaders. Without understanding the answers to this, I would consider this a direct and substantial impact on the bungalows amenity;
- Residents are concerned that percolation tests have not been conducted in accordance with Section H of the Building Regulations in so far as a minimum of two test holes are required for each of the foul and surface water tests; and

- Thirdly, percolation tests appear to have been carried out in July 2018 during a period of exceptionally dry weather. According to the regulations, the tests should not be carried out during abnormal weather conditions such as drought.

I would ask the committee to seek clarification on these matters during the debate and be fully satisfied that the NDP policy A7 in relation to Drainage, Flooding and Sewage is complied with and that there is no direct impact to the bungalows amenity.

As Ward Councillor of Wormside, I believe it is my duty to communicate to you the concerns of the local community in relation to this planning application. I acknowledge that the applicant has worked closely with the Council to adapt their application where possible, however, the local community still have concerns that the application is not compliant with Policy RA1 and Policy RA2 of the Core Strategy and Policy A3, A4 and A7 of the Allensmore NDP. Given that the NDP is just about to commence Reg 16 consultation the local community ask that you provide the appropriate consideration to this document when making your decision on this application.

**183661 - PROPOSED EXTENSION TO AN EXISTING GYPSY/TRAVELLERS SITE COMPRISING 5NO. RESIDENTIAL PITCHES, 1 NO. EXTENDED DAYROOM, 2 NO. UTILITY BLOCKS, 1 NO. ACCESS, HARDSTANDING AND ASSOCIATED WORKS AT OAKFIELD, NASH END LANE, BOSBURY, LEDBURY,**

**For: Mr Smith per Dr Simon Ruston, The Old Office, 1 Great Ostry, Shepton Mallet, Somerset, BA4 5TT**

#### **ADDITIONAL REPRESENTATIONS**

None received

#### **OFFICER COMMENTS**

With regards to the Examiners Report of the Herefordshire Travellers' Sites Development Plan Document (DPD), received on 26 June 2019, the Inspector has advised that assessment of need as at 1 April 2018 to be as up-to-date as possible on adoption and hence effective. In addition, various other detailed adjustments are required in order to prevent duplication. The need for sites to 2023 is therefore at 19 pitches excluding those who do not meet the PPTS definition. The longer-term need to 2031 is for a further 11 pitches giving a total pitch need of 30 pitches from 2018 to 2031.

This clarification reinforces the point that Oakfield has been identified by the Council as part of the Travellers DPD plan, and that the proposal, as a site, could help contribute to meeting the shortfall of pitches up to 2022/23, as has been discussed extensively throughout Section 6 and specifically 6.10 of the Officer's Report, who which this updated need reflects following the examination of the Travellers DPD.

#### **NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 September 2019</b>
<b>TITLE OF REPORT:</b>	<b>184574 - ERECTION OF 2 DETACHED DWELLINGS AT LONG BARN HOUSE, LANE FROM JUNCTION WITH SPARROW LANE TO QUARRY ROAD, LINTON, ROSS ON WYE, HR9 7RT</b>  <b>For: Mr &amp; Mrs Hunter per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184574">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184574</a>
<b>Reason Application submitted to Committee - Re-direction</b>	

**Date Received: 17 December 2018    Ward: Penyard    Grid Ref: 366744,224477**

**Expiry Date: 11 February 2019**

Local Member: Councillor William Wilding

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

- 1.1 The application site comprises of land associated with Long Barn, a detached two storey dwelling which lies to the east. There is a garage building located within the south west of the site which utilises an existing vehicular access to the south off The Line. The site benefits from hedging along the common boundary with Long Barn as well as the boundary with the road. The site is located within the Parish of Linton.
- 1.2 Within this part of Linton there are two roads travelling in a north-south direction (The Ridge to the west – U70239 and The Line to the east – U70238) and the land falls from west to east between the two. This is representative on the site which also falls in the same direction. There are no local or national landscape or heritage designations either within the site or the local area.
- 1.3 This application is submitted in full for the erection of two dwellings. The proposal will utilise the existing access into the site to the south and include the removal of the garage building. Through the process of the application additional information has been submitted in relation to trees, access and drainage and relevant re-consultations have taken place.
- 1.4 Below is the submitted block plan that shows the proposed dwellings in relation to neighbouring dwellings:

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



Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

### 2.3 Linton Neighbourhood Development Plan (NDP)

Linton Neighbourhood Development Plan is currently at the drafting stage and therefore afforded no weight.

## 3. **Planning History**

3.1 While there is history in relation to Long Barn there is none directly relevant on the site itself

## 4. **Consultation Summary**

Statutory Consultations

### 4.1 **Severn Trent** – no objection

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

### 4.2 **Natural England** – no objection

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

Internal Council Consultations

### 4.3 **Transportation Manager** – no objection following amended plans

I have visited the site and reviewed the concerns with the visibility splays.

The visibility splay can be achieved in land which is classed as highway. The submitted plan shows a distance of 25m in a south direction with a visibility shown to the edge of the carriageway. In rural settings like this one the visibility splay can be taken to the centre of the road, therefore can achieve a greater distance.

One concern I do have is that the access should be 90 degrees to the carriageway, now I know there may be a potential issue with the gradient, however if the access can be straightened up a bit more, it will give a greater level of visibility. Just make sure a vehicle can sit at the access fully. Also if the access can be made wider then it will allow for vehicles to get off the highway quicker. I have put a rough position on a plan, however I do note the potential amount of hedgerow which may need to come out for the access.

**Following confirmation that the access meets the Herefordshire Council gradients of 1:12 for the access and 1:8 for the driveway and an amended site plan the Transportation Manager recommends approval of the application subject to standard conditions.**

#### 4.4 **Conservation Manager (Ecology)** – no objection

The applicant has confirmed that foul water will be managed through connection to sewage treatment plant and surface water will be managed on-site through SuDS/Soakaway including additional capacity from green roofs. These proposals are compliant with Herefordshire Council Policy SD4.

The advice and working methods as provided in the ecologist's report (Churton Ecology, dated September 2018) should be followed, in particular regarding the following items:

Hedgerows: Proposals for native hedgerow and tree planting and timing of works to avoid the bird breeding season.

Bats & lighting: The site is located slightly over 4km from the Forest of Dean & Wye Valley Bat SAC (Wigpool Iron Mines SSSI), and is within an area of known importance for bats and bat foraging, in particular greater and lesser horseshoe bats which are known to be light sensitive species: Proposed lighting for the new dwellings should be kept to a minimum, as per recommendations within the ecologist's report.

Biodiversity enhancements including proposed no. bird and bat boxes should be installed on suitable trees as per the advice and specification of the ecologist/ecology report.

#### 4.5 **Conservation Manager (Trees)** – no objection following additional details

The plans appear to show both plots can be facilitated within the site with out having a detrimental to the short and long term condition of existing trees, this is supported by the findings within the accompanying report – Tree Survey, categorisation and constraints report – Steve Ambler & Son Tree Specialists.

There is however a requirement for further information because there is an abundance of trees which will be in close proximity of any proposed construction. Areas where constraints may arise are:

Boundary treatments – New fencing goes within the Root Protection Areas (RPA) of trees, how will the fencing be erected without causing damage to tree roots.

Drainage – if drainage has to go through RPAs can it be avoided and if not what mitigation is there?

Access – is the existing access staying intact, will facilitation pruning be required for construction vehicles to gain access?

Further information:

Arboricultural Impact Assessment

Tree Protection Plan

Tree Method Statements (if required)

**Following the submission of an Arboricultural Implications Assessment the Tree Officer comments as follows:**

Having read the arboricultural Impact assessment and Tree Protection plan I am in agreement with the reports conclusion that that development is achievable without causing adverse damage to the retained trees.

I am satisfied that the application is compliant with policies LD1 & LD3 of the Herefordshire Core Strategy and have no objections.

#### 4.6 Conservation Manager (Landscape) – no objection

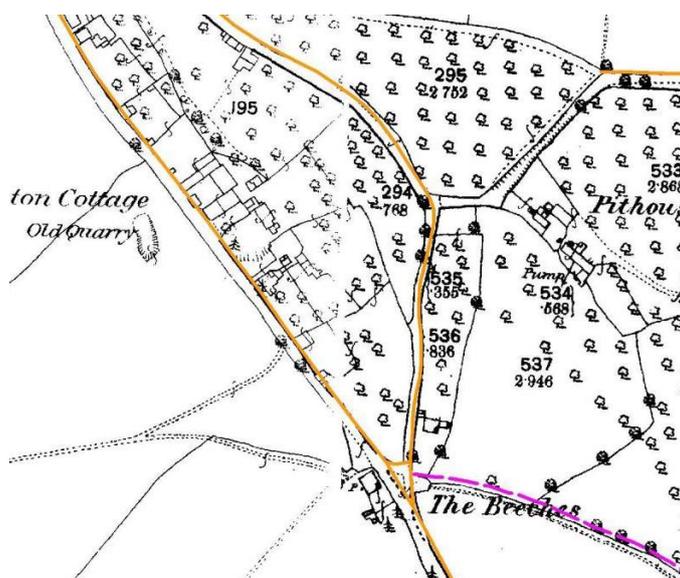
The proposal is for the erection of two detached dwellings on land at Long Barn House. I have visited the site and discussed the proposals at length with the applicant, having now reviewed the supporting documents I have the following comments to make:

In relation to plot 1, I consider this plot relates relatively well to the existing built form. It represents a slight deviation from the wayside settlement pattern however the existing garage and levelled site with access provide a domestic context. The proposed design of the built form demonstrates consideration has been given both to the topography of the land and minimising impact on the wider surroundings. The green roof will further minimise any visual interruption from dwellings located along the ridge.

I do however seek clarification in relation to two aspects of this site:

The tree report appears to show the need for the removal of a number of trees on site T10, T11, T13, T14 and T15. T10 is a category B Ash and T11 a category B Sessile Oak (I believe mistakenly shown as T12 in photograph 5?), please can the applicant confirm this is the case? I await confirmation from highways in terms of the extent of any hedgerow removal or tree works?

Plot 2 relates less well to the existing built form; being set in isolation within a parcel of land which has been retained as rough pasture. The site falls within the landscape character type; Wooded Hills and Farmlands which are defined as; *upstanding wooded landscapes with a sloping topography and well defined character* (LCA 2009) and historic mapping indicates these hills were indeed once wooded, defining the settled parts of Linton. I have read the parish council's comments in respect of the distinct settlement pattern, which is clearly defined along both the Ridge and The Line and I concur with the view that development which erodes the clear division between the two should be avoided, as this will harm the landscape character. However I recognise that Linton has been the subject of infill over the last century and whilst the proposal may represent a deviation from the pattern; this deviation within an undesignated landscape is questionable as to whether it constitutes significant landscape harm.



In terms of visual amenity because of the wooded nature of the site and its immediate surroundings I don't envisage the visual effects from long views to be significant; however there will most likely be a degree of adverse effects experienced by walkers along The Line. I consider there may be some potential to reduce these effects through mitigating planting.

To conclude therefore I seek clarification on the points raised in relation to plot 1, plot 2 I consider there will be a degree of harm to landscape character which the planning officer will need to consider when weighing the planning balance.

**Following the submission of amended plans the Landscape Officer comments as follows:**

The points raised in the initial landscape response have been answered and addressed within the amended plans. – Additional planting of trees to screen plot 2 have been included and any loss of hedgerow to create required visibility splay have been compensated for by proposals to plant additional new hedgerow back behind the visibility line and along the line of the drive.

No further landscape comments

## **5. Representations**

### **5.1 Linton Parish Council - object**

The Parish Council **Objects** to this application on the following grounds

#### **1. Unsafe access off The Line. (Conflicts with points 1 and 4 of CS Policy MT1)**

The stretch of the line at the proposed entrance splay is a steep single-track road. Whilst traffic speeds are recorded typically at approx. 20mph on this stretch this is considered an issue by several residents who spoke at our meeting. It is an old sunken lane, damp, with lots of debris / vegetation on it and treacherous in the winter ice. We would request a site visit by highways to look carefully at this issue given the specific nature of this lane given its increased use and the potential for highway collisions.

More traffic down this section of the line is also a danger to pedestrians. The Line and Ridge circuit is a very popular with local residents for walking and riding. The sunken lane part of The Line where the access is proposed is particularly narrow such that a car cannot pass a pedestrian without the pedestrian climbing into the hedge to avoid collision. The line is not a suitable road to be increasing traffic numbers it's a single track lane where there are no passing places, nor none possible due to the local topography.

#### **2. Impact on the character of the area. (In conflict with point 1 of CS Policy RA2)**

The proposed development is out of character with the existing development pattern on Linton Hill as all development on the South side of the line is currently only on the flat section. At either end of Linton Hill, The Line ascends to meet the ridge road. On the North west side this is a heavily wooded area and on the south east side, near the application site, currently lies a large area of open countryside / woodland which is not perceived as garden land.

These steep roads on either side of the main flat section of the line have a charming rural feel to them and create a buffer at each side of the Linton Hill which contains the current built up area on the hill. Developing on one of these buffers will materially change the character of the landscape when seen from short and long distances, affecting its local distinctiveness.

Removing the existing established hedge to create the visibility splay for access to the site, in the old sunken lane, will also detrimentally affect the appearance and character of the area.

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

Whilst the applicant has tried to come up with a design that will reduce the impact on this sensitive site, the design is out of keeping with all other properties on the Hill (there are no properties with flat roofs). Whilst setting them into the hillside will have the effect of them being less visible from above, when viewed from the sunken lane below they will look quite overbearing. Along with the big expanses of glass (causing much additional light spillage at night) this area of hillside will become more urbanised in appearance character, especially when considering the car parking, to the detriment of its rural character. The sustainability credentials of the design are also questionable given that the solar heat gain that is referred to is likely to be non-existent in the winter months given the site topography and that the main windows face north / north east.

