

Agenda

Planning and regulatory committee

Date: Wednesday 13 November 2019

**Time: 2.00 pm (or on conclusion of meeting held in morning,
if later.)**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson Councillor 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

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
5.	190650 - SITE ADJACENT CHURCH LANE, ALLENSMORE, HEREFORDSHIRE Site for erection of 6 dwellings, garaging and new vehicular accesses.	11 - 34
6.	191081 - BRYNGLAS, CUSOP DINGLE, HR3 5RD Proposed two storey three bedroom dwelling house.	35 - 54
7.	192773 - THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HR6 9PQ Retrospective planning permission to erect a wooden fence and two galvanised metal gates.	55 - 60
8.	DATE OF NEXT MEETING Date of next site inspection – 10 December 2019 Date of next meeting – 11 December 2019	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 NOVEMBER 2019
TITLE OF REPORT:	190650 - SITE FOR ERECTION OF 6 DWELLINGS, GARAGING AND NEW VEHICULAR ACCESSES AT SITE ADJ. CHURCH LANE, ALLENSMORE, HEREFORDSHIRE. For: Mr Owens per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190650&search=190650
Reason Application submitted to Committee – Re-direction	

Date Received: 21 February 2019

Ward: Wormside

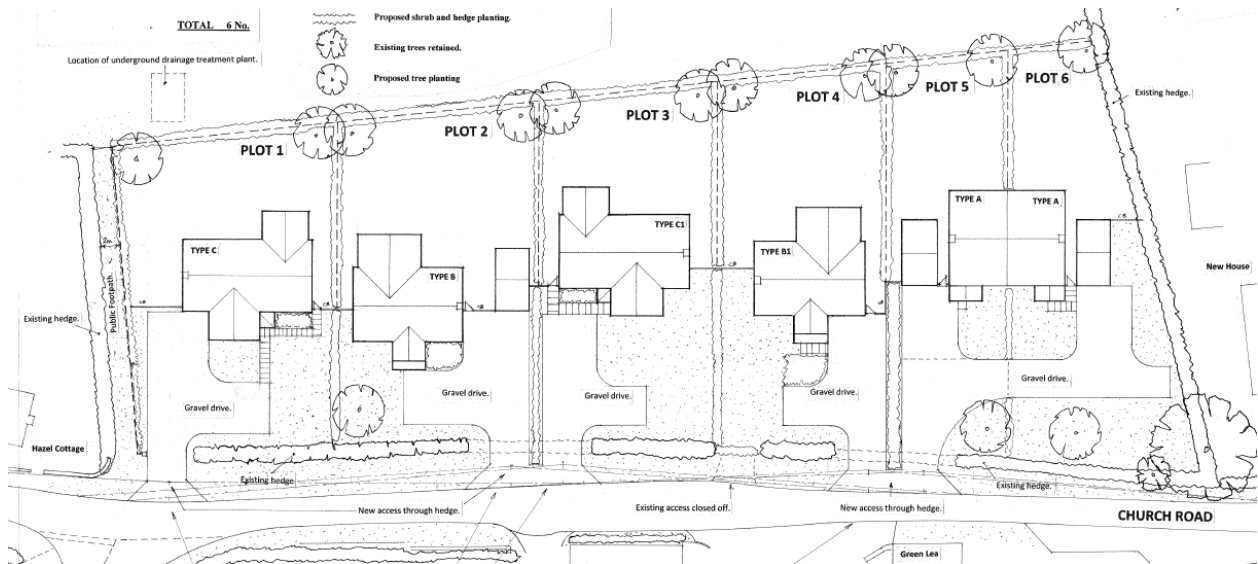
Grid Ref: 346468,236004

Expiry Date: 30 April 2019

Local Member: Councillor Christy Bolderson

1. Site Description and Proposal

- 1.1 The application site comprises a paddock located to the east of Church Road in the parish of Allensmore. The site benefits from hedges along the common boundary with the road and southern boundary, post and wire fence along the eastern boundary with the open countryside and a temporary fence along the northern boundary shared with the public footpath which runs along an east-west axis.
- 1.2 There are dwellings to the north and south of the site as well as to the west across the road. The site benefits from one access in the centre of the site which will be closed up as part of this application. There are no local or national landscape or heritage designations either within the site or which affect the assessment of the proposal.
- 1.3 This application is submitted in outline for 6 dwellings with all matters to be considered apart from landscaping which is reserved. As part of the application the existing access will be closed and three new ones proposed. During the application process additional information in relation to highways and drainage has been submitted, along with amended layout plans.
- 1.4 Below is the amended layout plan which shows the relationship with neighbouring dwellings to the north and south:



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land For Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

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

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

2.2 National Planning Policy Framework (NPPF):

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- 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 Allensmore Neighbourhood Development Plan (NDP) – currently undergoing Regulation 16 consultation ending on 18 November 2019. The plan can be afforded limited weight.

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

- Policy A1 – Protecting and Enhancing Local Landscape Character
- Policy A2 – Protecting and Enhancing Local Wildlife
- Policy A3 – Proposed Site Allocations
- Policy A4 – Criteria for Development in Settlement Boundaries
- Policy A5 – Housing Mix
- Policy A6 – Conversion of Former Agricultural Buildings
- Policy A7 – Drainage, Flooding and Sewage
- Policy A8 – Protecting the Church and Village Hall and Supporting Investment in Improved Facilities

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 **Ramblers Association** – object

I must object to this planning application as I'm of the opinion that the alley way which will be created around the existing footpath Allensmore AN5 is below the stipulated width for a footpath in such a situation as this. The footpath needs to be of sufficient width that when the surrounding hedges have seasonable growth on them it should still be possible to walk along the footpath without being snagged by branches. There should be a written clause in the Planning Consent highlighting who will be responsible for the up keep of both hedges.

I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

4.2 **Open Spaces Society** – comment

A public right of way is a material consideration that must be taken into account at the planning stage.

The proposals have effect to registered footpath AN 5(part), the path must be at least 2 metres width. I note the site location plan depicts some form of structure stile/gate? by the annotation Hazel Cottage at junction with the country road. NO path furniture to be erected at that point, a gate is probably requisite on the path at the other end of proposed development to make stock proof, this must be a kissing gate of a type that complies with The Equality Act 2010. Thank you in these matters.

4.3 **Welsh Water** – no objection

Sewerage

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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

Water Supply

The proposed development is crossed by a 3 Inch distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Internal Council Consultations

4.4 **Public Right of Way** – comment

Public footpath AN5 has been shown on plans, and would not appear to be obstructed by the development. However, we do not want the footpath to become a corridor. In order to minimise this, the path must be allowed a width of at least 2 metres. Any hedges must be well maintained by the occupiers to ensure there is no encroachment onto the path - the council will not be responsible for this.

4.5 **Conservation Manager (Ecology)** – no objection

Allensmore is not in the River Wye SAC, so no HRA required from a drainage point of view. The drainage should be compliant with SD3 & SD4 Core Strategy, I can see there have been some concerns raised in the past re. use of the SuDs pond for excess outfall from foul sewerage; the SuDs should be designed in accordance with good practice for biodiversity and in line with HC SuDs guidance.

Although an ecology report/assessment was not carried out, I note that the Planning Statement confirms that existing hedgerows and an existing tree in the south-west corner, will be retained and protected during construction, as well as in-filling existing gaps with native hedgerow trees and new native hedgerow is proposed along the eastern site boundary. These should be ensured by a condition:

Tree & hedgerow protection

Prior to the commencement of the development a tree and hedgerow protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works 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.

In terms of site ecology, the client should be aware of their legal duty of care towards any protected species that may be found onsite during construction phase:

Legal Duty of Care

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. Any breach of this legal Duty of Care would be a criminal offence. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted.

The planning statement refers to production of a mitigation and enhancement plan – this should be conditioned as part of biodiversity net gain as 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 a wide range of species including bats, birds, hedgehogs, pollinating insects and reptiles within the new development and 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).

Suggested Condition

Biodiversity Enhancement Plan (Net Gain)

Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any enhancement or boundary feature.

Informative: Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.

To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) 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 SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

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

Thank you for consulting me in respect of the proposal for 6 dwellings at Allensmore, I have now reviewed the submitted proposals.

The development appears well situated in relation to the context of the village; it continues the line of development along Church Road, up to Hazel Cottage at the junction with Cobhall Road. For this reason I have no objection to the principle of the development upon this site.

The number of dwellings proposed could be perceived as rather great in relation to a village of this scale, however if careful consideration is given to the detail of the layout, design and materials, any harmful visual effects can be mitigated to a large degree:

I note that the block plan shows staggered built form which is welcomed, the elevations and illustration of the street scene also show the provision of differentiation through heights.

I would recommend further consideration be given to the proposed external finish of the dwellings; it appears from the drawings that white render is proposed and whilst I note there is existing context for this, I would recommend a range of finishes in order to avoid uniformity of design, this could be secured via a condition.

In terms of landscape detail the access points will necessitate 3 punctures through the hedgerow, however these gaps will be minimal and serve to retain the impression of the overall length of roadside hedgerow. The rear boundary of the residential curtilage will also abut open countryside and because of this I would recommend a robust landscape buffer with extensive tree planting. The PROW AN5 also runs parallel with the northern site boundary and it is important to retain a rural context to this route, I would therefore recommend a soft boundary in the form of a mixed native hedgerow, between the dwellings and the footpath. The above matters can all be secured via condition in the form of the submission of landscape plans.

4.7 **Transportation Manager** – no objection

Further information required

1. Plan showing visibility splays
2. A review of the implication of adding 6 dwellings on the highways network.

Following additional information, the following comments were received:

The submitted plan showing the visibility splays is acceptable. It should be noted that in a previous response a review of the implications of an additional 6 dwellings on the highway was requested, as yet this has not been received.

The construction of the vehicle crossings for each access should be built to road standard construction to allow for them for them to be used as passing places.

Following the submission of additional information in regard to the above, the following comments were provided:

The site is located close to two accesses to the A465, therefore the proposed increase in vehicles have the benefit of two accesses to the greater highway network. From the submitted data, it shows a large movement of vehicles on a Tuesday outside of peak time. Using the submitted data and industry standard data sets for developments of this type, the proposed development will look to increase vehicles movements by 0.6 per dwelling during peak period, therefore for during each of the peak periods vehicles will increase by a total of 3.6. The increase in vehicles trip and impact of those vehicles would not be classed as severe therefore would not be contrary to the NPPF and Herefordshire Core Strategy MT1.

If minded to approve please condition as follows.

CAB – Visibility splays – please see submitted drawing no. 7723/10

CAE – Vehicle access construction – vehicle crossings should be built to HC Road construction

CAH – Driveway gradient

CAI – Parking – associated to each dwelling

CAT – Construction Management plan.

CB2 – Secure cycle parking

Informatives

I11 – Mud on the road

I09 – Private apparatus on the highway,

I45 – Vehicle Crossing licence

I05 and I47 - drainage highway

I35 – Highways design guide.

