

# Agenda

## Planning and regulatory committee

Date: **Wednesday 9 June 2021**

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Time: **10.00 am**

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Place: **Three Counties Hotel, Belmont Road, Belmont,  
Hereford, HR2 7BP**

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Notes: Please note the time, date and venue of the meeting. The meeting can be viewed live via the link below:

<https://youtu.be/beStNxRY5jl>,

For any further information please contact:

**Matthew Evans, Democratic Services**

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services on 01432 383690 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) matthew.evans@herefordshire.gov.uk in advance of the meeting.



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

## **Membership**

**Chairperson** Councillor Terry James  
**Vice-Chairperson** Councillor Alan Seldon

**Councillor Paul Andrews**  
**Councillor Polly Andrews**  
**Councillor Toni Fagan**  
**Councillor Elizabeth Foxton**  
**Councillor John Hardwick**  
**Councillor Tony Johnson**  
**Councillor Graham Jones**  
**Councillor Jim Kenyon**  
**Councillor Mark Millmore**  
**Councillor Jeremy Milln**  
**Councillor Paul Rone**  
**Councillor John Stone**  
**Councillor William Wilding**

## Agenda

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<b>GUIDE TO THE COMMITTEE</b>		
<b>NOLAN PRINCIPLES</b>		
<b>SCHEDULE OF UPDATES</b>		
<b>PUBLIC SPEAKERS</b>		
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> 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.	
<b>4.</b>	<b>MINUTES</b> To approve and sign the minutes of the meeting held on 28 April 2021.	15 - 22
<b>5.</b>	<b>CHAIRPERSON'S ANNOUNCEMENTS</b> To receive any announcements from the Chairperson.	
<b>6.</b>	<b>202050 - LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ</b> Proposed detached dwelling	23 - 48
<b>7.</b>	<b>201747 - LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD</b> Application for variation of conditions 1 of planning permission of the reserved matters approval 170579 (Application for approval of reserved matters following outline approval (APP/W1850/A/13/2203561) (LA Ref: 123592) for 10 dwellings). To improve the design of the dwellings, improve connectivity to the amenity spaces and provide flexible, modern open plan layouts.	49 - 70
<b>8.</b>	<b>203268 - ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP</b> Change of use of building to commercial storage and motorcycle tyre fitting unit together with associated operational development to include extension to eastern elevation to accommodate toilet and air compressor (AMENDED DESCRIPTION).	71 - 84
<b>9.</b>	<b>211495 - WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE</b> Proposed rear extension, front porch and detached garage.	85 - 90
<b>10.</b>	<b>DATE OF NEXT MEETING</b>	

Date of next site inspection – 6 July 2021

Date of next meeting – 7 July 2021





## **The Public's Rights to Information and Attendance at Meetings**

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at [www.herefordshire.gov.uk/meetings](http://www.herefordshire.gov.uk/meetings) and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at [governancesupportteam@herefordshire.gov.uk](mailto:governancesupportteam@herefordshire.gov.uk)

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

## **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 access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

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

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## **Public transport links**

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.



### 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 Terry James (Chairperson)	Liberal Democrat
Councillor Alan Seldon (Vice-Chairperson)	Independents for Herefordshire
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Jim Kenyon	Not aligned
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	Independents for Herefordshire

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?**

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may 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. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (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 Council's Constitution provides that 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 (see note below)

- 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.

*(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:*

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

### **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 in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

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.



**The Seven Principles of Public Life  
(Nolan Principles)**

**1. Selflessness**

Holders of public office should act solely in terms of the public interest.

**2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## Minutes of the meeting of Planning and regulatory committee held at Online meeting on Wednesday 28 April 2021 at 10.00 am

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

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Graham Jones, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and William Wilding

**In attendance:** Councillors Yolande Watson

### 108. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Graham Andrews.

### 109. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews.

### 110. DECLARATIONS OF INTEREST

#### **Agenda item 6: 202567 - Land West Of Orcop Village Hall, Orcop**

Councillor Rone declared an other declarable interest because he knew the applicant and left the meeting during consideration of this application.

#### **Agenda item 7: 202050 - Land At Wye Valley View, Symonds Yat, Ross-On-Wye**

Councillors Hardwick and Watson declared other declarable interests as Council appointees to the Wye Valley AONB Joint Advisory Committee.

*(It was noted that many members of the Committee knew the agents for each application as former officers of the Council.)*

### 111. MINUTES

**RESOLVED:** That the minutes of the meeting held on 7 April 2021 be approved.

### 112. CHAIRPERSON'S ANNOUNCEMENTS

None.

### 113. 202567 - LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE

*(Councillor Rone left the meeting for the duration of this item. Councillor Fagan fulfilled the role of local ward member and accordingly had no vote on this application.)*

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

In accordance with the criteria for public speaking for virtual meetings, Mr M Hearne, Clerk to Orcop Parish Council had submitted a written submission in opposition to the application. This was read to the meeting. Mr D Macrae, a local resident, spoke in opposition to the scheme as a virtual attendee. Mr J Cooper, the applicant, and Mr M Tompkins, the applicant's agent spoke in support of the application as virtual attendees.

In accordance with the Council's Constitution, the local ward member, Councillor Fagan, spoke on the application. In summary, she commented that the application had generated some local controversy and that was why she had requested that the Committee consider the matter. The key question of principle was whether the proposal was development in open countryside and contrary to policy or a potential housing site in a dispersed settlement. A Neighbourhood Development Plan was being prepared and the site was not within the draft settlement boundary. There was concern that approving such an application would set a precedent for development in the open countryside. The Parish Council opposed the application. In terms of sustainability there were no local services.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. She reiterated the key question of principle that she considered needed to be considered which had implications for housing growth in rural areas across the County.

**RESOLVED: That planning permission be refused for the following reasons:**

- 1. The application seeks outline approval for the erection of a single residential dwelling in an open countryside location that is neither within or adjacent to the main built up area of Orcop, the closest named settlement, and as such conflicts with Policy RA2 of the Herefordshire Local Plan – Core Strategy. The proposed development fails to meet any of the exceptions for development outside settlement boundaries, as specified in policy RA3 of the Herefordshire Local Plan – Core Strategy. As a result of the location, away from services and public transport, future occupants of the dwelling would have an undue reliance upon a private motor vehicle to access services and would be more likely to travel further afield, once in private motor vehicles, to access a better range of services and facilities offered beyond the nearby villages. In undertaking the test set out in paragraph 11d)ii of the National Planning Policy Framework, in light of the Council's current housing land supply position and the very limited social and economic benefits, the identified adverse impact in relation to the direct conflict with the Core Strategy as set out in this reason for refusal, and the following reason, significantly and demonstrably outweigh the benefits.**
- 2. The application site is located in a large scale open landscape with wide ranging views possible from a range of locations in the Garren Brook Valley and the erection of a single dwelling and associated change of use would result in unjustified and irreversible landscape harm on a site that is not spatially associated with a settlement or surrounding built form. Furthermore it would be contrary to the established nucleated settlement pattern of nearby Orcop. As such the development proposal has not been positively influenced by the surrounding landscape and settlement**



**character as required by Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**114. 202050 - LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ**

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mr R Smith, of Whitchurch and Ganarew Parish Council, had submitted a written submission in opposition to the application. This was read to the meeting. Ms R Miller, a local resident, spoke in opposition to the scheme, as a virtual attendee. Mr R Pryce, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Watson, spoke on the application. In summary, she questioned the absence of reference in the report to the Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan. She expressed concerns about three main issues: the carriageway, in terms of its suitability as an access and its ability to accommodate construction traffic without sustaining serious damage; land movement, as the area was prone to landslides which had the potential to require lengthy road closure and cause significant detriment to the local area including in terms of business and tourism; and the house was not needed, the Parish Council had met its housing target and the need was for low cost affordable homes. The Parish Council objected to the proposal. Regard should be had to the Wye Valley AONB Management Plan, the Neighbourhood Development Plan and local concerns.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. She considered the application would have a negative impact on the landscape of the AONB. She requested that the Committee defer consideration of the application to consider it in the context of the Wye Valley AONB Management Plan citing policies within that Plan she considered relevant and that the Committee also consider the construction management plan and a geo-technical survey.

The Development Manager commented that the fact that the Parish Council had exceeded the housing target for the area was not relevant to consideration of the principle of development. In response to the local ward member's request he advised that whilst a condition requiring a geo-technical survey to be submitted prior to commencement would be reasonable it would not be appropriate to request this before a determination of the application.

A motion that the application be deferred was carried.

**RESOLVED: That consideration of the application be deferred pending an updated report including an assessment of the application in the context of the Wye Valley AONB Management Plan.**

**115. DATE OF NEXT MEETING**

Noted.

**Appendix 1 - Schedule of Updates**

**Appendix 2 - Voting Record**

The meeting ended at 12.32 pm

**Chairperson**



## **PLANNING AND REGULATORY COMMITTEE**

**Date: 28 April 2021**

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

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

## SCHEDULE OF COMMITTEE UPDATES

### 202567 - OUTLINE PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE

For: Mr Cooper per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

#### OFFICER COMMENTS

##### Housing Delivery

Following the Committee Site Visit on Monday the 26<sup>th</sup> April a question was posed regarding the housing delivery in the Parish of Orcop. Officers have been able to identify the following since:

Parish / Group parish	Completions 2011-2020	Commitments as at 1 April 2020	Site allocations within NDPs at April 2020	Residual (minus (red) is still to find)
Orcop	2	4	0	-20

Approved since April 2020:

- P192826/F – 1 dwelling approved September 2020
- P203177/F – 2 dwellings from barn conversion approved February 2021

Therefore residual housing delivery for plan period is currently -17.

In addition there are a further 5 dwellings (not including the current application) under consideration:

- P211049/F – 1 dwelling
- P203762/F – 3 dwellings
- P202705/F – 1 dwelling

Both 203762 and 202705 are currently held up due to drainage matters.

This demonstrates an ongoing under delivery of housing in the Parish but this does not override the “in principle” objection to dwellings located away from the built form of the identified settlement

#### NO CHANGE TO RECOMMENDATION

Poll Report  
Report Generated:  
Topic

28/04/21 15:27

Planning and regulatory committee,  
Wednesday 28 April 2021, 10.00 am

Poll Details

Minutes

User Name

Cllr Bowen	For
Cllr Fagan	For
Cllr Foxtton	For
Cllr Graham Jones	For
Cllr Hardwick	For
Cllr James	For
Cllr Johnson	For
Cllr Millmore	For
Cllr Milln	For
Cllr Paul Andrews	Abstain
Cllr Polly Andrews	For
Cllr Rone	For
Cllr Seldon	For
Cllr Stone	For
Cllr Wilding	For

LAND WEST OF ORCOP VILLAGE HALL, ORCOP, HEREFORDSHIRE

Cllr Bowen	For
Cllr Foxtton	For
Cllr Graham Jones	For
Cllr Hardwick	For
Cllr James	For
Cllr Johnson	Abstain
Cllr Millmore	For
Cllr Milln	For
Cllr Paul Andrews	For
Cllr Polly Andrews	For
Cllr Seldon	For
Cllr Stone	For
Cllr Wilding	For

LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ

Cllr Bowen	For
Cllr Fagan	For
Cllr Foxtton	For
Cllr Graham Jones	For
Cllr Hardwick	Against
Cllr James	Against
Cllr Johnson	For
Cllr Millmore	For
Cllr Milln	For
Cllr Paul Andrews	For
Cllr Polly Andrews	For
Cllr Rone	For

Cllr Seldon  
Cllr Stone  
Cllr Wilding

For  
For  
For

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 June 2021</b>
<b>TITLE OF REPORT:</b>	<b>202050 - PROPOSED DETACHED DWELLING AT LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HR9 6BJ</b>  <b>For: Strefford per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202050&amp;search-term=202050">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202050&amp;search-term=202050</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 30 June 2020**

**Ward: Kerne Bridge**

**Grid Ref: 355437,216927**

**Expiry Date: 19 March 2021**

Local Members: Cllr Yolande Watson

### Update

This proposal was deferred at the previous Planning Committee due to concerns raised by the Ward Member that the Wye Valley AONB Management Plan was not properly referenced within the Committee Report.

These comments are noted and the Committee Report has been updated to reflect these concerns.

In addition, the Senior Landscape Officer has provided additional comments to reflect the specific Management Plan policies and special qualities detailed by the Ward Member. These are set out below in the Consultation Summary section entitled *Further comments provided following request of Planning Committee in relation to the points within the AONB Management Plan (comments received 5 May 2021)*

For the avoidance of doubt, the Senior Landscape Officer did assess the scheme against the Wye Valley AONB Management Plan within her original comments, and this was the reasoning behind the request for alterations to be made to the scale of the proposal, prior to the application being heard at Planning Committee. The amended plans received on 17 November 2021, were then re-assessed against the Management Plan, the NPPF, the Core Strategy and the NDP policies which all contain significant references and requirements for the Wye Valley AONB. The Wye Valley AONB Management Plan is not a Development Plan Document in its own right but is a material consideration and forms part of the evidence base used to inform the Development Plan.

The Senior Landscape Officer's comments can be seen in detail within the report below, however it remains your officers opinion that there would be no harm on the AONB as the site is located adjacent to existing residential properties within the defined settlement boundary. It was also considered that

there will be no adverse impact upon tourism within the Wye Valley AONB following assessment with regard policy WV-S4 of the Management Plan as requested.

A further condition has been recommended in the report to ensure that prior to commencement, a geo-technical survey should be undertaken, with the findings and methods for stabilising the site submitted to the Local Authority for approval.

The Agent has provided an update in respect of a number of points raised in Planning Committee.

#### *Sale of Wye Valley View*

In regards to the sale of the property known as Wye Valley View, although it is currently on the market, the planning application site area does not form part of the land being sold with Wye Valley View and the boundary of the planning application site with the B4164 will remain.

#### *Management of construction traffic*

All deliveries can therefore take place from the B4164. A temporary gravelled material storage area will be created within the site allowing materials to be unloaded from the end of Wye Valley View driveway (off the main carriageway) into the site using a 7.5 tonne delivery lorry with a grab crane. Delivery timings will be managed by the site manager to ensure there is no overlap and to avoid peak traffic times. There will be no loose bulk deliveries from tipper lorries etc. All aggregates will be delivered in bulk bags and any concrete required in the construction will be pumped from the end of Wye Valley View access. Additionally, a temporary gravelled site operative parking area will be created in the paddock adjacent the site off Ashes Lane for the parking of site workers and visitors. There will be no deliveries from Ashes Lane.

#### *Spoil from site to be removed*

The applicants terraced the application site over 15 years ago and in doing these works, removed over 300 tonnes of soil from the site. The dwelling is proposed on this terraced area and so no additional excavation will be required into the bank rising up to Ashes Lane. Any spoil generated from the construction will be re-used to create the base for the lower single storey extension and patio the applicant and agent are confident that there will be no spoil removal off site.

#### *Construction traffic will not have to negotiate the hairpin bend from Pritchards Lane on to Ashes Lane*

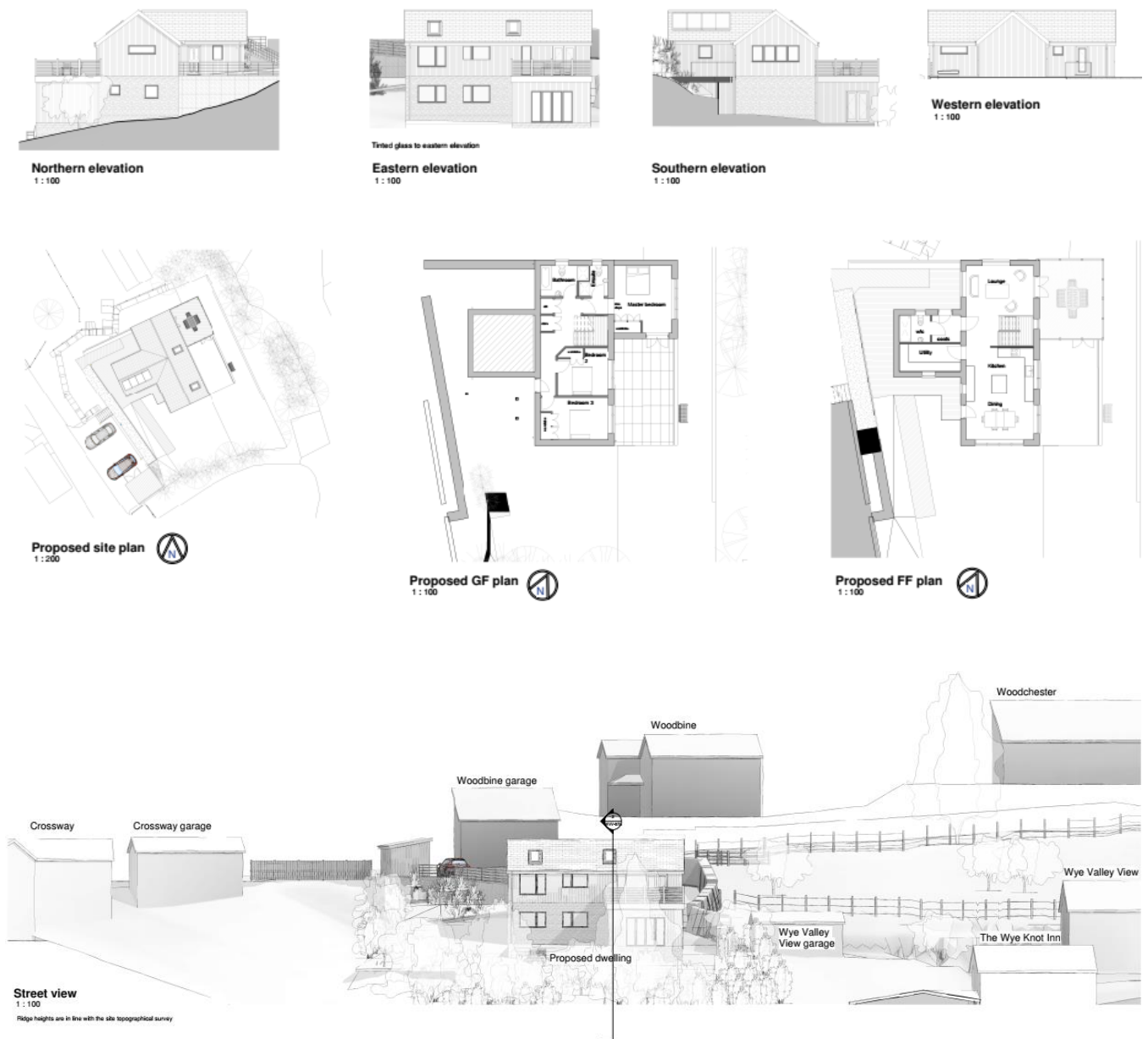
All local residents, and existing deliveries access Ashes Lane from its southern end opposite Paddocks Hotel – Pritchards Lane is rarely used, and never used for this type deliveries. Also, any deliveries that are made to properties up Ashes Lane such as LPG lorries have been delivered by small vehicles (max 3 tonnes) for years, no large lorries attempt this route, and this will continue

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

- 1.1 The existing property 'Wye Valley View' is located on the eastern slope of Doward Hill in western Symonds Yat. The property is a detached two storey dwelling set within a large curtilage located between the lower B4164 and Ashes Road above, which is a Byway. The curtilage also includes a converted outbuilding used as a holiday let and detached garage. The principal access to the property is from the lower road with a secondary access from Ashes Road.
- 1.2 The application site comprises approximately the southern third of the curtilage extending between the lower and upper roads. Within the site is a mixture of terraced lawns, garden trees and hedge planting. Levels fall sharply from the upper to the lower road.
- 1.3 The site is within the Wye Valley Area of Outstanding Natural Beauty (AONB).
- 1.4 Surrounding the site are a mixture of stone two storey cottages and rendered two storey and split level dwellings and bungalows.



