

MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143683 - PROPOSED ERECTION OF TWO DWELLINGS WITH GARAGES AT THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP For: Mr & Mrs Parker per Mr Bryan Thomas, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143683&search=143683
Reason Application submitted to Committee - Contrary to Policy	

Date Received: 10 December 2014 **Ward: Frome** **Grid Ref: 365893,248345**
Expiry Date: 6 February 2015
 Local Member: Councillor P M Morgan,

1. Site Description and Proposal

- 1.1 The application is located outside of but adjacent to the defined settlement boundary of Bishops Frome, a main village identified under policy H4 of the HUDP as a sustainable location for new development in the rural areas. The site is a rectangular shaped parcel of land associated with The Olde Shop, a semi detached dwelling. Open countryside adjoins south and the post War residential estate Mudwalls is located opposite and is within the settlement boundary. Immediately adjacent to the application site are two dwellings under construction as permitted by planning permission reference 140377/F. The site is accessed from a C Class road which links to the village. There are no formal landscape designations hereabouts.
- 1.2 The proposal is the erection of two dwellings and garages.

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
Section 7	-	Requiring Good Design
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements

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

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages
H7	-	Housing in the Open Countryside Outside Settlements
T8	-	Road Hierarchy
HBA4	-	Setting of Listed Buildings
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

2.4 Neighbourhood Plan

Bishops Frome has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 8 November 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

2.5 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 140377/F – Erection of two dwellings – Approved 3 April 2014 (adjoining site)

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection, however, it requests conditions be attached to any planning permission if it is granted.

Internal Council Advice

4.2 Transportation Manager has no objection and notes adequate visibility is now achievable with modifications to the existing wall in the applicant's ownership and adequate off road parking is proposed. There is it is considered no highway implications.

- 4.3 Conservation Manager (Ecology) has no objection and confirms reading the ecological appraisal and the further appraisal in respect of the potential impact of this development on great crested newts (GCN) produced by Swift Ecology.

This is a procedure which allows for the potential presence of GCN in a neighbouring pond and is effectively a risk appraisal of the likely presence of GCN together with precautionary measures to be adopted. This is considered to satisfactorily assess the GCN issue raised by objectors and recommends specific ecological conditions are attached to any planning permission.

5. Representations

- 5.1 Bishops Frome Parish Council *'are in favour of this application and believe the Planners should agree and give planning consent'*. The Parish Council adds:

This application is near to two new dwellings which received planning permission this year and are in the process of being built. (The applicant) approached the four nearest neighbours, two of which had no objection to the planning application. The two others did object and will send their own objections. The objections are mainly that the new development is effecting their view and space, which they have enjoyed up to this year on their side of the village. The Parish Council having asked the parishioners their feelings on future development in Bishops Frome parish this summer one of the results from the questionnaire with a high percentage of agreement is that any development that is agreed on in the future should be of small numbers of houses. This application is just what the villagers stated developments should be.

- 5.2 Five letters of support have been received. Comments are summarised as:

- The plans are very similar to that of the adjoining permission and if similar quality materials are used in both the four bed and the bungalow then the two developments would complement each other and bring a high end feel to the area.
- The proposal is a well thought-out scheme that will benefit the area
- Bishops Frome needs small individual developments such as this is
- The proposal is infill so is the most natural place to expand the village
- The proposal is 1 bungalow and 1 house which is what the village needs
- The proposal is in keeping with the character of the area
- The proposal will help support existing local services and facilities
- The proposal will help new services and facilities come to Bishops Frome
- There is a need for this type of housing in Bishops Frome

- 5.3 Ten letters of objection have been received. Comments are summarised as:

- Impact on the setting of listed buildings
- Great Crested Newts have not been considered
- Impact on adjoining amenity
- The proposal is not infill development
- The proposal is not in keeping with the area
- Does not believe houses are the best type of property to be built on this site bungalows would be less invasive to other properties adjacent to this land.
- Herefordshire Council continually gives planning permission on "two property" at a time in Bishops Frome they are continuing to ignore the need to update the general services in and out of the village.
- Object on the premise that allowing more properties to be built without addressing these issues opens the door to even more planning applications being passed within the village which will have further detrimental effects on the village as a whole.