4.8 **Land Drainage Consultant** – no objection

Flood Risk

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding, however the adjacent road is demonstrated to experience surface water flooding. The Applicant has proposed to construct driveways of permeable paving to prevent any surface water runoff from getting onto the highway. This has been supported by installing check dams perpendicular to the highway to hold back any water.

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

We are aware of known issues in this area in regards to the disposal of water (due to the high groundwater level and lack of infiltration) and issues also around disposal of foul water (discussed in the 'Foul Water Drainage' section) and thus potential pollution. There are local concerns in regards to the viability of disposing of surface water runoff and treated effluent from this site. There are also concerns that the additional runoff will add to the existing issue of the culvert/ditch being overwhelmed. There have been historic episodes of flooding in this area.

Surface Water Drainage

The surface water runoff is proposed to be managed via disposal to an attenuation pond with a restricted outflow (2l/s restricted by a 72mm orifice) into a ditch which then discharges to the Withy Brook. This pond also accepts treated effluent and is proposed to contain a reed bed for further treatment. This is further discussed in the 'Foul Drainage' section.

Driveways will be constructed of gravel to prevent any surface water runoff onto the road. Check dams are also proposed to prevent runoff onto the highway. It should be noted that the planning statement states that surface water will be disposed of via soakaways - this should be updated.

Ownership and Maintenance of SuDS features

It is stated in the SuDS maintenance manual that the private driveways will be under the responsibility of the associated homeowner. The shared surface water drainage system and the shared driveways will be managed by a maintenance company. This document has been amended to state that any items outside the development boundaries, such as pipe trenches, attenuation pond and Hydrobrake flow control chamber will also be managed by the maintenance company (as requested).

Foul Water Drainage

It is proposed that each individual dwelling will be served by a package treatment plant with joint outfall into the proposed attenuation pond (to the east of the site) which is proposed to contain a reed bed to provide further treatment. The shared pipework serving each package treatment plants is proposed to be located outside the curtilage of each residential garden. This land is under the ownership of the Applicant. In the future, the land on which the shared pipework is located should be jointly owned by the respective homeowners.

The proposed reed bed must be to the specification of Building Regulations Part H. This detail should be provided as currently no detail is shown, the layout plan states 'to be created with appropriate planting'. We appreciate that a cross section has been provided (on drawing ref ALLE-ICS-01-XX-DR-C-010 Rev P2), however this needs to be consistent with the details from the Building Regulations.

Overall Comment

We request that as part of suitably worded planning conditions, further details of the reed bed is provided as described above.

5. Representations

5.1 Allensmore Parish Council – object

Allensmore Parish Council objects to the proposal in outline planning application 190650 for 6 new dwellings along Church Road on the following grounds:

- The proposal is inappropriate for the area with the size, density and layout being totally out of character with and detrimental to the surrounding area. The claim in the proposal (Design and access statement para 7.2) that it comfortably reflects the Allensmore housing density is incorrect and misleading, in fact the proposal is more than double the density of the proposed settlement in Allensmore (see below).

- There are important matters such as drainage which are either not mentioned or inadequately mentioned in the proposals. The Parish Council considers that the application should be rejected whilst these are not properly addressed.

Inappropriate size, density and layout

As the design and access statement reflects, (para 1.3 and others), the National Planning Framework requires development to significantly enhance its immediate setting, whilst being sensitive to the defining characteristics of the immediate area. Allensmore is characterised by low density, linear developments of different designs, scale and materials with many green spaces and open views across fields to open countryside and distant hills. This proposal would fill one such greenspace by high density (relative to Allensmore), regimented building which would create an urbanised pocket within the rural surroundings and block views of open countryside from the public road.

Para 7.2 of the design and access statement mistakenly and misleadingly asserts that the proposal “comfortably reflects the desire for a lower density”. It reaches this conclusion by referencing the emerging Neighbourhood Development Plan and misquoting it as identifying Allensmore as having a density of 8.8 dwellings per acre. In fact the plan (see Allensmore.org.uk) identifies the density as 8.8 dwellings per hectare. This is equivalent to 3.6 dwellings per acre. The same paragraph then states the area of the proposed site is 0.9 acres. Based on the proposal’s stated area of 0.33 hectares (para 2.1) the correct figure is 0.8 acres. Even the straightforward density calculation based on 0.9 acres (= 6 / 0.9) is incorrect, the correct figure is 6.7 not 6.6 as stated. Based on the proposal’s stated area of 0.33 hectares, the proposed density is 7.4 dwellings per acre compared with a correctly stated density of 3.6 dwellings per acre in the proposed settlement i.e. the proposal is more than double the density of the settlement area proposed.

After correcting for these errors, it is hard to argue that the proposal is being sensitive to the defining characteristics of the local area as is required by the National Planning Framework.

Policy RA2 of the Core Strategy describes the policy for housing in rural areas. Allensmore is not included in fig. 4.14 which identifies the settlements which are the main focus of proportionate development but in fig. 4.15 – other smaller settlements where development is appropriate. For these settlements the policy requires that “*particular attention will be given to ensure that housing developments should respect the scale, form, layout, character and setting of the settlement concerned. By virtue of their size and character many of these settlements do not have a traditional village or nuclear centre and in many cases have a dispersed settlement pattern which would need to be respected in the design of new housing proposals*”.

The site is significantly higher than the road particularly at the NE and SW ends. The houses proposed would stand high above the road and the large, double length garage stretching parallel to the road just inside the hedgerow would all contribute to creating an urban and enclosed feel to the area.

The site was not recommended for development by independent assessors, Aecom, when it was assessed as a potential site during the development of the NDP. The assessment stated “... it is constrained by landscape considerations as its openness enables views out over the countryside. The site is considered to make an important contribution to the rural character and setting of Allensmore”.

The site will have a detrimental impact on the footpath (AN5), changing this section of it from having open views to becoming a claustrophobic alleyway.

New dwellings

Paragraph 3.11 of the design and access statement correctly identifies that as part of the adopted Core Strategy, the parish of Allensmore is expected to accommodate a minimum of 14% growth in housing numbers up to the year 2031. This equates to 32 dwellings. To date, a net 29 have been completed or approved, leaving three further dwellings needed to meet this minimum target. The current draft of the NDP identifies potential capacity for some 15 - 20 such dwellings, comfortably exceeding the housing growth target and in a way which is considered much less detrimental to the character of the area valued by residents.

Housing mix

In paragraph 7.1 of the design and access statement, the proposal acknowledges the need for three bedroomed dwellings as identified in the Local Housing Assessment and reflected in the emerging NDP. Further, the need for study space to facilitate home working is also recognised. The proposal states that just two of the dwellings have four bedrooms while the rest have three. (Recently amended to include two with two bedrooms). The Parish Council questions if two of the "three bedroomed" houses (Type B and B1) are really three bedrooms, or has this been achieved merely by labelling the fourth room upstairs as a "Study". It would appear that it could equally well be considered a fourth bedroom.

Matters not adequately covered in the proposal

Foul drainage

Allensmore is well known for its challenging drainage conditions due to a high water table and heavy, poorly draining soil. The application makes little mention of how foul drainage would be achieved other than a brief mention (para 8.1) of a package treatment plant within the development and a contradictory drawing (site layout plan) showing it outside the site. Given the experience of local people and the difficulties in designing an acceptable solution with other developments in the parish, the Parish Council believes that the application should be rejected until it demonstrates that a sustainable solution can be developed and would be implemented. The proposal should also address the ongoing maintenance arrangements for what appears to be a shared solution. This design would require the necessary tests to be conducted and the proposal to be approved by Herefordshire Council's drainage team.

Drainage – surface water

As above, given the low porosity, high water table and limited space, the proposal should describe a sustainable surface water drainage solution to meet the needs of the proposed dwellings and without increasing the risk of local flooding of nearby houses or Church Road (the latter is identified on the government's flood risk maps as at medium risk of flooding). To design an appropriate solution would require appropriate measurements on the site and the proposed solution would need to satisfy Herefordshire council drainage experts.

There is an open ditch (not shown on the proposal) which runs between the Church Road and the hedge from the existing site access towards the Church. This has an important role to collect and channel water which runs off the proposed site and also from the road.

The new access will cut across this. The proposal should make clear what measures would be taken to ensure this ditch can continue to serve its purpose.

Footpath AN5

The gate for the footpath in the north-eastern corner of the site, is not correctly marked on the site layout plan. Rather than adjacent to the north western boundary as shown, it is

approximately 2.5 meters from the boundary to the nearest point of the gate. It is not clear what steps the proposed development would take to allow for this, but this should be addressed in the proposal and the footpath officer given a further opportunity to comment following the correction of the site layout plan.

The Parish Council feels that the proposal is inappropriate for the character of the area and for this reason together with the errors and omissions described above should be rejected.

The following representation was received 25 April 2019:

In its representation on 28th March, the Allensmore Parish Council identified what it believes are incorrect and misleading statements about the density of the proposed development. The proposal wrongly quotes the emerging draft plan as identifying Allensmore as having a density of 8.8 dwellings per acre and also incorrectly states that the density of the proposal is 6.6 dwellings per acre. The proposal then concludes that this “more than comfortably reflects the desire for a lower density “.

The emerging draft plan actually identifies Allensmore as having a density of 3.6 dwellings per acre (8.8 dwellings per hectare) and based on the applicant’s own figures the density of the proposal is 7.4 dwellings per acre, (6 dwellings on 0.33 hectare) i.e. it is more than double the density of the neighbouring settlement.

Please see page 24 of the draft plan <http://allensmore.org.uk/documents/AllensmoredraftNDP-Reg14.pdf>

Please can the case officer confirm that the applicant will be asked to correct or repudiate what we believe to be incorrect and misleading statements before the application is considered?

Following re-consultations in light of additional drainage information, the following was received:

The Allensmore Parish Council has considered the amended proposals and wish to make the following representation:

Allensmore Parish Council reiterates its objection to the application for 6 new dwellings off Church Road, Allensmore.

Except for the fact that more detail has been provided for the drainage arrangements, the reasons for objection as described in the previous submission (included below) still stand.

Furthermore the Parish Council wishes to add / re-iterate the following: We believe this proposal is not consistent with the Herefordshire Core Strategy. Policy RA2 of the Core Strategy requires that for developments in settlements listed in Fig 4.15 (which includes Allensmore) “particular attention will be given to ensure that housing developments should respect the scale, form, layout, character and setting of the settlement concerned. By virtue of their size and character many of these settlements do not have a traditional village or nuclear centre and in many cases have a dispersed settlement pattern which would need to be respected in the design of new housing proposals”. The PC is firmly of the view that the density, the regimented nature of the layout and aspects such as a double length garage side on along the boundary standing higher than the road are not respecting the scale, form, layout, character and setting of Allensmore.

The Allensmore NDP is now well into the Regulation 14 consultation stage. As part of the NDP, the site was independently assessed and not recommended for development. Furthermore, with recent developments and planning approvals Allensmore has already exceeded the minimum target for development by 2031 as set out in the core strategy and still has further recommended sites identified in the NDP to provide further contingency. This site, not

recommended by the independent assessment, is not required to meet our development targets.