- 1.5 The proposal seeks full planning permission for the construction of a detached three bed dwelling. The proposed dwelling utilises the site levels to achieve a split level design with the more traditional accommodation layout reversed so that the bedrooms are at ground floor and kitchen and living space at first floor. The dwelling will be primarily constructed using natural stone at ground floor and timber clad elevations above, under a pitched slate roof.
- 1.6 The dwelling is sited at the western end of the site, primarily on an area of terraced lawns. The existing access off Ashes Road is to be utilised to accommodate level access to a parking area for 3 vehicles and secure cycle parking, which is at the eastern boundary of the site.
- 1.7 The plans below show the elevations, site plan and floorplans as amended, submitted 17<sup>th</sup> November 2020, along with a street view plan for reference.



- 1.8 As part of the application submission a Design and Access Statement, Ecological Enhancement plan, hard landscaping and boundary treatment details and an ecological appraisal were also submitted.

## 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
- SS7 - Addressing climate change
- 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

### 2.2 Whitchurch and Ganarew Neighbourhood Development Plan (NDP)

A Neighbourhood Area was designated on 4 December 2013 and the Plan was made on 11 October 2019 therefore full weight can be afforded to the Plan.

- Policy WG1 - Promoting sustainable development
- Policy WG2 - Development Strategy
- Policy WG5 - Symonds Yat West
- Policy WG7 - Housing design and appearance
- Policy WG8 - Sustainable building and site design
- Policy WG14 - Conserving the landscape and scenic beauty both within and outside of the Wye Valley AONB
- Policy WG21 - Highway Design Requirements

### 2.3 National Planning Policy Framework (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803

Chapter 5	-	Delivering a sufficient supply of homes
Chapter 9	-	Promoting sustainable transport
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
Chapter 16	-	Conserving and enhancing the historic environment

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

2.4 **Wye Valley AONB Management Plan 2021-2026** – The AONB Management Plan sets out the vision for the designated Area of Outstanding Natural Beauty (AONB) and the priorities for its management over a 5 year period.

The Wye Valley AONB Management Plan is a material consideration in the assessment of this application. The Wye Valley AONB Management Plan 2021 – 2026 sets out activities and pressures in the AONB, including those in relation to housing and the built environment.

Local Plans include policy references to the AONB in the Core Strategy and specifically cross-reference this AONB Management Plan. Neighbourhood Development Plans also make reference to the AONB and the Management Plan. Therefore, the Wye Valley AONB Management Plan forms part of the evidence base for developing policies and is a material consideration in these documents and is therefore integral to the Core Strategy and NDP policies.

The following policies are particularly applicable to this assessment –

WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment. *[see also WV-L3, WV-D4, WV-U1, WV-U3, WV-T2, WV-S4 and WV-P5]*

WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important. *[see also WV-L3, WV-F3, WV-U1, WV-U3, WV-T2 and WV-S4]*

WV-S4 - Encourage the mitigation and/or reduction of the adverse impacts of existing tourism activity and attractions, particularly where they are concentrated around certain locations or sites, and/or those that fall outside the aims of conservation, enhancement and enjoyment of the Special Qualities and features of the AONB and decarbonisation. Highest priority will be given to addressing the issues in the Symonds Yat and Tintern areas  
*[see also WV-L3, WV-D2 and WV-D3]*

WV-L2 - Encourage and enhance appropriate landscape scale and green infrastructure action by all particularly on consolidating ecosystem services and positively contributing to habitat connectivity that allows wildlife to adapt to the effects of climate change  
*[see also WV-L1, WV-B2, WV-B3, WV-P3, WV-P4, WV-P5 and WV-P7]*

WV-L3 - Promote and encourage the use of the Landscape Character Assessments and Historic Landscape Characterisation to inform local distinctiveness in development plans, strategies, guidance and landscaping schemes  
*[see also WV-D2, WV-D3, WV-M2, WV-U4, WV-C3 and WV-S4]*

Special Qualities 11 and 12 are considered to be relevant for this application.

- Special quality 11 - Picturesque, extensive & dramatic views
- Special quality 12 - Overall sense of tranquillity, sense of remoteness and naturalness / wildness

[https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm\\_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf](https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf)

### 3. Planning History

#### 3.1 P171167/FH – Proposed timber framed single garage – Approved with conditions

DCSE2005/0323/V – Use of granny annexe as holiday lets (all year) on self-catering basis – Approved with conditions

DCSE2000/0549/F – Change existing carport and part of existing storeroom to form hall, bedroom and ensuite shower room, modify existing flat to provide stairway between floors – Approved with conditions

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Welsh Water

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water the mains sewer and surface water to a soakaway to which we offer no objection in principle. However, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### Internal Council Consultations

#### 4.2 Principal Natural Environment Officer (Ecology)

##### Habitat Regs. Assessment- River Wye SAC

The site falls within the River Wye SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (underground cellular storage and permeable paving) and soakaways, as detailed in the design and access statement (Collins Design & Build, undated). Welsh Water have confirmed connection to mains sewer (letter dated), therefore subject to this mitigation being secured through a relevant condition a conclusion of ‘NO Likely Significant Effect’ on the River Wye SAC has been returned by this LPA.

##### Habitat Regs. Assessment – Wye Valley Woodlands SAC

The potential for local bat foraging is recognised as being high, and the site is within 1km of Upper Wye Gorge SSSI, part of the Wye Valley Woodlands SAC, and so falls within the Core Sustenance Zone for Lesser Horseshoe bats. The existing trees and hedgerows form important foraging and commuting routes for bats and therefore any proposed illumination of the new dwelling should be kept to a minimum to avoid impacting on bat flight paths.

Subject to a condition being attached to any planning consent to ensure that there is no detrimental impact of lighting on night foraging routes of bats including lighting scheme, as

detailed in the drawing WV-03A (Collins Design and Build, dated April 2020) and Ecological Assessment report (Willder Ecology, dated June 2020), it is considered that there is no detrimental impact of lighting on night foraging routes of bats, a conclusion of No Likely Significant Impacts to Lesser horseshoe bat Core Sustainment Zones within the Wye Valley Woodlands SAC is anticipated.

#### Site ecology

The advice and recommendations within the ecology report (Willder Ecology, dated June 2020), including biodiversity enhancements (bat roost features and bird nest box, and new native hedgerow planting, should be followed, as per the recommended condition.

### 4.3 **Principal Landscape Officer**

I welcome the additional information, clarifications and drawings that do demonstrate that the setting of the settlement and landscape character have been considered. In particular the tree survey and landscape scheme are welcome to show how the details will actually fit on the site.

I find that this proposal may be a suitable infill plot within Symonds Yat West as identified within the Whichurch and Ganarew NDP. The proposal is for an individual dwelling of a unique design that works with the level changes on the site. Its location and orientation follow the pattern of the settlement.

Overall, however, I suggest that the building is too large, both in mass and footprint relative to the plot size. I find that the Street View drawing (WV-07) shows the proposed dwelling to be considerably larger than the adjacent buildings. While new buildings of 21<sup>st</sup> century appearance are welcome, the scale should still reflect the grain, rhythm and density of the area, which is described as wayside cottages and dwellings within small holdings. A smaller building would appear less squeezed in and more respectful of the scale and character of the original settlement.

#### *Additional comments following amended plans (comments received 8/12/2020)*

I have reviewed the revised drawings that show the building has been reduced in size. The street scene (shown on drawing WV-07a) seems to show a tiny reduction in height, to match the ridge level at the top of the adjacent Crossway building. The width of the house has been reduced more significantly, thereby providing more garden space to the south.

Overall, the unique design of this individual dwelling on an infill plot goes some way to being more suitable to the scale and character of the settlement, and does follow the rhythm of buildings along this developed side of Symonds Yat.

#### *Further comments provided following request of Planning Committee in relation to the points within the AONB Management Plan (comments received 5 May 2021)*

Review of Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026 (Finalised for adoption, dated January 2021).

### **Wye Valley AONB Landscape Management Zones and Features**

LMZ09 Wye Gorge – Small clusters of historic squatter settlements on valley sides surrounded by intricate pattern of small fields, drystone walls, narrow lanes and small deciduous woodlands.
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The introduction of the proposed house at Wye Valley View would not have a negative impact on the intricate pattern of small fields, drystone walls, narrow lanes or small deciduous woodlands. It is within the existing settlement at Symonds Yat.

## **Wye Valley AONB Special Qualities**

11 – Picturesque, extensive and dramatic views

*Changes or threats:* Inappropriate land management may degrade or destroy the landscape viewed from a viewpoint including large single structures, large developments or the cumulative impact of small developments.

The proposed house at Wye Valley View would increase the number of small developments at this location on Symonds Yat, however it would always be seen in the context of the adjacent buildings and surrounding vegetation and would not have a significant negative impact on the wider panoramic views or visual amenity enjoyed across the area. Of the '72 viewpoints' mentioned in this special quality, the relevant viewpoint is the panoramic views from Symonds Yat Rock, where the proposed development will not detract from distant views of the various hills, the river meandering between Huntsham Hill and Coppett Hill or views towards Goodrich.

The proposed house at Wye Valley View will not considerably alter the wider context of the tranquillity of this part of Symonds Yat as it is within the settlement boundary, surrounded by residential land use and the slight intensification of use will not have negative impacts beyond the immediate setting.

12 - Overall sense of tranquillity, sense of remoteness and naturalness / wildness.

*Changes or threats:* Changes in land management including new or expanding development and intensification of use (i.e. inappropriate tourism and recreation or increasing road or air traffic).

## **Landscape Strategic Objectives**

WV-L3

Promote and encourage the use of the Landscape Character Assessments and Historic Landscape Characterisation to inform local distinctiveness in development plans, strategies, guidance and landscaping schemes.

The information submitted with the application, in particular the street scene drawing (WVV-07a) and the landscape scheme (Soft Landscaping and root protection WVV-05a and Hard Landscaping and boundary treatments, WVV-06a) demonstrate that landscape character, the setting of the settlement and local distinctiveness have been considered as part of the design development. This is also in accordance with Core Strategy Policy LD1.

## **Sustainable Tourism Strategic Objectives**

WV-S4

Encourage the mitigation and/or reduction of the adverse impacts of existing tourism activity and attractions, particularly where they are concentrated around certain locations or sites, and/or those that fall outside the aims of conservation, enhancement and enjoyment of the Special Qualities and features of the AONB and decarbonisation. Highest priority will be given to addressing the issues in the Symonds Yat and Tintern areas.

The application is for residential development, rather than tourism. As the proposed development is considered to be a suitable location within the existing settlement on the side of Symonds Yat, it is not considered that it would have a negative impact on tourism from a landscape point of view.

## **Development Strategic Objectives**

### WV-D2

Encourage and support high standards of design, materials, energy efficiency, drainage, landscaping and Green Infrastructure in all developments, including Permitted Development, to ensure greater sustainability and decarbonisation, and that they complement, conserve and enhance the local landscape character and distinctiveness including scale and setting and benefit or enhance the natural environment.

### WV-D3

Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important.

The location is within a garden and will not extend into open countryside. The ecological assessment concludes that "The garden and shrubs are of low ecological value...the light spill and disturbance from the pub and the roads means that the garden area is unlikely to provide key foraging routes for Horseshoe bats...." There will be new native species planting, with bird and bat boxes incorporated into the building to enhance the natural environment.

In landscape terms it is considered that the design, materials and planting within the landscape scheme will complement and conserve the local landscape character of Forest Smallholdings and dwellings.

#### **4.4 Team Leader Area Engineer**

There are concerns regarding the implication of this site on a narrow BOAT and the increase in vehicle numbers, however the site is access via the BOAT, therefore please refer to the PROW officer for comments on the access.

Parking and turning should be accommodated within the site and the vehicles should enter and exit the highway in a forward gear, therefore can this be accommodated on site.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website

#### *Additional comments received 4/02/2021*

It is noted that this consultation is related to an email from the agent for this application addressing the previously made highways concerns. With regards to the trip generation comment the LHA concedes that the movements associated with a single dwelling will not breach the high thresholds put in place by the NPPF for resisting development on highways grounds. It is also noted that a suitable condition (CAT) can be applied to cater for deliveries, the provision of site parking for operative's vehicles and managing a site compound.

However with regards to the manoeuvring issue on and off the proposed access further points to demonstrate the LHA issues here may assist in adding clarity. Generally the agent sets out an appropriate argument for the reversing off the site, the LHA generally requests that rural properties can cater for the turning of vehicles within the site because reversing from the access is undesirable in road safety terms. When considering this we must consider that a driver is set back further from the carriageway edge and requires a deeper field of visibility to be able to establish if the manoeuvre can be started safely, or if there is an element of hope. In this case there are significant barriers to visibility that could result in injudicious reversing onto Ashes Lane into the path of walkers, cyclists or motor vehicles using the lane. These barriers are the hedge

to the north and the bin/cycle store the south. Both of these things obstruct the visibility from each space to a greater or lesser extent and whilst these are appropriately setback for a vehicle exiting in a forward gear they are in the way for those reversing. If these aspects can be alleviated the LHA will review their position on this point.

In the event that the LPA is minded to approve this application the applicant should be made aware that the construction that adjoins the fabric of the public highway will require a structural approval in principle from the local highway authority to ensure that the structural integrity of any construction work to the supporting land is appropriate.

The proposals do not satisfy the LHA that the scheme will not have an unacceptable impact on road safety due to the access arrangements and as a result these arrangements will require review to make the scheme acceptable in highways terms.

*Further comments received following additional information – 23 March 2021*

Further to the previous highways comments revised drawings have been submitted concerning the access arrangements. The revision addresses the concerns of the LHA and is considered alongside the comments from the PROW team, consequently the proposal is therefore acceptable. It is recommended that this revised arrangement forms part of the list of approved drawings for this scheme.

The previous comment from the LHA set out that should permission be granted condition CAT is vital in appropriately managing a construction phase in this constrained area of the highway network. In addition to wheel washing apparatus and site operative parking a clear area (site compound) and methodology for the management of deliveries, including the use of smaller vehicles where possible will be required to ensure that the impact to the PROW network is appropriately managed.

There are no highways objections to the proposals, subject to the recommended conditions being applied.

#### **4.5 Public Rights of Way Officer**

Access is via public byway WC61. A byway open to all traffic (BOAT) is a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used (i.e. walking, cycling or horse riding). Although a BOAT is maintainable at public expense, section 54(7) of the Wildlife and Countryside Act 1981 states that nothing in that section, or in section 53, obliges a highway authority to provide, on a way shown on a definitive map as a byway, a metalled carriageway or a carriageway which is by any other means provided with a surface suitable for the passage of vehicles.

#### **4.6 Drainage Consultant**

##### *Flood Risk Fluvial Flood Risk*

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy.



Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-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.

#### Other Considerations and Sources of Flood Risk

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches. As the topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer

#### Surface Water Drainage

The drainage strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessmentsclimate-change-allowances>.

The Applicant has provided a detail showing that they are intending to use soakaways and it's possible location. We assume that the proposal is to install crates above ground and then backfill the area with granular fill. There is a risk that water will flow through the crates along the same path and so erosion of the granular fill is likely to occur. This will lead to settlement of the patio and could lead to the retaining wall becoming undermined

There is no evidence that testing has been done to standards set out in BRE 365 to determine the viability of the soakaway. It would be better if the soakaway was installed in the existing ground. The Cranfield University Soils Map identifies the soils within the proposed development area to be freely draining slightly acid loamy soil thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours. The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event.