### **3. The development is an encroachment into a large area of undeveloped hillside and does not represent infill. (In conflict with point 4 of CS Policy RA2)**

In the applicants planning statement weight is given to 3 houses that have been approved on the North East Side of the Ridge and Line. The 3 houses approved represented infill development where they are within 10-15 metres of properties on either side. The entrance to the proposed development in question is some 250 – 300 meters from the next house on the same side of the line going downhill (1 & 2 Talbot cottages).

This objection is strengthened by the feedback from residents in the recent consultation exercise as part of the Linton Parish NDP production.

Of the options listed for new housing in the parish, only the provision for limited further development through single plots between houses within the built-up area of the villages received more agreement (70% of respondents agreed or strongly agreed) than disagreement (22% disagreed or strongly disagreed) leading to a large majority in support.

As this is not infill then approving this application is likely to lead to development across this whole area of open hillside alongside and will lead to further material harm to the landscape character of the area.

### **4. These houses are not needed and do not address local housing needs. (In conflict with CS Policy RA2, supporting paras 4.8.18 and 4.8.19)**

Even if it were felt appropriate to develop this site despite the objections already made above, the housing proposed is not in keeping with the type of housing required in this parish. The housing proposed are 3 and 4 bed houses. Given their specification they would fall into the category of executive houses. To date 63% of houses completed or approved in Linton Parish have been 4 / 4+ bed roomed, and 23% 3 bed houses, this compares to the Ross on Wye HMLA requirement of -1% for 4 bed houses and 28% for 3 bed houses.

This is supported by the Linton Parish NDP consultation results on house types.

The majority of respondents agreed or strongly agreed that the parish will need small family homes (84%), adapted or easy access homes (71%) or starter homes (66%) while a majority disagreed or strongly disagreed that there would be a need for flats/ apartments including subdivision of larger properties (71%) or large family / executive homes (59%).

### **5. Drainage and water run – off issues (CS Policy SD3 point 5)**

We have been contacted by local residents concerned that the development will add to existing sewerage and drainage problems in the area. These are

a. Water run off onto the Line which will be exacerbated by the addition of hard surfaces on the hillside and excess from the proposed sewerage treatment plants. As well as eroding the lane this causes ice build-up on the stretch of The Line below the development where it is permanently shaded in the winter months.

Following the submission of amended plans and additional information, re-consultations were carried out. The Parish Council maintain their objection and comment as follows:

The Parish Council discussed this re-consultation referring to the agents e-mail dated 25th June 2019 and have the following additional comments

The Parish Council wish to acknowledge the amendments to the application in particular the drainage report, steps taken to mitigate damage to trees and the planting of additional trees to the north of plot 2 to try and limit the visual impact from The Line. Although it was noted that with the proposed access having been moved slightly further downhill, there would be an increase loss of hedgerow and bank and despite some hedgerow replanting, the landscape impact on the sunken lane remains of concern.

Concerns over highway safety were raised by members of the public attending the meeting and there have been no changes to the scheme to mitigate the concerns regarding highways and pedestrian safety raised in our original objection.

Further, since access to these homes will be exclusively by car. There is no public transport to the village or to this outlying area of the village. Therefore there will need to be generous parking space for a these large family homes – who doubtless will have visitors and tradesmen. We do not believe that adequate area has been provided for vehicles.

There are references made to “inconsistencies in the Parish Councils objections” We would kindly point out that each application is considered on it’s own merits and in particular the application P190738/FH is an extension to an existing dwelling, which already has access and drainage and is completely different in this respect from two new dwellings with new access and significant new landscape impact. So this comparison does in no way provide support for the principle of development for application P184574

We agree that a major concern of the Parish Council is the principle of locating dwellings in the outer reaches of the settlement, so that a car is essential for virtually every journey. We note a recent SHLAA report for Linton published in March 2019 which assessed an area of land somewhat closer to the village centre (Site HLAA/519/001) and concluded that the site had no potential in the plan period, highlighting that the site was down narrow country lanes, steep access, poor roads and with the actual village located around 800m away. These same issues apply in the application now being considered .

Following a re-consultation on amended plans the Parish Council **OBJECTION** continues to stand on the following grounds:

**1. Unsafe access off The Line. (Conflicts with CS Policy MT1)**

See initial objection

**2. Impact on the character of the area. (In conflict with CS Policy RA2)**

Although some mitigation measures are proposed we continue to believe that this proposed development is out of character with the existing development pattern on Linton Hill as all development on the South side of the line is currently only on the flat section.

**3. The proposed development is in the wrong location in relation to the settlement, it is an encroachment into a large area of undeveloped hillside and does not represent infill. (In conflict with CS Policy RA2)**

See original objection plus new comments above.

**4. These houses are not needed and do not address local housing needs. (In conflict with CS Policy RA2)**

See original objection

**5.2 To date a total of 30 letters of representation have been received. The comments therein are summarised below.**

**15 letters of objection from 10 properties:**

- Drainage is a problem all along Linton ridge
- Plans show irrigation outside proposed property boundaries and will be a future management problem
- Access is on a steep and dangerous part of a single track on edge of bend so visibility cannot be achieved without significant damage. Risk to drivers and pedestrians
- The Line is single track and showing sign of subsidence. Is in poor condition and will only get worse with increased vehicle movements
- Access to the properties will result in the destruction of part of the ancient sunk lane
- Designated Area of Natural Beauty and has not need for new development of this nature i.e. executive homes that will impact on the whole surrounding area
- Planning application refused some twenty years ago and nothing has changed. This was upheld by Planning Inspector
- Design does not 'significantly enhance the immediate area' and is not 'sensitive to the defining characteristics of the local area'
- Design is modern and currently fashionable but not in keeping with local character
- Affordable housing not executive housing is required in the area
- The site has a small number of dwellings around it and would have a disproportionate effect on density of housing
- Linton Parish has already accommodated new dwellings in excess of the numbers suggested by the Core Strategy
- New houses of this type have limited 'sustainability'. Not apparent how the buildings will operate from energy efficiency perspective and likely to increase vehicle usage
- Ecological assessment has been provided but the overall visual benefits of the site to the area have not been recognised nor have the benefits for creatures to use the route
- Ecological assessment was undertaken as a 'desk top' exercise. Light pollution is mentioned but no answer to the problem is identified
- There is a great risk of harm to protected species by the proposed development
- Believe that part of the land owned by ourselves (neighbouring dwelling) is incorporated in the application
- Proposed dwellings are actually 4 or 5 bedroom if examined carefully and therefore insufficient parking and increased use of single track road
- Site is on very edge of Linton and plot 2 is open countryside, a field not a garden. Impact of creeping urbanisation is exacerbated at night due to outside lights and walls of glass
- Significant quantities of soil have been dropped on the site in recent weeks. Extensive earthworks required for the build will significantly change the site contours and disturb watercourses
- Linton is not designated as a suitable development. Is sparsely populated with no amenities except a pub
- Dwellings are positioned as far away from the applicant's house as possible while directly and adversely affecting neighbouring properties
- Insufficient time allowed for interested parties to comment on the development *The site notices were displayed with a consultation of 21 days (the statutory minimum) and additional comments have been received and considered since the closing of the consultation period*

- Proposal will have a detrimental impact on the rural area and cause removal of trees and ancient hedgerow and hindrance of views
- Site plan is labelled incorrectly and makes it difficult to see how the properties will in fact be orientated
- Our own property (neighbouring dwelling) has suffered from land slips. Further development on this steeper part of the ridge could cause further instability
- This development will have strategic consequences for inappropriate future development with no shops, post office, bank, school, regular or reliable public transport
- 5 year supply should be weighted to market towns. Small villages are taking the brunt of development
- Houses are not within or adjacent to main built up part of the settlement. They will impact dramatically on the long views from Gorsley and surrounding area
- Community support is not demonstrated by the vote to oppose by the Parish Council and number of objections
- Opens floodgates to further inappropriate sites
- Although not part of an AONB the landscape is valued by many local people and attention should be paid to paragraph 170 of the NPPF which highlights the need to protect and enhance valued landscapes through the planning system
- Natural England recommend a landscape and visual impact assessment be considered. Without this, and particularly given the topography, is impossible to appraise what the impact will be
- Topographical survey has not been produced
- The field already has two septic tanks (applicant's and neighbouring dwelling). If two more were added would become sewage farm. Would be concerned about stability of my own tank and the noxious effects
- Question the sustainability of the materials proposed
- Note Highways Officer concerns relating to gradient. Ice and snow in the winter months greatly increases the danger
- Appreciate that the NDP has not yet been completed but the feelings of local residents should surely be taken into consideration

### **15 supporting letters from 13 properties:**

- Has been very little development in Linton compared with that in Gorsley
- Tasteful properties with very little impact on outlook
- Seen many changes, much of it I class as progress
- Plans have very little impact on the environment/local area
- Other planning applications that have been recently passed in Linton are situated in less accessible locations
- The proposal on the surface potentially delivers against planning requirements
- A place as unique as Linton does not lend itself to larger multi-dwelling developments but I see no reason why smaller one/two house sites should not proceed where suitable
- The site is ideal, two dwellings completed in a considerate manner in my opinion would have little or no negative impact on the surrounding environment/community. Nor would it impact on the views from houses nearby
- If the council want to be consistent they will approve and ensure there is sufficient drainage for foul waste
- It would seem there is a bit of a NIMBY attitude to this application
- These dwellings would be built on proper footings not as some of the houses on the ridge suffering with subsidence
- We need more housing to grow
- The site falls in one of the only undeveloped parcels of scrub land on the ridge. Otherwise it has been often randomly developed, with in places poor architectural foresight which further promotes this development

- Two family homes would be a wonderful idea as hopefully a young family using the local facilities
- Would infill gaps

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=184574](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184574)

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*

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 National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Linton Neighbourhood Area, which is currently at drafting stage. At this stage the NDP is afforded no weight.

6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. This policy states:

*'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.'*

*Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.'*

*Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:*

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.'*

6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

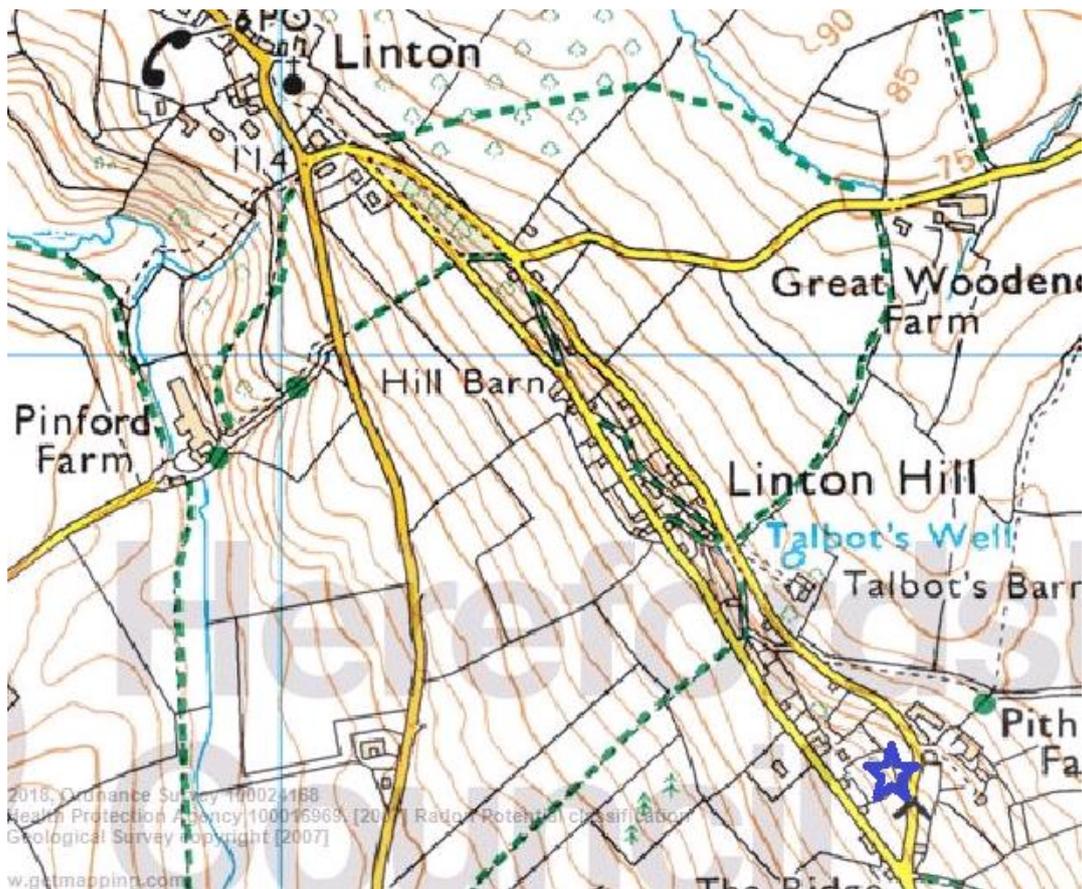
*'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. *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.*

*Location of residential development*

- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.7 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Linton is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 61 dwellings being required across the plan period.
- 6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are not in place, it confirms that applications for residential developments in Figure 4.14 and 4.15 settlements will be assessed against their relationship to the main built up form of the settlement. As stated above, the Linton NDP is afforded no weight at this stage.
- 6.9 Policy RA2 then goes on to outline that housing proposals will be permitted where the following criteria are met:
- 1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
  - 2. *Their locations make best and full use of 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 development 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 a particular settlement, reflecting local demand.*

6.10 The site is identified on the map below by the blue star:



- 6.11 Linton benefits from a public house, Church and village hall which are all located approximately 1km to the north west of the site. There is then The Ridge and The Line which have been mentioned above. There is residential development along these roads although it is largely contained within the area between the two roads and along either side of The Ridge. The proposed development will effectively be located between the two roads. I consider that there are two built form areas that constitute Linton – one around the services that Linton benefits from and one along The Ridge and The Line. With this in mind, the proposal would represent a 'rounding off' of the built development in this location. It is not an isolated site with neighbouring dwellings located to the east and west but is at the periphery of the settlement.
- 6.12 In terms of the built form, I now turn to the comments provided by the Landscape Officer. It is clear that plot 1 (which will be sited in the location of the existing garage) is found to relate relatively well to the surrounding built form. Upon the submission of additional information, this plot is not found to be out of keeping with the pattern of development.
- 6.13 Turning now to plot 2, the slight tension with the surrounding pattern is acknowledged. The dwelling has the possibility to erode the clear distinctions between the upper and lower roads which are due to the topography and The Line sitting far lower. However, as the Landscape Officer states, the site is located within an undesignated landscape and there has been infill in the past that has arguably already impinged on the clear pattern. With this in mind, and the harm not being identified as 'significant' the comments do not direct the decision maker straight to refusal but rather to weigh up this harm in the planning balance.
- 6.14 The scheme proposed is for one 3 bedroom dwelling and one 4 bedroom dwelling. Within the Ross-on-Wye Housing Market Assessment the main requirement is for 3 bedroom dwellings (at 63.2%) followed by 2 bedrooms (at 24.3%). While the size of the proposed dwellings does not

align completely with this, it is not found to justify refusal of the scheme given the relatively small scale of the proposal for two dwellings.