We note that the agent has acknowledged in an email, the inadvertent misrepresentation of facts in the Planning, Design and Access statement (Para 7.2) where it is stated that at 6.6 (figure incorrect) dwellings per acre, the development comfortably reflects the desire for a low density of 8.8 dwellings per acre (figure incorrect) as exists in the settlement of Allensmore. As is now accepted by the agent the correct density of the proposal is 7.5 dwellings per acre and that this is more than double the corrected figure of 3.6 dwellings per acre for the settlement.

The Parish Council is surprised and disappointed to note, that Herefordshire Council is knowingly allowing this misrepresentation of facts to continue without correction for this further consultation. Consequently, participants in the public consultation by Herefordshire Council who read the statement referenced above are likely to be misled into believing the proposal is of similar density to the existing settlement when in fact it is more than double. This is a matter of significance and brings into question the efficacy of this consultation to enable the public to make an accurate assessment of the impact of the proposal on the parish. It would seem that correcting the misleading statements and republishing this document to enable an accurate consultation is long overdue.

An additional representation was received 6 September 2019:

Following the amendment to this application to provide further details on the drainage strategy, the Allensmore Parish Council wishes to reiterate its continued opposition to this proposal.

1. The drainage strategy proposes that the outflow from the six package treatment plants is discharged into a soakaway, close to an existing watercourse. The end of the soakaway then discharges via an attenuation pond, into that watercourse, so that any outflow not absorbed into the ground – for example at times of peak demand, and/or when the soakaway becomes silted up over the years, will discharge into the potentially dry attenuation pond and the watercourse. The ill-defined watercourse is dry for much of the year (including at the time of writing) and is also proposed to be used in a similar manner by the 3 additional dwellings being sought by application number 183792. We note that the land drainage engineer objects to the proposal (notwithstanding that the objection has been listed as a comment) and in particular, we share the highlighted concern that the attenuation pond will create odours which will have an unpleasant impact on the surrounding residents.
2. As stated in previous submissions and not repeated in detail here, the proposal is contrary to policy RA2 of the Core Strategy and the Allensmore NDP, the latter is now at the Regulation 16 stage subject to Parish Council approval anticipated in September. It should also be noted that the housing target for the area as set out in the Core Strategy has already been exceeded.
3. This application needs to take into account application no 183792 which abuts the rear of this site and proposes a further 3 additional dwellings. Together these would lead to a mini estate of 9 houses, about a third of the number in the existing settlement area and add further serious challenge to the already extremely challenging drainage and flooding issues.
4. The Parish Council is also surprised and disappointed to note that Herefordshire Council continues to publish information on an important aspect included in this proposal which it knows to be misleading. As has been acknowledged by the applicant's agent, the Planning, Design and Access statement (Para 7.2) states that at 6.6 dwellings per acre, the development comfortably reflects the desire for a low density of 8.8 dwellings per acre as exists in the settlement of Allensmore. In fact, the correct density of the proposal is 7.5 dwellings per acre and that this is more than double the correct figure of 3.6 dwellings per acre for the settlement. The Planning Department is urged to require that this be corrected

immediately so that residents and members of the Planning Committee do not continue to be misled by this error.

5.2 To date a total of 28 objections from 13 properties have been received. The comments therein are summarised below:

- Does not accord with the letter or spirit of the UDP. Also conflicts with AECOM report prepared for the 'call for sites' for the Allensmore NDP. Development on the scale proposed should not be approved
- Site is located outside the settlement boundary identified within the NDP
- Opportunistic application made only to pre-empt the coming into force of the NDP
- Has been a village of scattered housing and green spaces and orchards are part of the character
- Assume applications are not considered in isolation, particularly where proportionate growth is being considered. Question sustainability of potentially 11 new builds across settlement
- Inclusion of two lower cost properties would bring proposal more into line with the views expressed, it remains that six properties in this parcel of land is too large
- House types B and B1 (a '3 bedroom' house) actually have 4 rooms upstairs and are effectively executive style homes
- Allensmore has now reached its target of 32 houses and still has 10 to 15 potential other dwellings which are less detrimental to the character of the village
- Errors in the Planning Statement in relation to density figures quoted
- Site is located adjacent to a biodiversity habitat
- Position of garages in front of plots 1, 3 and 4 in close proximity to boundary hedge would create a very enclosed feel at key point of entry to the settlement
- Garages for plots 3 and 4 being sideways and opposite historic red brick barn at Village Farm will create a very narrow brick tunnel. Revised layout does not remove this effect
- Density is too great and not in character with the existing density of the housing in Allensmore village
- This development significantly increases the risk of serious accident on the A465
- Will generate a large increase of traffic on the single track access road and add substantial traffic to what is already the busiest part of the road through Allensmore
- Draw attention to Planning Inspector report for application SH882172PO where he considered 5 houses on the site adjacent to this
- Also identified by South Herefordshire District Council in 1989 that it would be detrimental to the interest of highway safety to permit further development along this lane. Traffic has increased within the last 20 years because additional properties have been built. Farm machinery has also increased in width
- Due to additional properties conditions have worsened in relation to flooding and Allensmore has a very high water table
- In the past foul drainage water has descended down Church Road
- On going concern that the developers using the SUDs system do not make the necessary arrangements to cover the lifetime of the development
- Since planning permission was given for the erection of 4 substantial chicken houses in Clehonger, the run off from these will also contribute to flooding
- Site sits higher than the road and then the road descends so it is higher than New House and Bramble Cottage. Photos show pockets of water holding immediately adjacent to the rear of New House
- There are to be three entrances, each to be over the vital ditch along Church Road
- The proposed access for plots 5 and 6 is at one of the narrowest points in the road and very close from windows of two bedrooms on neighbouring property
- Footpath lends itself to the rural value of seeing such agricultural outlook. This will be no doubt spoilt by the urbanised feel of inhabitation. View will be spoilt on return to the footpath also

- Would like to know what criteria is applied when they override the decisions made by Parish Council, AECOM and its residents

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=190650

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 Allensmore Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 16 consultation on 7 October 2019 running until 18 November 2019. At this stage the NDP can be afforded limited weight as the unresolved objections will need to be assessed before it can increase in material weight. This is in conformity with paragraph 48 of the NPPF.

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:

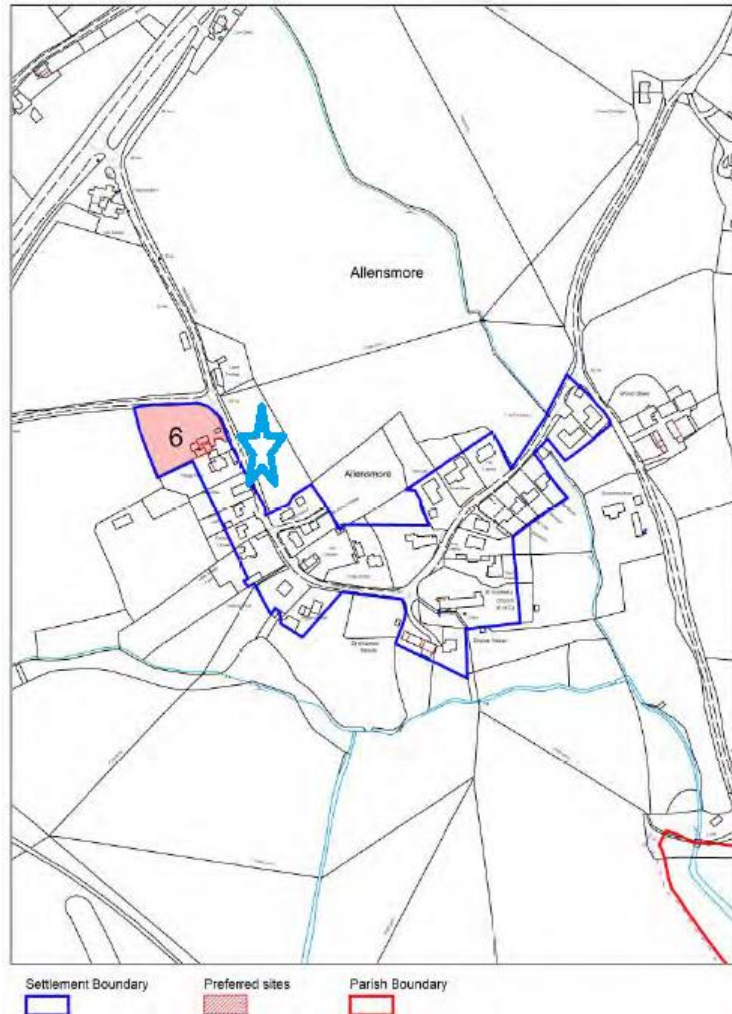
'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

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

- 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.*

Principle of 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). Allensmore is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% housing growth, and is listed in Figure 4.15 under policy RA2 as an other settlement where proportionate housing is appropriate. The indicative housing growth translates to 32 dwellings being required across the plan period within the Parish.
- 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. As stated above, the NDP is currently undergoing regulation 16 consultation which ends on 18 November 2019. The NDP will only have limited weight until the end of the regulation 16 consultation as the unresolved objections will be assessed before it can increase in material weight. The Allensmore NDP includes boundaries for three settlements; Cobhall Common, Winnal and Allensmore. In terms of the site at the centre of this application, the boundary for Allensmore is most relevant. For ease, the map below depicts this boundary along with the site indicated by the blue star:



6.9 Policy A4 of the NDP states that proposals for new housing development within the identified Settlement Boundaries will be supported where they meet a list of criteria. From the above, it is clear that the site lies outside of the boundary and proposes 6 dwellings which is above the scale that is supported within policy A4 – the policy states that developments should be small scale, preferably no more than 3 dwellings.

6.10 It is understood that the site initially came forward under the ‘call for sites’ for the NDP and was subsequently assessed by the independent body, AECOM. AECOM produced a report on these and the site at the centre of this application was considered to be inappropriate to allocate within the NDP stating that:

[the site] is constrained by landscape considerations as its openness enables views out over the countryside. This site is considered to make an important contribution to the rural character and setting of Allensmore.

It is important to note that the AECOM report is afforded no material weight but the foregoing explains the rationale behind the site being left out of the settlement boundary.

6.11 Notwithstanding the above, the site was included within the Strategic Housing Land Availability Assessment (SHLAA) in March 2019 and found to be of high potential for housing. In landscape terms the capacity was found to be high although mitigation would be required along the eastern boundary with the wider open countryside in order to provide screening. This is reinforced through the comments received from the Landscape Officer to the scheme who finds the principle of development to be acceptable.