#### Foul Water Drainage

As there is a public foul sewer in this area, the Applicant should contact the relevant public sewerage authority to establish whether a connection to the foul public sewer is feasible.

#### Overall Comment

Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 100 year event, and no increased risk of flooding

as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;

## **5. Representations**

### **5.1 Whitchurch and Ganarew Group Parish Council**

The Parish Council object to this application for the following reasons.

1. Contrary to the application design statement the proposed dwelling is not required to meet the Parish Nplan housing needs - reference policy WG1.
2. It does not meet the Nplan policy WG5 as it is not considered to enhance the environment.
3. The Parish Council consider that vehicle access and turning availability / opportunities will be a major problem in this area Ashes Lane as problems already occur on a regular basis and vehicles parked at the proposed dwelling will have no choice but to use / turn using Ashes Lane.
4. No provision has been made for vehicle turning areas in the plans submitted.
5. In addition construction traffic and deliveries would need to park in Ashes Lane adding further disruption to what is already a busy and problematic byway.

*Additional comments following amended plans (comments received 1/12/2020)*

The Parish Council continue to object to this application. The reasons for the objection remain as our comments made on the previous application which were submitted to Herefordshire Council by email 29 July 2020.

### **5.2 In response to the original consultation a total of five objections were received, stating the following points:**

- Dwelling would be accessed via a narrow lane
- Only passing place is private drives, where the proposed parking place is
- Not a small dwelling
- Too large for plot
- Ashes Lane not suitable for heavy vehicles
- Unsightly roof
- Concerns for landslip
- Impact on residential amenity due to its size
- Impact upon AONB
- Highway Safety with vehicle manoeuvring onto Ashes lane for parking in the spaces
- Construction traffic would block Ashes Lane

### **5.3 One letter of support was received raising the following points;**

- The existing hedge and trees shown as retained would provide reasonable screen
- The passing place stated that would be lost in objection is private land already used for parking therefore not a formal passing place
- No loss of residential amenity to the property below

5.4 Following amended plans and re-consultation by site notice, 7 letters of objections were received, some of which were further comments to the original objections, the main points raised were:

- Concern over congestion on Ashes Lane
- Building not in character with other properties locally
- Development will impact wildlife and bats
- The narrow BOAT lane has no turning facility
- Concerns the road will be damaged
- Could be issues with increased requirement on water supply and foul sewerage
- Loss of run off area, turning into hard surface
- Increase in noise and disturbance
- Overdevelopment of site
- The reduction in size does not go far enough

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=202050&search-term=202050](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202050&search-term=202050)

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

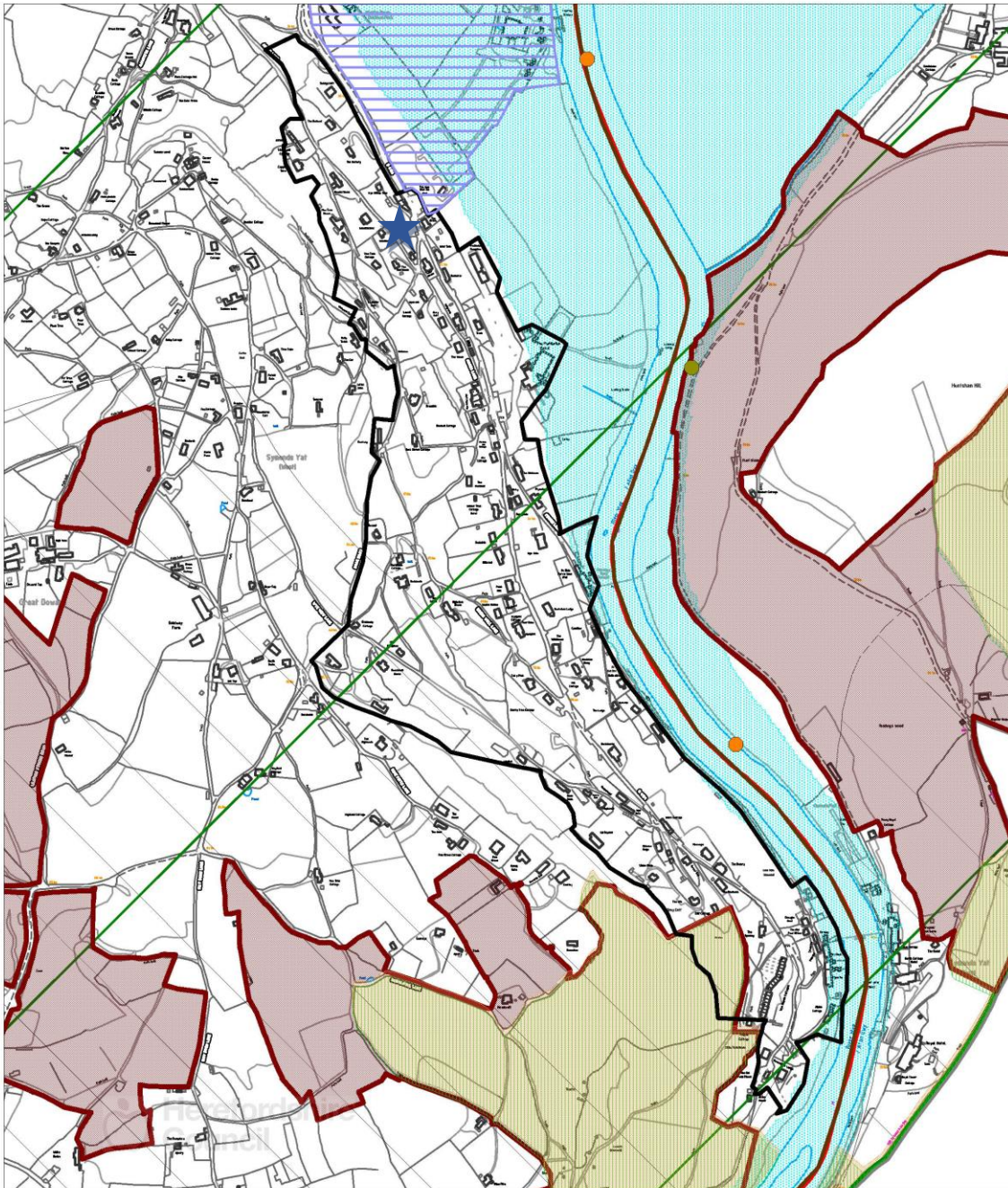
Policy context and Principle of Development










- 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 Whitchurch and Ganarew Neighbourhood Area, which made its Neighbourhood Development Plan (NDP) on 11 October 2019.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 6.4 Policy SS1 states that Herefordshire Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development, which fully accords with the aims of the National Planning Policy Framework (NPPF). The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803

- 6.5 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.6 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that the updated position in Herefordshire stands at 4.22 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.
- 6.7 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.8 Housing in the rural parts of the county is delivered across the settlements identified at figures 4.14 and 4.15 under Policy RA2. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. Symonds Yat West is a settlement listed under figure 4.15.
- 6.9 The preamble to Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are not in place, a sites relationship with the main built up part of the settlement will be assessed, where new residential development should be within or adjacent to such areas. As stated above, the NDP is afforded full weight.



-  Symonds Yat Settlement Boundary (WG5)
-  Land Liable to Flood
-  Neighbourhood Area
-  Land adjacent to River Wye (WG9)
-  Site of Special Scientific Interest
-  Special Area for Conservation
-  Safeguarding Mineral Reserves
-  Local Wildlife Site (LWS)
-  Area of Outstanding Natural Beauty

## Symonds Yat Policies Map

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Scale 1:7,000  
 at A4 size



- 6.10 The site is indicated on the plan above by the blue star. The settlement boundary is detailed in the NDP in policy WG5. As can be seen from the diagram above, the site is regarded as being within the settlement boundary.
- 6.11 Policy RA2 further states that if it is located within or adjacent to the main built up part of the settlement the following criteria should be met:

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

6.12 Policy WG2 (Development Strategy) of the NDP states, ‘A settlement boundary is defined for Symonds Yat West within which infilling may take place where this matches the scale and form of the settlement and is designed both to fit sensitively into the landscape and result in the enhancement of the natural and historic environment.’

6.13 Policy WG5 (Housing Development in Symonds Yat West) of the NDP states:

*‘A Settlement boundary is defined for Symonds Yat West. Proportionate housing growth may take place within this boundary that will be restricted to developments which reflect the historic character of development, respects the landscape form and features along the north east facing valley slopes, and result in enhancements to the environment. The emphasis will be upon maintaining the settlement pattern of the predominant landscape character area. Proposals should:*

*a) Comprise individual dwellings or small terraces close to road frontages that reflect the form and massing found within the settlement with no development in depth or new clustered groups of houses.*

*b) Utilise clearly perceptible infill plots when viewed in relation to the character of the frontage, bearing in mind the grain, rhythm and density that predominates in that particular part of the settlement.*

*c) Ensure dwellings are of an appropriate size to reflect wayside cottages and dwellings within small holdings.*

*d) Retain small fields and deciduous woodlands.*

*e) Not result in the loss of the small-scale enclosure pattern.*

*f) Ensure tree and hedgerow-cover is retained, especially through the use of Tree Preservation Orders in relation to trees.*

*g) Be capable of being accommodated upon the narrow lane network and not result in the need for them to be widened, although, where appropriate and necessary, providing new or improved passing spaces.*

*The restoration or replacement of existing premises within the settlement boundary will be permitted where this results in an enhancement of the settlement and reflects its historic character.’*

6.14 This part of Symonds Yat is largely represented by detached dwellings within their own plots which run along the slope that runs east to west down to the river, and therefore utilise split level properties or areas of flat ground within the plots. The properties are in clusters that front the main road through the village (B4164), and continue to feed back up the slope via Ashes Lane and public byways, with their access off the smaller lanes.

6.15 Amended plans received on 17 November 2020 demonstrate that amendments to reduce the overall scale of the dwelling further ensures that the property is in keeping with the surrounding form and layout of residential properties, with a curtilage commensurate with other properties in the locality. It is considered that this proposal complies with the requirements of CS policy RA2

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criteria 1 in that it follows the form, layout and character of the surrounding development within the village.

- 6.16 The plot sits within the southern end of the curtilage of Wye Valley View which extends to almost 100 metres in length. There is a further 30 metres to the nearest property to the south, Crossways Cottage. This spacing is consistent with the density of development locally and is not considered to be cramped on the plot. Furthermore there is no set pattern of development in the area, with a more ad hoc arrangement evident with which this proposal adheres, maintaining the historic landscape character. The proposal represents an individually designed dwelling of an appropriate size that fits into an infill plot, maintaining the existing access and parking arrangement that is on the site.
- 6.17 Overall it is considered that the proposal complies with CS policy RA2 and the NDP policies WG2 and WG5 and therefore the principle of development in this location is considered acceptable.

#### Access and parking

- 6.18 Policy MT1 of the CS and NPPF guidance 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.
- 6.19 NDP policy WG20 mirrors policy MT1 in that development proposals should ensure satisfactory access and off road parking in accordance with the Herefordshire Council car parking standards and ensuring that the volume of traffic generated is acceptable in relation to capacity.
- 6.20 The application seeks to utilise an existing access into the site from Ashes Lane, where there is an existing parking area and gate access into the paddock, to the east of the property Wye Valley View. Ashes Lane is known as a BOAT (a byway open to all traffic) lane which is defined as a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used (i.e. walking, cycling or horse riding.)
- 6.21 The amended access plans submitted 12 February 2021 show two parking spaces and a cycle and bin storage shed, with visibility splays of 65 metres to the north and 30 metres to the south. The hedgerow to the north will be stepped back to provide the suitable visibility, and a new native hedgerow will be planted along the western boundary of the paddock to provide further ecological enhancements. As the access is existing no further works will be required to the parking area adjacent to the highway. The revision addresses the original concerns of the LHA and is considered alongside the comments from the PROW team and consequently the proposal is therefore found to be acceptable. With regard to the impacts on the BOAT and the associated traffic as a result of a single dwelling scheme, this is not found to amount to a 'severe' level of impact. This is reinforced through the lack of objection to the proposal from the Team Leader Area Engineer.
- 6.22 As part of the objections received it was commented that the proposed parking and access to the dwelling would be utilising an existing passing place along Ashes Lane, however this area is not a formal passing place but is an existing parking area for Wye Valley View, and also part of the access to the gate to the paddock of Wye Valley View, and therefore should not be viewed as a passing place.
- 6.23 The agent has confirmed that site operatives will be parking within the paddock area adjacent, to ensure that Ashes Lane is not blocked by vehicles and that any deliveries of materials can be

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803

delivered to the site from the lower road to avoid the need for large vehicles to access the site from Ashes Lane. To ensure this methodology is adhered to and to protect the local road network during construction, a construction management plan will be conditioned.

## Ecology

- 6.24 Policy LD2 state that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.25 The application has been supported by an Ecological report, dated June 2020, which makes several recommendations and drawing number WVV-03A which provides a number of ecological enhancements for the site, including 85 metres of new native hedgerow to the northern boundary and west boundary, and maintaining the existing tree band, and further native tree planting along the eastern boundary. Automated blinds to the east facing windows and rooflights will mitigate against light pollution, down lights have been detailed within the plans for the external lighting. The Principal Natural Environment Officer (Ecology) has had sight of the assessments and does not object to their conclusions. The reports will be conditioned to be carried out on any approval.
- 6.26 In addition, the application site lies within the Wye Valley Woodlands Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The Wye Valley Woodlands SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.27 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the Wye Valley Woodlands SAC. Natural England has been consulted on the completed HRA with details of the conditions recommended by the Council's Ecologist. Natural England confirmed no objections to the proposal. Therefore the proposal is considered to have no unmitigated effects upon the Wye Valley Woodlands SAC in accordance with CS policy LD2.
- 6.28 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with CS policies LD2 and LD3.

## Landscape

- 6.29 Policy LD1 of the Core Strategy requires that proposals incorporate new landscaping schemes to ensure that development integrates appropriately into its surroundings. Likewise, policies WG14 and WG15 of the Whitchurch and Ganarew NDP require that landscaping schemes should protect existing hedgerows and trees.
- 6.30 Policy WG14 of the NDP states: *Development proposals which are acceptable in principle should contribute positively to the Parish's rural character, ensuring the features contributing to its character type, are conserved, restored or enhanced through measures consistent with their characterisation. Landscape features such as trees, vistas and panoramic views that are assessed as important should also be protected. To achieve this, landscape proposals should form an integral part of the design for the development, retaining as many natural features within or surrounding the site as possible.*
- 6.31 Policy WG15 of the NDP states: *Other measures to enhance connectivity within the local ecological network will be sought through creating, retaining and enhancing important natural*



*habitats and features such as woodland tree buffers, ancient trees, tree-cover in general, ponds, orchards and hedgerows.*

- 6.32 Wye Valley AONB Management Plan WV-L2 states: Encourage and enhance appropriate landscape scale and green infrastructure action by all particularly on consolidating ecosystem services and positively contributing to habitat connectivity that allows wildlife to adapt to the effects of climate change.
- 6.33 A large number of trees on the eastern boundary of the site are being retained, with additional planting of native trees along this side of the site, in addition over 85 metres of native hedgerow will be planted to maintain ecological corridors around the northern and eastern perimeter of the site, which will ensure the rural context is maintained, and the views towards the site from afar remain uninterrupted.
- 6.34 The Senior Landscape Officer has reviewed the amended plans and states that the reduction in the height and width of the proposed dwelling in the amended plans, which allows for a larger private amenity space to the south of the property, with the unique design within the infill plot is more suitable to the scale and character of the settlement and follows the rhythm of buildings along this developed side of Symonds Yat. Therefore having regard to all relevant legal obligations, relevant planning policy, guidance and material consideration there is no objection in terms of landscape nor the proposals impact upon the Wye Valley AONB.

#### Design and residential amenity

- 6.35 CS policy RA2 relates to proposals for new housing development in rural settlements, and inter alia requires that developments reflect the size, role and function of the settlement and are of a high quality, sustainable design which is appropriate for and positively contributes to its environment. In this regard policy SD1 is also of relevance, which requires that distinctiveness of the locality is maintained through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Further, Policy SD1 requires that the amenity and privacy of existing and proposed residents is safeguarded. This accords with the principles of the NPPF with regards to requiring good design and ensuring that good standards of amenity are secured. Policy WV-D2 within the Wye Valley AONB Management Plan states proposals should, 'Encourage and support high standards of design, materials, energy efficiency, drainage, landscaping and Green Infrastructure in all developments, including Permitted Development, to ensure greater sustainability and decarbonisation, and that they complement, conserve and enhance the local landscape character and distinctiveness including scale and setting and benefit or enhance the natural environment'.
- 6.36 Properties in the area are detached and set within varying sized plots and many are split level due to the topography, the design of this proposal mirrors that of the existing pattern of development in the area.
- 6.37 The design and appearance of the proposed dwelling is of a unique and high quality proposal. The plot itself will be sited within fairly spacious grounds, with significant boundary planting and additional tree planting, continuing a more rural feel to the site and ensuring sufficient private amenity space for the properties.
- 6.38 The split level design reduces the overall scale and mass of the property whilst making better use of the land, without the need for significant engineering works, and following the site contours. The site section plan shows that from Ashes Lane only the roofline will be visible, and this will in part be screened by the cycle store and parking. The additional hedgerow at the western boundary of the adjacent paddock will further screen views into the site from Ashes Lane.
- 6.39 The tree belt and additional hedgerow planting to the lower eastern boundary will screen the property from the lower road, also ensuring that there is no direct overlooking onto the properties

below to the east. Due to the significant screening around the site there should be no overlooking nor overshadowing of any adjacent properties. There is no dwelling directly to the north, and the property to the south would be in excess of 25 metres from the development.