- 6.15 The proposal is considered to be acceptable in terms of general location and assessing this against the main built up parts of Linton as a settlement identified for residential growth. In terms of the siting of the dwellings there is a degree of landscape harm in relation to plot 2 but this will be weighed up in the planning balance at the end of this report. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

*Design and amenity*

- 6.16 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.17 The dwellings proposed are split level working with the topography of the site as it slopes from west to east. Plot 1 will benefit from two bedrooms, study, utility, ensuite, bathroom and double garage on the ground floor with an open plan kitchen/dining room, bedroom, bathroom and sitting room on the first floor. Plot 2 will be arranged with 4 bedrooms, two ensuites, utility and living room on the lower floor with an open plan kitchen, dining room, living room and study on the first floor.
- 6.18 The form of the dwellings has been designed in order to work with the topography of the site rather than against it. The lower floors of both dwellings will be built into the banks so that the dwellings appear as single storey from various points. This can be seen on the elevation plans below:



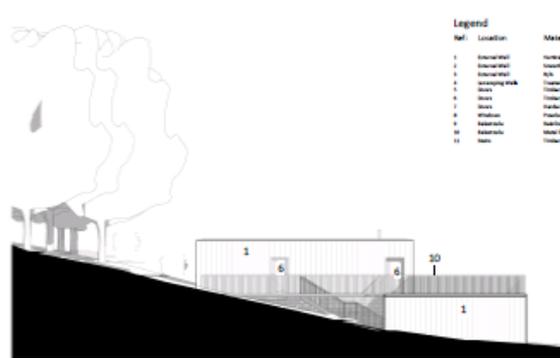
Front Elevation  
1:100



North West Elevation  
1:100



Rear Elevation  
1:100



South East Elevation  
1:100

Ref	Location	Material Finish
1	External Wall	Timber cladding
2	External Wall	Timber cladding
3	External Wall	Timber cladding
4	External Wall	Timber cladding
5	External Wall	Timber cladding
6	External Wall	Timber cladding
7	External Wall	Timber cladding
8	External Wall	Timber cladding
9	External Wall	Timber cladding
10	External Wall	Timber cladding
11	External Wall	Timber cladding



East Elevation  
1:100



North Elevation  
1:100



South Elevation  
1:100



West Elevation  
1:100

6.19 Both dwellings will be constructed with timber clad elevations (with blockwork to the ground floor of plot 1) and green roofs. Noting the variety of materials within the immediate vicinity and the inclusion of a green roof to limit the wider landscape impact these are not found to be unacceptable or out of keeping in principle. However, it is found to be appropriate to condition exact details and finishes of the materials on any approval.

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

- 6.20 The sustainability credentials of providing a green roof are touched on within the Design & Access Statement and include insulating the house and regulating the temperature in winter and summer as well as rainwater retention. The dwellings have also been designed in order to maximise solar gains where possible by including south facing glazing, most notably on plot 2.
- 6.21 Turning now to amenity impacts, each dwelling will benefit from private gardens to the rear as well as terraced areas over the single storey elements. The curtilages are found to be of adequate sizes and noting the proximity to neighbouring dwellings, lie of the land, vegetation on boundaries and the position of the road, issues of overlooking or overshadowing are not anticipated. A condition requiring details of boundary treatments will be placed on any approval to ensure that they are in keeping with this rural location.
- 6.22 In light of the foregoing, the design is found to have been carefully considered given the constraints of the site and while it is modern, this is not found to be a reason to refuse the application in itself. The choice of materials and orientation of dwellings has also been well thought through and results in a scheme that works with the topography of the site and respects the sensitivity, noting that it sits on the periphery of the settlement. As such, the proposal is found to accord with the aims of policy SD1.

### *Transport*

- 6.23 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.24 The proposal will utilise the existing access into the site to the north of The Line. The application is accompanied by a traffic survey undertaken 14 July – 20 July 2018. The Council's Transportation Officer has reviewed this and is satisfied with the visibility splays of 25m in each direction. It is noted that there are concerns in relation to works to land/hedges that are not within the applicants ownership in order to achieve the required splays. Noting the rural nature of the lane, and that the Transportation Officer will accept the splays going to the centre of the carriageway as opposed to the nearside edge I am content that achieving the splays will not depend on third party land but land within the applicants ownership and highways land. This will also minimise the extent of hedgerow removal required and the mitigation hedgerow will be sited behind the splays. Confirmation that the access can be constructed to 1:12 has been received and will be conditioned on any approval.
- 6.25 It is recognised that one of the main concerns raised in local responses to the application relate to the suitability of the local road network. With regard to the cumulative highways impacts as a result of the proposed development, the addition of two new dwellings would not result in highways impacts that would be classed as severe and lead the decision maker to refuse the application (as directed by paragraph 109 of the NPPF).
- 6.26 The size of dwellings indicate the level of car parking required, with the standards being contained within the Council's Highways Design Guide. For a three bedroom property a minimum of two car parking spaces are required. For a four bedroom property a minimum of three spaces are necessary. As seen on the proposed block plan, plot 1 will benefit from a double garage and an adjacent parking/turning area with an area for three cars being indicated adjacent to plot 2. These parking arrangements meet the standards and provide adequate areas so that any vehicle can turn on the site and enter the highway in a forward gear.

- 6.27 The comments received from the Council's Transportation Manager endorse the above view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS.

*Ecology and trees*

- 6.28 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.29 The application is accompanied by an Ecological Assessment of the site as well as a Tree Survey and Arboricultural Implications Assessment which were submitted during the application process. The survey makes several recommendations including that hedgerow removal should be kept to a minimum along with bat and bird enhancements. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to the proposal or the HRA AA that was sent for their consultation.
- 6.30 The Council's Tree Officer has had sight of the Arboricultural Implications Assessment and agrees with the conclusions therein. The proposal is found to be achievable without detriment to the retained trees.
- 6.31 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policies LD2 and LD3.

*Drainage*

- 6.32 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.33 Additional information has been supplied through the application process in relation to drainage methods. Foul water will be disposed of using private treatment plants with outfall into soakaway drainage fields. Surface water will be disposed of using a Sustainable Urban Drainage system. These methods have been supported by drainage calculations and it is anticipated that the soakaways can be reduced further after a final strategy is produced. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.
- 6.34 While it is acknowledged that the drainage fields lie outside of the application site, they are within land owned by the applicant. As such, I do not have concerns on whether they can be brought forward. How these are managed in the future would be civil matter between the landowner and occupant of the dwelling.

### *Other matters*

- 6.35 The site is not located within an Area of Outstanding Natural Beauty as has been suggested within representations. Notwithstanding this, the impact on the wider landscape has been identified above and will be fully covered in the following planning balance.
- 6.36 Each application is assessed on its own merits and does not create precedents or 'open the floodgates'. While I note comments relating to a previously refused application on the site some twenty years ago, I am unable to find a record of this on the system. Notwithstanding this, the proposal needs to be assessed in light of the planning policies in place at this point in time. There were different policies in place twenty years ago.
- 6.37 In terms of the number of dwellings required within Linton Parish through the Plan period (2011-2031), it is acknowledged that the minimum has been surpassed with 87 dwellings being approved to date compared to the 61 required taking into account the 14% indicative growth. However, this figure is a minimum and it is noted that the majority of those permitted have been within Gorsley which lies within the same Parish. If an application is found to be acceptable in other regards this is not a reason to refuse an application – particularly in light of the lack of a 5 year housing land supply.

### *Planning balance and conclusion*

- 6.38 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.39 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.40 Without an NDP clearly identifying the settlement boundary, while on the periphery, the site is found to be located within one of the built up parts of Linton, a settlement identified for residential growth under policy RA2, and not spatially isolated. Part of the site is brownfield noting the presence of the existing garage building and plot 1 in this location is found to respond well to the surrounding built form. Some tension is identified in relation to plot 2 and the pattern of development historically. However, the infill over the last century has changed this to a degree.
- 6.41 The design (in terms of both form and materials) is well thought out and works with the topography of the site, looking to produce a scheme that sits within its context and avoiding adverse harm for the amenity of neighbouring properties.
- 6.42 Adequate visibility splays can be provided and while the nature of the road is appreciated, the proposal of two dwellings is not found to amount to severe highway implications. As such, compliance with the requirements of policy MT1 of the CS and with the guidance contained within the National Planning Policy Framework is found. Matters of impact upon biodiversity have been considered, as have implications on trees on the site, and the Council's Ecologist and Tree Officer are content that the mitigation measures proposed in the ecology report and supporting information that accompany the application are sufficient to ensure that the requirements of policy LD2 are met.

- 6.43 In weighing up the harm identified by the Council's Landscape Officer the three elements of sustainability are assessed. Economic benefits would be derived from the construction of two dwellings and associated infrastructure through both the supplies and employment of the required trades. After completion occupiers would contribute some disposal income to the local economy. The provision of housing would provide social benefits and make a contribution to village life. From an environmental perspective, the site is located on the periphery of a built up part of Linton and the design has been thoroughly considered in order to limit the wider landscape impacts. While the siting of plot 2 arguably goes against the historic pattern of development, along the road there is a presence of built form – noting the dwelling to the east and the north – and the infill over the last century has arguably shifted the character already. As such, I do not find the introduction of a dwelling in this location to amount to such harm that it outweighs the benefits of the scheme.
- 6.44 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward two dwellings with the associated economic and social benefits that small developments in rural hamlets support.

### **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 to officers.:**

1. **A01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **CBK Restriction of hours during construction**
5. **CAB Visibility splays (2.4m x 25m to centre of carriageway)**
6. **CAE Vehicular access construction**
7. **CAD Access gates (5m)**
8. **CAI Parking – single/shared private drives**
9. **CAH Driveway gradient**
10. **CAT Construction management plan (including parking for site operatives)**
11. **CB2 Secure covered cycle parking provision**
12. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Churton Ecology dated September 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

**To ensure that all species are protected and habitats enhanced having regard to the**

**Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD2 and, Dark Skies initiative (DEFRA-NPPF 2013/18).**

- 13. The ecological protection, mitigation, compensation and working methods scheme, as included within the Arboricultural Impact Assessment by Steve Ambler & Sons dated June 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

**To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD2 and, Dark Skies initiative (DEFRA-NPPF 2013/18).**

- 14. Prior to the commencement of any works a method statement for trees T8 & T9 or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.**

**Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

- 15. CBM Scheme of foul and surface water disposal**
- 16. C65 Removal of permitted development rights**
- 17. C95 Details of boundary treatments**

**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.**

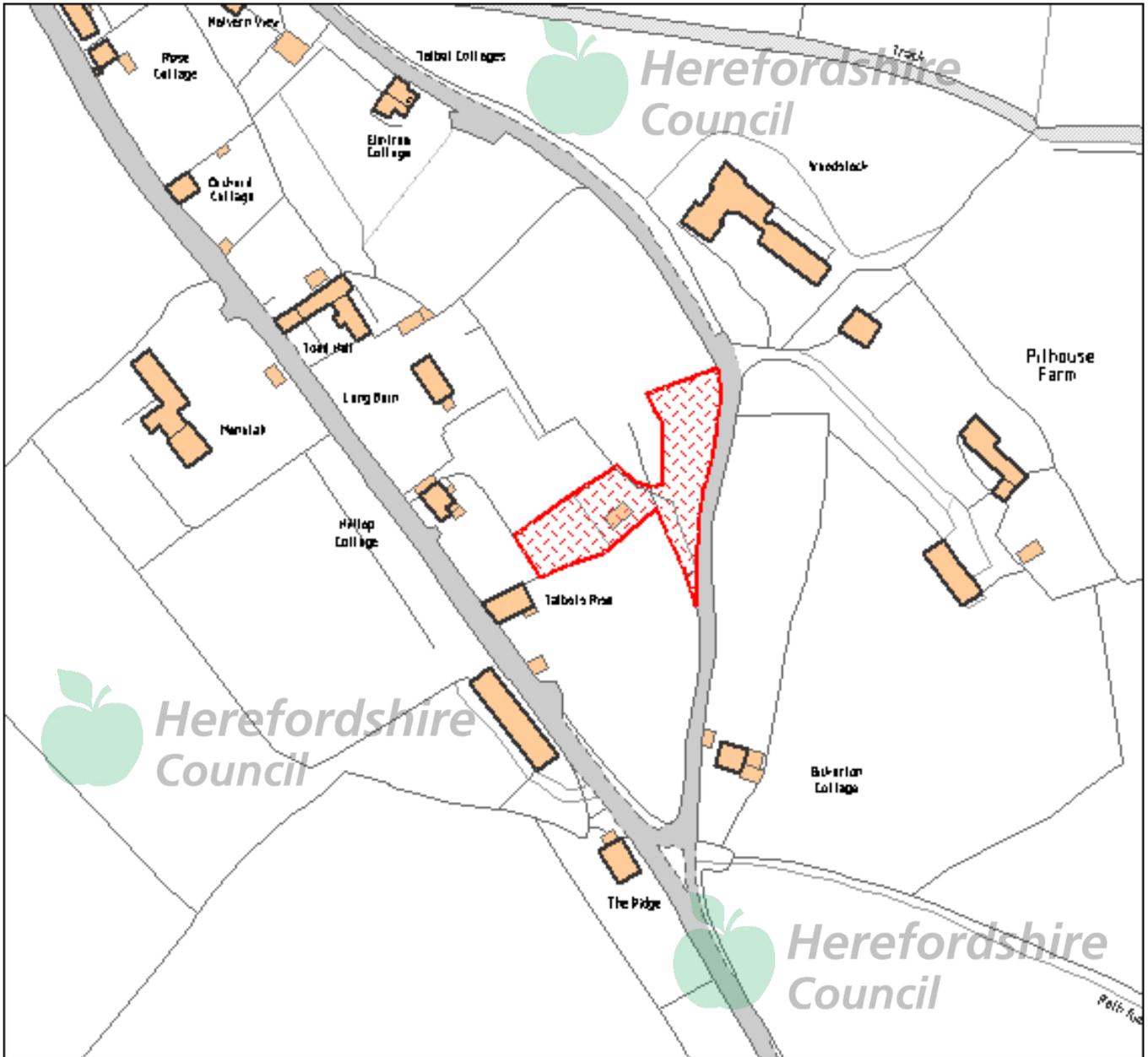
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 184574