- 6.12 Noting that policy A4 of the NDP is only afforded limited weight at this stage, an assessment under policy RA2 of the Core Strategy is required. This policy states that residential development will be located within or adjacent to the main built up area(s) of the settlement. It is acknowledged that Allensmore is a settlement identified under figure 4.15 (a smaller settlement) where particular attention should be paid to the form, layout, character and setting of the site and its location in that settlement. From the above map it is clear that the site is adjacent to the main built up part of the settlement and will essentially provide an infill development between Hazel Cottage to the north and 1 New Houses to the south.
- 6.13 It is appreciated that the NDP includes the average densities for the three settlements and Allensmore works out at 8.8 dwellings per hectare. The scheme proposes 6 dwellings across the site totalling 0.33 hectares, equating to approximately 18 dwellings per hectare and exceeding the average density of Allensmore. This notwithstanding, the settlement as a whole is made up of a variety of dwelling types and sizes in varying plot sizes. Looking at the pattern of the surrounding development, 6 dwellings on the site is not considered to be out of keeping and would 'round off' the settlement at this end. In this regard, paragraph 127 of the NPPF makes it clear that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.14 With regard to the type of housing proposed, this includes a pair of semi-detached dwellings and four detached properties. There will be a total of 4 x 3 bedroom dwellings and 2 x 4 bedroom dwellings. Noting that within the Ross-on-Wye HMA the most required dwellings are 3 bedrooms, this mix is not found to be wholly unacceptable. This also tallies with policy A5 of the NDP which comments on family houses of 3 bedrooms coming forward.
- 6.15 In light of the above, while the conflict with the NDP is recognised, noting the level of weight attached to this at the present time it is not found to automatically direct the decision maker to refuse the application. There is clearly a difference of opinion on the landscape impacts of erecting dwellings on the site, but based on the scheme put forward as part of this application the principle of residential development is not found to be unacceptable.

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 While it is acknowledged that policy A4 of the NDP comments on dwellings within the settlement boundaries, there are comments on design which are found to be applicable under this policy (noting that there is not a separate design specific policy within the NDP). This states that properties should be no more than two storeys in height and reflect the character of the settlements with housing set back in large plots (appropriate to the size of the dwelling) and interspersed amongst green spaces. Considerations should include size, scale, density, layout and landscaping.
- 6.18 The dwellings are all two storeys in height and set back from the western boundary alongside the road with garages for plots 3 and 4 having been removed from the scheme. The dwellings are also staggered along the site providing an element of variation between the plots which is in keeping with the ad hoc manner in which Allensmore has developed. The four detached dwellings being slightly different from one another adds to this also. It is noted that the site rises from the road but given the relationship with the dwellings either side of the site, this is not found to be unacceptable. A condition would be attached to any approval requiring details of slab levels.

- 6.19 The materials proposed for the dwellings comprise of a mix of facing red brick, render and stone. Noting the rendered dwelling to the north (Hazel Cottage), facing red brick dwelling to the south (1 New Houses) and the converted barns to the west of the road having examples of brick and facing stone, the proposed materials are found to be in keeping. The exact details of these would be conditioned on any approval which ties in with the comments from the Council's Landscape Officer.
- 6.20 Moving onto amenity impacts, the proposed dwellings have been largely orientated to benefit from windows to the front and back and look onto their associated parking areas and rear gardens. In terms of the northern elevation of plot 1, this will be blank therefore avoiding overlooking for Hazel Cottage in that direction. Plot 6 will benefit from one window at first floor in the southern elevation and serve the stairwell. Given the space which will be served by this window, and the distance to New House, noting the set back from the common boundary and the intervening garage, this is not found to lead to detrimental issues of overlooking. Issues of overshadowing are also avoided given the separation.
- 6.21 In terms of the amenity of future occupants of the proposed dwellings, each property will benefit from a reasonably sized rear garden which is found to be adequate given the scale of each dwelling. The dwellings have been carefully designed in order to avoid overlooking of one another and adequate boundary treatments as part of a reserved matters application will further ensure this.
- 6.22 The agent has confirmed by email that the development will benefit from physical sustainability measures including air source heat pumps, hot water solar panels on the front elevations, water butts for rainwater recycling and high levels of insulation. Details of these features will be conditioned on any approval but the agent has confirmed that the hot water solar panels will sit within the roof similar to a rooflight and will therefore not result in a visual impact that normal solar panels do. These methods will provide infrastructure to aid the climate emergency and comply with this criteria of policy SD1.
- 6.23 In light of the above, the development proposed includes 6 dwellings which provide a mix of dwelling sizes and range of designs. The variety across the scheme ensures that the proposal is reflective of its context in the centre of a settlement that benefits from differing dwelling types.

Highways

- 6.24 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).
- 6.25 While the NDP does not have a specific policy relating to highways, policy A4 does touch on access to sites and states that sites should *have suitable and safe access. The impact of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds.*
- 6.26 The site benefits from an existing access off Church Road which will be closed as part of this scheme. Three new accesses are proposed which will be shared among the 6 dwellings (plot 1 with its own access, plots 2 and 3 sharing the middle access and plots 4, 5 and 6 sharing the most southern access). A traffic survey has been submitted during the course of the application and from these accesses visibility splays of 40.2m northbound and 38.5m southbound will be

required. The Council's Transportation Manager has viewed this information along with the proposed layout plan and they are satisfied with the scheme. At the level of 6 dwellings, the cumulative impacts of development are not found to amount to 'severe'.

- 6.27 Based on the size of the dwellings, a minimum of 2 car parking spaces is required for the three bedroom properties and 3 car parking spaces required for the four bedroom dwellings. Noting the areas of hardstanding proposed to the front of the dwellings, there will be sufficient parking and turning areas so that vehicles are able to turn and enter the highway in a forward gear.
- 6.28 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 Core Strategy.

Ecology

- 6.29 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.
- 6.30 It is noted that the application is not accompanied by an ecology report and the Council's Ecologist is aware of this. Notwithstanding this, the Planning Statement confirms that existing hedgerows and an existing tree in the south-west corner, will be retained and protected during construction, as well as in-filling existing gaps with native hedgerow trees and a new native hedgerow is proposed along the eastern site boundary.
- 6.31 With the lack of objection from the Council's Ecologist, subject to recommended conditions being attached to any approval, the proposal is found to be compliant with policies LD2 and LD3 of the Core Strategy.

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 During the course of the application additional information has been submitted in relation to the drainage scheme. The foul water is now proposed to be disposed of via individual private treatment plants which will jointly outfall into an attenuation pond with reed bed. Surface water will be disposed of into the same attenuation pond. Details on ownership and maintenance of the methods have been provided within the SuDS maintenance manual and are adequate. These methods are found to accord with the aims of policies SD3 and SD4 and provide on site solutions.
- 6.34 The 3 inch distribution water main which runs along the front of the site (on a north-south axis) has been touched upon within the consultation response from Welsh Water. It is noted that the statutory undertaker does not object to the proposal but includes conditions with their response for developments near water mains. It is also possible for this to be diverted but these are matters that lie outside the remit of this planning application.

- 6.35 While the concerns in relation to drainage contained within the representations are noted, as are the local drainage issues, the Council's Land Drainage Consultant is satisfied with the methods put forward and does not object. Subject to details relating to the reed bed being conditioned on any approval, the drainage of the scheme is found to be acceptable and will be managed on site.

Other matters

- 6.36 While the NDP is progressing, an application is to be assessed against the planning policies in place at the time of determination. The NPPF makes it clear that if applications accord with an up-to-date development plan they should be approved without delay.
- 6.37 While previous appeals adjacent to the site are noted, the one quoted is over 30 years old. Allensmore is identified as a settlement for residential growth under the Core Strategy and the application has been assessed against the relevant policies in place at this point in time.
- 6.38 It is noted that the Planning Statement submitted with the application contained errors in relation to the density of housing and figures quoted from the emerging NDP. These were corrected by the agent within an email to the local planning authority during the application. Notwithstanding this, the application has been assessed fully above.
- 6.39 Following concerns being received in relation to the public footpath located to the north of the site an amended site plan has been submitted in order to reflect a 2m width.

Planning balance and conclusion

- 6.40 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 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.
- 6.41 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.
- 6.42 The site is located outside of the settlement included within the Allensmore NDP which is currently undergoing Regulation 16 consultation (ending on 18 November 2019). At this point in time the plan can be afforded limited weight. While this conflict with the NDP is recognised, noting the weight attached to this, it is an assessment against policy RA2 which is required. The site is located adjacent to the built up part of the settlement which is identified for residential growth. The linear layout proposed will continue the pattern of the surrounding development. While the density is high in relation to that quoted within the NDP, it is not found to be out of keeping with the surrounding built form or result in a scheme that is fundamentally at odds with the neighbouring properties.
- 6.43 The site was left out of the NDP, with the settlement boundary continuing to the west, following the recommendation set out within the AECOM report. However, the inclusion within the SHLAA carried out in March 2019 highlights the difference in opinion on landscape grounds. Based on the application that has been submitted, a scheme has been produced which positively reflects the existing built form and the inclusion of dwellings in the layout proposed is not found to be detrimental to the wider landscape character. On balance, the landscape harm is not found to amount to significant or demonstrable – the site is adjacent to the main built up part of the

settlement and the layout and design influenced by the context. This view is shared by the Landscape Officer.

- 6.44 While the comments within the representations are noted, there is a lack of objection to the scheme proposed from technical consultees. It is acknowledged that Allensmore as a parish has exceeded its housing target by 3 as of April 2019 (and schemes have been permitted latterly). However, this target is a minimum and if an application is found to be acceptable in all other regards, this would not represent a justified reason to refuse an application, particularly noting the lack of a five year housing land supply across the County as a whole.
- 6.45 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 six dwellings with the associated economic and social benefits that small developments in rural settlements 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 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. C05 Plans and particulars of reserved matters**
- 5. C06 Development in accordance with the approved plans**
- 6. CBK Restriction of hours of construction**
- 7. C13 Samples of external materials**
- 8. Details of physical sustainability measures**
- 9. CCK Details of slab levels**
- 10. CAB Visibility splays**
- 11. CAE Vehicular access construction**
- 12. CAH Driveway gradient**
- 13. CAI Parking**
- 14. CAT Construction management plan**
- 15. CB2 Secure cycle parking**
- 16. Prior to the commencement of the development a tree and hedgerow protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

To safeguard all retained trees during development works 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.

17. Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any enhancement or boundary feature.

