

MEETING:	PLANNING COMMITTEE
DATE:	16 JUNE 2015
TITLE OF REPORT:	150379 - PROPOSED ERECTION OF THREE DWELLINGS AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA For: Mr Gee per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150379&search=150379
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 6 February 2015 Ward: Kerne Bridge Grid Ref: 355196,217481

Expiry Date: 3 April 2015

Local Member: Councillor PD Newman OBE

1. Site Description and Proposal

- 1.1 The application site lies to the south-east of the A40 on the southern side of the B4164. The site that forms part of a larger field has an area of approximately 0.196 hectare. At the north-eastern point of the application site is an existing vehicular access, albeit an agricultural access. Immediately to the south-east of the application site within the larger field, which is the same ownership, is a public footpath which runs parallel to the south-eastern boundary of the larger field. The land rises to the south.
- 1.2 The River Wye is in excess of 400 metres to the east with intervening existing development.
- 1.3 The site is actually centrally located within Whitchurch, with the Old Court Hotel some 50 metres to the south-east, the Primary School opposite and the village hall, employment facilities, village shop, public house and bus stop all within easy, and safe, walking distance.
- 1.4 The application is made in outline form with all matters except appearance, in this case full details of materials, reserved for future consideration. The negotiation process has essentially resulted in a high level of detail being provided. The proposed access would utilise the position of the existing vehicular access with a 4.5 metre driveway providing access into the site and then turning in a westerly direction with a turning facility at the end. A cycle link would be provided to the pavement on the southern side of the B4164.
- 1.5 It is then proposed to erect three houses, in the form of a single detached four bed roomed house and a pair of three bed roomed semi-detached houses.
- 1.6 The house designs deliberately have limited spans (i.e. 7.05 metres) and eaves height (4.85 metres) to limit their mass. The designs in many ways reflect the designs of the houses known

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

as 'Greenlands', 'Falklands' and 'Torwood' on the opposite side of the road towards the A40. The materials are indicated to be a mix of lime render and natural stone to the elevations, slate roofs and timber windows.

- 1.7 Beyond the rear gardens of the proposed gardens it is proposed to plant an extensive woodland belt of between 15 and 35 metres depth. This would comprise a mix of ash, oak, hawthorn, hazel, field maple, elder and dog rose.

2. Policies

- 2.1 National Planning Policy Framework (March 2012) (NPPF)

- 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Environment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR13	-	Noise
DR14	-	Lighting
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T11	-	Parking Provision
LA1	-	Area of Outstanding Natural Beauty
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC8	-	Habitat Creation
NC9	-	Management Features of the Landscape Important for Fauna and Flora

- 2.3 Herefordshire Core Strategy:-

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SS2	-	Delivering New Homes
Policy SS4	-	Movement and Transportation
Policy RA1	-	Rural Housing Strategy
Policy RA2	-	Herefordshire's Villages
Policy LD1	-	Landscape and Town Scape
Policy LD2	-	Bio-diversity and Geodiversity

- 2.4 Neighbourhood Plan

Whitchurch and Ganarew Group Parish Council designated the Neighbourhood Plan Area on 4 December 2013. They are only in the drafting stages and have not yet produced a Draft Regulation 14 Plan for public consultation.

- 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 P141897/O - Outline application for erection of four dwellinghouses – Withdrawn.

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency: No objection subject to conditions.

4.2 Historic England: No objection.

4.3 Welsh Water: No objection.

Internal Consultees

4.4 Transportation Manager: No objection.

4.5 Conservation Manager (Ecology): No objection.

4.6 Conservation Manager (Historic Buildings): No objection.

4.7 Land Drainage: Recommend condition.

4.8 Public Rights of Way: No objection.

5. Representations

5.1 The Parish Council objected to the originally deposited application on the basis of:-

- a) lack of information with respect drainage;
- b) clarity re: movement of electricity lines;
- c) they make the point that the site is within the AONB; and
- d) the entrance is not considered to be suitable.

5.2 No views have been received from the Parish Council with respect to the further details submitted.

5.3 One local resident has made observations with respect existing highway conditions and surface water drainage issues.

5.4 The Whitchurch Primary School expresses concerns as to the impact of the proposal upon highway safety. They point out that the access is in close proximity to the pedestrian crossing for school children and where cars are parked. They also express concerns re: surface water drainage.

5.5 A representation of support has been received from the occupier of 6 Ridgeway Crescent who welcomes the development and compliments the design.

5.6 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

Principle

- 6.1 The application site does not lie within the defined settlement boundary of Whitchurch, the defined boundary being on the west side of the A40. The village is a defined main village in the Herefordshire Unitary Development Plan (HUDP). As a consequence in planning policy terms the site lies within the open countryside where policy H7 of the HUDP essentially establishes a presumption against new residential development. Whilst exceptions are provided for, none apply to this particular case.
- 6.2 The law is clear that planning decisions should be made in accordance with the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply of deliverable housing sites."