- 6.40 The materials of stone on the lower half with timber cladding to the first floor under a slate roof are entirely appropriate for the context of the site and will maintain the visual amenity for the AONB.
- 6.41 Therefore it is considered that the property is in keeping with the mix of designs and materials of the area, and adjacent properties, and providing a high quality development. The Landscape Officer has confirmed that that the design, setting and materials proposed will not have an adverse impact upon the landscape qualities of the AONB,

#### Drainage

- 6.42 CS policy SD3 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).
- 6.43 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.44 The application form accompanying the submission states that foul water will be disposed of via mains drainage which Welsh Water have no objections too. Surface water will be managed through SuDs (underground cellular storage and permeable paving) and soakaways. With these methods aligning with the aims of policies SD3 and SD4, and subject to conditions for a detailed surface water strategy and infiltration testing to be provided, they are considered acceptable and the proposal complies with CS Policies SD3 and SD4.
- 6.45 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the River Wye SAC. Natural England has been consulted on the completed HRA with details of the conditions recommended by the Council's Ecologist. Natural England confirmed no objections to the proposal. The strategy conforms to CS policies SD3 and SD4 and following Natural England agreement will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

#### *Climate Change*

- 6.46 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development

proposals. NDP policy WG8 reflects the requirements for high standard sustainable design to achieve the maximum possible reduction in carbon footprint

- 6.47 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.48 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for an electric vehicle charging point is recommended to require such provisions are available for future residents.
- 6.49 The proposed dwelling will be built in accordance with the increased energy efficiency standards through building regulations that are coming into force, along with the Future Homes Standard that Central Government are seeking to introduce by 2025, which requires new build homes to be future proofed with low carbon heating.
- 6.50 The benefits of passive solar gain will also be maximised through incorporating larger areas of glazing on the east, south or west elevations and minimising openings on the north elevation. The first floor glazing on the east elevation will also incorporate tinted glass to control overheating and minimise light spill. Solar PV panels are proposed on the southern roof slope of the proposed dwelling and a low carbon heating system in the form of an air source heat pump is also to be incorporated. Materials will be sourced that are 'A' rated in the BRE green materials guide whilst the timber used in construction and cladding will be sustainability sourced and Forest Stewardship Certified. Water efficiency measures will also be installed within the property, with low energy lighting systems and appliances rated A++.
- 6.51 Overall it is considered that the design of the proposed dwelling has taken into consideration climate change and incorporated a large number of features through the design and use of the dwelling and is considered a good example of designing in energy efficiency measures and is therefore in accordance with CS policy SS7.

#### Conclusion

- 6.52 CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.53 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.

6.54 The site is located within the defined settlement boundary indicated within the NDP, and is considered to reflect the existing form, layout and character of Symonds Yat West. In assessing the location and siting of the proposed dwelling I am content that the site accords with the aims of policy RA2 and NDP policies WG2 and WG5.

6.55 In assessing the three elements of sustainability:

#### Economic

6.56 Economic benefits would be derived from the construction of one dwelling and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. The impact of one new dwelling as proposed would result in modest benefits.

#### Social

6.57 The provision of housing, in the context of a shortfall, would contribute to the supply and the social needs of the county in a limited manner. In addition occupiers could contribute to village life, as well as potentially supporting other facilities in other villages in the locality. It is recognised that this could help to provide towards the population to help sustain them and one new dwelling would make a modest contribution in this regard.

#### Environmental

6.58 The site is within the defined settlement boundary of Symonds Yat West, identified as being suitable for proportionate growth, and as such is considered to be locationally sustainable within the current policy framework. In landscape terms, the site is within the Wye Valley AONB, however there are significant additional planting through native trees and hedgerows to provide additional screening. The proposal has been reduced in height and width to be proportionally of similar scale to nearby properties whilst maintaining the historic character of development in the location. It is recognised that there is some opposition to the impact of the proposed development upon the character of the AONB, however the additional planting mitigates the visual impact and officers do not consider there to be harm in this instance with the Landscape Officer raising no objection. The proposed development seeks to incorporate a large number of energy efficiency measures to address climate change, along with significant ecological enhancements across the site and improving ecological corridors.

6.59 Having undertaken an overall assessment of the proposal officers conclude that the proposal is representative of sustainable development, compliant with national and local planning policy and approval is therefore recommended.

## RECOMMENDATION

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

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

- 1. C01 - Time limit for commencement (full permission)**
- 2. C07 - Development in accordance with approved plans and materials - WV-02A; WV-03A; WV-04B; WV-05A; WV-06A; WV-07A**

3. **CE6 - Efficient use of water**
4. **CBK - Restriction of hours during construction**
5. **A Construction Site Waste Management Plan shall be submitted to and approved by the LPA prior to development commencing on site to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:**
  - (i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;
  - (ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;
  - (iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and
  - (iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling. Construction works shall thereafter be carried out in full accordance with the CEMP Sub-Plans.

**Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LDI, LD4 of the Herefordshire Local Plan - Core.**
6. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Willder Ecology, dated June 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.**
7. **The lighting scheme as recommended in the ecology report by Willder Ecology, dated June 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

**Reason: To ensure that all species and Dark Skies are protected 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)**
8. **All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through on site SuDs and soakaway, within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.**
9. **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**

- 10. All planting, seeding or turf laying in the approved landscaping scheme pursuant to Approved plan WV-05A shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

**Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

- 11. Prior to the first occupation of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

- 12. CAT - Construction Management Plan - To include operatives compound parking area, site deliveries**

- 13. CBO - Scheme of surface water drainage**

- 14. Prior to commencement a Geo-technical report shall be submitted to the Local Authority to demonstrate that the existing and post development ground conditions can be stabilised. The development shall be carried out in accordance with the approved details**

**Reason: To protect the health and safety of existing residents and ensure no detriment to the environment or surrounding land in accordance with policies MT1, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

#### **INFORMATIVES:**

- 1. Non Standard**

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

- 2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one**

property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

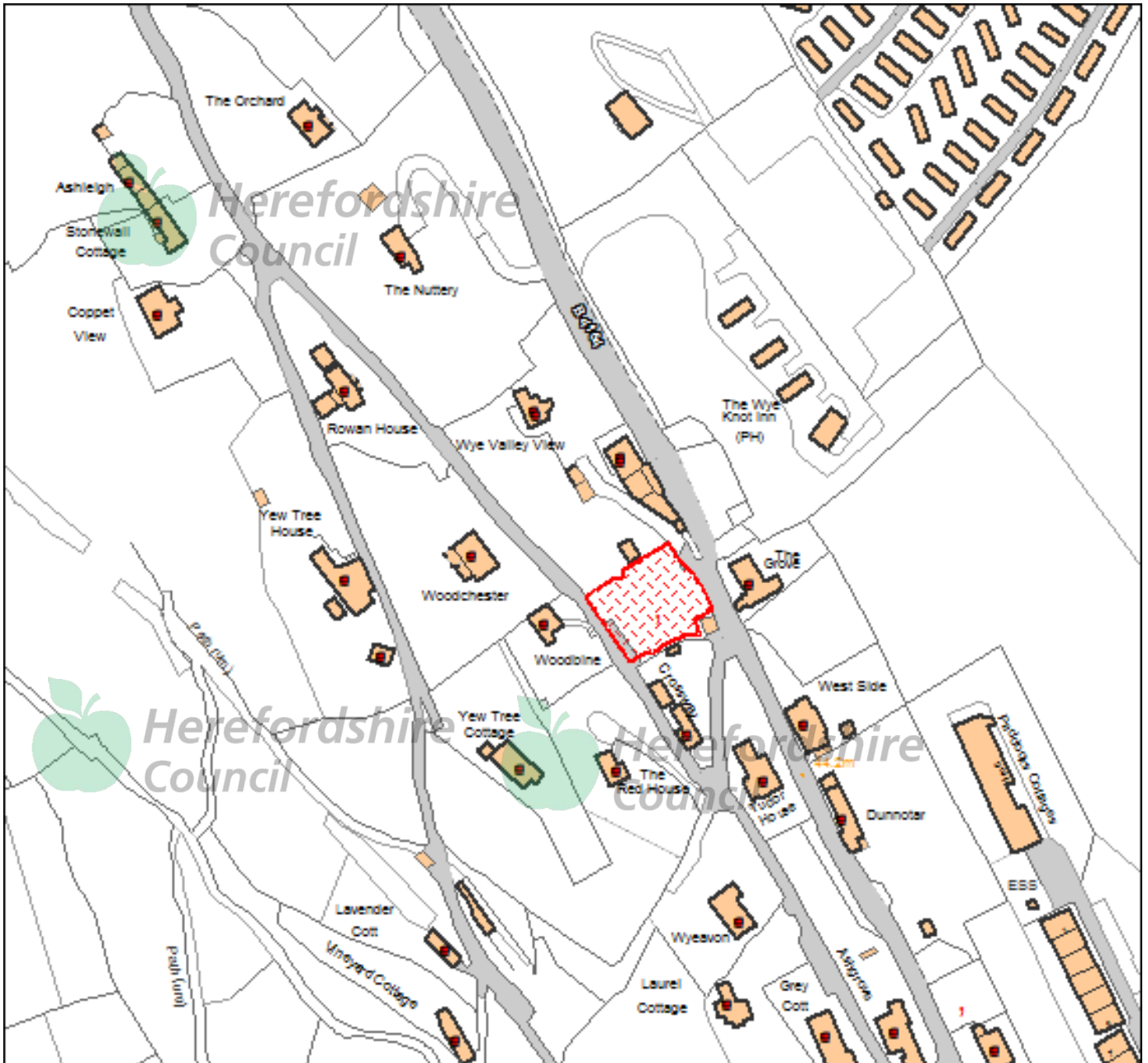
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 202050

**SITE ADDRESS :** LAND AT WYE VALLEY VIEW, SYMONDS YAT, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BJ

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 JUNE 2021</b>
<b>TITLE OF REPORT:</b>	<p><b>201747 - APPLICATION FOR VARIATION OF CONDITIONS 1 OF PLANNING PERMISSION OF THE RESERVED MATTERS APPROVAL 170579 (APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (APP/W1850/A/13/2203561) (LA REF: 123592) FOR 10 DWELLINGS). TO IMPROVE THE DESIGN OF THE DWELLINGS, IMPROVE CONNECTIVITY TO THE AMENITY SPACES AND PROVIDE AT LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD,</b></p> <p><b>For: Mr Stewart per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201747&amp;search-term=201747">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201747&amp;search-term=201747</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 5 June 2020**

**Ward: Credenhill**

**Grid Ref: 347273,241325**

**Expiry Date: 11<sup>th</sup> June 2021**

Local Members: Cllr RI Matthews

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

- 1.1 The application site is located within Kings Acre, part of Breinton Parish, approximately 3.5 km to the west of Hereford City Centre. The site is accessed via Breinton Lee on the south side of the A438 Kings Acre Road. Breinton Lee is a predominantly residential cul-de-sac. Immediately to the east of the site are five large detached dwellings situated within a gated development. To the north of the site is a mix of residential and commercial uses, known as Lambourne Gardens and Cranston Mews including a small office development. Wyevale Garden Centre is located on the opposite site of the A438. To the south and west of the site is agricultural land.
- 1.2 The site is 0.84 ha in size and is previously undeveloped grassland with some trees and shrubs. The site was cleared of some trees and planting before the outline planning permission was determined, and since that time has been cleared a number of times but is now overgrown again. The site is agricultural in nature but is not currently used for this purpose. The site is predominantly square in shape with a small northwards protrusion created by the curvature of the access road to Breinton Lee.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.3 The site benefits from outline planning permission for 15 dwellings following an appeal against the refusal of planning permission (123592). All matters were reserved with the exception of access.
- 1.4 Reserved Matters Approval was sought for matters relating to appearance, scale, layout and landscaping under application number 170579 and was granted in 2019. During the course of the application submission was amended with the reduction in units to 10. This was required due to protected species habitats within the site.
- 1.5 An application to discharge conditions attached to the outline planning permission was also submitted (190483). Works have commenced on site with the formation of the access to the site (kerb dropped and subbase part laid only). Therefore the site benefits from an extant planning permission for the development of the site for 10 dwellings.
- 1.6 This application seeks under Section 73 of the Town and Country Planning Act, the variation of condition 1 of the reserved matters approval 170579 (Application for approval of reserved matters following outline approval (APP/W1850/A/13/2203561) (LA Ref: 123592) for 10 dwellings). Condition 1 is as below:

*The development hereby approved shall be carried out strictly in accordance with the approved plans:*

- *Amended Proposed Site Plan P003.1 Rev A and P003.2 Rev A*
- *Plot 1 – P100D*
- *Plot 2 – P101D*
- *Plot 3 – P102D*
- *Plot 4 – P103C*
- *Plot 5 – P104C*
- *Plot 6 – P105C*
- *Plot 7 – P106C*
- *Plot 8 – P107C*
- *Plot 9 – P108C*
- *Plot10 – P109C*
- *Landscaping Plans: P004.2 Rev A and P004.1 Rev B*

*and the schedule of materials indicated thereon.*

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

- 1.7 The variation is described in the application as ‘to improve the design of the dwellings, improve connectivity to the amenity spaces and provide flexible, modern open plan layouts. The Design and Access statements states:

*Following a review of the house types, current market condition and the design of houses being approved or under construction or for sale at other locations, it was considered that the design of the dwellings could be improved to benefit from the views to the south towards the river wye and beyond and to take into account the increased demand among homebuyers for open-plan areas on the ground floor comprising of the kitchen, living area and family/dining room, with a separate snug for gaming or watching TV, or which could also be a home working office. A garage for either the parking of a vehicle or storage of family addenda is now considered a necessity for a family home. The approved house types failed to provide most of this on a consistent level.*

1.8 The application has been amended during the course of the application to address concerns raised within representations and the plans and documents that are now those for determination are as follows:

- |  |                |
|--|----------------|
| Proposed Site Layout                     | - Drg No. 03A  |
| Plot 1                                   | - Drg No. 04A  |
| Plot 3 and 4 and 9 and 10 (Handed)       | - Drg No. 05 A |
| Plot 5 and 8 and Plot 2 (Handed)         | - Drg No. 06A  |
| Plot 6                                   | - Drg No. 07A  |
| Plot 7                                   | - Drg No. 08A  |
| Proposed Landscaping Boundary Treatments | - Drg No. 11   |

1.9 The layout that currently benefits from a planning permission and the layout that is subject of this application are inserted below for ease.

*Approved Site Plan (170579)*



*Proposed Site Plan*



1.10 The application is also accompanied by a Design and Access and Sustainability Planning Statement, Planning Statement and Cover letter. During the course of the application, the applications agent has also submitted 5 letters that respond to representations that have been made.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

- |     |   |  |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development               |
| SS2 | - | Delivering New Homes   |
| SS3 | - | Releasing Land for Residential Development                     |
| SS4 | - | Movement and Transportation                                    |
| SS6 | - | Environmental Quality and local distinctiveness                |
| SS7 | - | Addressing Climate Change                                      |
| HD3 | - | Hereford Movement  |
| RA1 | - | Rural Housing Strategy   |
| RA2 | - | Housing in settlements outside Hereford and the market towns.  |
| H1  | - | Affordable Housing – Thresholds and Targets                    |
| H3  | - | Ensuring an Appropriate Range and Mix of Housing               |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and Geodiversity                                  |
| LD3 | - | Green Infrastructure   |

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water resources

2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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

### **Breinton Neighbourhood Development Plan (Made 1/12/2016)**

2.3 The Breinton Neighbourhood Development Plan was made on 1 December 2016. It now forms part of the Development Plan for Herefordshire. This can be viewed in full online at:

[https://www.herefordshire.gov.uk/directory\\_record/3036/breinton\\_neighbourhood\\_development\\_plan\\_made\\_1\\_december\\_2016](https://www.herefordshire.gov.uk/directory_record/3036/breinton_neighbourhood_development_plan_made_1_december_2016)

The relevant policies are considered to be:

Objectives:

- B2 - Kings Acre Road
- B5 - Ensuring an appropriate range of tenures, types and sizes of houses.
- B6 - Sustainable design and energy efficiency
- B11 - Green Infrastructure
- B14 - Protecting the landscape
- B15 - Local Distinctiveness
- B16 - Protecting important public views

2.4 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communities
- 11. Making Effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

## **3. Planning History**

3.1 **123592** - Proposed Outline permission for a residential development of 15 no. dwellings with associated infrastructure including alterations on A438 + drainage and landscaping with all matters reserved except for access: ALLOWED ON APPEAL:

Decision at: <https://myaccount.herefordshire.gov.uk/documents?id=0cc0742c-b595-11e3-b2c9-0050569f00ad>

- 3.2 **170579** – Application for approval of reserved matters following outline approval (APP/W1850/A/13/2203561)(LA Ref: 123592) for 10 dwellings. Approved with Conditions 17<sup>th</sup> October 2019.

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=170579&search-term=170579](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170579&search-term=170579)

- 3.3 **190483** - Application for approval of details reserved by conditions 5 8 9 11 1314 15 16 17 attached to Planning Permission 123592 (APP/W1850/A/13/2203561) .

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190483&search=190483](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190483&search=190483)

#### 4. **Consultation Summary**

##### Statutory Consultations

##### 4.1 **Welsh Water**

We have reviewed the information submitted as part of this application and note the use of permeable paving for the proposed access road, should there be any adoptable sewers or watermains under this surface we request that service/utility corridors are incorporated into the design to ensure that it complies with our adoption policy.