Reason: To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) 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 SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

18. All foul water shall discharge through private treatment plants and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. Notwithstanding the drainage strategy permitted by condition 17, and indicated on drawing number ALLE-ICS-01-XX-DR-C-010 Rev P2, prior to the commencement of development details and specification of the reed bed within the attenuation pond will be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any building hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I11 – Mud on the road
3. I09 – Private apparatus on the highway
4. I45 – Vehicle Crossing licence
5. I05 and I47 - drainage highway

6. I35 – Highways design guide.

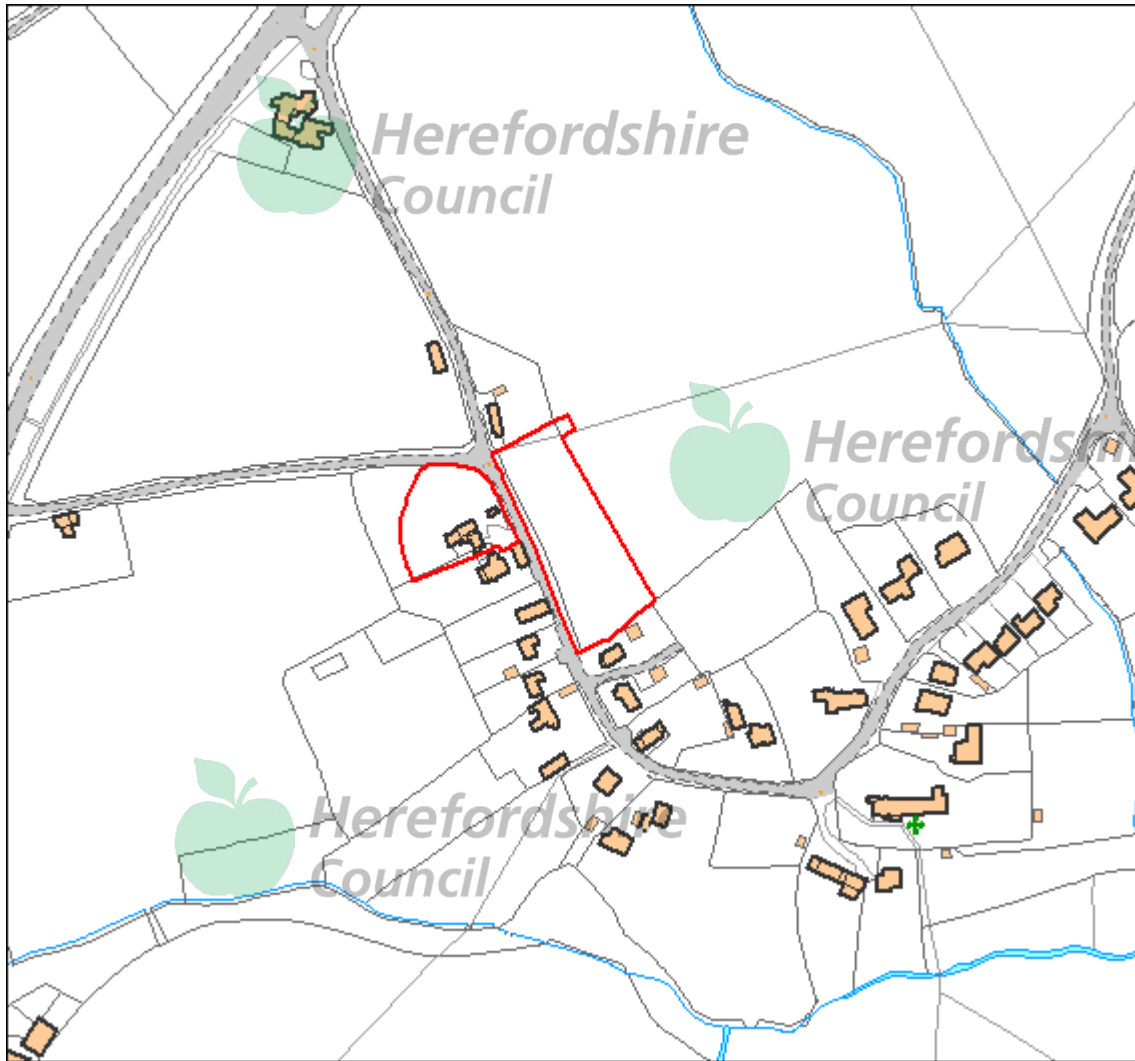
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 190650

SITE ADDRESS : SITE ADJ. CHURCH LANE, ALLENSMORE, HEREFORDSHIRE

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 NOVEMBER 2019
TITLE OF REPORT:	191081 - PROPOSED TWO STOREY THREE BEDROOM DWELLING HOUSE AT BRYNGLAS, CUSOP DINGLE, HR3 5RD For: Mr & Mrs Garner per Mr Paul Spooner, 8 Egerton Road, Streetly, Sutton Coldfield, B74 3PQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191081&search=191081
Reason Application submitted to Committee – Re-direction	

Date Received: 25 March 2019

Ward: Golden Valley
North

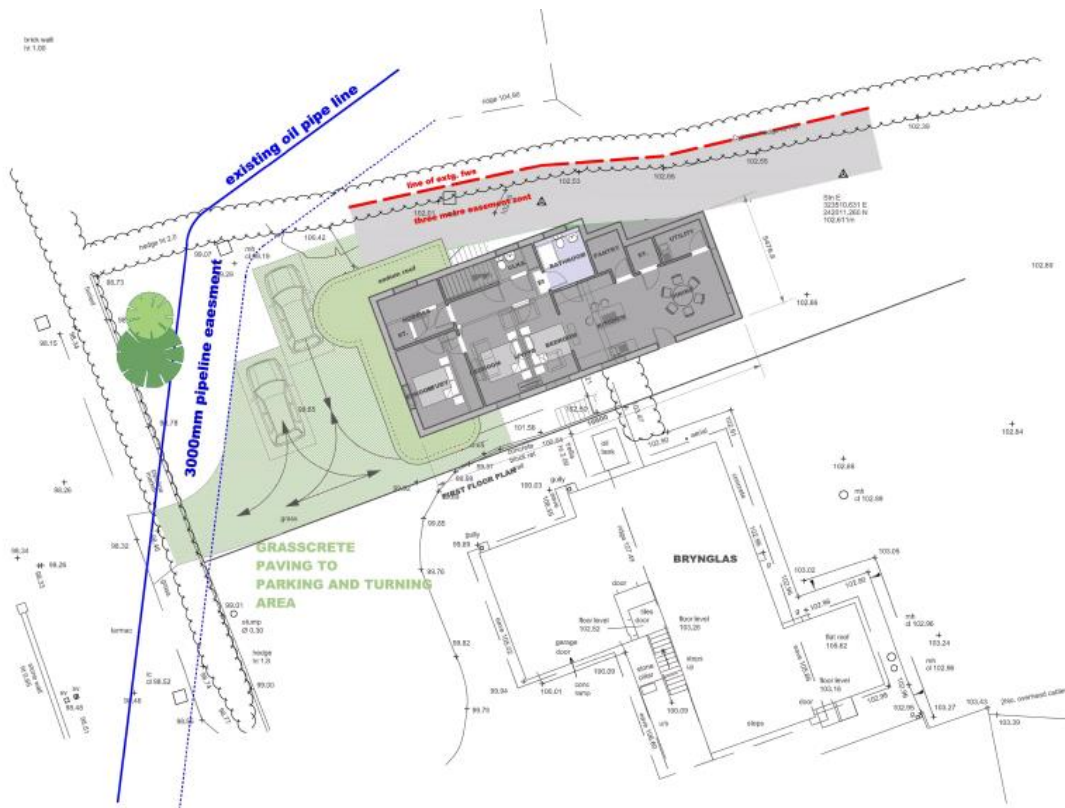
Grid Ref: 323509,242006

Expiry Date: 20 May 2019

Local Member: Councillor Jennie Hewitt

1. Site Description and Proposal

- 1.1 The application site comprises curtilage associated with Brynglas, a two storey detached property lying to the east of Cusop Dingle within the parish of Cusop. The site is bounded by hedgerow with the roadside as well as to the north and east. The boundary to Brynglas is open. Due to the topography, the site rises from west to east and by approximately 3m from the road itself to the rear of the site. This is demonstrated on the proposed elevations.
- 1.2 This part of Cusop Dingle benefits from residential dwellings on either side of the road and is located to the south of the B4348 which leads into the centre of Hay-on-Wye. While the Grade II listed Dulas House approximately 115m to the south west is noted, there are no local or national landscape or heritage designations either within the site or which affect the assessment of the proposal.
- 1.3 This application is submitted in full for the erection of a single dwelling. The proposal will create a new access onto the east of Cusop Dingle and involve a level of hedgerow removal. Through the process of the application additional information and amended plans have been received in relation to layout, drainage and design.
- 1.4 Below is the submitted block plan showing the proposed dwelling in relation to Brynglas to the south:



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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

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

2.2 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy

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 Cusop Neighbourhood Development Plan (NDP) (made 1 December 2017)

- Policy 1 - Settlement Boundary
- Policy 3 - New dwellings within the Settlement Boundary
- Policy 4 - Size of Dwellings
- Policy 7 - New dwellings within the curtilage of existing dwellings
- Policy 8 - Parking
- Policy 12 - Cusop Hill
- Policy 14 - Dulas Brook
- Policy 15 - Avoiding Light Pollution
- Policy 16 - Design

https://www.herefordshire.gov.uk/download/downloads/id/11080/neighbourhood_development_plan_august_2017.pdf

3. **Planning History**

- 3.1 183552/F – Proposed 3 bedroom dwelling. Withdrawn following concerns with the design

4. **Consultation Summary**

Statutory Consultations

- 4.1 **Welsh Water** – no objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the information submitted as part of this application with particular focus on the planning application form and drawing number 1906:01 Rev A and note that the intention is to drain surface water to the public sewer, however our records indicate that the public sewer in the area is designated to receive foul water only and we would not permit the communication of any surface water to the public sewer.

We also note that the drawing shows the approximate location of the public sewer within the boundary, however it still appears that part of the building will be built over the sewer. We recommend that the drawing be amended to provide a protection zone of 3 meters either side the centreline of the public sewer. If this cannot be accommodated then the applicant is advised to contact us direct to discuss the matter further and investigate the possibility of diverting the public sewer.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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.

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

Following the carrying out of a survey by Welsh Water to determine the exact location of the sewer, Welsh Water commented as follows:

I have now received confirmation as to the exact location of the sewer. It appears that the records were incorrect and the sewer is further away than first thought.

As long as the applicant can confirm that based on this survey that they are more than 3 meters away from the sewer then I have no objection and can support the planning application to be determined.

I would however recommend that the condition previously offered is imposed on any subsequent decision notice due to the fact that our network is designated to receive foul water only and therefore we cannot accept any surface water.

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.

4.3 Mainline Pipelines Ltd – no comments

Fisher German are agents for Mainline Pipelines Limited (MLP). MLP does not have any comments regarding the planning application - Reference Block Plan amended car park to avoid easement to pipeline - April '19 rev A and dated March 2019.

Internal Council Consultations

4.4 Transportation Manager – no objection following amended plans

No objection in principle, however turning facilities need to be provided to allow for vehicles to enter and exit the highway in a forward gear. Cycle storage needs to be covered and secured.

Following the submission of amended plans:

A properly surfaced turning area should be supplied. Please supply an updated plan showing this

Following the submission of further amended plans:

As discussed in regards to the applications visibility splay. As you can see from below, there is a verge/highway land shown. I have visited the site and actually you can see the access from further away due to the benefit of the geometry of the road. Hedges should be maintained and if there is an issue a hedge cutting notice can be issued. As the development is only for one dwelling I do not have a concern with the proposals, and the inclusion of a running lane and the provision of highway land allows for the visibility splay to be achieved.



4.5 Conservation Manager (Ecology) – no objections following additional information

The applicant has indicated two contrary options for surface water management:

Application form: Discharge to mains sewer network – this has been indicated as unacceptable by Welsh Water

D&A Statement: discharge direct to local watercourse – unmanaged discharge would likely be contrary to the Core Strategy SD3 that has a requirement to manage surface water to reduce run-off from sites with the aim to reduce the run-off flow rates to below that of the bare greenfield site.

