

MEETING:	PLANNING COMMITTEE
DATE:	7 OCTOBER 2015
TITLE OF REPORT:	151627 - PROPOSED ERECTION OF TWO DETACHED COTTAGES WITH NEW VEHICULAR ACCESS AT LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH, HEREFORDSHIRE For: Mr Holey and Ms S Lawrence 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=151627&search=151627
Reason Application submitted to Committee – Contrary to policy	

Date Received: 29 May 2015

Ward: Kerne Bridge

Grid Ref: 357030,219121

Expiry Date: 24 July 2015

Local Member: Councillor PD Newman, OBE

1. Site Description and Proposal

- 1.1 The application site is located outside of the defined settlement boundary of Goodrich, a main village identified under policy H4 of the local plan, however adjacent to existing built form of the village. The site, as is the whole of Goodrich, is within the Wye Valley Area of Outstanding Natural Beauty, a designated protected landscape.
- 1.2 The site comprises land associated with Bryant's Court Cottage, a detached stone cottage located on the West side of an unclassified road that serves the village and connects to the wider rural highway network. Part of the application site is formed of existing residential curtilage. A Public Right of Way adjoins the site's south boundary. Open countryside adjoins to the west.
- 1.3 This outline planning application is for the erection of two detached cottages with new vehicular access. Approval is sought for details regarding access, layout and scale with appearance and landscaping details reserved for future consideration.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	–	Achieving Sustainable Development
Section 4	–	Promoting Sustainable Transport
Section 6	–	Delivering a wide choice of high quality homes

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

- Section 7 – Requiring Good Design
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 – Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 – Sustainable development
- S2 – Development requirements
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- H4 – Main villages
- T8 – Road Hierarchy
- LA1 – Areas of Outstanding Natural Beauty
- 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
- SD1 – Sustainable design and energy efficiency
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's villages
- LD1 – Landscape and townscape

2.4 Neighbourhood Planning.

Goodrich are not progressing a Neighbourhood 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 None

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection.

Internal Consultees

- 4.2 The Transportation Manager has no objection, noting the road is subject to a national speed limit, however due to the geometry and rural nature of the road to attain this speed would be unlikely. The site is located adjacent to the village therefore it has connections for public transport and a primary school. There are also connections to the national cycle route which connects Goodrich to Ross. Visibility from the access will require hedgerows to be removed. Conditions and informatives recommended.
- 4.3 The Conservation Manager (Ecology) notes this is a low impact development site and has no objection to the development given the findings of the ecological survey and the small enhancements possible. The applicant intends replacing the removed hedgerow and has even taken graft scions of the pears to be removed.
- 4.4 The Public Rights of Way Manager has no objection noting Public footpath GR6 has been marked on plans and will not be obstructed by the development. However, we would suggest that the path is given a 3m width to allow for the boundary hedge maturing. The new occupants must also be made aware that they are responsible for maintaining both sides of the hedge.

5. Representations

5.1 Goodrich Parish Council objects to the proposal on the following grounds:-

1. The proposed site is relatively high, and represents a 'high point' between itself and Symonds Yat, and as such, the development is likely to 'stand out'
2. The site is outside of the recognized development boundary
3. The proposal, if approved, may lead to development sprawl

If, however, the county council is minded to approve the application, the parish council would want the scale of the new properties to be limited by planning condition, to two smaller, more affordable homes.

5.2 Two letters of objection have been received from adjoining local residents. Comments are summarised as:-

- The proposal is development of a greenfield site
- Precedent
- The proposal is outside the settlement boundary and in open countryside
- Landscape impact and impact on the Wye Valley AONB
- Concern over access and increased vehicular movements
- The proposal is unsustainable
- Impact on adjoining residential amenity and privacy

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:-

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

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with the provisions of the local development plan unless material circumstances dictate otherwise.

- 6.2 The Council's published position is that it cannot demonstrate a 5 year supply of housing land with buffer. The most recently published figure puts the supply of housing land at between 2.09 and 2.6 years depending on the method of assessment. The Council accepts that the housing supply policies of the UDP are out-of-date and that the application should be considered in the light of the positive presumption enshrined in paragraphs 14 and 49 of the NPPF.
- 6.3 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decisions taking this means:
1. approving development proposals that accord with the development plan without delay; and
 2. where the development plan is absent, silent or relevant policies out-of-date, granting permission unless:
 - i. 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
 - ii. specific policies in this Framework indicate development should be restricted.
- 6.4 Paragraph 215 of the NPPF stipulates that the level of weight which shall be afforded to local policies shall depend on their level of consistency with the policies of the NPPF.
- 6.5 Paragraph 47 of the NPPF requires LPAs demonstrate that there are deliverable sites sufficient to provide five years worth of housing with a 5% buffer. This buffer shall increase to 20% where the LPA have consistently failed to demonstrate a five year housing land supply. The Council acknowledges it's under provision and accepts UDP housing supply policies carry no weight.
- 6.6 The NPPF is clear, however, that even in this context, the three dimensions of sustainable development are indivisible. This assessment demonstrates that the adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.7 Paragraph 9 of the NPPF states pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) improving the conditions in which people live, work, travel and take leisure.
- 6.8 The Ministerial forward to the NPPF states *our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity* and goes on to set out the Government's policies, aims and objectives in Section 7 Requiring Good Design, paragraphs 56-68.
- 6.9 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Whilst LPA's are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.

