

MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143517 - PROPOSAL FOR 7 NO. DWELLINGS WITH GARAGES AND PARKING AT LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA For: Mr & Mrs Crump per John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143517&search=143517
Reason Application submitted to Committee – Contrary to policy	

Date Received: 25 November 2014 Ward: Castle Grid Ref: 329479,247089

Expiry Date: 26 March 2015

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site comprises 0.7 hectares of land located to the north of 'The Courtlands' a row of semi-detached two-storey dwellings. The site forms part of a field laid down to grass, to the north of the site is 'Courtlands Farm'. Vehicular access is obtained along an unclassified highway which runs alongside the western side of the site and this adjoins the A438 approximately 60 metres south from the application site.
- 1.2 This full application originally proposed thirteen dwellings. However following amendment it now proposes the construction of seven detached dwellings with garages and parking. The application form indicates that the dwellings are to be constructed externally of brick and render under either slate or clay tile roofs with timber for the external doors and windows.
- 1.3 The proposal is for two-storey dwellings, and proposes four dwellings with three bedrooms, and three dwellings with four bedrooms, six of the proposed dwellings make use of the roof space for the second floor accommodation. The application also proposes single bay detached garages for each of the proposed dwellings.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- | | | |
|--------------|---|--|
| Introduction | - | Achieving Sustainable Development |
| Section 6 | - | Delivering a Wide Choice of High Quality Homes |

Further information on the subject of this report is available from Mr Philip Mullineux on 01432 261808

- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment.

2.2 Herefordshire Unitary Development Plan 2007 (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H6 - Housing in Smaller Settlements
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- CF2 - Foul Drainage

Herefordshire Local Plan – Draft Core Strategy

- 2.3 SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- 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 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-Diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

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

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

- 2.5 Eardisley Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. An emerging neighbourhood plan may be a material consideration once it has reached submission / local authority publication stage (Regulation 16). In the case of the Eardisley Parish, the Parish Council has prepared a Neighbourhood Development Plan for the area, and a neighbourhood area was designated on 10th April 2014. Work has commenced and the plan has reached draft plan (Regulation 14) stage. However, this

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is not at a sufficient stage to apply any material weight. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.6 Supplementary Planning Guidance:

Planning Obligations

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory consultees

4.1 Welsh Water raises no objections.

Internal Council advice

4.2 The Transportation Manager has responded to the amended application recommending a condition be attached to any approval notice requesting visibility splays 2.4 x105 metres to the west, and 85 metres to the east at the entrance of the access road to the site from the adjoining A438 public highway.

4.3 The Conservation Manager (Ecology)

There is no ecological survey submitted in support of the proposal. The Design, Access and Heritage Statement merely states that "The site has no special landscape, ecological or historic significance value." I visited the site on 25th February and can see how such a statement may have been made. The site is horse/pony grazed and appears to be of a somewhat degraded sward. There would not appear to be breeding habitat on or near to site for great crested newts nor any buildings or trees to be removed which might support bat roosts. I also note that hedgerows will be retained and I would wish to see a proper assessment and management plan for these boundaries. In view of the low apparent risk to protected species, I am willing to accept an ecological survey for the site as a condition of the planning. This survey should inform a species mitigation and habitat enhancement plan which should be required also by condition and be integrated with the landscape proposals. Should any protected species be revealed by the survey, the appropriate mitigation measures should be proposed and included in the above plan.

4.4 The Land Drainage Manager raises no objections subject to details being submitted with regards to a drainage strategy.

The response concludes stating:

'We have no objections to the proposed development on flood risk and drainage grounds. However, for a development of this size we would expect to see an illustration of the proposed drainage strategy to demonstrate how this will be incorporated into the development proposals. We therefore recommend the following information is requested prior to granting planning approval:

- A drainage strategy showing the proposed location of any soakaways and demonstrating how the development will ensure no increased risk to people and property up to the 1 in 100 year event. The drainage strategy should demonstrate that exceedance of the drainage system has been adequately considered and that suitable

mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties.