**SITE ADDRESS :** LONG BARN HOUSE, LANE FROM JUNCTION WITH SPARROW LANE TO QUARRY ROAD, LINTON, ROSS ON WYE, HR9 7RT

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

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 SEPTEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<b>190438 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A SINGLE DWELLING AT HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE</b>  <b>For: Mr &amp; Mrs Johnson per Mr Ed Thomas, 13 Langed Drive, Hereford, Herefordshire, HR4 0QG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190438&amp;search=190438">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190438&amp;search=190438</a>
<b>Reason Application submitted to Committee – Councillor Application</b>	

Date Received: 7 February 2019

Ward: Hope End

Grid Ref: 375134,243717

Expiry Date: 20 September 2019

Local Member : Councillor Tony Johnson (Councillor Roger Phillips has fulfilled the role of local ward member for this application)

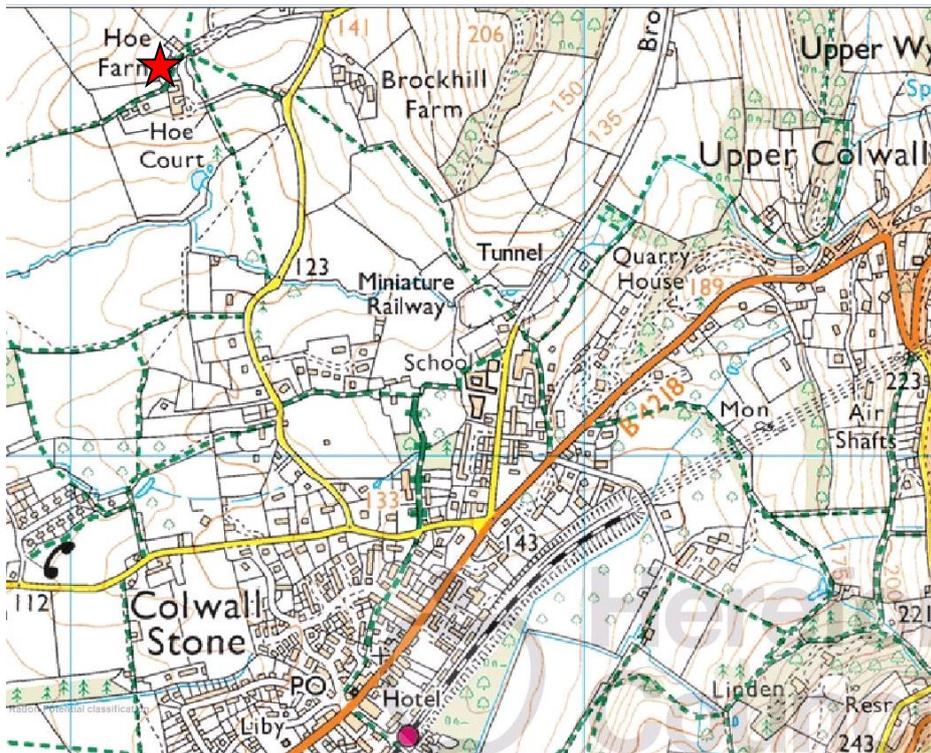
## 1. Site Description and Proposal

- 1.1 The application site currently forms part of the residential planning unit that is Hoe Farm, Mathon Road, Colwall. Hoe Farm is a detached two-storey farmhouse of brick and stone construction at the end of a private drive which is also a public footpath which also serves Hoe Court and the adjacent furniture manufacturers.
- 1.2 The private gardens associated with Hoe Farm extend to the west and south-west and include a stable block and workshop. Further to the south-west and within the applicant's ownership is a small woodland plantation. The aspect to the north is open, with views across the applicant's paddock and adjoining arable farmland, which is interspersed with hedgerows and woodland blocks, typical of the Principal Timbered Farmlands landscape character type within which it is located.
- 1.3 Hoe Court, a Grade II listed building, lies to the south on the opposite side of the drive but is orientated away from the site and beyond an existing hedgerow and stone barn.
- 1.4 The application site comprises the area of land situated between the workshop and woodland. It extends to 852 square metres of land associated with Hoe Farm that can reasonably be described as forming part of the domestic curtilage.
- 1.5 The site is approximately 440m as the crow flies from the northern edge of Colwall. In terms of driving distance, the site is approximately 1.3 miles from the centre of the village and the railway station, the route for a large part being along an unlit country road.

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

**Application site (red star) and its proximity to Colwall**



1.6 The proposal is for the erection of a single dwelling with all matters reserved for future consideration. However, the applicant's agent has indicated that it is intended that access would be taken via the existing drive, past Hoe Farm and into the site via an existing double-gateway. It is anticipated that foul drainage will connect to a Package Treatment Plant with surface water drainage via soakaway.

**2. Policies**

Herefordshire Local Plan – Core Strategy

2.1 The following Core Strategy policies are considered to be applicable to this application:

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS4 – Movement and Transportation
- SS6 – Environmental Quality and Local Distinctiveness
- SS7 – Addressing Climate Change
- RA2 – Housing in Settlements outside Hereford and the Market Towns
- RA3 – Herefordshire's Countryside
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geodiversity
- LD3 – Green Infrastructure
- 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

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

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

### Colwall Neighbourhood Development Plan

- 2.2 The appeal site lies wholly within the Colwall Neighbourhood Area, which is currently in the process of producing a Neighbourhood Development Plan (NDP). Colwall Parish Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 31 January 2018. The consultation, this being regulation 14, ran from 1 February to 15 March 2018. As such, and in accordance with paragraph 48 of the NPPF, only limited weighting can be afforded to the Colwall NDP at this time.

### National Planning Policy Framework (NPPF)

- 2.3 The NPPF is a material consideration in the assessment of this application. The following sections are relevant:

- Section 1 – Introduction
- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

- 2.4 Paragraph 2 of the NPPF notes that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a significant material consideration in planning decisions.

- 2.5 Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision-taking, this means that where the development plan is absent, silent or relevant policies are out of date, granting permission, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

## **3. Planning History**

- 3.1 None relevant to this application

## **4. Consultation Summary**

- 4.1 Transportation Manager – Comments as follows:

No issues at outline stage from a highways perspective. The development is in an extremely remote location so intensification and trip generation will not be an issue. Access is intended from the existing arrangement and this is deemed suitable. The applicant should be aware of

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

parking, turning and manoeuvring design standards for a single dwelling when preparing reserved matters.

#### 4.2 Landscape Officer – Comments as follows:

##### The Landscape

###### Setting:

- The site lies within the Malvern Hills Area of Outstanding Natural Beauty which requires the design of the proposal to integrate and enhance its surroundings.
- To the South of the site there lies Hoe Court Un-Registered Park and Garden which also requires the design of the proposal to integrate and enhance its surroundings.
- To the South of the site are several listed buildings. Our Conservation officer will provide further information on any impact on the setting of these buildings.
- The landscape features of the site are characterised by a field in grass with hedgerows on the boundary of the site.
- The topography of the site is at approx. 130m and is gently sloping towards the West.
- There are existing buildings to the East and South East of the proposed site.

###### Landscape Character Type:

- Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Principal Timbered Farmlands with the following key features:  
Hedgerows define field boundaries with an ancient wooded character portrayed by hedgerow trees and woodland. Densely scattered hedgerow trees are predominantly oak *Quercus robur*
- The condition of the Principal Farmlands landscape character has been depleted over time, due to the loss of native oak woodland.

###### Historic References:

- The historic maps for 1843 to 1893 show the proposed site and its adjacent area to the North as open woodland.

###### Impacts:

- There will be a loss of open space and an expansion of development in this rural context of the Malvern Hills Area of Outstanding Natural Beauty.
- With future erratic weather predicted due to climate change the risk of flooding is expected to increase.
- Potential night sky light pollution.

###### Mitigation:

- The existing green infrastructure network of trees and hedgerow boundaries corridors should be retained and enhanced to maintain the character of the sites setting in the wider landscape and to increase the potential wildlife habitats within the site.
- Oak tree planting along the road side boundary with different age structures will help mitigate the impact on the landscape character. Further oak tree planting where appropriate should be considered.
- The landscape design should use Sustainable Drainage Systems including permeable surfaces to help ensure that the ground water run-off does not exceed the rate of the existing green field site.
- Roof rainwater run-off can also be directed into rainwater gardens.

- A minimum amount of outdoor lighting should be provided with low energy light fittings that are directed downwards to minimize night sky light pollution and adverse effects on nocturnal wildlife.

#### Visual Amenity:

##### Key Views:

- From the Public Right of Way footpath CW1 which runs parallel and adjacent to the Southern boundary of the proposed site.
- There are also potentially limited views of the proposal from the Northern boundary of nearby Hoe Court Garden Un-Registered Park and Garden. Parks and Gardens are designated by English Heritage under the Historic Buildings and Ancient Monuments Act 1953 for their special historic interest.

##### Impacts:

- There will be nearby views of the proposal with high visual sensitivity from footpath CW1 which runs parallel and adjacent to the Southern boundary.

##### Mitigation:

- The Southern boundary of the proposed site should be restored and enhanced with an appropriate hedgerow and appropriate native trees to mitigate any views into the site from views along footpath CW1.
- The maintenance height of the proposed infrastructure screen on the Southern boundary should not be less than 1.5m in height.

##### Summary & Recommendations:

I would recommend the following below landscape information:

- A Landscape plan identifying existing and proposed green infrastructure for conservation, restoration and enhancement. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to the Principal Timbered Farmlands landscape character of this area.
- A Landscape plan identifying hard landscape surface areas (with permeable surfaces) showing connectivity and proposed hard landscape features. Roof rain water run-off should be considered in a sustainable way (replenishing ground water) such as in the use of rain gardens.
- Guidance for the landscape design can be sought from the Malvern Hills Area of Outstanding Natural Beauty documents:

1. Landscape Strategy and Guidelines,
2. Guidance on the selection of colour in development and
3. Guidance on Building design.

#### 4.3 Ecologist – Qualified comments:

In support of a full application I would request an Extended Phase 1 ecological survey - the supplied report should clearly identify and provide robust risk avoidance measures and working methods for general ecology and any species specific mitigation identified by survey. If any 'Optimal Period' species surveys are identified as being required these should be undertaken and the results included in the finally submitted report. It should be noted that bats are now commonly being found utilising buildings previously considered as 'sub Optimal' such as more modern and metal framed/roofed farm buildings.

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

## Biodiversity Enhancement Plan

In addition to any required ecological compensation as per NPPF Guidance and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure this a detailed biodiversity enhancement plan is requested. Enhancements should include consideration for bat roosting, bird nesting, pollinating insect-solitary bee homes built in to or attached to all the new dwellings and consideration for hedgehog homes and reptile/amphibian refugia within any boundary features and soft landscaping.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

### 4.4 Public Rights of Way Officer – Qualified comments:

Access to the property will be via public footpath CW1. This is only maintained to footpath standard by the council. The applicant must ensure they have landowner permission to use the path as access, which includes vehicular rights.

## 5. Representations

### 5.1 Colwall Parish Council – Objection:

It was resolved that on the basis the application is for a proposed new dwelling which is in a rural location “outside of settlement” and the detail of which is restricted due to its “outline” nature Colwall Parish Council objected to the proposed on the grounds that the application is contrary to the restrictions of Section RA3 of the Herefordshire Core Strategy. Whilst the Council appreciates that the Design and Access statement sets out (at length) grounds why the proposal might be acceptable under the NPPF the visual impact of the development cannot be assessed by an Outline Planning Application.

### 5.2 Malvern Hills AONB Officer – Qualified comments:

The site of the proposed development lies within the Malvern Hills Area of Outstanding Natural Beauty (AONB) which is an area designated for its national landscape importance. The Malvern Hills AONB Partnership seeks to encourage high quality design and to protect and enhance the landscape.

#### Principle of development

The AONB Unit notes that this application site lies outside of the Colwall settlement boundary as defined in the draft Colwall Neighbourhood Plan. This development, however, will sit amongst a cluster of the existing farm buildings in proximity to the main settlement. As such, we will leave it to the local planning authority to establish whether this development is acceptable in principle and whether it engages policy RA3 – Herefordshire's countryside.