- 6.3 In June 2012 Cabinet effectively resolved to address this matter by looking more favourably on releasing sites adjacent to Hereford, the market towns and main settlements (i.e. those defined in policy H4 of the HUDP). No significant weight can be attached to this as it was not the subject of consultation. However, it has some limited weight. Essentially one needs to consider each such housing proposal on its individual merits with regard to the overall planning balance (i.e. the economic, environmental and social roles of sustainable development set out in the NPPF).

Economic and Social

- 6.4 The provision of additional housing clearly would contribute both economic and social benefits in terms of supporting the construction industry during the implementation of any planning permission and providing new housing that would support existing local services.

Sustainability

- 6.5 Whitchurch is a defined main settlement which is, to a degree, a reflection of its sustainability credentials. It should also be noted that the emerging Core Strategy in Policy RA2 identifies Whitchurch as a village that could accommodate housing growth of at least 14% (approximately 65 dwellinghouses). This said, at the time of writing this report, only very limited weight can be attributed to Core Strategy policies and given the current level of objection to policy RA2, I attribute no weight to this policy.
- 6.6 The maximum walking distance one would expect in rural areas is approximately 1200 metres. In this case Whitchurch has the following amenities within that distance:-
- Shop & Post Office;
 - Primary school;
 - Motor vehicle garage;
 - Hotel with restaurant and bar;
 - Public House;
 - Employment site;
 - Village Hall; and

- Bus stops with regular service to Ross-On-Wye and Monmouth (Service 34).

The walk to these services is considered safe being on footways.

- 6.7 In terms of the context of Herefordshire as an essentially rural County, Whitchurch is considered to be a sustainable location.

Landscape Impact

- 6.8 The site lies within the Wye Valley Area of Outstanding Natural Beauty and forms part of a larger arable field on rising land at the foothills of The Doward. There is no doubt that the proposal by using part of a larger arable field would alter the existing field pattern and hence character. If this were to be delineated by merely fencing and /or a hedge it would appear contrived but negotiations have secured a significant woodland belt to the rear of the proposed development reflecting the woodland blocks in the wider landscape of The Doward and Symonds Yat.

- 6.9 It is therefore considered that the proposal would not harm the character or appearance of the Wye Valley Area of Outstanding Natural Beauty.

Siting and Design

- 6.10 The proposed houses are considered to be well laid out fronting the road but with a sufficient set back. The design of the houses are considered to be of a high standard. The limited spans and eaves heights mean that the scale and mass of the proposed houses is considered acceptable. The palette of materials indicated is considered acceptable but more precise detail and samples are required.

Setting of Listed Building

- 6.11 Given the acceptable nature of the proposal in terms of layout, siting and design and the intervening development, it is not considered that the proposal would harm the setting of the Grade 2* 'Old Court' to the east. The Historic Building Officer states:-

“...it is considered that the scale, form and materials of the proposed dwellings would relate well to the neighbouring Old Farmhouse and would not harm the setting of the Old Court Hotel.”

As a consequence the proposal is not considered to conflict with policy HBA4 of the HUDP 2007 and the relevant parts of the NPPF.

Highways

- 6.12 It is considered that the highway network has sufficient capacity to cater for the additional 18-24 movements a day that the proposed development would generate. The vehicular means of access and associated visibility splays are considered to be satisfactory.
- 6.13 Full parking provision would be provided off the road within the curtilage of each dwellinghouse, in accordance with adopted standards. On-site vehicle manoeuvring / turning space would enable motor vehicles to enter and leave the site in a forward gear.
- 6.14 It is considered that the proposal would not prejudice highway safety including existing highway users.

Drainage

- 6.15 The foul sewerage would be disposed of to the mains sewer. Welsh Water has no objection.
- 6.16 With respect surface water, the submitted Flood Risk Assessment (FRA) demonstrates that infiltration techniques are feasible on-site. It also suggests that the access road, driveways and turning areas should be constructed with a permeable material or alternatively that surface water run-off generated in these areas should be discharged to infiltration trenches. The FRA states that surface water run-off generated on roofs is proposed to be discharged to soakaways.
- 6.17 If it is found that surface water runoff from the development cannot be discharged solely via infiltration, the FRA states that it is proposed to discharge to attenuation tanks located beneath driveways and / or landscaped areas. The report also states that soakaways will be designed based on the results of infiltration tests undertaken in accordance with BRE365 guidance, and will consider a 30% increase in rainfall intensity to allow for climate change effects.
- 6.18 It is considered that the proposals relating to surface water drainage are acceptable. However, a condition is required to ensure more detail is provided.