- Information regarding the proposed adoption and maintenance of the drainage systems.

Prior to construction, we also recommend that the following information is provided as part of planning conditions and submitted to the council prior to construction:

- A detailed surface water drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.
- A detailed foul water drainage design, with supporting calculations, showing the location of the proposed package treatment plant and soakaway.
- Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level'.

A further response from the Land Drainage Manager seeking clarification with regards to advice in relation to the drainage strategy indicates that for this site, it is not of significant concern as the density of the development and site conditions indicate that a suitable drainage design can be provided. If there are no other issues and drainage is not considered to be of significant concern to the planning committee then I am happy for this information to be provided at a later date. However, if drainage is considered to be of significant concern to the planning committee then I would recommend that this is provided before it goes for final review.

- 4.5 The Conservation Manager (Landscape), raises no objections recommending conditions with regards to protection of existing boundaries and trees and further landscape mitigation be attached to any approval notice issued.

5. Representations

- 5.1 Eardisley Group Parish Council has responded to the application stating:

Comments passed to Winforton Councillors by Winforton residents:

The vehicular access is poor from the main A438. The site access is from Common Lane, which is a single track lane where frequently driveways to domestic premises are used as passing places. The junction from Common Lane to the A438 is obscured, particularly to the eastern end, due to a barn obscuring the view.

Access at the bottom of the lane could easily create a 'bottle-neck' situation.

Serious investigation should take place regarding the drainage and sewage situation on and around this plot of land.

Originally this parcel of land was included in the Neighbourhood Plan and parishioners felt they had the ability to influence the long term planning and strategies for their community. They are now asking the question, what is the relevance of the Neighbourhood Plan.'

In response to the amended plans the Parish Council responded stating:

We have consulted the people of Winforton both in public meetings as well as questionnaires and overwhelmingly on each occasion they have said 'that they want small but continuous developments over a number of years'. This application meets neither of the criteria requested by the village as being the way forwards for their community.

With the revision of this application from 13 to 7, there has been no revision of the application form, the design statement or the heads of terms. Residents do not know whether there will be any affordable homes (5 in the original document), or 106 money (clearly stated in the original). Even though there have been changes in the way 106 money is allocated, we believe that, since the original application / design statement / heads of terms are still representing this proposal, there should be 106 money arising from this proposal as of the date of the application.

Also there is no place in the design for waste bins. In these days of 2 wheelie bins per house, it is unacceptable that the future occupiers of these houses will have no place for their bins. And there is no apparent bicycle storage.

This is a sloppy amendment of an application which leaves residents guessing about the proposed provision.'

5.2 Twelve letters of objection have been received from members of the public.

Key issues raised can be summarised as follows:

- Concerns about the sustainability of the proposal.
- No mains drainage in the village.
- Concerns are raised about access.
- There are a number of dwellings for sale within the village.
- Local schools are close to capacity.
- Number of dwellings proposed is to high a density for the village concerned.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key issues in relationship to this application are:

- Principle of the development.
- Access.
- Drainage.

Principle of the Development

6.2 Winforton appears as a smaller settlement within policy H6 of the UDP. This policy supports limited infill development only, as a consequence the proposal is contrary to that policy.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and became the sole planning policy document at national level. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual

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policies of the UDP must therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.