#### The AONB Management Plan

We welcome that the applicant's Planning, Design and Access Statement recognises the highest of protection in respect of landscape and scenic beauty given to the AONB. It also references the Malvern Hills AONB guidance.

We would like to stress, however, that any new development in this location should be in accordance with the AONB Management Plan - a material consideration in relation to planning, aims to "conserve and enhance the distinctive landscape elements and features of the AONB, particularly those that are most sensitive or have little capacity for change". Additionally, in the same plan is as follows: "Development in the AONB and its setting should be in accordance with approved local design and capacity studies, including the AONB Guidance on Building Design".

### Development Plans

The Planning, Design and Access Statement states that this development will not affect any of the special built heritage or landscape features in the context of the AONB. We question whether this impact can be measured based on information submitted with this application. Issues such as the scale (height and footprint), design, type and colour of materials of the new dwelling as well as the site layout and treatment can be deciding factors in relation to how this development will integrate within its context.

In line with the above, we advise that the following considerations are addressed at the reserved matters stage:

- Views: Whilst the site seems well screened at the southern and western boundaries it may be visible looking south including the long distance views towards the Malvern Hills.
- Landscape character: The applicant should follow the Malvern Hills AONB Design Guide for developments within the Principal Timbered Farmlands landscape character type in relation to the built form and site layout, including:
  - Maintain the clustered settlement pattern with unsettled land between, and the characteristic location of buildings set back from the road in their own grounds.
  - Respect the simple character in design, materials and massing
  - Enhance the characteristic mix of materials including timber, red brick and limestone
  - Respect the dominant local character by creatively reflecting local characteristics such as large exterior chimneys, bread oven projections, or steeply pitched roofs etc
- Colour: Use the Malvern Hills AONB Guidance on the Selection and Use of Colour in Development to inform the colour pallet for this development
- Boundaries: Preserve and enhance the characteristic boundary features. Further native tree and hedgerow planting along the boundaries would provide necessary screening whilst performing wider biodiversity and landscape functions.
- Lighting: outdoor lighting should be minimised and in accordance with good practice, to reduce its impact on the night sky pollution.

5.3 18 letters of support have been received. In summary the points raised are as follows:

- No adverse impacts on local setting or the general area
- The proposal will not adversely affect the Malvern Hills AONB
- Will not cause congestion or have any traffic impacts
- The site is in a remote location and will not impact on anyone
- Villages need growth
- The site is near enough to Colwall and its services
- A useful addition to housing stock

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=190438&search=190438](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190438&search=190438)

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 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Colwall Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 31 January 2018. The plan has not progressed since this time and in accordance with paragraph 48 of the NPPF, only limited weight can be afforded to the Colwall NDP at this time.
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 74 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.
- 6.5 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states:  
*"Within these settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted."* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed.
- 6.6 The site lies within the Colwall Neighbourhood Development Area. The plan is post Regulation 14 but progress has not been made beyond this point. Weight should be attributed to the plan in accordance with paragraph 48 of the NPPF. Officers are of the view that limited weight should be afforded at this stage.
- 6.7 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development, part d states:  
*d) 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:*  
*i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*  
*or*  
*ii. 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.*

6.8 Footnote 7 states that policies that are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, as stated earlier Herefordshire Council are currently not able to provide a five year supply.

6.9 Sustainable development is achieved through three objectives, identified within paragraph 8 of the NPPF:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) An economic objective – 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;*

*b) A social objective – 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; and*

*c) An 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.*

6.10 Policy RA2 of the Core Strategy designates Colwall as a main focus settlement for proportionate housing growth, reflecting the existing local services and public transport provision in the village. The policy provides that; "...housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15."

6.11 It is not a point of contention between the Council and the applicants agent that the site lies outside of the built environs of Colwall. The site is a 1.3 mile car journey from the centre of the village and, in your officers view, is not one that prospective residents of the proposed dwelling would be likely to make on foot. Officers do not consider that this is either 'within or adjacent' and therefore the application site is deemed to be located in open countryside where additional housing development will only be permitted in exceptional circumstances.

6.12 In such instances the provisions of Policy RA3 of the Core Strategy are to be applied. It sets out the exceptional circumstances under which planning permission may be granted. These are set out as follows:

- 1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
- 2. Accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
- 3. Involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
- 4. Would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
- 5. Is rural exception housing in accordance with Policy H2; or*
- 6. Is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*

7. *Is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

- 6.13 The applicant's agent has not advanced a case under any of the seven exceptions. Indeed, the Design & Access Statement submitted with the application is explicit in acknowledging this. Rather, it focuses entirely on the Council's continued lack of a five year housing land supply as justification for permitting development in this location. It opinions that due to the absence of a deliverable supply of housing land, policies relevant for the supply of housing in the CS should be attributed reduced weight. It also continues that the application site is not without built context; forming part of a small cluster of development that is entirely consistent with the Principal Timbered Farmlands character type.
- 6.14 It is not in dispute that the proposal would be seen in the context of other built development as the site is within the general environs of Hoe Farm and Hoe Court and their associated buildings. However, they are simply a pair of large properties in an otherwise countryside location. They do not constitute what might be considered as a settlement and the pattern of development that they represent is replicated, not only in the local area, but across the county. Whilst officers acknowledge and accept that the Council does not have a five year housing land supply, this does not mean that it should entirely abandon its strategic approach towards housing delivery and permit sporadic development across the countryside.
- 6.15 The site is not sustainable in terms of its location and given the clear separation between the built environs of Colwall and the application site; and notwithstanding the lack of a five year housing land supply, officers are of the view that significant weight can still be given to its housing supply policies. The scheme is not considered to represent sustainable development in locational terms and significant weight is given to this.
- 6.16 The development would provide some minor economic benefits to the rural area through the construction process, and in generating further economic activity through increased population in the rural area. In respect of the other aspects of the social dimension, the proposal would bring some minor social benefits in that it would provide much needed additional housing. All of these matters weigh in favour of the development, although none of these factors, in isolation or cumulatively, are significant factors.

Heritage Impacts

- 6.17 The Grade II listed Hoe Court lies approximately 80 metres to the south east of the application site. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.18 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.19 Importantly, this does not mean that an authority's assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

- 6.20 Paragraphs 193 - 196 of the NPPF (2019) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.
- 6.21 Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.22 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to heritage advice from statutory consultees, whether the proposal in this case represents substantial harm to or total loss of significance of the Grade II listed building (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy.
- 6.23 The Design & Access Statement submitted with the application makes a brief reference to the setting of Hoe Court and concludes that the proposed development will not impact upon its setting.
- 6.24 Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, and advises that the level of detail should be proportionate to the assets' importance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 6.25 Whilst the Design & Access Statement identifies Hoe Court as a heritage asset, I am of the view that the submissions made do not properly consider the impact upon it. Notwithstanding, I have assessed the application in terms of its potential impacts upon the setting of Hoe Court. Public views of both can be gained from a public footpath which intersects the two, but they do not have a discernible visual relationship to one another from here. The application site is within the curtilage of Hoe Farm and in my view the introduction of a modest dwelling in this location will have no demonstrable impact on the setting on Hoe Court.

#### Other Issues

- 6.26 Comments from the council's Landscape Officer and Ecologist suggest that additional information should be submitted before this application is formally determined. I do not consider that the proposal will have a demonstrable impact upon the Malvern Hills Area of Outstanding Natural Beauty (AONB) due to its modest scale and the surrounding vegetation which will serve to filter any long-distance views. Given that this is an outline application with all matters reserved, which simply seeks to establish the principle of development, the information that has been requested could reasonably be submitted as part of a Reserved Matters application if outline planning permission was to be granted in the first instance.

## Planning Balance & Conclusion

- 6.27 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development proposals should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.28 The Local Planning Authority cannot demonstrate a 5 year supply of housing land with requisite buffer. Accordingly paragraph 74 of the NPPF applies. Paragraph 11 seeks to ensure that decisions should be made in presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Sustainable Development is achieved through the overarching objectives of social, environmental and economic.
- 6.29 The scheme would provide a new dwelling in the context of an undersupply within the county and this is a factor to which weight should be attributed. Although there are some economic and social benefits to the scheme for the local area these are only of limited weight.
- 6.30 However, in this instance the Council considers that policies relevant to the supply of housing within the Core Strategy retain significant weight. The proposal is located in an open countryside location and is well beyond the built environs of Colwall. The applicant's agent has not advanced any evidence to suggest that there is an exceptional need for the dwelling and the scheme is contrary to Policy RA3 of the Core Strategy.
- 6.31 The site is located approximately 1.3 miles away from the nearest facilities and services in Colwall. These would only be accessed by a prospective resident via a private vehicle reinforcing the assertion that the scheme does not represent sustainable development in locational terms.
- 6.32 Officers acknowledge that there is a requirement to address its housing land supply shortfall. However, the provision of a single dwelling will not have any significant effect in reducing the Council's housing deficit. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the NPPF taken as a whole.
- 6.33 The proposal would lead to significant harm in terms of its conflict with the Development Plan and promoting unsustainable patterns of development. In applying the overall planning balance, the scheme would hence not be representative of sustainable development, and as a consequence it does not benefit from the positive presumption set out in in the NPPF and Core Strategy. For the reasons given above the continued absence of a five year housing land supply does not outweigh this and officers find that the benefits accrued from the delivery of a new dwelling are significantly and demonstrably outweighed by the conflict with Core Strategy Policies RA2 and RA3 such that the application is recommended for refusal for the reasons set out below.

**RECOMMENDATION**

That planning permission be refused for the following reason:

- 1. The proposed development lies in open countryside, well beyond the built environs of Colwall. The proposal therefore conflicts with Policy RA2 of the Herefordshire Local Plan – Core Strategy as the site is neither within or adjacent the village. The applicant has not demonstrated any exceptional justification for development in this location and thus the proposal is also contrary to Policy RA3 of the Core Strategy.

Notwithstanding the fact that the Council is unable to demonstrate a five year housing land supply, the proposal is clearly at odds with the strategic approach towards housing allocation in the rural areas. Economic, social and environmental benefits towards sustainable development are limited and do not outweigh the harm caused by open countryside location of the development. As a result the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVE**

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

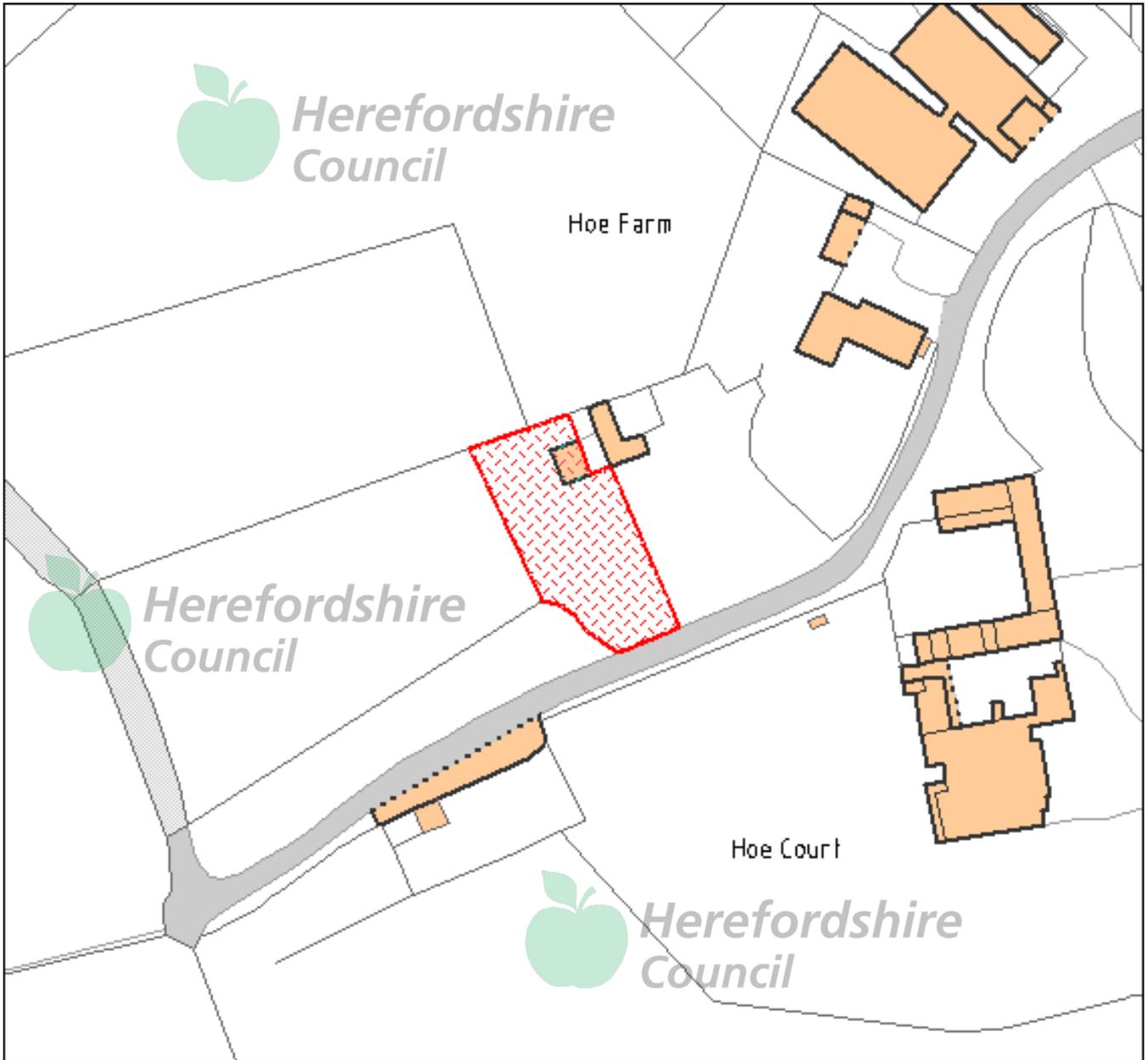
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 190438

**SITE ADDRESS :** HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE

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

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 September 2019</b>
<b>TITLE OF REPORT:</b>	<b>191813 - PROVISION OF A SINGLE MOBILE CLASSROOM AT SUTTON PRIMARY SCHOOL, BAYLEY WAY, SUTTON ST NICHOLAS, HEREFORD, HR1 3SZ</b>  <b>For: Sutton Primary Academy per Mr Andrew Baker, Easters Court, Leominster, Herefordshire, HR6 0DE</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191813&amp;search=191813">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191813&amp;search=191813</a>
<b>Reason Application submitted to Committee – Council has an interest in the land,</b>	

Date Received: 21 May 2019

Ward: Sutton Walls

Grid Ref: 353524,245752

Expiry Date: 16 July 2019

Local Member: Councillor Kema Guthrie

## 1. Site Description and Proposal

- 1.1 The application relates to Sutton Primary School, an academy school located in the village of Sutton St Nicholas to the north of Hereford. It is situated on the northern fringe of the village of Sutton St Nicholas where it fronts the C1125 (Hereford - Bodenham) road. Adjoining the site to the south east and south west are residential properties, to the north east farmland and fronting the opposite side of the road are further dwellings. The school building occupies an approximate T shaped footprint. Architecturally it may be characterised as a pleasant modern range with a distinctive composition and roof geometry including mono pitched, dual pitched and gabled elements together with deep overhangs.
- 1.2 The school currently benefits from an archetypal, rectilinear, double mobile classroom unit which would adjoin the proposal. The existing temporary classroom was granted consent in June 2015 with the permission requiring the structure to be removed by 1<sup>st</sup> July 2020. The site of the proposed classroom is currently occupied by play equipment.