Details of how this will be achieved eg using soakaway-infiltration or sustainable drainage systems (SuDS) are requested as this information forms part of the required Habitat Regulations Assessment that this lpa has to complete and obtain approval from Natural England for PRIOR to any grant of planning consent.

Further ecology comments and suggested conditions will be provided when the HRA is completed.

Following clarification on the drainage for the site:

Updated comments below. HRA AA sent to Natural England.

Subject to Natural England formally 'approving' the required HRA appropriate assessment submitted to them a condition to secure required mitigation is requested on any planning consent granted.

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 on site soakaway-infiltration; 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, SD3 and SD4.

The supplied ecology report is noted and the applicant should be reminded of their own legal duty of care, but there is no reasonable cause for this lpa to include a specific ecology protection condition.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first occupation 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, TWO 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.

4.6 Conservation Manager (Landscape) – no objections

Further to our discussions in relation to this application I have now reviewed the proposed development and have the following comments to make:

I am satisfied that the principal of development upon the site is acceptable; the proposal relates well to the existing settlement pattern. It continues the established linear pattern of individual dwellings set within strips of land and reflects the orientation and alignment of the existing built form.

The residential curtilage is in line with the existing plots either side and the plans indicate the presence of extensive mature foliage marking the rear boundary. There will be some loss of hedgerow at the forefront of the development in order to facilitate access and visibility splay however this is not shown to be extensive and I consider its loss can be mitigated through further planting.

In terms of the detail of the development shown upon the elevations; the proposed height of the two storey residence does not appear to be excessive, the external materials selected including the larch cladding will further assist with assimilating the proposal into its surroundings.

For these reasons therefore I have concluded the proposal is compliant with policy LD1 of the Core Strategy. I would recommend a landscape condition be applied to identify the root

protection areas of neighbouring trees and to ensure their protection during the construction phase, the landscape plan should also identify further tree planting to compensate for the loss of roadside hedgerow.

5. Representations

5.1 Cusop Parish Council - object:

The application contravenes several Clauses in the Cusop Neighbourhood Development Plan: -

- Clause 7 – It has a negative impact on the character and the amenity of the immediate neighbourhood.
- Clause 12 – The views of Cusop Hill and Mouse Castle from the Cusop settlement and Parish should be protected.
- Clause 16 – The Application does not respect the neighbourhood in terms of style, materials, siting, scale or massing. Owing to the lack of measurements/dimensions on the submitted plans it is not possible to make roofline or proportion assessments.
- There are concerns regarding rainwater/storm water run-off. There is a contradiction between the Application for Planning and the Design & Access Statement.
- Herefordshire Council Transportation department specify that vehicles should be able to drive on to and off the roadway in a forward gear.. The submitted plans clearly show that there is no ‘turning area’.
- There is concern about a sewer that crosses the site carrying effluent from the properties at Thirty Acres.
- No contingency plans have been specified to cover the event of a breach of the Mainline High-Pressure Fuel Pipeline that crosses the site..”

5.2 To date a total of 17 letters of objection from 10 properties have been received. The comments therein are summarised below:

- Believe proposal conflicts policy 7 of NDP and would have a negative impact on all surrounding properties. Would conflict with policies 12 and 16 of the NDP. Many hours were spent putting the Plan together
- Design is not suitable. Too large a house for a narrow site, no other timber clad properties
- Would have a negative impact on the character of the immediate neighbourhood
- Drawings difficult to use. No measurements
- Worried about works being close to high-pressure pipeline
- Dingle lane can come close to flooding during heavy rains. Loss of green natural drainage would worsen the risk. Provision of surface water drainage required
- We do not relish the prospect of being opposite a building site again with the attendant mess, noise and vehicular access/parking/loading/unloading in this quite narrow lane
- Dwelling would cut off views of Cusop Hill and Mousecastle. To infill is totally out of character in a small rural Herefordshire Village
- There is no documentation from Pipeline people or Welsh Water
- Village of Cusop has already exceeded its housing obligation. 50% of Brookers Edge is unsold and would seem sensible to full these before building more
- Substantial hedge will be removed for access and parking. Access may need to rely on hedge outside of applicants ownership
- Applicants have stated this will be the only way they can get on the housing ladder but there are a number of affordable houses being built
- Protected species survey and neighbour was never approached about pond in front garden was not inspected
- With access only being via steps it would be unsuitable for elderly or occupants with limited mobility
- Sewage was extracted via manhole cover previously within Brynglas garden and would be inaccessible behind purchased property

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

- Inconsistency on materials for roof
- Not only would visitors to the dwelling add to the parking on the lane, the proposal would remove one or two spaces because of the new driveway and add further burden
- Proposed dwelling would obscure view of Clyro Hill for Brynglas
- Potential loss of light and privacy to Barfield and Glannant
- Groundworks will damage the roots within Runnymede
- No consultation with neighbours. Instead neighbours were given 4 working days notice of a presentation evening
- Can applicants keep on sending amended plans or is this a special case
- Doubtful over the latest block plan and exact location of the sewer
- Would not be able to turn on the site

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=191081

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 Cusop Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 1 December 2017. The NDP can be afforded full 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 housing 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). Cusop is within the Golden Valley HMA, which is earmarked for an indicative 12% 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 22 dwellings being required across the Parish within the plan period (2011-2031).

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. With this in mind, policies 1 and 3 of the NDP are engaged in the first instance. Policy 1 includes a map (Map 2) indicating the settlement boundaries and states that new housing and other development should normally be located within these. There are two settlement boundaries in total; one to the north along Newport Street and one to the south along Cusop Dingle and the B4348. For ease the boundary to the south is found below with the site identified by the blue star:



- 6.9 From the foregoing, it is clear that the site lies within the settlement boundary and is acceptable in principle in terms of location. Rather uniquely though, the NDP has a policy relating specifically to new dwellings within the curtilage of existing dwellings. In this regard policy 7 states that *division of the curtilage of an existing dwelling within the Settlement Boundary for the development of one or more new dwellings will be permitted where it does not have a negative impact on the character of the dwelling or on the amenity of adjoining dwellings or on the character of the immediate neighbourhood.*
- 6.10 In terms of the character of the immediate neighbourhood, the site is located within a residential part of the settlement with neighbouring dwellings to the north, south and across the road to the west. The general character along this part of Cusop Dingle is largely detached properties within their own plots and individual in their design. With this in mind, the inclusion of a dwelling in this location is not found to undermine the character of the wider area. The character of Brynglas itself will also not be impacted detrimentally as a result of the proposal – it will retain its own access and adequate curtilage area. In terms of the impact on the amenity of neighbouring dwellings, this will be assessed in detail under the design and amenity section of this report.
- 6.11 Noting the above, the principle of a dwelling on the site is not found to undermine or conflict with the policies contained within both the Core Strategy and NDP.

Landscape impacts

- 6.12 Policy 12 of the NDP states that *development proposals must protect the character and scenic beauty of Cusop Hill and views of it from the Cusop settlement and Parish. The extent of this Asset and the directions of views of it for the purposes of this Policy are shown on Map 3. For ease, an extract of this map is found below with the green lines indicating Cusop Hill and views towards it, and the site again indicated by the blue star along Cusop Dingle:*



- 6.13 While not specific to Cusop Hill, policy LD1 of the Core Strategy reinforces that development proposals demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and conserve and enhance the natural, historic and scenic beauty of important landscapes and features.
- 6.14 The postscript to policy 12 of the NDP states that *developments beyond the Hill to the east or south-east may also need assessment if they would be visible above the ridgelines*. In terms of the development proposed, it is located within a built up area of Cusop that has been identified by the NDP for residential growth. The ridge of Cusop Hill is approximately 1.8km to the east of the site and the proposal will be read against the backdrop of the existing properties. It does not represent an incursion into the open countryside where there may be an impact on the views gained of the Hill or from it. In terms of from the streetscene, noting the rise in the site from the road, views of the Hill cannot be readily gained from this point. There may be some open views from the neighbouring dwellings to the west of the road but this is a private view and such a loss is not a material planning consideration.
- 6.15 Given the foregoing and noting the distance from Cusop Hill and the location of the site within a clearly residential area of Cusop, as well as the comments from the Landscape Officer, the proposal is found to protect public views both from the Hill and to it.

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 policy mentioned within the foregoing paragraph is reinforced through policy 16 of the NDP. This states that *the design of new buildings and extensions to existing buildings should deploy locally distinctive styles and materials and in particular respect their immediate neighbourhoods in terms of styles, materials, siting, scale, layout, roofline, proportions and massing. Different styles and materials will be permitted if there is clear evidence that higher energy conservation standards cannot be achieved without them.* Policy 4 of the NDP makes it clear that dwellings should generally be of three bedrooms or less. This application meets this criteria.

6.18 The dwelling proposed works with the topography of the site and will be built into the slope resulting in a two storey dwelling when viewed from the roadside and a single storey to the rear. This is a common form of dwelling along the eastern side of the road. The dwelling will accommodate three bedrooms, ensuite and cloakroom on the ground floor with the communal living area on the first floor including a living room, kitchen, dining room, bathroom and utility. The elevations of the proposed dwelling are found below:



6.19 The dwelling will be constructed from cream render and vertical timber cladding on the elevations with concrete interlocking tiles on the roof and a sedum roof on the single storey

element. The form of the dwelling is relatively traditional but it is acknowledged that the materials, along with the form of the front single storey element, do have a degree of a modern approach. This notwithstanding, there are examples of rendered elevations along the street and Brynglas itself has differentiation between the upper and lower floors, albeit render and facing stonework. In terms of the timber cladding it is acknowledged this is a material with less prominence in the street although there are small elements including on dormer features. However, it is appreciated that Cusop Dingle as a whole benefits from a mix of dwelling types, design and materials with most dwellings differing from the next. As such, the proposed are not found to be unacceptable subject to the details being appropriate – these will be conditioned on any approval and will include the finish of the timber.

- 6.20 Moving onto amenity impacts, the windows proposed on the front elevation will look onto the parking area associated with the proposed dwelling. Noting the distance of the neighbouring dwellings in this direction (Barfield and Glannant) being approximately 30m and the intervening feature of the road, issues of overlooking or overshadowing to these properties are not anticipated. This is the same for the windows on the eastern elevation and looking onto the private garden for the proposed dwelling.
- 6.21 The windows along the northern elevation will look onto the dense hedgerow along the common boundary with Runnymede (the neighbouring dwelling to the north). With this boundary treatment in mind (which will be conditioned to be retained) and noting that Runnymede is located to the north of their plot with a vehicular access between the existing and proposed dwelling, issues of overlooking as a result of the facing windows proposed are not anticipated. With this distance in mind, overshadowing experienced to a detrimental level is also unlikely.
- 6.22 The windows along the southern elevation will directly face the northern elevation of Brynglas which it is noted benefits from windows along this elevation. While comments have been received in relation to this within the representations (from neighbours other than the occupants of Brynglas – appreciating there is a relationship between these and the applicants), the local planning authority do not have specified window to window distances or guides in this regard. Notwithstanding this, the distance is measured at approximately 5m which is short. However, noting the topography of the site, it would not be unduly difficult or out of keeping to install a boundary treatment that provides some screening. This could also provide the opportunity for further ecological enhancement noting that the hedgerow that currently dissects the centre of the plot (along a north-south axis) would be removed to accommodate the dwelling. Noting that the site lies within the settlement and there is already a degree of overlooking with neighbouring dwellings in each direction, the proposed is not found to introduce new issues to a detrimental level that would justify refusal of the scheme as a whole subject to adequate boundary treatments.
- 6.23 In light of the foregoing, the design is found to have been carefully considered given the constraints of the site and while there are modern elements, this is not found to be unacceptable. The proposal is in keeping with the surrounding properties in that it represents an individually designed one such as those around it. The introduction of timber cladding is an element that is not readily found within the street but is not found to be out of keeping to a degree that would represent a reason to refuse the application.