- 6.4 Paragraph 47 of the NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 20% "buffer", dependent on each local planning authority's record for housing delivery. The appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.5 Consequently Herefordshire Council are presently failing to meet this requirement and 'relevant policies for the supply of housing should not be considered up to date' as stated in Paragraph 49 of the NPPF. On this basis, the council's housing policies, which define the geographical limits of residential development can be attributed little weight in the determining of an application for residential development.
- 6.6 As the Council's UDP housing policies can no longer be relied upon to determine the principle of residential development, applications should be considered 'in the context of the presumption in favour of sustainable development', as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 The 'social role' of development requires attention to the location for development with respect to local services and facilities. In this instance, the closest facilities and services to the site at approximately equal distant and located at the market towns of Kington and Hay-on-Wye. Both provide amenities which one would associate with a market town. Further still, Winforton is located alongside the A438 on which there is a bus service that provides limited transport to the city of Hereford and in the direction of Hay on Wye.
- 6.8 The application has been amended during the application process and originally proposed thirteen dwellings. Amended plans submitted now propose seven dwellings in a layout and scale considered more satisfactory in relation to the surrounding built environment. The proposal, which includes use of the roof space for the second floor accommodation, is considered to have a negligible impact on the local landscape character and is considered to conform with UDP Policy LA2 and chapter 11 of the NPPF.

Access

- 6.9 Access into the site is proposed off an unclassified public highway. The Transportation Manager has responded to the application requesting a condition for improved visibility splays at the junction of the unclassified public highway and the A438.
- 6.10 The works required refer to land outside of the applicants' control. Confirmation has been received from the land owner that the works to enable visibility splays as requested by the Transportation Manager are acceptable. These works will also benefit other road users. The proposal will give rise to a modest increase in use of the local highway network. The increase in use of the junction will have a negligible impact on highway safety. For these reasons the proposal is considered to have an acceptable impact on the local highway network in terms of safety and movement in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

Drainage

- 6.11 The site is not served by a mains sewage system and therefore a bio-disc sewage treatment plant is proposed. Such systems treat effluent and discharge purified water which can be discharged into the ground. The application proposes a soakaway system as part of the foul drainage discharge.

- 6.12 Welsh Water raises no objections and the Land Drainage Manager also raises no objections subject to a drainage strategy to include reference to a detailed surface and foul water drainage design with evidence of infiltration testing in accordance with BRE365.
- 6.13 Further clarification from the Land Drainage Manager has confirmed that this is not a significant concern as the density of the development and site conditions indicate that a suitable drainage design can be provided.
- 6.14 The site lies in Flood Zone 1- lowest risk, of the Environment Agency Flood data maps. Access into and out of the site is also achievable over land in the lowest risk category and whilst it is acknowledged that there is a higher risk flood area within the locality, it is noted that drainage from the site can be achieved without increasing flood risk potential in the surrounding locality.
- 6.15 With consideration to the location and intensity of development on site, drainage proposals are considered acceptable in principle and it is recommended that conditions are imposed requiring a detailed drainage strategy for the site.
- 6.16 Consequently the proposal is considered acceptable and in accordance with Policies S1 and DR4 of the UDP on drainage issues and chapter 10 of the NPPF.

Other Matters

Residential Amenity and Privacy

- 6.17 The development of seven dwellings is of an acceptable scale in relationship to the village, and can be accommodated without compromising the privacy of surrounding neighbouring dwellings or the privacy of the individually proposed dwellings.

Ecology

- 6.18 Whilst it is acknowledged that no ecology report was submitted in support of the application, the ecology value of the site is considered low, the site lacking ecological habitat of value, and with no known protected species on site or located adjacent to the site. As such it is recommended that the condition recommended by the Conservation Manger (Ecology) be imposed.

Neighbourhood Plan

- 6.19 Letters of objection received refer to concern about the prematurity of the application with regards to the neighbourhood plan. Refusal of planning permission on grounds of prematurity can seldom be justified and it is noted that, notwithstanding its status, this site is proposed for development in the Eardisley Neighbourhood Plan. Members may also note that 'Planning Practice Guidance', supporting the NPPF, states that circumstances where prematurity may constitute a reason for refusal are likely to be limited.
- 6.20 It is officer opinion that the emerging Core Strategy and Neighbourhood Plan are still at a relatively early stage of preparation and as such, prematurity cannot be argued as a reason to refuse this application.