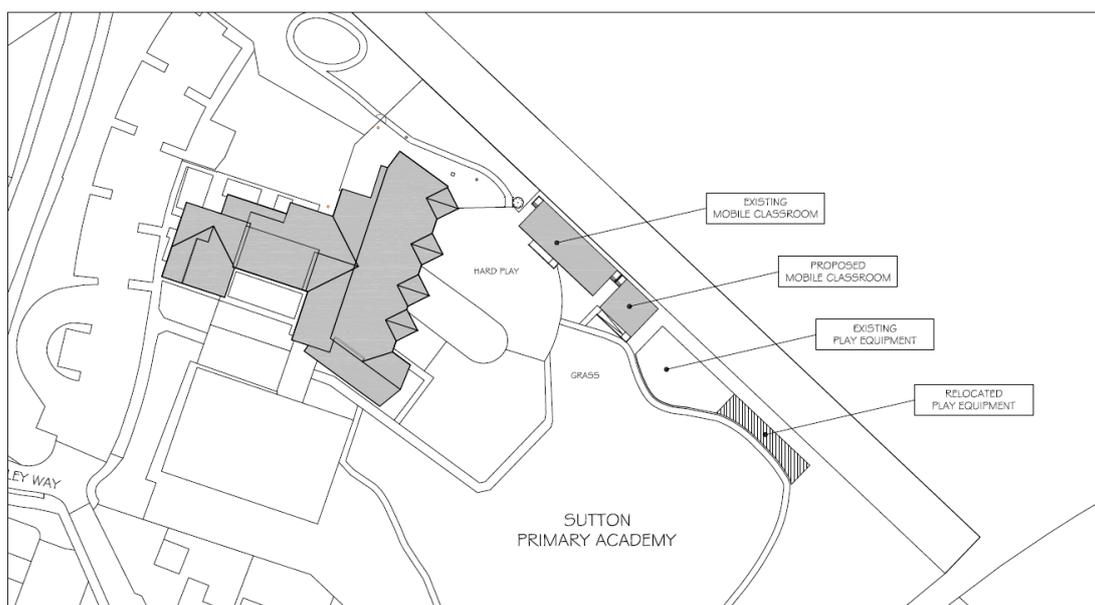
*Application site edged in red*

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882



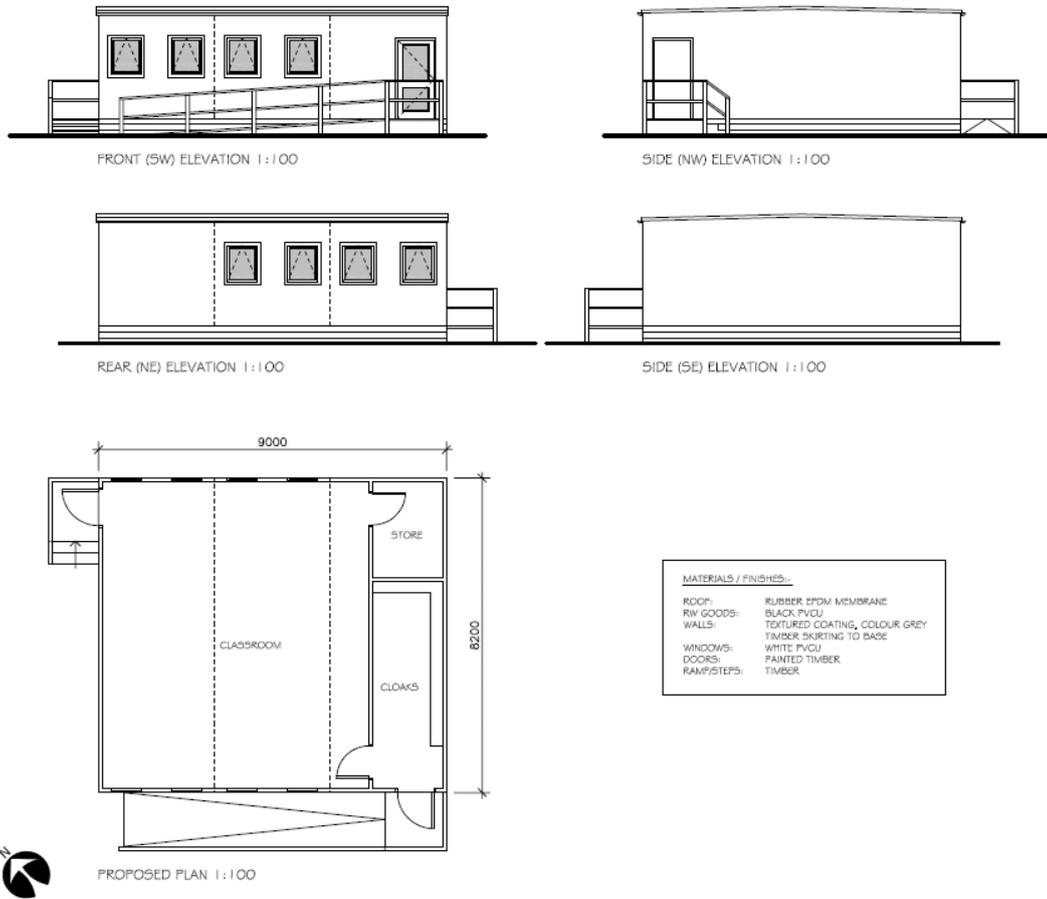
*Aerial imagery of the application site (edged red)*

- 1.3 The application proposes the siting of a mobile classroom to the rear of the existing primary school, the proposed location would adjoin the existing double mobile classroom on the site. The play equipment which presently occupies the space will be relocated circa 25m to the south east. The proposed mobile classroom is of a standard form, the footprint is roughly square (9m by 8.2m) with a mono-pitch roof and both a ramped and stepped access. The proposal will utilise a textured grey finish for walls with timber skirting around the lower portion of the structure, white UPVC windows & rubber membrane for the roof. Internally the structure provides a classroom, cloakroom and a modest storage area. The access arrangements to the school will remain unchanged, with the school benefiting from a parking area to the fore. The proposed classroom will allow an existing library area within the main school building to be returned to a library use, as it is currently being used as a small classroom area.



*Proposed site plan*

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882



*Proposed floor plans and elevations*

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy 2011 – 2031 (Core Strategy)

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

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SC1	-	Social and Community Facilities
MT1	-	Traffic Management Highway Safety & Active Travel
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

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

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

### 2.3 Sutton St Nicholas Neighbourhood Development Plan (NDP)

The Neighbourhood Development Plan are was designated on 28<sup>th</sup> November 2013, a plan was drafted which went to referendum on 2<sup>nd</sup> February 2017 and is now made, thus forming part of the development plan for the area. The following policies are considered to be relevant to this application:

Policy 5: Local Community Facilities

Policy 6: Landscape

Policy 7: Building Design

Policy 8: Open Spaces

The Neighbourhood Development Plan may be found at the link below:

[www.herefordshire.gov.uk/directory\\_record/3107/sutton\\_st\\_nicholas\\_neighbourhood\\_development\\_plan](http://www.herefordshire.gov.uk/directory_record/3107/sutton_st_nicholas_neighbourhood_development_plan)

### 2.4 National Planning Policy Framework (NPPF or the framework)

Section 2 – Achieving sustainable development

Section 4 – Decision Making

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

## 3. **Planning History**

3.1 The proposal site itself has not been the subject of any past planning applications. The following Applications on the wider site are considered relevant:

- **151223** – Proposed provision of a double mobile classroom – Approved – 30<sup>th</sup> June 2015
- **130568** – Proposed extension – Approved
- **SI21009** - Proposed extension to existing building -Withdrawn-28/11/2012
- **DCCW2006/1247/RM** - Construction of community facility & replacement school - Approved
- **DCCW2004/1004/O** - Construction of a replacement primary school incorporating village hall and 15 houses – Approved -19/10/2004

## 4. **Consultation Summary**

### Statutory Consultations

4.1 Sport England – No objection:

*“Thank you for consulting Sport England on the above application.*

*It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.*

*Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:*

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

*Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:*

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

*The proposal involves the erection of a new mobile classroom on the north-eastern boundary of the site. In turn this will require the relocation of some existing play equipment to the south east along this boundary. This part of the playing field could not be used to provide part of a playing pitch, and the capacity of the remaining playing field to provide playing pitches will not be adversely affected.*

*Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:*

*'The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site.'*

*This being the case, Sport England does not wish to raise an objection to this application..."*

#### 4.2 Natural England – No objection:

*"Planning consultation: Provision of a single mobile classroom.*

*Location: Sutton Primary School Bayley Way Sutton St Nicholas Hereford Herefordshire HR1 3SZ*

*Thank you for your consultation on the above dated and received by Natural England on 03 September 2019*

*Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.*

## SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION

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

*Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).*

*The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.*

*Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.*

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

### *Internationally and nationally designated sites*

*The application site is within the catchment of the River Lugg which is part of the [River Wye Special Area of Conservation \(SAC\)](#) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the [River Lugg Site of Scientific Interest \(SSSI\)](#) Please see the subsequent sections of this letter for our advice relating to SSSI features.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

### *European site - River Wye SAC - No objection*

*Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we*

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.  
<http://www.defra.gov.uk/habitatsreview/implementation/process-guidance/guidance/sites/>

*concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.*

#### *River Lugg SSSI – No objection*

*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.*

#### *Other advice*

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

*We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.*

*For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)*

#### Internal Council Consultations

#### 4.3 Transportation Manager – No objection:

*“There are no highways objections to the proposal.”*

#### 4.4 Conservation Manager (Ecology) – No objection

*“The site falls within the River Lugg sub-catchment of the River Wye SAC. A relevant habitat Regulations Assessment screening is triggered. To ensure the certainty required to conclude through the HRA process that there will be no adverse effect on the integrity of the River Wye SAC (River Lugg SAC-SSSI) through this development a Condition on any consent granted is required to ensure that no additional foul water (phosphates) will be generated by this development (as plans currently indicate)*

#### *Habitat Regulations (River Wye SAC) – Foul Water*

*At no time shall any facility or apparatus producing any form of foul water be installed in or on the approved development unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, and SD4.”*

HRA Screening - Appropriate Assessment undertaken please see background papers

## **5. Representations**

#### 5.1 Sutton St Nicholas Parish Council objects to the application:

*“Having considered the matter the Parish Council noted the concerns of neighbouring householders, regarding the current adverse parking problems encountered by them, which would get worse. The Parish Council resolved to object to the application due to concerns about the increased traffic and the current parking problems, which would be expatiated due to additional vehicles attending the site, increasing the adverse impact on neighbouring properties.”*

5.2 One letter from a member of the public – Objecting to the application:

*“I would like to object to the proposed placing of a further temporary classroom at the rear of Sutton St Nicholas Primary School for the following reasons:*

- 1) *There is already one portable classroom on site and it does seem incredible that in such a relatively new school the Education Department is already having to rely on extra temporary classrooms. Temporary portakabin type structures are unsightly and not fit for purpose.. They are extremely hot in Summer and cold in Winter.*
- 2) *The school was built only some 10 years ago to provide schooling for the local catchment area. However numbers wishing to attend the school have increased significantly but it would appear that children have been accepted from areas far outside the catchment area for Sutton ( I understand that children are attending from as far away as Credenhill and South of the River on the other side of Hereford). If the school only took children from within the village/catchment area there may not be a need for extra temporary classrooms.*
- 3) *My main concern is from a Health & Safety point of view as there is no infrastructure to support the growing numbers attending the school. The car park at 9.00 am and 3.00 pm is full to bursting and we as home owners in Lingen Field have been subjected to parents parking in the Lingen Field (they have been told by the school not to enter Lingen Field) obstructing drive ways, on residents grassed areas, the entrance to Lingen Field and when asked not to park in this manner subjected to abuse and unpleasantness. The car park cannot sustain further vehicles and are a hazard to those children who live in the village and who are walking to and from school, I believe there is an accident waiting to happen.*
- 4) *Why have temporary classrooms? If the infrastructure to support growing numbers was in place and the Education Department only received children to the school within the catchment area if there was a need for extra space would it not be better to build a proper extension to the school in the area/space available to the north of the site. Although I do not believe the school should be made bigger at least development should be considered so that it does not impinge further on residents in Lingen Field.  
I would be grateful if my objection could be put to the relevant Authority.”*