##### Internal Council Consultations

##### 4.2 **Area Engineer (Highways) – Amended Plans**

The previous highways comments for this application still apply, there are no objections from the LHA on the proposed variations.

##### 4.3 **Principal Natural Environment Officer (Landscape) comments: Amended Plans**

I have compared the Proposed Site Layout 325, DWG 03, rev A, and the previously submitted Proposed Site Layout 325, DWG 03, and am satisfied that the applicant has addressed my previous concerns and recommendations, or has substantiated with a reasonable landscape response. This is appreciated.

I am satisfied with the submitted Proposed Landscaping and Boundary drawing, reference 325, DWG11.

##### 4.4 **Principal Natural Environment Officer (Ecology) comments**

The proposed changes have no identified effects on the previously approved surface management or foul water management schemes for the development and thus there are no triggers requiring any Habitat Regulations Assessment process on this specific variation of conditions application.

The original Condition 11 and associated detailed biodiversity mitigation and working methods remains un-amended and must be implemented as previously approved.

The proposed layout and design changes do not impact the previously approved 'biodiversity area' and the significant tree remains retained and suitably protected.

There are no further ecology comments and no objection to the proposed variation.

## **5. Representations**

### **5.1 Breinton Parish Council (17<sup>th</sup> February 2021) AMENDED PLANS**

At its meeting on 17 February 2021 Breinton Parish Council agreed to stand by its November 2020 objection to the application to vary conditions 1 & 2 of the earlier approved P170779 reserved matters, on the grounds that relatively few of councillors' earlier substantive concerns had been adequately addressed.

Councillors however now wish to make the following further comments:

1. We request that suitable screening be planted as landscaping on the southern boundary of the site. This would reduce the impact of the 'urban wall' that the development would present to views from the south including Wyevale Wood and aid the transition from built-up area to the open farmland to the south of the site. The original field hedge at this location, already conditioned to be preserved, contributes to screening but is too low and has insufficient depth to mitigate the full visual impact of the proposed dwellings in a meaningful way.

2. The fencing proposed along the eastern side of the protected zone is 1.2m timber paddock-style fencing which may protect species— with all the damage they do to 'amenity spaces' (gardens) - being able easily to infringe into the development site: likewise, dogs could too easily access the protected zone thus potentially defeating its purpose. We seek confirmation from Herefordshire Council that their ecologist is satisfied that the proposed fencing offers sufficient protection particularly along the western side of proposed plot 10: otherwise, pig-wire (for example) should be incorporated to the fencing

### **5.2 Breinton Parish Council (November 2020)**

At its meeting via Zoom on 11 November Breinton Parish Council was not persuaded that this application is an improvement on the earlier P170579 (application for approval of reserved matters), as is claimed for this request to vary Conditions 1 and 2 that approval. Councillors therefore agreed unanimously, and in support of evidence given by residents in attendance, to OBJECT to this application on the following grounds:

#### **1. Re: Condition 1**

This reads "The development hereby approved shall be carried out strictly in accordance with the approved plans...and the schedule of materials indicated thereon." The Council submits that the proposed changes amount to considerably more than a "variation" to Condition 1, and that it is misleading to claim otherwise. The Parish Council appreciates that these matters were carefully considered in the officer report which gave conditional approval for development, with weight apportioned accordingly. The content of this previous report, and the considerable thought that went into its judgements, should not now be set aside lightly:

- a) Whilst "the general site layout is similar to that approved" (Design and Access Statement) most of the houses would have a larger footprint. Their gardens would thus be smaller and the density of built form on the site increased. With fewer properties now at the southern end of the site the scale, mass and appearance of the development would be completely altered and would dominate the street scene. The re-siting of houses on Plots 1 and 2 at the NE of the site, and their re-design, would have unacceptably greater negative amenity impacts – proximity and overlooking - on neighbouring properties in Lambourne Gardens. Plots 3 and 5, 4 and 6 also all have balconies overlooking the road and Lambourne Gardens, raising further privacy concerns and loss of amenity.

- b) It is not clear what is meant by “improve connectivity to the amenity spaces” on site. However, with the nearest playground at Westfaling St over a mile away, the reduced garden size for family-occupied properties would add further undue pressure on the Dedicated Protection Zone (DPZ) within the site to become a children’s recreational play space by default, to the obvious detriment of the protected species for which the DPZ is intended. This would not be a sustainable or acceptable outcome.
- c) The proposed “improvements” to the internal layouts and external appearance of the houses are largely based on the applicant’s revised opinions. Changes to internal layouts are not planning variations; and the council does not consider the external designs to be an improvement on what was approved in P170579.
- d) The Design and Access Statement justifies the proposed use of cladding by reference to the nearby barn conversion which is exceptional in the immediate locality in not being faced in a form of red brick. The proposed cladding will not therefore be “keying into” predominant local materials as is claimed.
- e) The application puts considerable emphasis on garages – except, oddly, at Plot 3 - for car storage but highlights other potential purposes, in either case amounting to a more car-dependant proposal, contrary to Herefordshire Council’s and the Parish Council’s 2019 declarations in recognition of Climate Emergency. With residents and visitors inevitably parking on the narrow access road, safe operation for bin lorries and blue light services is a further consequential concern.

Re: Condition 2

Although requested by the applicant, it is not evident that any variation is proposed to Condition 2.

2. Re: non-compliance with Planning Inspectorate’s decision conditions at Appeal (ref: APP/W1850/A/2203561)

a) Access. The partial reduction of the lay-by in front of 331-333 Kings Acre Road (A438) has not been sufficient to ensure the safety of drivers and cyclists joining the busy A438 from Breinton Lee, as was required by the conditions of the Appeal Decision. As also anticipated in the Parish Council’s objection to Appeal proposals (October 2013) vehicles displaced from the lay-by now park on the A438, thus exacerbating visibility problems. This application is therefore non-compliant.

Flooding and drainage. The entire Breinton Lee area is well known to be subject to regular pluvial flooding from overland run-off, arguably more extensively than is shown on the Environment Agency flood zone map. Non-fluvial flooding has always been, and continues to be, a fundamental constraint to development of this site. In line with its previous objections and comments the Parish Council continues to maintain that the proposed solution, based on Surface Ring Systems, would be inadequate; and these would in any case require maintenance to be at all effective. No indication of responsibility for such ongoing maintenance is given in the application.

Para 21 of Appeal Decisions includes the following: “...the existing drainage ditches running along the western and southern boundaries of the site would be re-profiled and extended to provide greater protection from overland flooding to the existing Breinton Lee development and to the proposed development.” Yet Herefordshire Council has confirmed (19 September 2019 re: Flood Risk Assessment/P190483) that “*no ditches have been demonstrated on the proposed site plan.*” This remains the case on the newly submitted plans, and the application is again therefore non-compliant with conditioned requirements.

Whilst councillors understand that this application follows the approval of Reserved Matters we would ask that comments and objections received from Breinton Parish Council over the course of the planning history of this problematic site, including most recently on P170579 and P190483, are again taken into account by Herefordshire Council, since so many of our concerns raised

earlier remain relevant. The changes now being sought by the applicant only add to the Parish Council's earlier concerns. The overall impact of these changes – so much more than, as is claimed, a mere “variation” of the approved plans - would be significantly detrimental to the site and its immediate neighbourhood.

- 5.3 Approximately 50 letters of objections have been received from 19 persons (12 households) locally from Breinton Lee, Breinton Lee Road, and Lambourne Gardens.

The objections raised are summarised as follows:

#### *Flooding and Drainage*

- Existing serious seasonal flooding of Breinton Lee, Conifer Walk, Lambourne Gardens and the proposed site and onto A438. This happened at irregular intervals.
- Application needs independent assessment of the flood risk posed by this development
- Flood water will be shifted from the development site to the surrounding house and land
- Appeal decision referenced the fluvial run off from higher elevated, agricultural fields above Breinton Lee and observed the flooding to all properties on Breinton Lee. At the time of the appeal it should not have been granted.
- Run off from fields contains debris, heavy mud, silt and agricultural chemicals that constitutes a health hazard and blocks drains making the clear up more difficult.
- Saying site is flood zone 1 is incorrect. Local residents would evidence otherwise
- Developer should have to provide detailed drainage plans to offset flooding in advance of the application
- Site is on a clay base that runs underneath the surface of all fields in area. Flooding will therefore be exacerbated by the development.
- Photographs and evidence of the flooding locally have been provided including photos of Breinton Lee and the application site as an orchard,
- The hardsurfacing and surface water run off will add to the problems locally and on the A438 and may be experienced by the proposed dwelling

#### *Highway Safety and Parking*

- Access is opposite the Lambourne gardens access and will cause problems.
- Appeal recognised that the reduction to the layby on Kings Acre Road important to achieve visibility. Area was left (access to 333 Kings Acre Road) after works were done that is used by cars to park (access) that severe restricts visibility. Residents have near misses on frequent occasions. The intentions of the inspector have not been complied with.
- Conflict with the access to the Garden Centre and nursery opposite
- The access serves a significant number of dwellings already and this will add to that
- The gates entrances to the other dwellings reduce speeds. This development will not have the constraint of a gate to slow them down. Speed limit should be reduced to 10mph from 40mph.
- In adequate parking and no visitor parking will lead to in-discriminate parking on highway and on Breinton Lee Road
- Parking space is inadequate, cannot rely on garages as these are often used for other purposes such as storage or are not big enough for a vehicle

#### *Layout, Design and Appearance*

- The design of the houses with the black timber boarding is in contrast and not in keeping. Should be brick. Whilst fashionable it is out of keeping with the area
- Property design is not in keeping with the locality at all
- Dark Stained glass is out of keeping with properties except the barn



- These are large dominant family dwellings with small gardens that are crammed in their plots
- Concern about two plots at frontage as only one on the approved scheme
- Developers of Breinton Lee and Lambourne gardens went to considerable effort to ensure that these communities bore an architectural and aesthetic relationship with the original building of Wyevale Nurseries.
- Proposal is incongruous to its surroundings with little regard for the areas character
- What will happen to the open space area of the development to the east ?
- Amended plans do not show adequate fencing to the protected area
- The layout and proposal are an attempt to squeeze in 10 large houses that dramatically impact on the quality of life of the existing residents.

### *Amenity*

- Impact on dwellings on Breinton Lee due to proximity to the boundary. Proposed window will overlook garden of No 5 and the main living area.
- Juliet Balconies will encourage overlooking, people watching and are intrusive. They are not like normal windows.
- Loss of light to number 5.
- Houses are intrusive to all residents
- Loss of light, privacy, air and sound quality
- Upper windows will cause overlooking
- If new residents use their patios they will be seen and heard
- Trees provide little screening or cover and are bare much of the year
- Plots 1 and 2 (unamended scheme) overlook and are intrusive
- Amended scheme:
- House 1 is positioned close to boundary and due to its size will have overbearing effect on all houses in Lambourne Garden
- Houses 3 and 4, having double French bedroom windows balconies and patio areas overlooking the garden of 5 Lambourne gardens. No 5 has been positioned near to the low northern boundary fence closer to Lambourne Gardens causing overlooking with imposing windows

### *Other comments*

- Statements within the documents are inaccurate and misleading. Use of old aerial photos are misleading. There are no wide verges of tall hedges separating the houses of Lambourne gardens.
- Statement that the properties have views of the river Wye are untrue
- Although all letters are same content they were co written and agreed locally to cover all issues.

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=201747&search-term=201747](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201747&search-term=201747)

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

### *Planning History, site background and procedure*

- 6.1 As detailed in section 3 above, the site already benefits from an Outline Planning Permission with all matters reserved except for access that was granted on appeal. This established the principle of development of the site for 15 dwellings. The requisite Reserved Matters Approval was

submitted in 2017 that sought approval for matters relating to Landscaping, Layout, Appearance and Scale (170579)

6.2 For clarity, the explanation of what these matters relate to (as defined in the legislation) are:

**“layout”** means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development

**“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

**“scale”** except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

**“landscaping”**, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes —

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features

6.3 As with this application, representation were raised in respect of the matters such as drainage, flood risk, highway safety and protected species habitats. These were primarily matters that related to conditions imposed on the Outline Planning Permission. However, to ensure that these objections and concern were being properly considered at design stages, officers worked with the applicants to agree these conditions alongside the Reserved Matters Approval. It was recognised by all that these elements had potential to impact upon the layout of the development. As a result, an application for the approval of conditions attached to the Outline Planning Permission was submitted. The findings of the drainage and ecology reports then informed the layout of the development that was amended during the process including a reduction from 15 to 10 units to ensure that adequate provision was made on site to accommodate protected species and address other concerns. These are all fully detailed and explored in the delegated report for the Reserved Matters Approval (170579). The conditions were discharged on the 20<sup>th</sup> September 2019 (190483) with the Reserved Matters Approval decision being issued in October 2019. The proposed development was implemented through the formation of the access onto Breinton Lee and the Local Planning Authority consider that the permissions are extant and could be constructed as per the approved plans listed in the Outline Planning Permission, Reserved Matters Approval and those agreed in the discharge of the conditions.

6.4 This application seeks, under Section 73 of the Town and Country Planning Act 1990 to vary condition associated with a planning permission. In this instance, they are seeking a variation to the approved plans attached to the Reserved Matters Approval. Therefore the matters that are to be considered are only Layout, Scale, Appearance and landscaping as detailed above. Effectively, this is an alternative scheme to that approved. Matters of principle are not being revisited as this has already been established.

## *Officers Appraisal*

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

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

6.6 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Breinton Neighbourhood Development Plan that was made in December 2016. The National Planning Policy Framework (NPPF) is also a significant material consideration.

### **Access**

6.7 Access means: *in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

6.8 The matter of access is not explicitly included in this reserved matters submission as it formed part of the outline planning permission and this submission has not altered this. This application also retains the approved positioning and treatment of the internal access arrangements the details of which were previously approved as part of 170579 and through the discharge of conditions.

6.9 Concerns raised within representations relating to the matter of access, both to the site off Breinton Lee and from Kings Acre Road have previously been considered and resolved or agreed. This application does not seek to alter this arrangement and officers are satisfied that this submission continues to meet the requirements of CS policy MT1 in respect of highways safety and capacity.

### **Layout**

6.10 “Layout” means *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*

6.11 The proposed development is accessed from a position to the north west of the site. The existing mature trees to the northern end being retained. The proposed dwellings are sited to the east of the site, with the western side (hatched in red on the approved plan and annotated on the proposed plans below) being provided as habitat protection area to address the requirements in respect of biodiversity / protected species mitigation. The mitigation area remains the same on the approved layout (landscaping Plan) and the proposed revised layout (Landscaping Plan). The mature trees to the north west corner of the site are retained along with the mature tree in the more central position, the root protection area of which is detailed by the red circle on both plans.



**Approved Landscaping Plan**

**Proposed Landscaping Plan**

- 6.12 To the south of the site, five detached dwellings are proposed (Plots 6 to 10) Each dwelling has parking within their curtilage, with 8 of the dwellings having garage accommodation (excluding plots 2 and 8). To the north, four detached dwellings front the internal, whilst a single detached, two storey dwelling is sited to the entrance of the site.
- 6.13 To the east of the site lies the five detached dwellings known as Breinton Lee that are accessed via a gated driveway just beyond the proposed access to the site. To the north lies Lambourne Gardens, again with gated access along with the detached property known as Cranstone Lodge and Cranstone Mews. The application location plan is inserted below to help identify these properties and understand the site context.



- 6.14 Policy B3 of the NDP, that is underpinned by Policy RA2 (Housing in settlements outside Hereford and the market towns) is key in decision making. Part 3 of this this policy states that development should “*result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting;*”

6.15 The requirements of RA2 are underpinned by Policy LD1 Landscape and townscape that states that:

*“Development proposals should:*

- *demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- *conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;*
- *incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.”*

6.16 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.

6.17 Likewise it is an NPPF requirement that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

#### *Drainage and Flood Risk*

6.18 A significant proportion of the letters and representations received relate to the matter of localised surface water flooding that occurs, with water reaching the dwellings, their gardens and local road network from run off from the agricultural land to the south. This in combination with the ground conditions (Clay) results in surface water flood events. Photographs have been provided by local residents as part of this, and the previous applications (and appeal).