- There are problems with the drainage of sewage and land water. Sewers have become blocked and the road from the village to Burley Gate has been flooded on several occasions.
- Cumulative impact of this and other development will put extra pressure on the sewers and runoff from the development will lead to increased flooding.
- The road leading to the sites from the Ledbury to Bromyard road is regularly close to being blocked by cars parked on both sides, especially by customers of the 2 pubs in the village. Not only does this make it difficult to travel through but is dangerous for pedestrians (including children catching the school bus) as there is no pavement. The cars from the extra houses can only make these matters worse.
- Access to the development itself is particularly dangerous, being on a significant bend in the road.
- New housing should be on brownfield sites or on the outskirts of the village where existing properties are not affected.
- There are currently 23 new properties under construction in the village (two to five bedroomed properties). This figure exceeds the 14% (21 properties), identified by Herefordshire Council in its draft Core Strategy. Hence no further development is required at this time as at least four other houses are for sale in the village, and have been for some time, people are concerned as to whether all these houses will sell.
- This development will separate the old farm house and barn from areas that historically they will have been linked to, with the dwelling attached to the Olde Shop, having once been the forge for the community. It will also have the effect of closing off the open perspective of the farmland that again was part of the heritage of the farmhouse and bam. There is a strong functional and historic link between a farm and its farmland, and any development which severs that link will cause harm to its setting and would fail the statutory presumption in favour of preserving the setting of listed buildings.

5.4 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:-

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

6. Officer's Appraisal

- 6.1 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
- 6.2 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.3 Paragraph 14 of the NPPF states that there *"is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole... or specific policies in this Framework indicate development should be restricted."*
- 6.4 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could

result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable as regards its location and material constraints and considerations.

- 6.5 The site whilst it does not immediately adjoin the defined settlement boundary of a main village, is surrounded by and in between existing residential development and is read as part of the built form area of the village. The site is within walking distance of various local shops and facilities to the east, and the Village Hall to the West. From a landscape and streetscape assessment, the plot represents a natural infill or rounding off to the existing built form of the village that will not undermine the historic character and setting of Bishops Frome hereabouts or the overall character and appearance of the wider landscape or countryside. Adjoining to the East and under construction are two dwellings permitted under reference 140377/F.
- 6.6 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.7 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of means whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA3 and HBA9.
- 6.8 The proposal features a bungalow that would have an external floor area of 104 sq metres with an eaves height of 2.45m and ridge height of 4.95m and a house that would have a floor area of 180 sq metres with an eaves height of 5.05m and ridge height of 8m. Both units are orientated East/West with the East elevation forming the principal elevation and benefit from a detached garage.
- 6.9 This application represents 'backland' development, however, that in itself is not unacceptable providing matters of amenity, privacy and access are adequately addressed. Both units and The Olde Shop have adequate private amenity areas and having regard to the scale and layout proposed, and intervening distances, there is no significant adverse impact upon existing adjoining properties, including those under construction. In respect of impact from the access upon amenity it is the Olde Shop and adjoining under construction dwelling that are the most impacted upon, however, the movements generated from the two dwellings are not considered significantly harmful to their amenity. In particular the adjoining dwelling has some separation and protection from the boundary treatments proposed and existing.
- 6.10 The design quality is comparable with the adjoining development approved under reference 140377/F and is considered to be higher than the Mudwalls estate opposite. Indeed this application and the adjoining approved dwellings are considered to raise the design standards and quality of the streetscene hereabouts. Conditions ensure suitable materials and external finishes, along with the landscaping proposed including native species hedgerow planting, are implemented.
- 6.11 The site is not located within a protected landscape or conservation area and no designated heritage assets immediately adjoin the site. The nearest listed buildings, the Grade II Broadfield Court and Broadfield Court Barn, are located approximately 100 and 50 metres to the East and separated in part by the residential development permitted under reference 140377/F. As such

it is reasonably concluded the proposal will have no adverse impact upon heritage assets or their setting.

- 6.12 The Council's Ecologist has considered the comments made in respect of protected species and habitats and indeed the applicant was required to assess Great Crested Newts. The Ecologist was satisfied with the recommendations and findings of these reports and has no objection. Precise conditions are recommended to ensure protected species and habitats are not impacted upon and mitigated.
- 6.13 The comments from Welsh Water and the Transportation Manager are noted. It is emphasised neither object and requested conditions from them are attached to the recommendation ensuring drainage and highways matters are secured and mitigated.
- 6.14 As such approval is recommended as relevant local plan policies are satisfied along with the relevant aims and objectives of the NPPF. It is considered there are no sustainable grounds to refuse this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C01 – Planning permission**
- 2. C06 – Development in accordance with approved plans**
- 3. C13 – Samples of external materials**
- 4. Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.

- 5. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.

- 6. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.