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=191813&search=191813](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191813&search=191813)

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 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

*“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.”*

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

- 6.2 In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy 2011 – 2031 (CS) and the Sutton St Nicholas Neighbourhood Development Plan was made on made on 8 March 2017. The National Planning Policy Framework (‘NPPF’ or ‘the framework’ henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.
- 6.3 Policy SC1 of the Core Strategy sets out that, ‘development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport. The Core Strategy defines community facilities as land & buildings uses to help meet health, education and social needs in terms of developing and maintaining the health and wellbeing of all; in this way the primary school is considered to be a community facility. The school is located within the existing settlement and is easily accessible by foot and cycle, the proposal is considered to accord with policy SC1 of the Core Strategy, as well as policy 5 of the NDP which states local community facilities will be protected, retained and enhanced.
- 6.4 Paragraph 94 of the framework places importance on the need to ensure a sufficient choice of school places are available to meet the needs of existing and new communities. The framework requires decision-makers to give great weight to the need to create, expand, or alter schools when determining applications.
- 6.5 The proposed classroom is a modest extension to the existing school, adjoining an existing double classroom. The applicant has indicated that the provision of the classroom will enable a small classroom to be relocated to the mobile building and this space within the main school building returned to a library use. In this way the proposal will not increase the capacity of the school, but increase the provision of facilities the school is able to offer to the existing pupils.
- 6.6 The proposed classroom will not be visually harmful to the landscape of the location and design is considered to be acceptable for a mobile structure, thus according with policy SD1 & LD1 of the Core Strategy, along with policy 6 & 7 of the made Sutton St Nicholas NDP. The proposed mobile classroom is not considered to be acceptable as a long term solution as the structure is mobile in nature and a condition is recommended to ensure the structure is removed within five years of the date of any permission.
- 6.7 The school was granted outline permission in 2004 (including a village hall and fifteen dwellings) with the approval of reserved matters following in 2006 and the school opening in 2008. The school is accessed via a wide access that meets the expected highway standards, with a proportionate car park on site. This arrangement is considered to be acceptable in highway terms, as made clear by the comments from the Council’s Highways Area Engineer. The framework is clear at paragraph 109 that development should only be refused on highway grounds where the residual cumulative impacts from a development are severe or there would be an unacceptable impact on highway safety. As the proposal is not increasing the capacity of the school, there is not considered to be an intensification of the highway access or parking arrangements, even if the proposal did result in one additional small classroom the intensification would be minor at most.
- 6.8 The key concerns raised in representations received relate to the impact upon the amenities of the local residents from vehicles blocking driveways, turning in driveways, waiting in the street, and also highway and pedestrian safety. It is accepted that, as a result of living close to a school, a certain amount of ‘school related’ traffic will be a normal consequence of school related activities, and would have been a material consideration for the determination of the original outline application for both the school and the dwellings. The application being

considered does not propose to increase the capacity of the school or intensify the use in this instance and therefore refusal on this basis is not justified.

- 6.9 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as a report. This concludes that due to the nature of the proposal which is secured via planning condition, it is not considered to result in any 'Likely Significant Effect' on the River Wye Special Area of Conservation. This document has been published on the Council's planning website and sent to Natural England for consultation, with their response indicating no objections to the proposal. Therefore in this aspect, the proposal is considered to accord with Policy LD2 as it is not considered to detrimentally impact the biodiversity or ecological significance of the River Wye.
- 6.10 In the absence of an objection from technical consultees, the application is considered to accord with the provisions of the development plan, and having regard to paragraph 11 c of the framework; officers recommend the application for approval subject to conditions (as outlined below).

## **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 be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 292-01 & 292-02) and the schedule of materials indicated thereon.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. The mobile classroom hereby permitted shall be removed from the site within five years of the date of this permission with the land being remediated and restored to its former condition in accordance with a scheme of work including timescales submitted to the Local Planning Authority and approved in writing by the local planning authority.**

**Reason: To protect the character and appearance of the locality given the temporary nature of the building in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy 2011 – 2031, policy 6 & 7 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.**

4. At no time shall any facility or apparatus producing any form of foul water be installed in or on the approved mobile classroom, further all surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure there are no likely significant effects on the integrity of the River Wye Special Area of Conservation, thus complying with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy (2011 – 2031) policies LD2, SD3 and SD4.

**INFORMATIVES:**

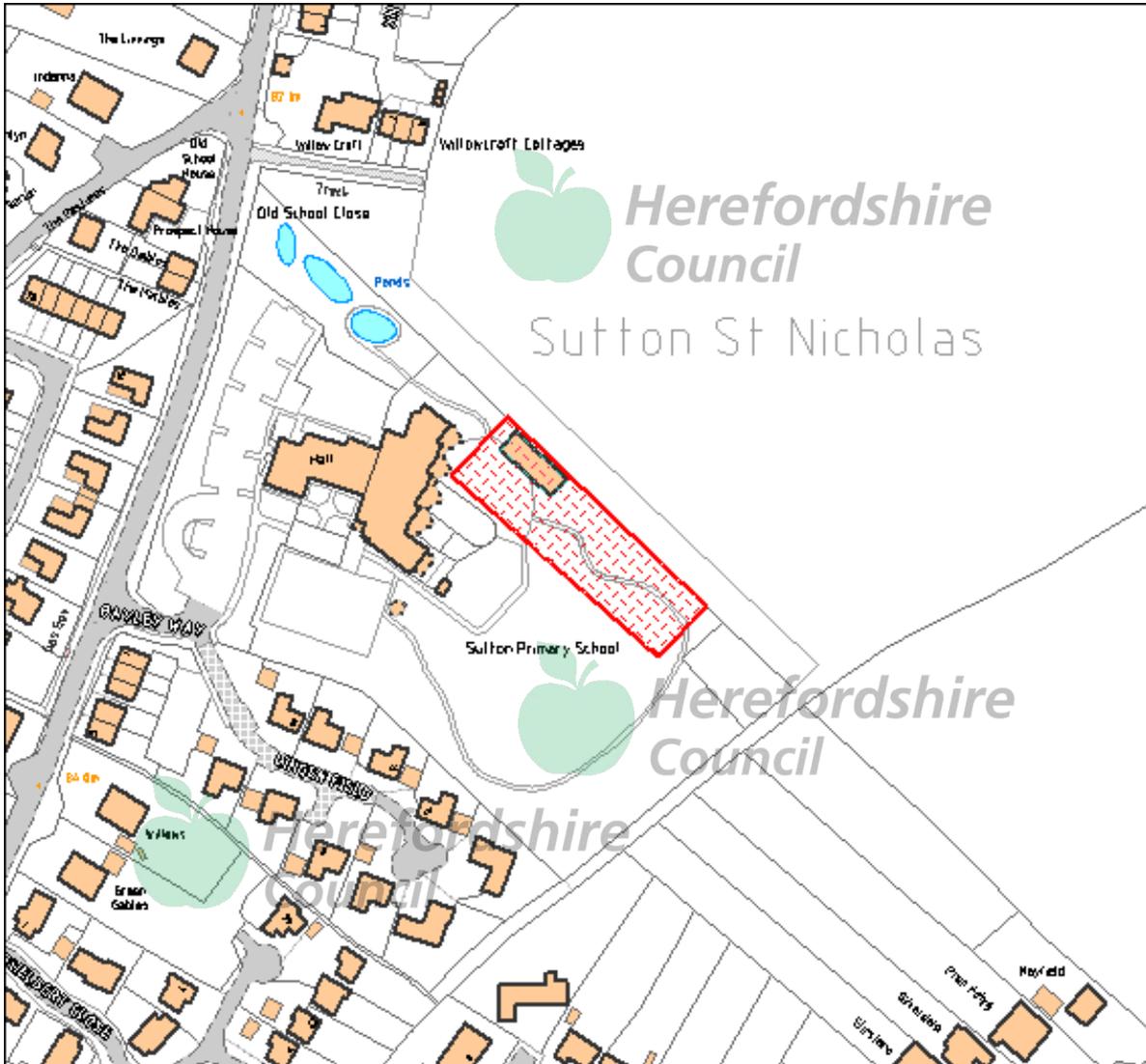
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised to enter into pre-application advice discussions with the Local Planning Authority prior to the expiration of this permission to enable discussions and to foster a collaborative approach to finding an acceptable, permanent solution to the need for additional classroom space at the school.

Decision: .....

Notes: .....

**Background Papers**

1. HRA Screening - Appropriate Assessment



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**APPLICATION NO:** 191813

**SITE ADDRESS :** SUTTON PRIMARY SCHOOL, BAYLEY WAY, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3SZ

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 SEPTEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<b>192193 - REMOVAL OF 2 NO. TIMBER SHEDS AND CONSTRUCTION OF REAR TWO STOREY EXTENSION. AT ANNADALE, CASWELL TERRACE, LEOMINSTER, HEREFORDSHIRE, HR6 8BB</b>  <b>For: Mr &amp; Mrs Blench per Mr Barrie Morgan, Gatehouse Mill, Bircher, Leominster, Herefordshire HR6 0AX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192193&amp;search=192193">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192193&amp;search=192193</a>
<b>Reason Application submitted to Committee – Applicant is a Councillor.</b>	

Date Received: 20 June 2019

Ward: Leominster  
East

Grid Ref: 349927,258825

Expiry Date: 15 August 2019

Local Member: Councillor Jenny Bartlett

**1. Site Description and Proposal**

- 1.1 Annadale is a two-storey detached property located on the north side of Caswell Terrace, approximately 0.3 miles to the east of Leominster Town Centre. The dwelling was built in the first half of the 20<sup>th</sup> Century and is constructed of exposed brick walls under a pitched and hipped roof with natural slate cover. There is one small sun room extension to the rear elevation constructed of glazed UPVC above exposed brick plinth walling. In addition, there are two detached timber sheds with a porch canopy to the rear.
- 1.2 The proposal involves the removal of the two timber sheds to be replaced with a two-storey rear extension to the north elevation. This would have a footprint of 21.6 square metres making use of the current space between the sheds and sun room. This will be constructed of brick to match existing and the stone window and door lintels will be re-sited to the external walls of the extension if sound. Any new joinery will be painted timber with sealed unit glazing. The proposal would have a fully hipped to match that of the host dwelling with natural slate tiles.

**2. Policies****2.1 Herefordshire Local Plan – Core Strategy**

SS1 Presumption in favour of sustainable development  
 SS6 Environmental quality and local distinctiveness  
 LD1 Landscape and townscape  
 SD1 Sustainable design and energy efficiency

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

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

## 2.2 National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development  
Chapter 12 Achieving well-designed places

## 2.3 Leominster Neighbourhood Development Plan (NDP)

LANP15 New building in Leominster

## 3. **Planning History**

3.1 None

## 4. **Consultation Summary**

4.1 Statutory Consultations

### 4.2 Internal Council Consultations

PROW – No objection

## 5. **Representations**

5.1 Leominster Town Council – No objection

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=192193&search=192193](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192193&search=192193)

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 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the made Leominster Neighbourhood Development Plan (NDP) adopted 22nd March 2019. At this time the policies in the NDP can be afforded full weight as planning consideration. The National Planning Policy Framework 2019 is a significant material consideration.

6.3 The proposal will increase the dwelling footprint by approximately 21.6sq.m. The extension would occupy an area to the rear of the dwelling which is currently the siting of a painted timber shed. The proposed extension is sited at the north elevation and projects 4.5 metres from the rear wall. This would project 1.9 metres to the north of the existing conservatory. It is not

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

considered that the proposal departs from the character of the local area or disrupts the character of the host dwelling. The proposal will be screened from the road by the dwelling itself. The proposed extension would continue the hipped roof to the north elevation whilst maintain the ridge height of the host dwelling. Therefore, with regards to scale the proposed extension is considered to suitably conserve local character and the character of the host dwelling in line with policies SD1 and LD1 of the CS and LANP15 of the NDP.