6.19 The Reserved Matters Approval that obtained consent in 2019 was significantly delayed in its determination whilst matters in relation to drainage and flood risk were progressed in detail to ensure that the layout proposed could accommodate the drainage solution. Conditions 8 and 9 of the appeal decision sought very specific information be submitted and these conditions have now been discharged under the separate application following significant discussion and exploration of the issues. Before issuing the Reserved Matters Approval for the extant scheme, these conditions were discharged. The surface water drainage strategy agreed for the extant permission promotes the use of ring soakaways to serve the access route and residential properties, with foul water connecting to the mains sewer; DCWW indicating the capacity within their network to accommodate foul flows. The surface water ring soakaways as previously agreed were designed for the 1 in 100-year event plus 40% for climate change. This application proposes no change in that respect and the FRA and drainage strategy can be reviewed at: [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190483&search-term=190483](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190483&search-term=190483)

6.20 The strategy as approved would appear viable for this proposal and would ensure that surface water arising from the developed site would be managed in a sustainable manner and would leave the site at no greater rate than that associated with the baseline ‘green field’. The development would be appropriately safe for its lifetime taking account of the vulnerability of its

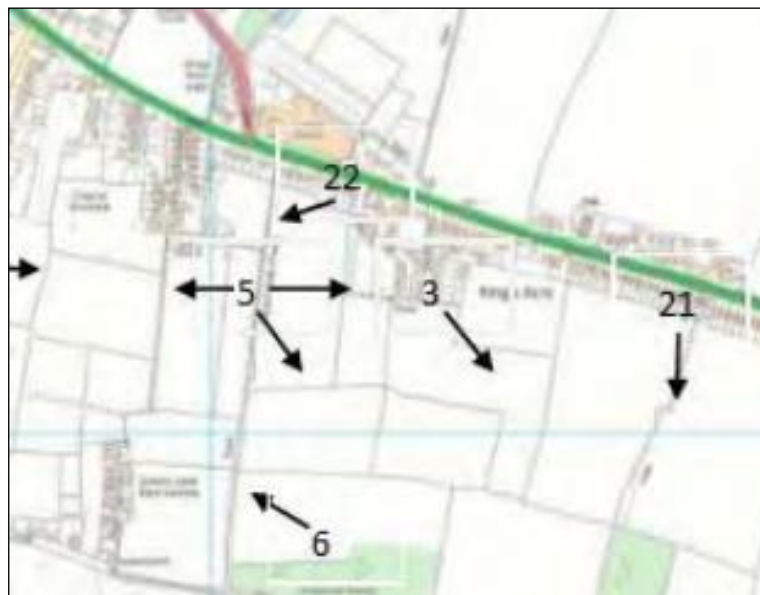
users, would not increase flood risk elsewhere, and would reduce flood risk overall in compliance with Core Strategy Policy SD3. The Councils Land Drainage Consultant has confirmed that they have no comments to make on the revised proposals. Whilst the concerns of local residents are well founded due to the localised flooding issues, this application, due to its limited scope does not offer the opportunity to revisit the matter. Officers did spend a considerable amount of time investigating options and confirming technical work before issuing the discharge of the conditions and Reserved Matters Approval in 2019. Officers continue to be satisfied that the layout can accommodate the drainage strategy as proposed and satisfy policy SD3 of the Core Strategy.

#### *Biodiversity*

- 6.21 The layout has been heavily influenced by environmental constraints and these are explored in detail in the delegated report associated with the approved scheme. These include the inclusion of a significant area of undeveloped land to provide for protected species habitat mitigation and protection (33% of the site) with a detailed mitigation and management strategy having already been agreed and a condition requiring the enhancement plan to be submitted. The reduction in developable land for this development restricts somewhat the layout and form of the development but officers are now satisfied that the mitigation strategy is acceptable and compliant with the requirements of policy LD2 of the Herefordshire Local Plan Core Strategy.

#### *Important Views*

- 6.22 The Breinton NDP makes particular reference to important public views and note that from view point 5 there is a view from the PROW toward the site. Whilst this is acknowledged, the proposed layout along this boundary will look at the rear gardens and the existing mature boundary hedge, in the context of the dwellings on Breinton Lee. The development would not significantly adversely affect this view. The revised dwelling types do not change this position and the policy requirements have been met.

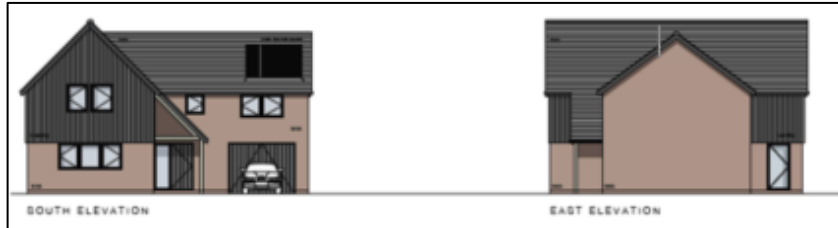


#### *Amenity*

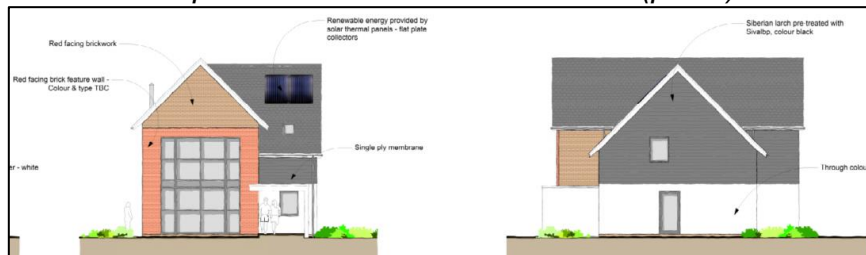
- 6.23 The application has been amended during the course of the application to address concerns raised by local residents and officers in respect of amenity and privacy.
- 6.24 Plots 5 and 6 of the proposed development are sited to the east of the site and have the closest relationship to the dwellings at 4 and 5 Breinton Lee.

6.25 Plot 5 is sited to the north east corner of the site. It lies immediately adjacent to the property: 5 Breinton Lee. The side elevation of the property lies some 3.66m from the boundary and in line with the gable end of the associated garage. The height of the dwelling is 8.6m and there is one first floor side elevation window (bathroom). The layout and siting helps to reduce the impact upon their garden as this would be set back. Local residents also raise concern about the large amount of glazing proposed and the potential for overlooking the rear gardens of 5 and 4 Breinton Lee. There may be some oblique overlooking, but this would be mitigated with the boundary treatment and siting of the garage and would not result in an unacceptable impact upon amenity that would warrant a reason for refusal of this application. Approved and proposed plans are inserted below to demonstrate this relationship and change and also provide example of the housetype and design approach.

*Approved south and east elevations (Plot 5)*



*Proposed south and east elevations (plot 5)*



**Approved Layout (extract) Proposed Layout (extract)**



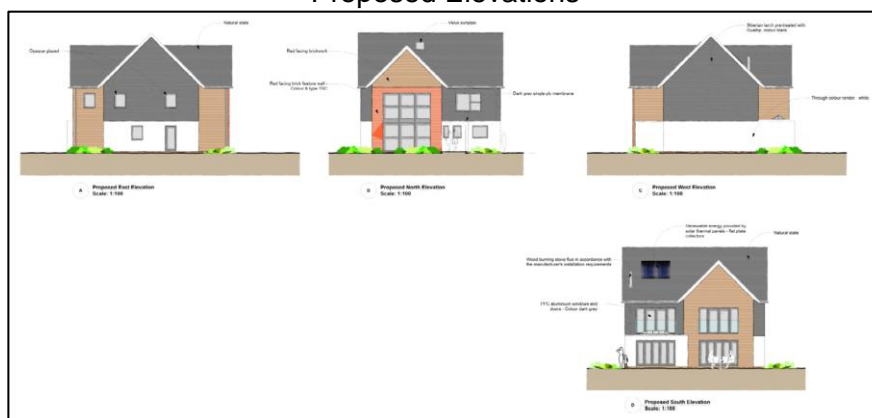
Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 6.26 Plot 6 is sited to the south eastern corner of the site. It lies immediately adjacent to the property: Siochain, 4 Breinton Lee as can be seen above. The side elevation of the property lies some 4m from the boundary and is set slightly back.
- 6.27 The height of the dwelling is increased from the approved scheme (from 7.6m to 9.7m) with first floor windows being obscure glazed (controlled by suggested conditions). This is the side elevation of the adjoining dwelling and there is just over 7m between the two elevations. Again, there may be some oblique overlooking from the first floor window in the front elevation, but this would be mitigated with the boundary treatment and the double garage and officers consider that would not result in an unacceptable impact upon amenity. The approved and proposed elevations are inserted below for ease of reference

### Approved elevations



### Proposed Elevations



- 6.28 Representations also raise concerns about the relationship between the plots at 2 – 5 to the north of the site that have rear elevations that will face towards Lambourne Gardens. These dwellings will have substantial gardens, new planting, existing trees along Breinton Lee and existing boundary treatments to Lambourne Gardens. The distances and relationships are acceptable and the additional planting will further mitigate and soften this relationship. An updated landscape and boundary treatment plan was submitted to address this concern.
- 6.29 Plot 1, at the entrance to the site, replaced the original iteration of a pair of semi-detached dwellings during the course of the application. The dwelling has been sited and orientated to face north west, avoiding direct overlooking or loss of privacy to Cranstone Lodge (1a Breinton Lee) and to Lambourne Gardens and addressing the entrance to the site, including additional planting. Officers are content that the revised scheme addresses matters of privacy and amenity in relation to plot 1.





6.30 Overall officers are content that the layout would generate good quality living conditions for occupiers with decent provision for private amenity space and separation distances and that living conditions for neighbours would also be respected. Therefore on this issue, it is concluded that the schemes layout accords with the relevant core strategy and NPPF policies.

*Appearance and Scale*

6.31 “Appearance” means: *the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.* 6.31 “Scale” means : *except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;*

6.32 Development should also respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The proposed dwellings are detached properties that are a mix of three and four bedroom as per the approved scheme. The supporting documents go into some detail to explain the rationale behind the change. Representations received are critical of the contemporary design and use of materials across the proposed development, in that they are not in keeping with the character of the area.

6.33 The properties have a range of materials including natural slate to the pitched roofs, red facing brickwork, through colour render, dark stained horizontal timber cladding and grey PPC aluminium windows and doors. Whilst not necessarily traditional in appearance, officers would concur with the supporting submission in that the proposed materials are in keeping with the previous approvals and will settle in well with the materials found in the local area and create their own distinct sense of place alongside the other private and discreet developments nearby. Local residents also note the use of dark stained windows, this is not the case and this has been confirmed by the applicant and a condition is suggested to ensure clarity. The scale of the proposed dwellings in the context of the locality is also considered to be appropriate.

- 6.34 Overall, the appearance of the scheme is considered to be one that is acceptable in form and appearance and that to accord with CS policies RA2, LD1 and SD1 and NDP policy B3 in terms of their appearance and impact upon the locality.

#### Climate Change and sustainability

- 6.35 Policy SS7 is a strategic policy requiring focus on measures to address climate change. Reducing carbon footprint and CO2 emissions has been at the forefront of recent political and media discourse, receiving rightful prominent coverage. Herefordshire Council's Core Strategy has been 'ahead of the curve' in that regard with Policy SS7 in place and a requirement to be satisfied by development since October 2015. Further to this is the Council's Climate Change Emergency Declaration and subsequently it is expected at Reserved Matters stage details regarding design, layout and appearance will address sustainability and climate change in appropriate detail and with sufficient regard to comply with CS policy SS7 and SD1.
- 6.36 This submission has been accompanied by a detailed Design Access and Sustainability statement that outlines and confirms that the new dwellings in this development are designed to exceed the current Building Regulations with the approach of fabric first and a good standard of air tightness. They confirm that Since the Feed in Tariff scheme (FIT) was recently phased out by Central Government, solar PV's are not as attractive from a viability perspective as they once were and would only be further investigated if absolutely necessary. However, the introduction of the Renewable Heat Incentive (RHI) has encouraged solar thermal panels to be adopted to generate free hot water in the spring / summer months and an element of pre-warming cold water in the autumn / winter months. It is proposed to fit this type of renewable energy to each dwelling. The statement can be read in full at:  
<https://myaccount.herefordshire.gov.uk/documents?id=788102cd-1a9e-11eb-97a0-0050569f00ae>
- 6.37 In addition to this, at least one Waste Water Heat Recovery Unit (WWHR) is to be fitted within each dwelling, which are described as an excellent low cost, zero maintenance way of lowering the CO2 emissions of a dwelling. The use of and necessity to use gas boilers is also considered in detail. In terms of energy efficient design, the large areas of glazing on the south elevations and roof lanterns allow passive solar warming and also allow natural light to be taken deep into the dwelling reducing the need for lighting to be on in daylight hours. Natural light and passive sun warming contribute to a healthy interior environment. Building materials and fixtures and fittings will be sourced locally where possible and feasible and all timber is to be from approved and certified sustainable sources.
- 6.38 Officers are satisfied that, alongside the water efficiency condition required by policy SD3 and securing EV charging points for each dwelling, the proposals would represent an approach to energy efficiency that goes beyond the requirements of the adopted planning policies and Building Regulations and would therefore meet the aims and requirements of policies SS7 and SD1 of the Core Strategy.

#### Landscaping

- 6.39 "Landscaping" means: *in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes*
- 
- (a) screening by fences, walls or other means;  
(b) the planting of trees, hedges, shrubs or grass;  
(c) the formation of banks, terraces or other earthworks;

- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art;  
and  
(e) the provision of other amenity features*

6.40 It is a condition of the outline planning permission that a soft landscaping scheme should be submitted as a reserved matter and that trees and hedgerows scheduled for retention should be identified and protected throughout the construction phase. These are detailed on the plans. The scheme is supported by a detailed landscaping scheme that has been amended to address initial concerns. The landscape officer has not raised any objections. The scheme also takes into account the mitigation in relation to biodiversity requirements. As such the proposal would comply with the requirements of policies LD1, LD2 and LD3 of the CS and with the policies contained within the NDP.

### **Other matters**

- 6.41 Officers are satisfied that the mix of housing proposed would ensure compliance with the requirements of policy H3 of the CS and B2 of the NDP.
- 6.42 Local residents also raise concern in respect of car parking provision (under provision). However, parking standards are met in accordance with the policy specification and no objection has been raised on this ground by the Area Engineer (highways). Cycle parking is detailed on the submitted plans.

### **Conclusions**

- 6.43 The principle of development has been established through the granting of the Outline Planning Permission and the subsequent reserved matters approval. This application very simply looks to consider a revision to the approved housetypes and the impacts of those specific changes on the character and appearance of the locality and the amenities and living conditions of local residents.
- 6.44 Officers consider that the design approach is appropriate within the wider context and are of the opinion that the proposed dwellings are of a scale and form that would result in an acceptable form of development, taking into account the context of the site. No conflict with development plan policy is detected and accordingly, as the application proposal complies with the Development Plan and without material considerations indicating to the contrary, S38(6) of the Act, supported by paragraph 11. c) of Framework, requires that planning permission be granted without delay
- 6.45 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. Procedurally, a new decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions (in this instance the reserved matter approval) that continue to have effect.

## RECOMMENDATION

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

1. Development in accordance with the approved plans
2. The Protected Species Mitigation Strategy by James Johnstone Ecology dated August 2017 shall be implemented in full as stated unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to commencement of any further site preparation, site clearance or construction, an Ecological Working Method Statement with details of the appointed ‘Responsible Person’ should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

4. Prior to commencement of and further site preparation, site clearance or construction, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

5. CE6 - Water Efficiency
6. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

7. C68 – Obscure glazing to first floor side elevations plots 5 and 6

8. **Prior to the installation of any windows, the glazing specification shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.**

**To ensure that the windows are not 'dark glazing' and for the avoidance of doubt having regard to the character of the area and amenities of the local residents in accordance with the requirements of policy SD1 of the Core Strategy.**

**INFORMATIVES:**

1. **IP2 – Positive and Proactive**
2. The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia, hedgehog houses within the landscaping/boundary features. 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

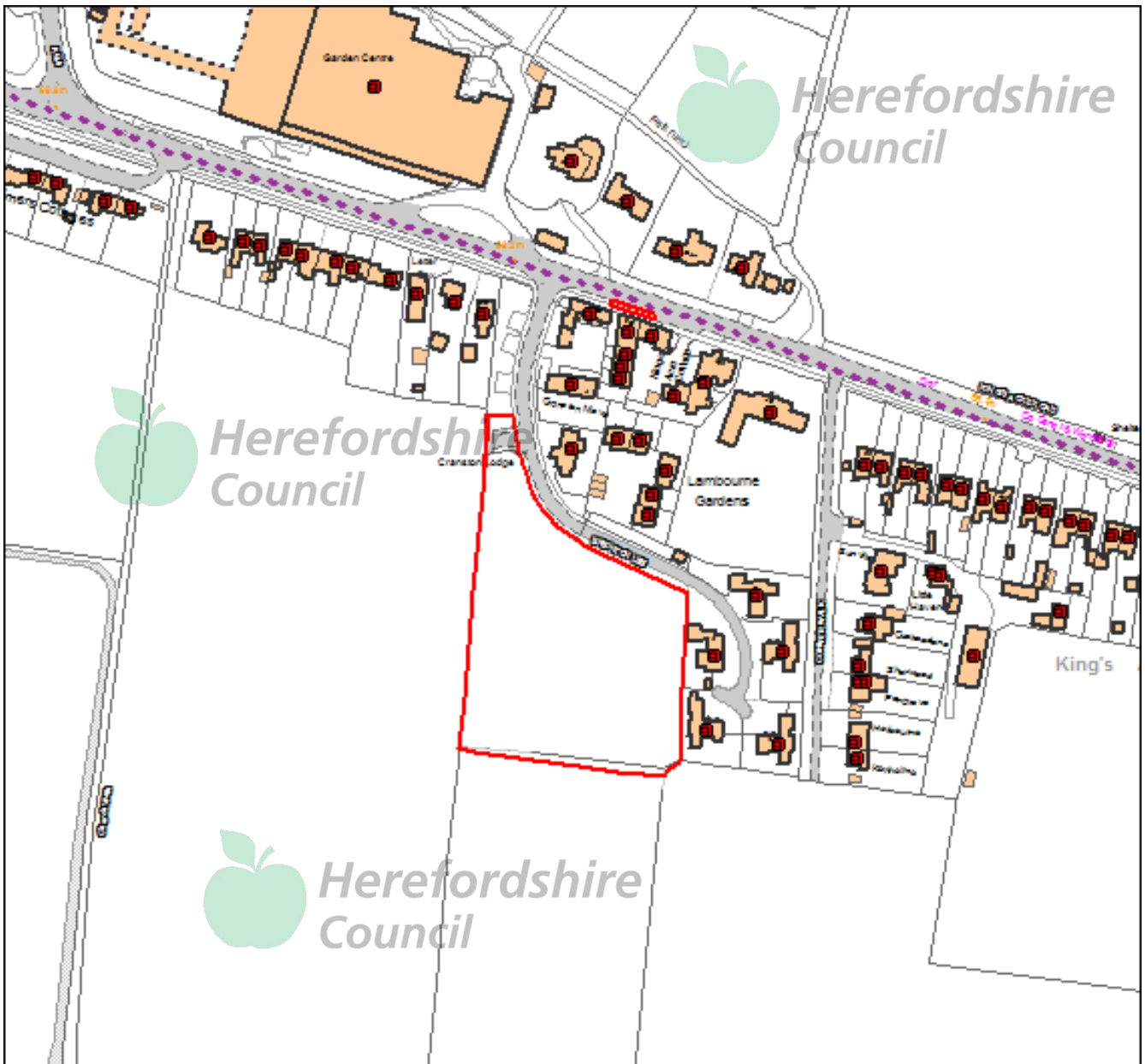
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 201747