Flood Risk

- 6.19 The location of the proposed houses is in Flood Zone 1 (lowest probability) although the north-eastern section of the site is in Flood Zone 2 (Medium Probability). The Environment Agency has carefully considered the reviewed Flood Risk Assessment and do not object to the proposed development. Conditions that they recommend are included in the recommendation.

Other Matters

- 6.20 It is considered that the site is not unduly affected by road traffic noise from the A40.
- 6.21 It is considered that the proposal would not adversely affect the amenities of the occupiers of the neighbouring dwellinghouse to the south-east known as 'The Old Farmhouse'. Similarly, it is considered that the occupiers of the proposed dwellinghouses would enjoy a satisfactory level of amenity.
- 6.22 The movement of electricity lines would be a separate matter between any developer and the statutory undertaker.

Conclusion

- 6.23 In summary, whilst the proposal is contrary to the provisions of the Development Plan in that it would provide new houses outside of the existing settlement boundary, in this instance it is considered that planning permission should be granted as:-
- Herefordshire has a shortfall in its five year housing land supply;
 - The site is very close to the defined settlement boundary, a defined main settlement;
 - The site is in a relatively sustainable location;
 - The design of the houses are of a high standard;
 - The proposal, with the woodland belt, would not harm the landscape;

- The proposal would not prejudice highway safety;
- The amenities of the occupiers of the neighbouring dwellinghouse would not be unduly affected; and
- In all other respects the proposal is considered to be acceptable in planning policy terms.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development shall not commence until approval of the following reserved matter has been obtained from the Local Planning Authority:-**

- **Appearance in the form of a written schedule and samples of all external materials).**

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:-**

- **Application Site Plan (Scale 1:1250) received 6 February 2015**
- **Site Plan & Entrance Detail - Drawing number 772.03 Rev. C (Scale 1:500) received 6 May 2015**
- **Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014**
- **Dwelling 1 (4 bedroomed detached) - Drawing number 772.04 (Scale 1:100) received 6 February 2015**
- **Dwelling 2 (2 x 3 bedroomed semi-detached) - Drawing number 772.05 (Scale 1:100) received 6 February 2015 and**
- **Street Elevation – Proposed – Drawing number 772.06 (Scale 1:100) received 6 February 2015**

except where stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework.

- 3. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Full details of surface water drainage arrangements including supporting**

calculations and detailed drawings

- Full details of permeable materials to be used in relation to the driveway, vehicle parking areas and vehicle manoeuvring areas
- Full details of all external lighting (if any)
- Full details of all boundary treatments (i.e. gates, walls, fences or other means of enclosure).

The development shall not commence until the Local Planning authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such;

Reasons:

a) To ensure that there are adequate surface water drainage arrangements that do not result in the discharge of surface water arising from the development outside the confines of the development site, in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

b) To ensure that the landscape hereabouts is not adversely affected by light pollution, in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

c) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary Development Plan 2007.

4. The finished floor levels of the dwellinghouses hereby permitted shall be set no lower than 25.12 metres above ordnance datum (AOD), which is 600mm above the 1 in 100 year plus climate change River Wye flood level of 24.52m AOD as identified in Section 6 of the Hydro-Logic's FRA Revision 1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the dwellinghouses from flood risk for the lifetime of the development, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year plus climate change flood plain, has been submitted to and agreed in writing by the Local Planning Authority. The route must be in place before any occupancy of the dwellinghouses.

Reason: To prove safe access and egress during flood events and reduce reliance on emergency services, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2m x 50 m in a north-westerly direction and 2m x 90m in a south-easterly direction shall be provided and kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Prior to the first occupation of any of the dwellinghouses hereby permitted the garages and parking spaces together with the cycle link shown upon the approved plan shall be provided. Thereafter these garages and car parking spaces shall be kept free of obstruction and available for use free from any obstruction.

Reason: To ensure adequate on-site parking / garaging is provided preventing on-street parking in the interests of highway safety and in accordance with Policies DR3 and T11 of the Herefordshire Unitary Development Plan 2007.

- 8. The recommendations for species and habitat enhancements set out in Section 4 of the ecologist's report from Wider Ecology dated July 2014 shall be followed unless otherwise agreed in writing by the Local Planning Authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation shall be made to the Local Planning Authority in writing together with photographic evidence of the measures implemented.**

Reasons:

a) 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 and NC7 of the Herefordshire Unitary Development Plan 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 9. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.**

Reasons:

a) 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 and NC7 of the Herefordshire Unitary Development Plan 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 10. The initial 6 metres of the access shall not have a gradient exceeding 1 in 12. Thereafter the access shall not exceed 1 in 8.**

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 11. No gates shall be erected within 6 metres of the public highway.**

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 12. Foul and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewage system.