- 6.4 Whilst the extensions would introduce a number of window and door openings, these maintain the positioning and size of the existing fenestration. Furthermore, the northern elevation of the proposal does not face neighbouring residents. The proposed extension projects from the host dwelling at an appropriate distance as it respects the line of neighbouring dwellings and does not overly protrude, as such there are no concerns with respect to overbearing. It is considered not to impact upon the amenity of neighbouring residents with regards to overshadowing and overlooking with sufficient distance to alleviate any concerns. Therefore, the proposal is considered to comply with policy SD1 of the CS and LANP15 of the NDP.
- 6.5 The proposed extension has been designed in a manner that reflects the host dwelling, utilising similar materials of red brick and dark tiles to match existing would be seen to be suitable to ensure they harmonise with the dwelling and not look distinctly out of character. The stone windows and door lintels are proposed to be reused and sited on the proposal. The proposed roof design of fully hipped and clad with natural slate reflects the existing. The visual impact of the extension is minimal as it maintains the appearance and character of the existing structure through design and materials. Therefore, it is considered that the proposal adheres to SD1 and SS6 of the CS and LANP15 of the NDP.
- 6.6 In summary, the proposal has been designed to match the character of the host dwelling and preserves the character of the surrounding area. The visual impact, in relation to the layout of the site and existing structures, is limited due to both the scale and design. It is not considered that the proposal will have an undue impact upon the amenity of neighbouring residents with no concerns for overlooking or overshadowing, given the window position and the layout of neighbouring properties. Any other issues have been suitably covered and accordingly the application is recommended for approval

## **RECOMMENDATION**

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

- 1. Time limit for commencement (full permission)**
- 2. C06 Development in accordance with approved plans**
- 3. CBK Construction of hours during construction**

## **INFORMATIVES:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 192193

**SITE ADDRESS :** ANNADALE, CASWELL TERRACE, LEOMINSTER, HEREFORDSHIRE, HR6 8BB

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 SEPTEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<b>191123 - REPLACEMENT OF DEFECTIVE LATH AND PLASTER CEILINGS WITH WOOD WOOL SLABS AT CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP</b>  <b>For: Mr Robert Scott, Property Services, Plough Lane Offices, Plough Lane, Hereford,</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191123&amp;search=191123">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191123&amp;search=191123</a>
<b>Reason Application submitted to Committee – Council owned property</b>	

Date Received: 27 March 2019

Ward: Central

Grid Ref: 351249,239978

Expiry Date: 22 May 2019

Local Member: Councillor Jeremy Milln

## 1. Site Description and Proposal

- 1.1 The Clerk to the Justices building forms an integral part of the Shire Hall, a Grade II\* listed building dating from the early C19th with mid C19th extensions. It occupies a prominent location facing St Peters Square and is within the Central Conservation Area and the Hereford Area of Archaeological Interest.
- 1.2 The application site itself concerns the ground floor of the building located to the rear of the Shire Hall and below the main hall which is more readily visible from Gaol Street.
- 1.3 The application is for Listed Building Consent and seeks consent to replace defective lath and plaster ceilings with wood wool slabs. The background to the submission results from the failure of the existing lath and plaster ceiling caused by the use and activities of the Assembly Hall above on the first floor
- 1.4 The works include taking down the existing acoustic suspended ceiling grid and removal of the existing lath and plaster ceilings; replacing the ceilings with a wood wool slab alternative breathable ceiling lining and the reinstatement of the acoustic suspended ceiling grid.
- 1.5 The application also advises that if at some future date the acoustic suspended ceiling grid is removed then the wood wool slabs could be treated with an appropriate decorative plaster finish.

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

## 2. Policies

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

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

LD4 - Historic Environment and Heritage Assets

- 2.2 The Hereford Area Plan is not yet at a stage where it can be afforded weight in decision making  
National Planning Policy Framework

- 2.3 16 - Conserving and Enhancing the Historic Environment  
National Planning Policy Guidance

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

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

## 3. Planning History

- 3.1 None relevant

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Historic England

Thank you for your letter of 3 July 2019 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Georgian Group

Firstly, may we express our disappointment that we were not consulted in regards to the removal of the historic ceilings at Shire Hall. Unauthorised removal of historical ceilings was undertaken, removing large amounts of fabric. It is concerning that a Local Authority would undertake such works without the necessary consent.

The application has been prepared in house, and is not of the required standard, especially as it concerns a grade II\* building by Sir Robert Smirke. No LPA should accept such a light Heritage Impact Assessment. There is no consideration or analysis of the condition of the ceiling. We do not believe that the historical ceilings could not have been conserved in situ; the whole proposal appears to be a cost saving measure.

The application lacks an appropriate HIA, does not include any drawings, nor does it adequately address the specification of the proposed new ceilings. A report should also be undertaken from an independent source, to ascertain the condition of the ceilings.

The proposed works by virtue of their detrimental impact to the retained fabric and unsympathetic design would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2019.

In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result consent should not be given in this instance.

Until the above points are adequately addressed, we object to the current proposals.

### Internal Council Consultations

#### 4.2 Conservation Manager

Recommendations: Recommend approval. The proposals would not materially affect the significance of the listed building and as such would accord with policies within the adopted Herefordshire Core Strategy and revised NPPF

Background to Recommendations: The proposals are for the replacement of defective ceilings caused by impact from above. The building is grade 2\* listed with the Architect being Robert Smirke. It is significant architecturally for its fine portico and internal spaces. As an assembly room and court building it also has strong communal value.

The construction of the ceiling joists is such that the use of a woodwool slab would be able to respond better to noise and vibration from above than might a traditional lath and plaster ceiling.

It would still have the advantages of being breathable and allow a degree of movement. It is also compatible with a lime plaster finish.

The spaces beneath the assembly room are in the lower order of significance and it is their spatial qualities which is of primary concern to a historian due to the later date of the fabric. As such it is felt that the building performance is the dominant consideration

Conservation Manager (response to updated Heritage Impact Assessment)

The revised heritage statement meets the requirements of proportionality in section 189 of the revised NPPF

## 5. Representations

### 5.1 Hereford City Council

The Application should not have been retrospective, considering the status of the building (listed), and that the applicant is Herefordshire Council. The Application amounts to a quick but damaging repair job, which could have been avoided if the appropriate bodies were consulted. Councillors were very disappointed that Herefordshire Council should allow an application like this to go ahead, when under the same conditions, this work from a different applicant would have surely been rejected. Councillors supported the objection made by the Hereford Civic Society.

## 5.2 Hereford Civic Society

This application is unlawful as the work has already commenced. Indeed it has already been largely completed and therefore the application needs to be resubmitted as a retrospective. Hereford Shire Hall is a nationally important historic building by an architect of considerable standing. The lathe and plaster ceilings are part of the original fabric of the building and are therefore important contextually. It is perfectly possible to remediate any areas of defective plaster-work using proprietary fixings from above and this should be (should have been) carried out. Assessment of the plaster-work by a suitable conservation architect would be (have been) the first step. A proportional risk-management based approach should be (have been) used consistent with the approach taken for the retention of original plaster-work in grade I and II\* buildings elsewhere. There is plenty of experience of this approach and in repair of historic plaster-work available. Accordingly Hereford Civic Society strongly objects to the application.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=191123&search=191123](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191123&search=191123)

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

### Background

- 6.1 The part retrospective nature of the application has raised some concerns. In summary the works that have been undertaken following the collapse of part of the ceiling below the Assembly Hall took place without formal consent, but what is clear from the submission is that the applicant sought the specialist advice of the Principal Building Conservation Officer and Historic England before carrying out initial works. Accordingly whilst the part retrospective nature of the application is unfortunate, the works have proceeded on the basis that the alternative ceiling solution was considered by the specialist advisers to be acceptable..
- 6.2 Further to these concerns, a meeting took place with senior managers and Councillor Milln on 24 May 2019 where the specific nature and extent of works were discussed and there has been a further exchange between the applicant and Councillor Milln (3 July) where a number of key points and concerns were clarified and a number of "Lessons Learned" are recorded.
- 6.3 Whilst this background is not specifically relevant to the assessment of the proposal, it is important for the Committee to understand the context for the application before considering the policy implications.

### Procedural and Legal Framework

- 6.4 In the first instance it is necessary to confirm that Herefordshire Council is not the determining authority in this case. Due to the listed status of the building and because the property is owned by the Council, the Secretary of State for Digital, Culture, Media and Sport has this responsibility, but requires a resolution from the Council upon which to base the decision. As such the recommendation below reflects this procedural requirement.
- 6.5 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."*

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

- 6.6 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS).
- 6.7 Further to this In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic Interest.

### **Relevant Policy and Guidance**

- 6.8 CS Policy LD4 - Historic environment and heritage assets requires development proposals affecting heritage assets to protect, conserve and where possible enhance the asset and its setting in a manner appropriate to its significance. In addition the National Planning Policy Framework (NPPF) establishes the principle of proportionality in terms of the level of detail required to assess applications (paragraph 189) and prescribes that *great weight should be given to the asset's conservation* irrespective of the magnitude of any harm that is identified (paragraph 193). The guidance is clear that appropriate justification is required for any works to listed buildings and that dependent upon how substantial that harm is, there is a requirement to weigh the harm against the public benefits of the proposal.

### **Assessment**

- 6.9 It is abundantly clear from the consultation responses received that there are fundamental differences of opinion as to the acceptability of this proposal; the justification for the proposed works; and the harm that has/would be caused as a result of the continuation of the works to the ceiling. There is also much criticism of the retrospective nature of the application. The Civic Society are clear in their view that retention and remediation were a possibility but this view is not shared by the Principal Building Conservation Officer who considers that the ceiling was defective and that as a result of the collapse, there was an opportunity to address the issue through the use of an alternative solution that would retain the essential spatial characteristics of the publically accessible parts of the building which are considered to be of greater importance than the spaces beneath. It is also recognised that the ceilings that have been removed were not original (indeed some of the lath and plaster ceilings were replaced in 2016) and this is an important consideration in terms of the assessment of the significance of harm. Furthermore in his view the wood wool slab solution would allow for greater flexibility that would respond better to the noise and vibrations associated with the use of the Assembly Room above, to which the collapse of the original ceiling has been attributed.
- 6.10 The objection from the Georgian Group is acknowledged but the absence of an objection from Historic England is also notable in my view. In this case, Historic England have deferred consideration of the application to the Council's specialist conservation advisor.
- 6.11 In reaching my recommendation, I have considered all of the views expressed, but on balance, have given more weight to the advice of the Principal Building Conservation Officer underpinned by the comments from Historic England. It is also worth noting that the revised Statement of Heritage Impact confirms that the area of the existing lath and plaster ceiling and coving below the stage and rear stage area will be retained in situ.
- 6.12 In this regard, the work that is proposed is justifiable and would satisfactorily conserve the character of the building in accordance with the aims of CS policy LD4. It is considered that the harm that has been caused to the building is less than substantial and having regard to the assessment provided by the Principal Building Conservation Officer, the magnitude of harm is very much at the lower end of the spectrum of less than substantial harm, such that I consider the public benefits of securing a more suitable and better performing ceiling solution and enabling the building to be brought back into beneficial use by enabling the delivery of

Council services outweighs any harm caused such that I am minded to recommend a resolution to approve this application.

**RECOMMENDATION**

**That subject to consideration of any additional comments that may be received that raise material planning considerations, that the Planning Committee resolve to approve the works proposed and that the application is referred to the Secretary of State for Digital, Culture, Media and Sport for determination subject to the conditions below and any other further conditions considered necessary**

- 1. CE7 - Standard Historic Building Conditions**
- 2. C07 - Development in accordance with approved plans (WQAB-001 and the updated Statement of Heritage Impact received on 26 June 2019)**

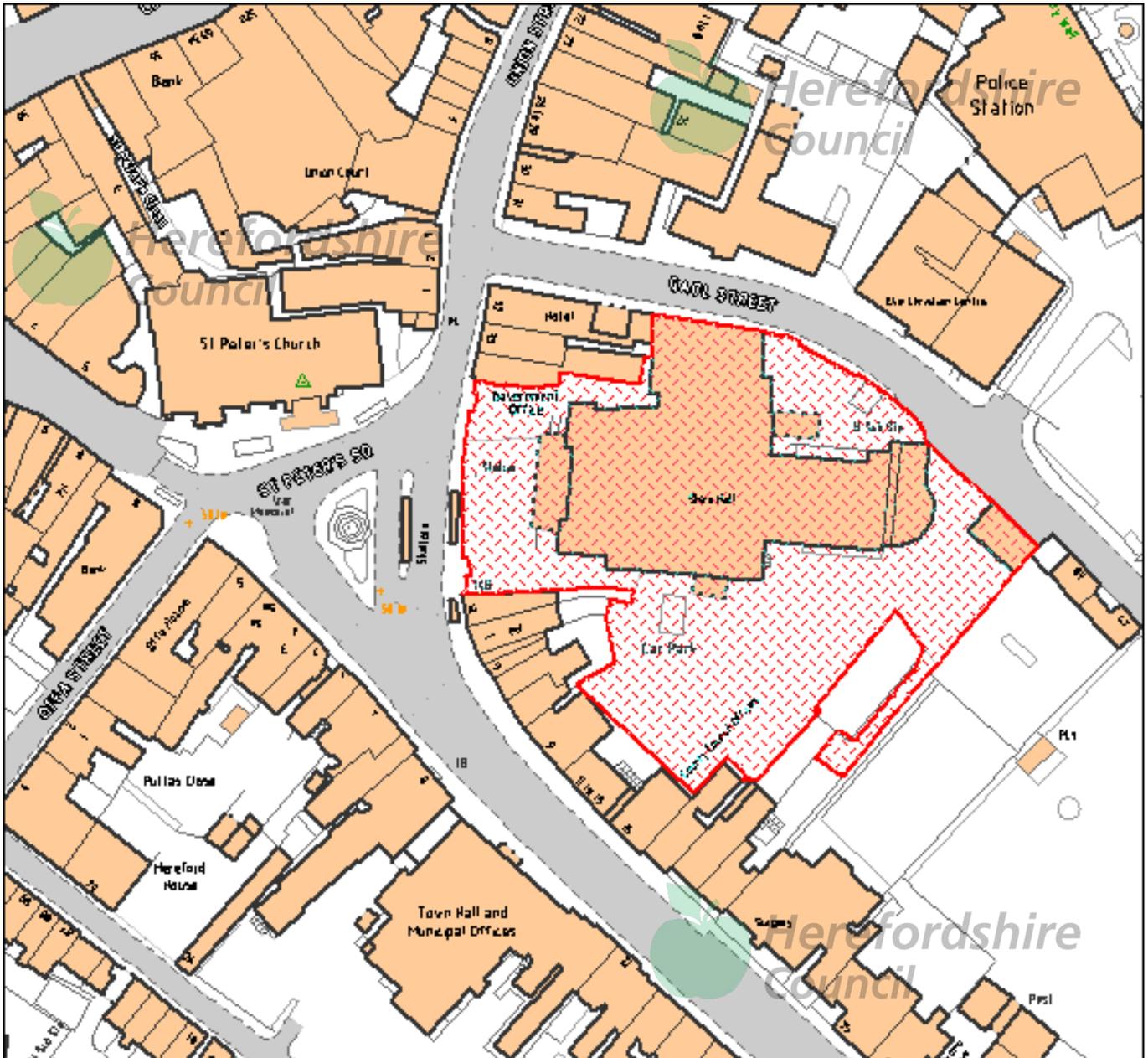
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 191123

**SITE ADDRESS :** CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP

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