**SITE ADDRESS :** LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 June 2021</b>
<b>TITLE OF REPORT:</b>	<p><b>203268 - CHANGE OF USE OF BUILDING TO COMMERCIAL STORAGE AND MOTORCYCLE TYRE FITTING UNIT TOGETHER WITH ASSOCIATED OPERATIONAL DEVELOPMENT TO INCLUDE EXTENSION TO EASTERN ELEVATION TO ACCOMMODATE TOILET AND AIR COMPRESSOR (AMENDED DESCRIPTION) AT ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NP</b></p> <p><b>For: Mr Parry per Mr Thomas Parry, The Wain House, Dumblehole Lane, Ashford Carbonel, Ludlow, Shropshire, SY8 4DE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268&amp;search-term=203268">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268&amp;search-term=203268,</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 24 September 2020      Ward: Leominster      Grid Ref: 351334,267598**  
**North & Rural**

**Expiry Date: 7 December 2020**  
 Local Members: Cllr John Stone

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

- 1.1 The application site is found within the parish of Brimfield, located to the west of Woofferton Grange and west of the village of Wyson; 4.5 miles to the south of Ludlow. It forms part of a wider cluster of buildings including converted agricultural buildings that now form dwellings, once associated with the Grade II listed Woofferton Grange. Access to the site is taken directly off Wyson Lane and serves the former agricultural building subject to this application; together with other associated buildings to the immediate east; now purposed for car restoration (ref: 194049/F). The yard area is laid to hardstanding and is currently in an unkempt appearance. The boundary with Wyson lane is bounded by mature species hedgerow and a wide gateway and to the west; the site is bound to the west by a mature hedgerow, screening it from Robin's Nest. Lydiatt Place adjoins the site to the north-east.
- 1.2 This application is made in full and seeks planning permission for the use of the building on the site for commercial storage and motorcycle tyre fitting unit. 289m<sup>2</sup> of the building would be purposed for commercial storage; that being for the housing of scaffolding used by local companies and demarked on the submitted plan as the area in yellow. The motor-cycle tyre fitting unit would be housed in a self-contained portion of the building, amounting to 34m<sup>2</sup> and blocked

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

in red on the submitted plan. The remainder of the building would continue to be used as general storage. It is understood that this is serving as long-term storage of household wares. The application also seeks permission for operational development which includes the provision of a small toilet block to the western elevation which would also house an air-compressor. The addition would extend 4.5 metres in depth and would benefit from a pitched roof. Roller-shutter doors would serve the southern elevation providing access to the building.

## 2. Policies

### 2.1 The Herefordshire Local Plan - Core Strategy (CS)

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
E1	-	Employment Provision
E4	-	Homeworking
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

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

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

### 2.2 Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP)

BLH7	-	Local Heritage List
BLH8	-	Building Design Principles
BLH9	-	Landscape Design Principles
BLH18	-	Developments Supporting Rural Enterprise

The Brimfield and Little Hereford Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Herefordshire Council website by using the following link; -

[https://www.herefordshire.gov.uk/downloads/file/8681/neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/downloads/file/8681/neighbourhood_development_plan)

### 2.3 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
3. Plan Making
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well designed places



15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

### **3. Relevant Planning History**

- 3.1 **194049/F** - Change of use from storage to car restoration – **Approved 10 March 2020**
- 3.2 **013497/F** - Retrospective change of use of existing barn and yard for storage of industrial packaging and process machinery – **Approved 25 May 2002**
- 3.3 **930023/F** – Use of disused agricultural buildings as furniture workshops – **Approved 3 August 1993**

### **4. Consultation Summary**

#### Internal Council Consultations

#### **4.1 Transportation Manager (23 February 2021)**

The previous highways response for the application requested further information about vehicle parking and manoeuvring space, the provided drawing, viewed in conjunction with the location plan shows sufficient space for the scale of the development.

There are no highways objections to the proposal.

#### **Transportation Manager (15 October 2020)**

The proposal is likely to result in an intensification of both the access to the workshop and Wyson lane over the permitted use of the site. Whilst this single point is unlikely to result in cumulative impacts that could be classed as severe in the NPPF, further information is required prior to the LHA returning a response of no objection to this proposal.

The site plan has some basic outlines of areas for use, however it is not clear how vehicle parking for both drop off and pick up of the commercial storage or customers to the tyre fitting centre are to use the site. In addition it is not clear where staff might park. This is important at sites such as this as displacing parking into the surround network is considered unacceptable.

Linked to the above, the demonstration that vehicles accessing the site to turn is also required to support this application to ensure that unsafe manoeuvres are kept to a minimum.

Following submission of this clarification the LHA will finalise a response for this application.

## 4.2 Conservation Manager – Ecology

Located within the IRZ of the River Teme Site of Special Scientific Interest (SSSI), the reasons for designation include multiple aquatic species, including various fish and Crayfish and associated species, including Otter. IRZ for Downton Gorge SSSI, SAC. Within a historic rural setting, an area of deciduous woodland is also recorded to the north of the building; this habitat is designated nationally as a Habitat of Principal Importance (Priority Habitat Inventory or HPI). A recorded Damson Hedgerow is recorded immediately opposite the entrance of the site. Herefordshire's 'Damson Hedgerows' are part of a network of fruit hedges characteristic of the northeastern part of Herefordshire into Worcestershire. They are a locally important series of hedgerows which fall under the protection of planning policy relating to landscape and biodiversity.

The effects on the SSSI and associated designated species, Protected Species in general, the local Priority Habitat must all be fully considered by the LPA as part of the planning process, and relevant consultation with Natural England satisfactory outcome before any grant of planning consent.

From the information currently available, the following areas of the proposed development cannot demonstrate that there will be no effects on the conservation status of designated sites or species:

The proposed foul water treatment system (existing septic tank) is located within the River Teme SSSI Impact Risk Zone for all discharges. The existing septic tank appears to be located to the north of the building, borders an area designated as a Priority Habitat. The proposed foul water management scheme should be reviewed and any system's location, including the proposed surface water discharge to an existing watercourse. This is contrary to Core Strategy policies SD3 and LD2 and the principles of nature conservation sites in General Binding Rules. No direct outfall into the Brimfield Brook (River Teme SSSI catchment) or any local watercourse will be acceptable.

A full detailed drainage plan for surface water and foul water is requested, including information to demonstrate that the existing septic tank has the capacity and is compliant with the Core Strategy policies SD4 and General Binding Rules. There remain pathways for pollutants to enter the hydrological network and impact the River Teme SSSI and the associated species and wider protected species such as fish species and Crayfish that are also part of the regular diet for Otters.

If a new private treatment system is proposed, any final outfall from a septic tank or PTP must be through a soakaway drainage field on land under the applicant's control. No soakaway field should be closer than 50m to any watercourse or identified Priority Habitat. All appropriate plans percolation and groundwater tests and reports should be supplied. (Core Strategy SD4 and LD2, Habitat Regulations, NPPF, NERC Act, General Binding Rules).

A fully detailed surface water management scheme must be supplied, demonstrating compliance with CS policies SD3 and LD2. Any discharge of surface water to local culverts or any watercourse must demonstrate no pathways for any pollutants or contaminants (e.g. car washing, lubricants and discharges by users of the property to surface water). If any surface water discharge to any foul water or storm drain system is proposed, confirmation that this is acceptable to the relevant operator must be supplied.

In respects of matters of ecology, CS policy LD1, LD2 and LD3 applies.

A detailed BS5837:2012 tree/hedgerow survey is requested to clearly show any impacts on the designated Priority Habitat and any other trees or hedgerows on or adjacent to the site. No loss or impact on any trees within the Priority Habitat or other 'important' trees or protected hedgerows is likely to be acceptable. Any loss or works to hedgerows, e.g., creating any required access OR drainage Strategy, should be detailed. Any trees or hedgerows impacted by the development should be subject to additional ecological assessment.

No additional illumination of the surrounding habitats, Priority Habitat, would be permitted. These features are highly likely to be used by foraging and commuting nocturnal species), due to the historic hedgerow corridors, Priority Habitats and Listed Building within 50m of the proposals wider connecting habitats.

The development must be supplied to demonstrate compliance with the Environmental Legislation and Planning Policy. As identified in the NPPF, NERC Act, Draft Environment Bill and Core Strategy SS6 and LD2, all developments should demonstrate how they will enhance practically ("Net Gain") the Biodiversity potential of the area. If planning permission is approved, a detailed Biodiversity Enhancement Plan would be requested: consideration of existing environmental features on and around the site or within land owned by the applicant, which can be retained or enhanced or what new features could be incorporated into the development proposal. All tree and shrub planting on development should only consist of locally characteristic native species. Opportunities for enhancement could consider a wide range of species, including as a minimum for bats, birds, hedgehogs, pollinating insects and invertebrates built in to or attached to the buildings and any other relevant species enhancement within boundary features and soft landscaping as appropriate.

No external lighting should illuminate any adjacent habitats, boundary, or enhancement features, and all development lighting should support the Dark Skies initiative (DEFRA/NPPF Guidance 2018/2013).

Once this additional detailed information, plans, and reports have been submitted, the LPA can undertake the required detailed consideration and final comments can then be made.

Reasons to demonstrate compliance with: Conservation of Habitats and Species Regulations, Wildlife & Countryside Act, NPPF, Core Strategy policies SS6, SD3, SD4 and LD2 and the council's duties under the NERC Act.

#### **4.3 Environmental Health – Housing (19 October 2020)**

No objection.

#### **4.4 Environmental Health – Noise**

Our comments are with regard to potential noise and nuisance issues that might arise from development.

There is currently insufficient information contained with this proposal. Our department requests further information. In relation to the scaffold store - how many HGV or similar vehicle movements are likely to be involved? With regard to the motorcycle tyre fitting unit. - how many persons are to be employed, how many visits from customers per day, where the tyres are to be stored and full details of any noise generating powered machinery. This is to assess the impacts on the amenity of residents in the vicinity.

#### **Environmental Health – Noise (10 February 2021)**

My comments are from a noise and nuisance perspective. My initial comments made on 25th October requested further information. This was supplied on 11th and 14th November and a site visit undertaken on 25th November.

The proposal is for the use of a barn building – to store a caravan, commercial scaffolding storage and a unit for a motorcycle tyre fitting unit. From a noise perspective, the two areas of the barn that could have the potential to have amenity impacts on neighbours are the siting of the

compressor in the toilet block to the western side of the barn and the tyre fitting unit 34m2. (Total barn floor area 392m2)

The tyre fitting unit is very small and the size of this unit to a degree makes the intensity of its use self-limiting. The scale of this proposal is in itself therefore unlikely to cause significant impacts. Our department has no objections to this proposal subject to the following conditions:

The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.

The number of persons working in the proposed motor tyre fitting until shall be restricted to no more than 2 at all times.

No noise generating external plant and equipment shall be installed externally without prior written approval from the authority.

The door to the room housing the compressor shall be kept closed when the compressor is in operation.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

## **5. Representations**

### **5.1 Brimfield and Little Hereford Parish Council (11 November 2020)**

We have no objections to the commercial storage of materials. However, we feel that concerns from neighbouring residents are valid regarding the potential for increased amounts of traffic and noise a motorcycle tyre fitting unit may generate and as such it could be contrary to policy BLH18 of our neighbourhood plan, having a detrimental impact on the character of the rural landscape and its properties, adversely affecting the surrounding infrastructure and impacting local residents amenity. The Parish Council is supportive of small rural businesses, if permission is granted we would like to be reassured that conditions regarding noise, additional traffic and opening hours are adhered to.

### **Brimfield and Little Hereford Parish Council (18 March 2021)**

In addition to our previous comments, we still do not have any objections to the commercial storage of materials. However, having reconsidered the amended plans and taking into account the concerns raised locally, the Parish Council support residents in their objections to the motorcycle tyre fitting unit. There would be an increase in traffic through the village, the access to which would be off an already dangerous junction from the A49 Salwey Arms. As there seems to be no provision for local employment opportunities, we feel this business is not suited to this location and therefore is contrary to policy BLH18 of the Neighbourhood Development Plan.

5.2 To date, 20 households have submitted letters of objection to the application. Some have submitted multiple representations. The comments can be summarised as follows; -

- Inaccuracies contained within the application form and lack of detail submitted with application
- Use of building as storage has existed before August 2020
- Intensification of traffic along Wyson Lane which is already dangerous and is used by school children and dog-walkers
- No suitable parking could lead to inappropriate parking on the lane

- Noise, dust, smell from traffic and proposed use would cause harm to the amenity of residents and is inappropriate in this rural location
- Appropriate industrial space available in Brimfield, Ludlow and Leominster.
- Proposal would include retail use which is incompatible
- Proposal is not self-limiting as its use would largely take place outside
- Number of vehicular visits has not been addressed
- Disposal of industrial waste
- Access should be taken via private road off B4362 (Station Road)
- Site plan boundary includes land not in control of applicant

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=203268](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268)

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

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

## 6. Officer's Appraisal

### Principle of development

6.1 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."*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the adopted Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

The application site is located outside of Brimfield/Wyson and therefore, whilst found within a small cluster of buildings and not isolated in the truest sense; is within open-countryside and therefore broadly unsustainable. The site is located between Leominster and Ludlow and is only 1 mile off the A49(T); a trunk road forming part of the Strategic Road Network (SRN) and connecting the aforementioned market towns with the key centres of Hereford and Shrewsbury.

6.2 With the above in mind, policy BLH18 states small scale local rural enterprise will be supported, providing it does not have a detrimental effect on the character of the rural landscape and settlements, as well as benefitting the local community. Most importantly, where feasible, development that supports small scale rural enterprise will be supported where it involves the reuse of existing buildings; or is part of a farm diversification. This echoes the tenets of the CS whereby policy RA6 states that employment generating uses which help to diversify the rural economy; such as creative industries, environmental technologies, business diversification and home-working will be supported. It proceeds to state that applications will be permitted in cases where they; -

- ensure that the development is of a scale which would be commensurate with its location and setting;
- do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;

- do not generate traffic movements that cannot safely be accommodated within the local road network; and finally;
- do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4.

- 6.3 At paragraph 83, the NPPF directs that planning policies and decisions should enable the sustainable growth of all types of business in rural areas. This is reflected at a local level of Objective 8 of the CS, which states that the plan will strengthen the economic viability of rural settlements and their surrounding areas by facilitating employment generation and business diversification. These aims are broadly reflected by strategic policy SS5.
- 6.4 It is recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to, or beyond existing settlements, and in locations that are not well served by public transport, as set out within paragraph 84 of the NPPF. It emphasises, similarly to the aforementioned policies of the development plan, that proposals should not have an unacceptable impact on local roads, should be sensitive to their surroundings and where possible, make use of previously developed land and be well-related to existing settlements. The NPPF at paragraph 118d also sets out that planning decisions should promote and support the development of under-utilised land and buildings.
- 6.5 In this case, the cessation of an agricultural use of the site evidently occurred a significant time ago and with the wider site now hosting a range of uses, a future agricultural use would likely be impractical. The land and buildings appear to have been used for a variety of storage purposes over recent years, and the buildings to the west of the site, but forming the same group, are now being used for car restoration purposes following the grant of planning permission in 2020. The proposal looks to make-use of the former agricultural building for commercial storage (scaffolding) and for a small enterprise undertaking motorcycle tyre-fitting. As set out, the remainder of the building would be for general purpose storage, as per its present use. Although the site is outside of Brimfield/Wyson, it would use an existing building to accommodate a small start-up enterprise. It is accepted that there may be other ‘built-for-purpose’ business units locally in Leominster, Brimfield or Ludlow; however there is no requirement for the applicant to demonstrate why such options have been discounted. Further, subject to a consideration of the proposals impact on the local highway network, the setting of the site – including impacts upon the amenity of adjoining properties; it is considered that in principle, the use of the existing building for small-scale enterprise is accepted.

#### Impact on the local highway network

- 6.6 In addition to the policy requirements of policies RA6 and BLH18 of the development plan and as set out above, policy MT1 of the CS together with the NPPF require development proposals to give genuine choice as regards movement. Paragraph 103 of the NPPF 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 paragraph 109).
- 6.7 The application has raised concerns in respect of the proposals impact on the local highway network; specifically relating to an anticipated uplift in vehicular movements along Wyson Lane associated with both the motorcycle tyre fitting unit and the commercial storage elements. The initial comments from the Transportation Manager set out that whilst the proposal would result in the intensification of the site; it would unlikely result in cumulative impacts that could be

considered severe. In respect of the use of the site for storage of scaffolding; vehicular movements to and from the site are on an ad-hoc basis, as and when the company requires it but it is accepted that this would be regular as to cause a discernible impact on the network.