- 7. C65 – Removal of Permitted Development Rights**
- 8. C67 – No new windows**

9. The recommendations of Swift Ecology’s Preliminary Ecological Report dated October 2014 and supplementary Great Crested Newt appraisal dated February 2015 should be followed. Prior to commencement of the development, a precautionary species mitigation and 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.

Reasons: 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, the NERC Act 2006 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

10. C95 – Details of Boundary treatments
11. C96 – Landscaping scheme
12. C97 – Landscaping scheme implementation
13. CAC – Visibility over frontage
14. CAL – Access, turning area and parking
15. CAZ – Parking for site operatives
16. CBO – Scheme of surface water drainage
17. CBP – Scheme of surface water regulation

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A
3. N11C

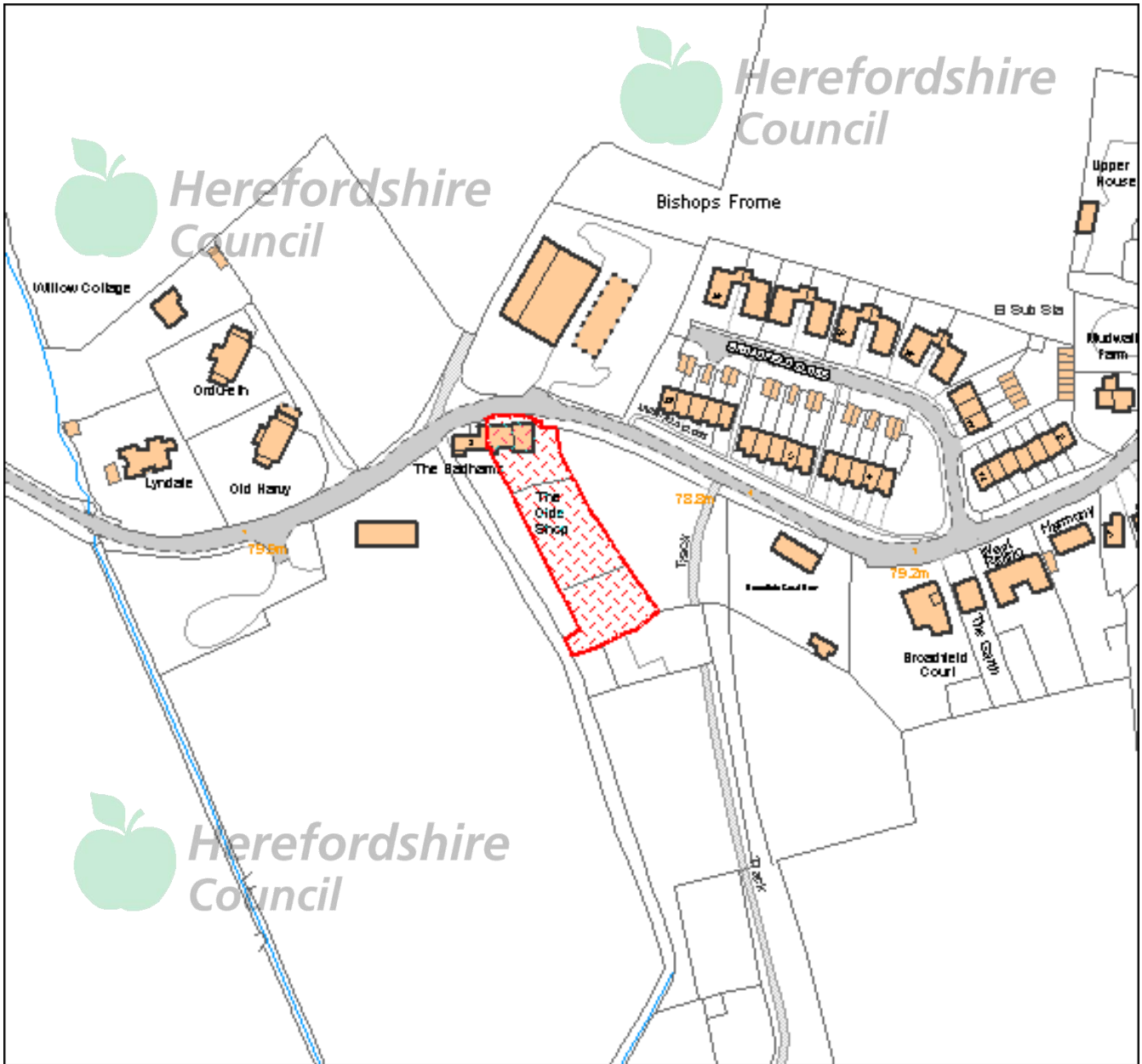
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143683

SITE ADDRESS : THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP

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