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

Reason: To prevent hydraulic overloading of the public sewage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

- 14. 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 sewage system and pollution of the environment.

- 15. All planting, seeding and turfing in the approved details of landscaping (i.e. Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or on completion of the development (whichever is the sooner). Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

- 16. Other than any external lighting approved pursuant to condition 3) above, no external lighting shall be placed on-site or attached on any building without the express consent of the Local Planning Authority.**

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

- 17. Other than development permitted by this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of part 1 and Classes A and C of part 2 of schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.**

Reasons:

a) To secure the integrity of this high quality design in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework; and

b) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary development Plan 2007 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. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. HN05 Works within the highway**
- 5. HN10 No drainage to discharge to highway**

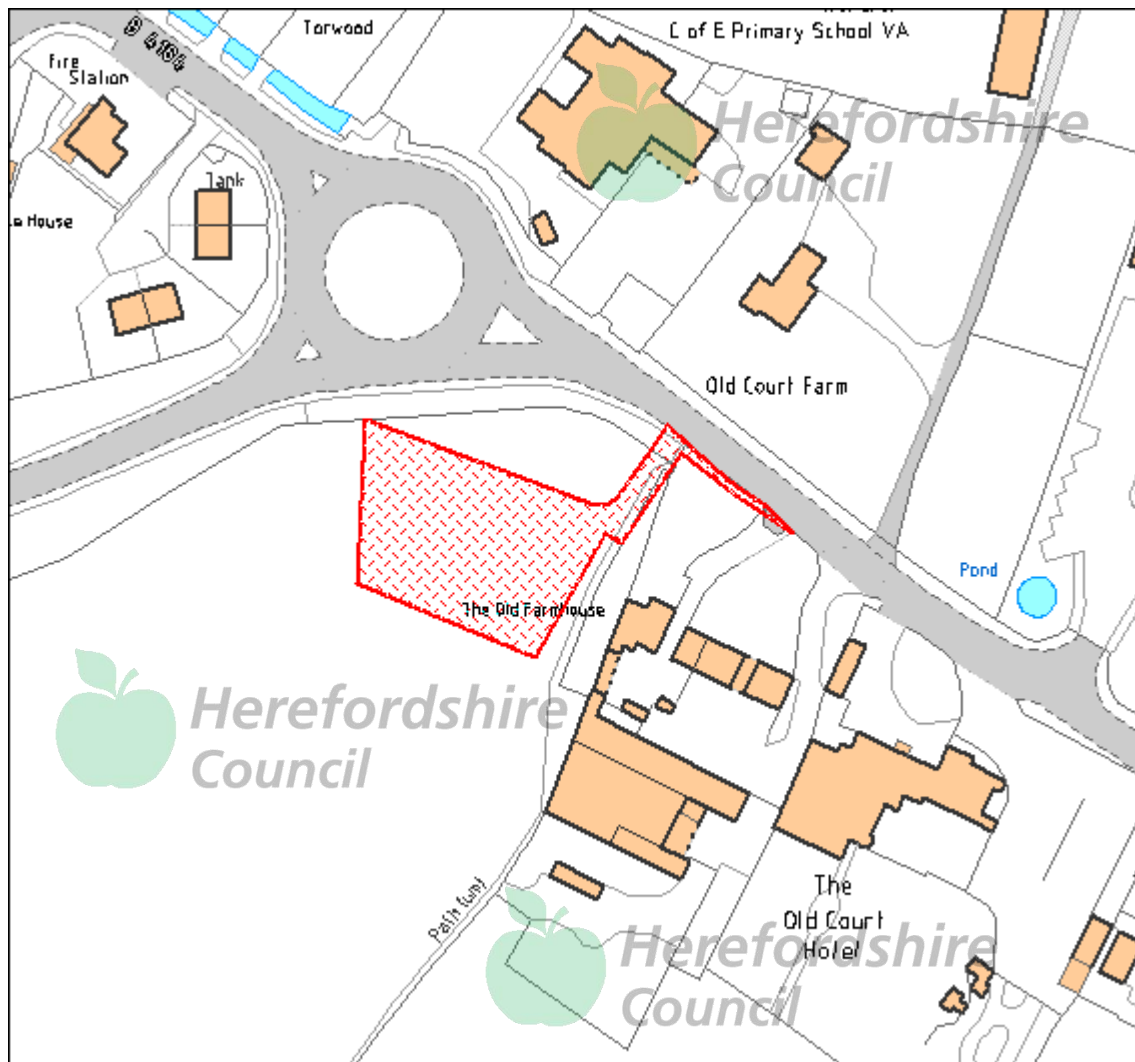
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150379

SITE ADDRESS : LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA

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