- 6.8 The motorcycle tyre-fitting unit is restricted to 34m<sup>2</sup> and would be operated by the applicant's tenant, with no regular employees. The supporting information supplied by the applicant states that the nature of the business would be largely internet based, whereby wheels would be collected from the clients address and brought back to the workshop for new tyres to be fitted. Whilst the enterprise would allow for motorcycles to drive directly to the site to allow work to be undertaken; the scale of the enterprise and the time taken to change two tyres (around an hour) would mean that the number of motorcycles that would visit on any given day; within the stipulated operating hours; would be self-restricted. Conditions are recommended which would control the scale and intensity of the use and therefore would have a direct relationship on vehicular movements to and from the site.
- 6.9 The applicant has clarified parking arrangements and it is noted that the hardstanding yard provides ample accommodation for the parking and turning of vehicles. This would prevent any inappropriate parking off-site although, it is anticipated by the nature of the uses; any vehicles would need to be parked close to the building in order to load/unload goods (i.e scaffolding and wheels).
- 6.10 It is understood that Wyson Lane is used by residents, as the only road out of the hamlet, and for children walking on their way to and from school. Further representations stress the narrow nature of the lane and the danger of the Salwey Arms junction at Woofferton, from which Wyson Lane is taken. However, on the basis of the above assessment and noting the scale and intensity of the proposed use; it is not considered that the cumulative impacts of the proposal would be severe. As such, officers take the view that the proposal, in highways terms, accords with policy RA6, MT1 and BLH18 of the development plan and refusal on this basis would not be warranted in context of paragraph 109 of the NPPF, as explained above.

#### Impact on neighbouring properties

- 6.11 Whilst located outwith the main part of Brimfield, Wyson and Woofferton; the site is found within a small cluster of buildings, several of which are residential properties. Namely, Lydiatt Place adjoins the site to the northeast and is served by the private access running to the east of the building used for car-restoration; the access also serving 'The Coach House' and 'The Oast House'. Accordingly, it is a requirement that any application for rural enterprise does not cause harm to the amenity of neighbours; and is commensurate to its setting, in accordance with policy RA6, SD1 and BLH18 of the development plan.
- 6.12 Many concerns have been raised in respect of noise emanating from the proposed use of the building; mostly the motorcycle tyre-fitting unit. Following initial concerns raised by the Council's Environmental Health Officer (Noise), the applicant has submitted additional details in respect of the proposed operations. They confirm that the scale of the operations would be limited on the basis that the number of persons operating the unit would at most be two, but generally limited to one. Further, the unit is small, and operations would not take place outside of this unit and within the forecourt, as secured through condition. In addition, the use of noise generating equipment would be restricted to the hours as set out in the relevant condition below. A condition is also recommended to ensure that the door to the air-compressor remains closed, whilst it is in operation.
- 6.13 With the above safeguarding measures controlling the use of the building; it is not considered that the proposal would result in any demonstrable harm to the amenity of neighbouring properties. Indeed, it must be remembered that the pre-existing use of the building for agricultural and storage purposes has been unencumbered; allowing for potentially greater impact on the amenity of neighbouring properties. Officers therefore consider that the proposal of this scale and nature

would not be inappropriate in this location and that no conflict with policy SD1, RA6 and BLH18 of the BNDP.

#### Impact on visual amenity and the historic environment

- 6.14 The application seeks planning permission for some minor operational development through the insertion of the roller shutter doors to the southern elevation, together with the small lean-to to the western elevation which would house the toilet and air compressor.
- 6.15 Policy BLH8 of the BLHNDP generally reflects the requirements of policy SD1 of the CS and states that proposals should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. It should not disrupt the amenities of the streetscene and impact on wider landscape views; with extensions being small in scale and subordinate to the original building.
- 6.16 The proposed extension would be small in scale and subordinate to the main building. Whilst the addition of the roller-shutter doors would add a degree of industrialisation to the site; such features are found on the building to the immediate west; that used for car restoration and therefore, would not be wholly out of keeping.
- 6.17 The site is located a significant distance to the west of the Grade II listed Woofferton Grange and noting the intervening development; inter and co-visibility between the site and the asset is extremely limited. As such, it is not considered that the minor operational development proposed would lead to any harm to the setting of the building. Consequently, officers identify no conflict with policy SS6, LD4 or BLH7 and the LPA can discharge the duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Drainage and ecology matters

- 6.18 The site is not located within a flood zone and no Flood Risk Assessment is required and it is not considered that the small lean-to addition would result in an increase in surface water run-off which would give rise to an increased risk of flooding elsewhere.
- 6.19 Whilst noting the priority habitat which lies to the north of the site; the existing foul drainage infrastructure existed to serve the residential use of the caravan housed within the building which has now ceased. As such, notwithstanding the comments of the Planning Ecologist, the septic tank which has outfall to a drainage field on the land within the control of the applicant, would not experience an uplift in use given that it would solely be used during the day as a facility for those working on site, often limited to one person.
- 6.20 Therefore, neither surface water nor foul water arrangements would be altered by the proposal and with the proposal limited to the use of the building and minor operational development, the proposal would not lead to any adverse impacts on the River Teme SSSI or the priority habitat and/or protected species found close to the site. However, a condition is recommended which secures compliance in this regard. A condition is also recommended ensuring that there is no external illumination of the site without the express agreement of the LPA; ensuring the proposal would not lead to any prejudicial impact on the priority habitat to the north of the site.

With the forgone considerations in mind, the proposal is considered to accord with the requirements of policy BLH9, BLH12, LD2, SD3 and SD4 of the development plan.

#### Conclusion

- 6.21 In weighing the above considerations; the proposal represents a scheme for the re-use of a rural building in the open-countryside; supported in principle by the prevailing policies of the development plan and, the objectives of the NPPF. The proposal would provide employment in a



rural setting. The concerns raised in respect of the proposals impact on the amenity of neighbouring properties (in respect of noise) and on the local highway network are acknowledged. However, it is considered that the scale and nature is such that subject to conditions, would be controlled and self-limiting, safeguarding against any adverse impacts in this regard. As such, it is considered the proposal accords with the principal and relevant policies of the development plan and the overarching aims and objectives of the NPPF. Therefore, it can be considered a sustainable form of development as is recommended for approval, subject to the conditions as set out below.

## **RECOMMENDATION**

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policy BLH8 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.**

- 3. The site shall be used only for commercial storage and for motor-cycle tyre fitting as per and within the area marked on the approved plan and for no other purpose (including any other purpose in the B Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

**Reason: In order to protect the amenity of occupiers of nearby properties and in the interest of highway safety so as to comply with Policy SD1, MT1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 4. The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 5. The number of persons working in the proposed motor tyre fitting unit shall be restricted to no more than 2 at all times.**

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 6. The door to the room housing the compressor shall be kept closed when the compressor is in operation.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 7. All activities and operations associated with the motor cycle tyre fitting unit shall take place within the area marked red on the proposed plans and no such activity shall take place in the outside yard area.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 8. All foul water shall discharge through connection to the existing private foul water treatment system with final outfall to the existing soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4 and the Brimfield and Little Hereford Neighbourhood Development Plan.**

- 9. At no time shall any external lighting be installed on any part of the application site without the written approval of this local planning authority.**

**Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3, the Brimfield and Little Hereford Neighbourhood Development Plan and the Dark Skies initiative (DEFRA-NPPF 2013/18).**

#### **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.**

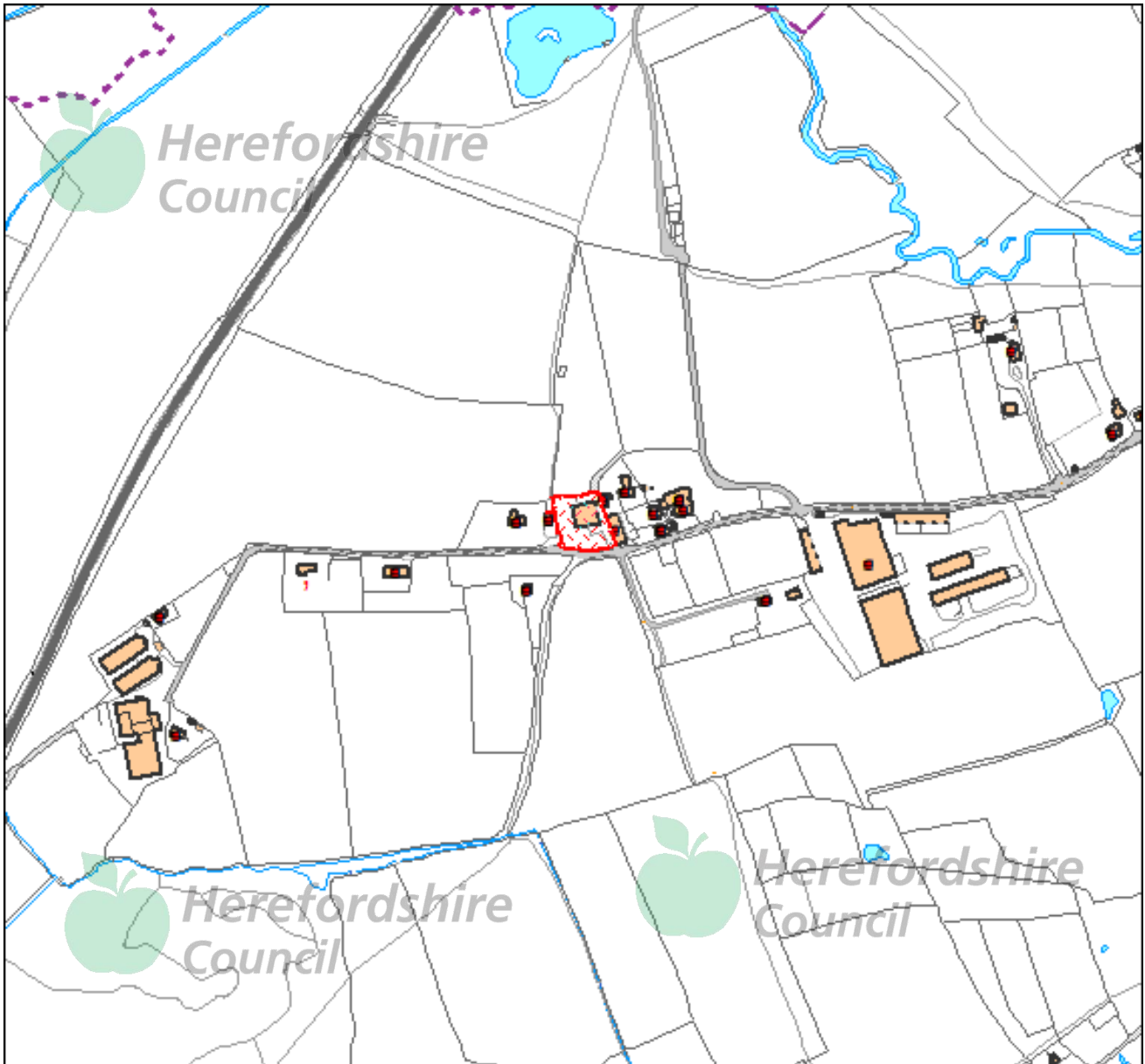
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 203268

**SITE ADDRESS :** ROBINS NEST AT THE YARD, WOUFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 JUNE 2021</b>
<b>TITLE OF REPORT:</b>	<b>211495 - PROPOSED REAR EXTENSION, FRONT PORCH &amp; DETACHED GARAGE AT WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE</b>  <b>For: Mr &amp; Mrs Lewis per Mr Ben Payne, 20 Castle Hill, Broken Bank, Kington, HR5 3AH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211495&amp;search-term=211495">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211495&amp;search-term=211495</a>
<b>Reason Application submitted to Committee – Staff Application</b>	

**Date Received: 13 April 2021**

**Ward: Kington**

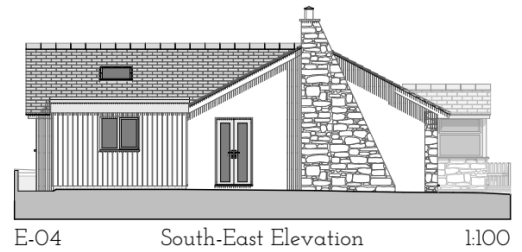
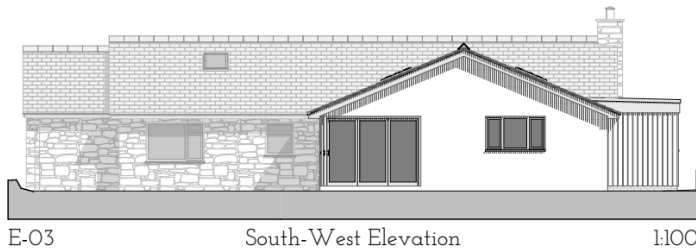
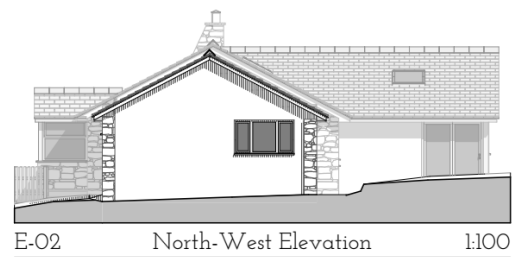
**Grid Ref: 329719,255834**

**Expiry Date: 8 June 2021**

Local Member: Cllr Terry James

## 1. Site Description and Proposal

- 1.1 Westerings is a single storey dwelling located along Kingswood Road just outside the Market town of Kington. The dwelling is constructed of stone and render under a plain clay tile roof. The dwelling also has an attached garage constructed of stone under a profiled sheeting roof. There is also a wooden outbuilding situated to the north-west corner.
- 1.2 The proposal is for a rear extension, front porch and detached garage. The rear extension would protrude 4.5 metres in width, 8.7 metres in length with a maximum ridge height of 4.3 metres. There is also a small flat roofed utility room protruding off this measuring 2.1 metres by 4 metres. The proposed front porch would measure 2.2 metres by 1.5 metres with a ridge height of 3.0 metres, and clad in stone with a plain clay tile roof. The existing attached garage will be converted into additional living accommodation and the proposed garage would be situated in largely the same place as the existing timber outbuilding and would measure 5.5 metres by 2.8 metres with a ridge height of 3.4 metres. The garage would be clad in render and plain clay tiles.
- 1.3 The proposed elevations and a photograph are set out below for ease of reference.



## 2. Policies

### 2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

### 2.2 **Kington Area Neighbourhood Plan** failed at referendum and therefore carries no weight in decision making

### 2.3 **National Planning Policy Framework (NPPF)**

- Chapter 2 – Achieving sustainable development
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

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

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

### **3. Planning History**

3.1 No site history

### **4. Consultation Summary**

4.1 No statutory or internal consultations

### **5. Representations**

5.1 Kington Town Council – No objection

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=211495&search-term=211495](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211495&search-term=211495)

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 Kington Neighbourhood Area, which failed at referendum on 25<sup>th</sup> July 2019.
- 6.3 When assessing planning applications for residential extensions, Policy SD1 and LD1 of the CS are applicable. SD1 states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and 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. Policy LD1 requires that the character of the landscape/townscape has positively influenced the design and scale of development, amongst other matters. These policies accord with the principles as set out within the NPPF with regards to good design and ensuring a high standard of amenity for existing and future occupiers.

- 6.4 Policy MT1 is also applicable. It states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposed development. It states that developments must be designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space. It also states that developments should have regard to both the Council's Highways Development Design Guide and cycle and vehicle parking standards.
- 6.5 When considering the proposal and the amount of built development, it is not considered to be at a scale that would be unacceptable or constitute over development. The size and scale of the proposal is considered acceptable in terms of mass, size and scale. It is clear that the extension is subservient and the host dwelling appears to remain as the dominant feature. The single-storey extension will have a maximum height sitting below the roofline of the host dwelling, ensuring it is read as a subservient, later addition. It is not considered that the proposal would depart from the character of the host dwelling or surrounding area. As such, the scheme is of an appropriate scale, design and appearance and is in adherence with LD1 and SD1 of the CS.
- 6.6 The proposed rear extension, porch and garage have been designed in a manner that reflects the host dwelling, utilising matching render, stone and plain clay tiles. This will ensure continuity of appearance. The proposed flat roofed utility extension will be clad in vertical cedar boarding under a single ply membrane roof. It is considered that the proposal is entirely acceptable and policy compliant with regards to design and scale, and would not depart from the character of the host dwelling or the surrounding area.
- 6.7 No concerns have been raised with regards to the impact the extension would have on the amenity of neighbouring dwellings by way of loss of light and outlook and sense of overbearing scale, however I must give this due consideration. Given the single-storey height of the proposal, it is not considered that the extension would lead to an enlargement considered overbearing to such an extent which would cause harm to the amenity of neighbouring dwellings, according with Policy SD1 of the CS. Although the proposal introduces new openings it is not considered that the level of overlooking would be exacerbated due to the single-storey nature of the proposal.
- 6.8 It is noted that the existing garage is to be converted to living accommodation however a new detached garage is also proposed and therefore will not have an adverse effect on the amount of off-road parking as there is sufficient space to the front of the property, therefore complying with CS Policy MT1
- 6.9 Although this application is within the River Lugg catchment and proposes foul water outputs, it is considered that the proposal will not demonstrably increase the intensification in the use of the property. As the competent authority for ensuring water quality in the River Lugg catchment and River Wye SAC, the local planning authority concludes that this proposal should be screened out of the HRA process. The development will not have a likely significant effect on water quality and therefore accords with the requirements of CS Policy SD4.
- 6.10 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

## RECOMMENDATION

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

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

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



1. **C01 – Time limit for commencement (full permission)**
2. **C07 – Development in accordance with approved plans and materials**

**INFORMATIVES:**

1. **IP1 – Application Approved Without Amendment**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 211495

**SITE ADDRESS :** WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE

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