Transport

- 6.24 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).

- 6.25 While the NDP does not have a policy relating to highways, policy 8 is specific to parking. This states that *all proposals under Policies 4, 6, and 7 must incorporate enough off-road parking spaces to meet the normal requirements of all retained and new residential units in full occupation.*
- 6.26 The proposal includes a new access into the site, retaining the existing one to Brynglas for the occupants of that dwelling. The application has been accompanied by a Traffic Speed Survey and the visibility splays required have been based on the 85%tile of this. 43m in each direction is required and based on the comments from the Council's Transportation Manager, this can be achieved. Comments in relation to the implications on hedges within third party ownership are noted but as the Transportation Manager has confirmed, in light of the scale of the proposal (for one dwelling) and noting the nature of the road, they are satisfied that a 1m running could be incorporated. This will essentially push the splays into the road and away from any neighbours' hedges.
- 6.27 Amended plans have been submitted through the application process to include the required level of car parking. Noting that the dwelling is for 3 bedrooms, a minimum of 2 car parking spaces are required. An extended parking area has been incorporated which will enable cars to turn and enter the highway in a forward gear. While the creation of the access will require some hedgerow removal and loss of an area that may be used for parking purposes at points on the road, this is not a formal parking area - its loss is not a reason to refuse an application.
- 6.28 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 Core Strategy.

Ecology and trees

- 6.29 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.
- 6.30 The application has been supported by an Ecological Report which makes several recommendations for both mitigation and during construction works. 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.
- 6.31 The comment within the representations relating to the trees within the garden of Runnymede is noted. However, appreciating the distance of these trees from the common boundary, as well as the 3m easement required from the mains sewer, it is unlikely that these will be affected. Notwithstanding this, a condition relating to the measures for their protection will be attached to any approval as recommended by the Landscape Officer.
- 6.32 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

- 6.33 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).

- 6.34 During the application, clarification has been sought on the drainage arrangements for the proposed dwelling. The development will utilise the mains sewer for the disposal of foul water only and all surface water will be managed through on site soakaway-infiltration. It is acknowledged there are drainage concerns within the representations but noting there is no objection from Welsh Water in terms of the utilisation of the mains sewer (subject to a condition ensuring that this is only utilised for foul water) and the size of the site to manage surface water, these methods meet the hierarchy included within policies SD3 and SD4 and are found to be acceptable.

Other matters

- 6.35 In terms of other matters raised through the representations, the drawings are drawn to scale and are capable of being measured.
- 6.36 The implications of the site being a construction site are not reason to refuse a planning application, nor are the amenity impacts of these phase. This is temporary and an outcome not unique to this proposal. However, I find it appropriate to condition hours of working on any approval to limit the impact. Details of site operative parking will also be conditioned on any approval.
- 6.37 With regard to the housing targets for Cusop, based on the 12% indicative growth identified for Golden Valley under policy RA1 there is a minimum target of 22 during the plan period (2011-2031). It is appreciated that as of April 2019 this has been exceeded by 11. However, this alone is not a reason to refuse an application that is found to be acceptable in all other regards. There being other buildings available within the settlement that could be acceptable for applicants is also not a reason to refuse an application that meets the relevant planning policies.
- 6.38 Public consultation on the proposal by the applicant is not a requirement of a planning application. There has been adequate publicity of the application through site notices displayed by the local planning authority, including amended ones when such plans were submitted. In terms of amending plans several times, the principle of development was found to be acceptable and as such the authority has worked proactively and positively with the applicant to reach a scheme that is supportable.

Planning balance and conclusions

- 6.39 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 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.
- 6.40 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.

- 6.41 The site is located within the settlement boundary indicated within policy 1 of the NDP, where the principle of new residential development is accepted. The application seeks to subdivide an existing dwelling and curtilage to provide the dwelling and having assessed the impacts of this, the proposed is found to respect the amenity of the host dwelling, neighbouring dwellings and the character of the area.
- 6.42 In terms of landscape impacts, the proposal will be read in conjunction with the other dwellings along Cusop Dingle and within one of the main built up parts of the settlement – the impact in terms of the wider landscape is therefore limited. In terms of Cusop Hill, the site is located approximately 1.8km from the ridge and adjacent to other dwellings. The views from Cusop Hill are therefore found to be protected. In terms of views from Cusop Dingle to the Hill, these are not readily available from street level noting that the eastern side the road rises across these properties. Any loss of a private view of the Hill is not a material planning consideration.
- 6.43 The design is found to work with the topography of the site and is of a similar form to others along this side of the road. The introduction of timber cladding is arguably at odds with other dwellings along Cusop Dingle but noting that a characteristic of this area is individually designed dwellings, is not out of keeping with the general design approach locally. The design also avoids issues for the amenity of neighbouring dwellings, including Brynglas subject to adequate boundary treatments along the shared boundary.
- 6.44 Given the lack of objection from consultees, including highways, ecology, Welsh Water and pipelines the proposal is found to be compliant technically.
- 6.45 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 one dwelling with the associated economic and social benefits that small developments in rural settlements 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 officers:

- 1. C01 Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. C13 Samples of external materials**
- 4. CE6 Efficient use of water**
- 5. CBK Restriction of hours during construction**
- 6. All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; 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, SD3 and SD4.

7. **Prior to first occupation 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, TWO 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.

8. **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

9. **CA1 Landscape scheme**
10. **Protection of trees/hedgerows that are to be retained**
11. **CKB Protection during Construction**
12. **C65 Removal of permitted development rights**
13. **CAB Visibility splays (2.4m x 43m with a 1m running lane)**
14. **CAE Vehicular access construction**
15. **CAD Access gates (5m)**
16. **CAI Parking – single/shared private drives**
17. **CAH Driveway gradient**
18. **CAT Construction management plan (including parking for site operatives)**
19. **CB2 Secure covered cycle parking provision**
20. **CCK Slab level**

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.**

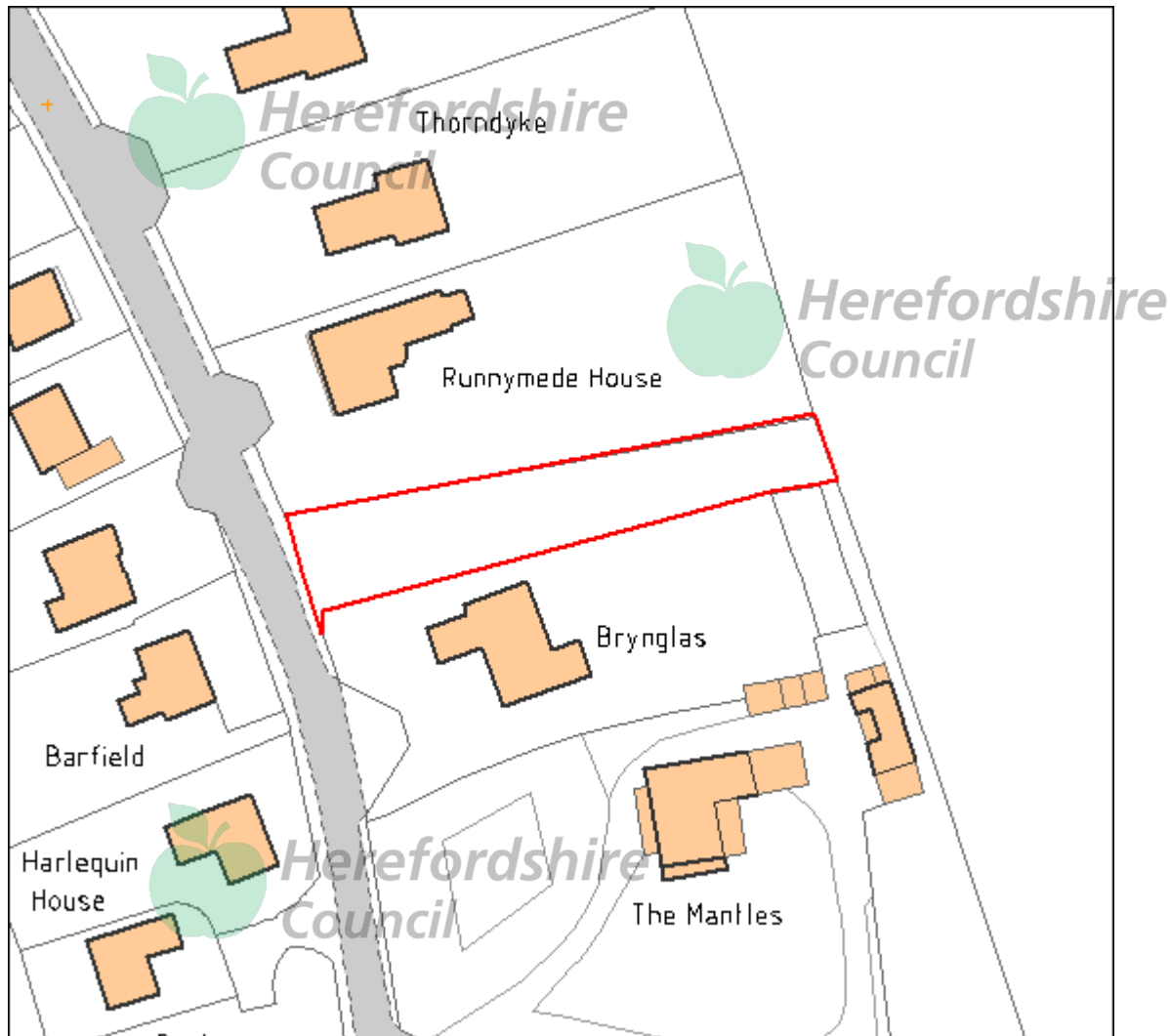
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 191081

SITE ADDRESS : BRYNGLAS, CUSOP DINGLE, HAY ON WYE, HR3 5RD

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 NOVEMBER 2019
TITLE OF REPORT:	192773 - RETROSPECTIVE PLANNING PERMISSION TO ERECT A WOODEN FENCE AND TWO GALVANISED METAL GATES. AT THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HR6 9PQ For: Mr Andrew Lovegrove, The Stables, New House Farm, Lucton, Leominster, Herefordshire HR6 9PQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192773&search=192773
Reason Application submitted to Committee – Applicant works for the Council	

Date Received: 5 August 2019

Ward: Bircher

Grid Ref: 343620,264081

Expiry Date: 31 October 2019

Local Member: Councillor Sebastian Bowen

1. Site Description and Proposal

- 1.1 The site is comprised of a number of residential buildings accessed off an unclassified road in the village of Lucton. The Stables is a property that was converted from an agricultural to residential purpose a number of years ago. The boundary is identified by a stone wall around the garden of the barn. The boundary of the adjacent dwelling to the south is outlined with the use of vegetation and hedgerows, and the boundary of the dwelling to the north west was recently granted planning permission for an open weave timber fence around its boundary.