Planning Obligations

- 6.21 The Government has recently introduced new legislation indicating that affordable housing and tariff style section 106 contributions should not be sought from developments of 10-units or less, where there is a maximum combined gross floor space of no more than 1000 square metres.

The gross floor space is calculated per m² of all new build floor space within the external walls of the building, including circulation and service space such as corridors, storage, toilets, etc. It includes attic rooms that are useable as rooms, but excludes loft space accessed by a pull-down loft ladder. It also includes both integral and detached garages and any other buildings ancillary to residential use.

- 6.22 If a residential scheme exceeds the gross floor space of 1000 square metres the developer will be required to deliver a policy compliant scheme thereby requiring 35% affordable housing and section 106 contributions in accordance with the Council's Planning Obligations Supplementary Planning Document.
- 6.23 During the application process the proposal was amended as a result of concerns about impact of the scale of the development, (13 dwellings). The proposal now falls below the 1000 sq.m threshold and subsequently no Section 106 Planning Obligation is required.

Conclusions

- 6.24 In light of the above, the principle, scale and design of the development is considered acceptable having particular regard to the location of the site in relation to the built up area of the village, local services and facilities. It is considered that drainage issues can be adequately addressed by the imposition of conditions. The intensification of vehicle numbers on the local highway, and impacts in relation to transportation issues are considered acceptable. On this basis it is recommended, in accordance with the presumption in favour of sustainable development as referred to in the NPPF and giving weight to the Council's inability to demonstrate a five year housing land supply, that planning permission be granted.

RECOMMENDATION

That officers named in the Scheme of Delegation are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
 - Amended block plan - drawing number 1412/S/1A
 - Amended elevations and floor plans - Plots 1, 2 and 4 - drawing number 1412.12
 - Amended elevations and floor plans - Plot 3 - drawing number 1412/14
 - Amended elevations and floor plans - Plots 5 and 7 - drawing number 1412/15
 - Amended elevations and floor plans - Plot 6 - drawing number 1412/1G
 - Amended garage and elevations and floor plan - drawing number 1412/17
- 3. CAB Visibility splays, (access lane(2.4) (105) metres to the west, 85 metres to the east)**
- 4. F14 Removal of permitted development rights**
- 5. C01 Sample of external materials**
- 6. D04 Details of window sections, eaves, verges and barge boards**

Further information on the subject of this report is available from Mr Philip Mullineux on 01432 261808

7. **D05 Details of external joinery finishes**
8. **D10 Specification of guttering and downpipes**
9. **G09 Details of boundary treatments (Detail will also be included with regards to boundary treatments between individual dwellings which will not be of close boarded fencing.**
10. **G10 Landscaping scheme**
11. **G11 Landscaping scheme implementation (11)**
12. **Prior to commencement of the development, a Preliminary Ecological Assessment (extended Phase 1 Habitat Survey) must be carried out and submitted to the local planning authority and approved in writing. The survey shall inform and specify any works to be included in a species mitigation and habitat enhancement also to be submitted to the local planning authority for approval, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, nc8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006'.

13. **CCO Site Waste Management**
14. **CBK Restriction of hours during construction**
15. **CCK Details of slab levels**
16. **L04 - Comprehensive & Integrated drainage of site which must include reference to the location of any soakaways and demonstrate how the development will ensure no increased risk to people and property up to the 1 in 100 year event. The drainage strategy must demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties and Information regarding the proposed adoption and maintenance of the drainage systems.**
17. **No development shall commence on site until the developer has prepared a detailed a detailed surface water drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event. A detailed foul water drainage design, with supporting calculations, showing the location of the proposed package treatment plant and soakaway. Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice indicating the invert levels of soakaways are a minimum of 1m above the groundwater level.**

Reason: To ensure effective drainage facilities are provided for the development as indicated and to ensure that no adverse impacts occurs to the environment and to comply with Policies DR4 and CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

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

- 2. N11A**

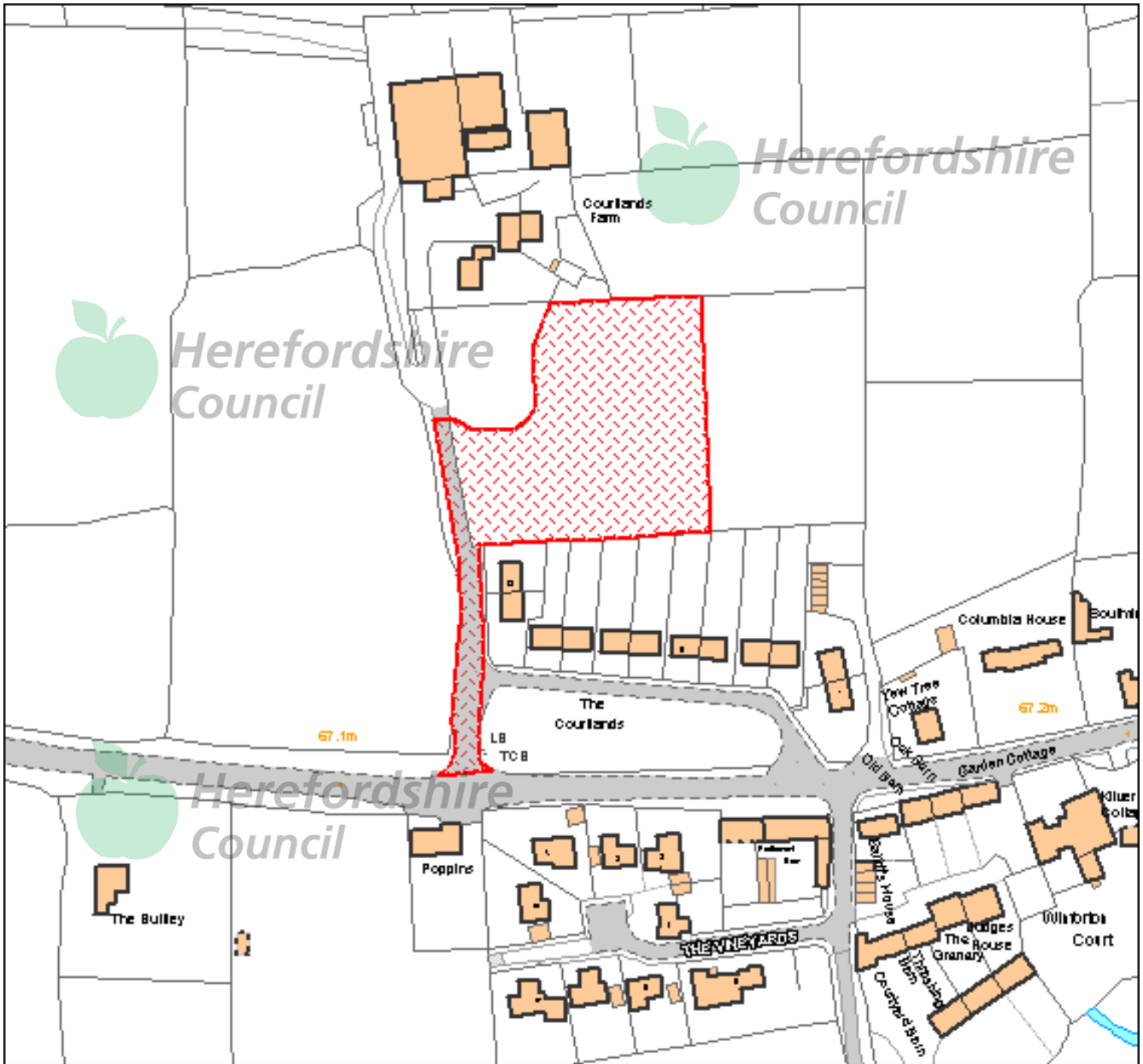
- 3. N11C**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143517

SITE ADDRESS : LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA

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