- 1.2 The proposal seeks permission for the erection of approximately 50 metres of fencing along the boundary of the garden. The fence consists of 36 metres of Rustic picket fencing, at 1.4 metres

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

high and 14 metres of chestnut paling fence, at 1.4 metres high. As well as, two steel gates at 1.8 metres high and one at 1.2 metres high have been installed.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2015

SS1	–	Presumption in favour of sustainable development
SS6	–	Environmental quality and local distinctiveness
LD1	–	Landscape and townscape
LD4	–	Historic environment and heritage assets
SD1	–	Sustainable design and energy efficiency

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

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

2.2 National Planning Policy Framework 2019 (NPPF)

Chapter 2	–	Achieving sustainable development
Chapter 12	–	Achieving well-designed places
Chapter 16	–	Conserving and enhancing the historic environment

2.3 The Yarpole Group Neighbourhood Development Plan (NDP) (made 15 June 2018)

YG1	–	Promoting sustainable development
YG12	–	Development within conservation areas

https://www.herefordshire.gov.uk/download/downloads/id/13731/neighbourhood_development_plan_post_examination.pdf

3. Planning History

3.1 DCN032293/F - Conversion of two agricultural barns into 4 No. residential units – Approved with conditions

DCN032294/L - Conversion of two agricultural barns into 4 No. residential units – Approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations

Internal Council Consultations

4.2 Historic Buildings Officer

This application is similar to the recent application 192241 at Haycart Barn in the same development. The issue is the same – a fence has been erected along the property boundary which encroaches into the shared former farmyard.

The initial conversion of the agricultural buildings divided buildings into separate units with their own curtilages. For many of the units the only private amenity space is a defined share of the formerly open yard.

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

The Stables are part of a former cow byre, which is a grade II listed building. The yard in which the fence projects also forms part of the setting of two other grade II listed barns to the north and south, which together enclose the yard. All the buildings are within the Lucton Conservation Area. Over the years of domestic use since the conversion, the individual boundaries have had their divisions reinforced by planting, which doesn't require planning permission but has a similar harmful effect in terms of dividing the formerly open farmyard. The fencing running east / west between 'The Stables' and 'The Bye' also has the harmful effect on the character of the listed building by obscuring the fact that it was formerly a single building with a single use.

This harm to setting and interpretation of the character of the former cow byre is very minor, particularly when considered over the harm caused by existing planting. This harm is mitigated by providing more private amenity space allowing the viable use of the barns as dwellings.

The choice of open timber split timber picket fencing is appropriate for the rural character of the settings of the surrounding listed buildings and conservation area. The metal gates have a zinc finish which will weather down to a soft natural patina.

5. Representations

5.1 Yarpole Parish Council supports this application.

5.2 One letter of objection has been received the main points are;-

The development containing our property and Haycart Barn is one of three Grade II listed barns converted into six dwellings, surrounding the original farmyard of New House Farm. When purchasing March Madness (then called The Bull Pen) at the time of the original conversion in 2004, we were advised that the boundaries between the converted properties were indicated by ground level rubble lines and instructed that the development was to remain internally unfenced. We were told that council officers had ruled that the open courtyard was to be retained as part of the character and setting of the listed buildings and their coherence as a group. We found the open aspect very appealing and this was a significant factor in our choice of property.

Over time the boundaries have been reinforced to some extent by planting, in our garden and elsewhere, but recently a high palings fence, with two elaborate metal gates, was erected all around the garden of the 'The Stables' to our south. This is the subject of the most recent planning application. More recently a fence of posts and hurdles was erected at Haycart Barn to our east, and retrospective planning permission was subsequently granted. The fences and gates have significantly changed the character, feel and coherence of the group of buildings.

In our view, both fences have reduced the amenity of our property. The fences themselves have a reasonably 'agricultural' feel, apart from the gates, but both are high enough to have completely changed the view we had from inside and outside the house, across the development. We feel let down by the Council, having been told when we bought our property that the area was to remain open and instructed that we must not erect fences; now we are surrounded by fences on all sides.

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=192773&search=192773

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

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

6. Officer's Appraisal

6.1 Policy context and Principle of Development

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 Yarpole Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 15th June 2018.

6.3 As a means of enclosure to a Grade II Listed Building, planning permission is required. The fence is of an appropriate length as it runs along the boundary of the property allowing subdivision from the adjoining barn and garden. The height of the fencing is appropriate in that their height allows privacy for the dwelling, without becoming an imposing feature of the residential and Conservation Area. Furthermore, the proposed height is suitable in relation to the height of the house. As such, the proposal adheres to the requirements of policies SD1 and LD1 of the CS and YG1 of the NDP.

6.4 The fence is sited on an existing low boundary stone wall to the eastern boundary, as such there is no concern regarding access due to the proposal not impacting the driveway and is a continuation of the existing built boundary line. Therefore, there is no conflict with policies SD1 of the CS and YG1 of the NDP.

6.5 Furthermore, the wooden materials used in the construction of the fence are considered to be acceptable as they continue the use of wooden materials used on the host dwelling in the form of cladding. This allows the proposal to maintain the character of the host dwelling and that of the Conservation Area, as such no conflict with LD4 of the CS is found, and the duties imposed by Sections 66 and 72 of the Act are fulfilled. This is confirmed by the Council's Historic Buildings Officer who states that the choice of open split timber picket fencing is considered appropriate, as the courtyard space would have originally been an open area; the use of this relatively open fencing maintains this appearance to a greater extent than a closeboard fence would.

6.6 With regards to the objection received, I am aware of the history of the site being agricultural and open in style. However, the property has been in residential use for some 15 years and it must be assessed accordingly. Naturally made domestic boundaries in the form of planting and vegetation that do not require planning permission have impacted the open character of the yard, and this is an inevitable consequence of the residential use of the unit. Although this fence is a built option of boundary definition, this example is considered to be acceptable within its setting as it does not hinder the area being read as a former agricultural unit. Furthermore, the lack of garden space to the rear of the property causes the front of the property to be the primary outdoor area related to the property. The domestication of the building compels the creation of domestic features such as a private outdoor space.

6.7 In summary, the proposal has been designed to match the character of the main property and its setting within a Conservation Area. The visual impact is limited due to the scale, design and sympathetic material. It is not considered that the proposal will have an undue impact upon the amenity of the neighbouring residents. As the proposal seeks to provide security and privacy to

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

the dwelling and its inhabitants, with no impacts upon the access, it is a suitable plan for its purpose. Any other issues have been suitably covered, and it is therefore my recommendation to grant planning permission subject to the below conditions.

RECOMMENDATION

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

- 1. C07 Development in accordance with approved plans and materials**

INFORMATIVES:

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

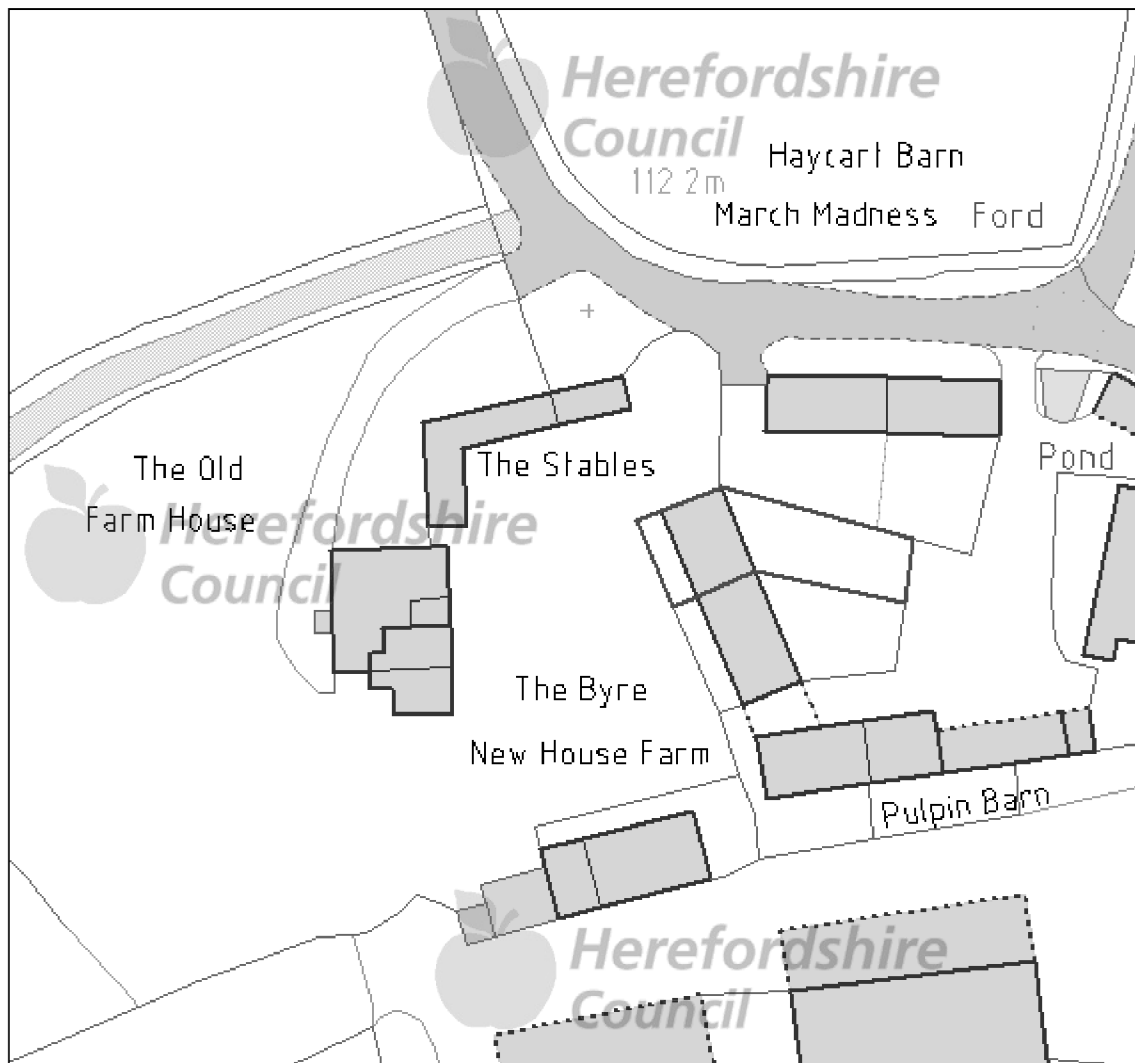
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 192773

SITE ADDRESS : THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HEREFORDSHIRE, HR6 9PQ

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