- 6.10 Paragraph 61 acknowledges that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.11 Paragraph 64 states 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.
- 6.12 Local Plan policies DR1 - Design, DR2 – Land use and activity, DR3 and H13 – Sustainable residential design are considered to be in conformity with these policies, aims and objectives of the NPPF. In addition and in order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.
- 6.13 Goodrich is considered a sustainable location for residential development by virtue of its current local plan designation as a designated as a main village under local plan policy H4 and its designation in the emerging Core Strategy under Policy RA2 as a settlement. Whilst Goodrich is wholly within the Wye Valley Area of Outstanding Natural Beauty, this does not preclude development in sustainable locations on suitable sites. This would in the main only comprise sites within or adjoining existing sustainable settlements.
- 6.14 As neither the existing local plan nor the emerging one can be relied upon to determine the principle of residential development, as per the test laid out at paragraph 14 of the NPPF, where the development plan is out-of-date or otherwise silent, the presumption in favour of sustainable development will be engaged unless:
1. specific policies of the NPPF indicate otherwise; or
 2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.15 Development within the AONB is listed within the NPPF as being a scenario whereby bullet point no.1 may be pertinent. In more detail, the appropriate method of determination in the context of the above hinges on whether or not the scheme is considered ‘major development’ in the context of paragraph 116:

If the development is found to meet the definition of major development then the cost-benefit analysis required by paragraph 116 becomes the test of acceptability; or

If the scheme does not meet the definition of major development, the planning balance remains the relevant test of acceptability albeit with great weight afforded to retaining the landscape character and scenic beauty of the AONB required at paragraph 115.

- 6.16 Officers do not consider the provision of two dwellings to represent major development in the context of Goodrich and paragraph 116 of the NPPF. The planning balance therefore applies here.
- 6.17 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF to engage the positive presumption in favour of the proposal. The Government's definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 5 and 11 of this paragraph to be most relevant in requiring that planning:
- 5. takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - 11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.18 The application proposes the erection of two dwellings in the open countryside. Policy S1 – Sustainable development refers to the key components of delivering sustainable development. Amongst the relevant criteria is an expectation that new development should reduce the need to travel and protect or enhance the natural environment. These aims are enshrined in the detailed housing policies, which direct new development to sustainable locations i.e. those locations that are capable of supporting the needs of residents without the need to travel, including locations where there are shopping, recreation and employment opportunities alongside other community facilities. Hierarchically, these locations are Hereford City, the market towns, the main villages and the smaller settlements.
- 6.19 Goodrich is designated as a main village under policy H4 and is a location wherein residential development is acceptable. It is clear the site lies adjacent to the settlement boundary of the village and close to community facilities and public transport services.
- 6.20 The site is part of a domestic curtilage and opposite is residential development. Having regard to the context, proximity of services and facilities and likelihood of linked trips considering the rural location, this is considered a sustainable location. Sustainability is however more than a matter of location, it also relates to how a development relates to, improves and enhances a location and this is a site in the Wye Valley AONB.
- 6.21 The proposal entails the erection of two detached dwellings fronting the unclassified road on a building line that relates to the existing cottage and is comparable with the layout arrangements opposite. The dwellings would share a new vehicular access from which there would be acceptable visibility splays in both directions commensurate with local road conditions. Bryants Court Cottage would continue to be served from the existing vehicular access.
- 6.22 The indicative design and detailed scale of the proposed dwellings would complement each other and would appear appropriate to the characteristics of the site and its surroundings. The dwellings have a height to ridge of 7 metres and eaves of 4.4 metres, with a width of 13.1

metres including indicative chimney and attached garage (9.2 metres without) and depth of 7.1 metres. It is considered the dwellings by virtue of the significant boundary vegetation and trees and the presence of Byrants Court Cottage, would appear as part of the village rather than as an encroachment into the open countryside.

- 6.23 In response to the comments of the Parish Council the applicant has reduced the size of the dwellings, removing a two storey rear projection that would have measured 5.8 x 5.6 metres in plan, and although not 'affordable housing' secured through any legal agreement, through their reduced size will result in these dwellings being more affordable units. As the dwellings are within an AONB they have reduced permitted development rights restricting further extension without planning permission.
- 6.24 In regards the protected landscape, the site forms a natural extension to the village. Therefore, the visual effect of the proposal would be limited and viewed against existing built form and the edge of the village.
- 6.25 In regards the impact on amenity and privacy of adjoining dwellings Peacedale and Fairhaven, on the opposite side of the highway, separated by retained and indicative landscaping and planting and some 37 and 24 metres away. It is noted Peacedale is set at an angle. On this basis and notwithstanding Peacedale is an 'upside down' house (bedrooms are on ground floor, living areas at first floor) it is considered there is not significant impact on amenity and privacy. Indeed Peacedale, Fairhaven and the further St. Anton are in far closer proximity to each other than the proposal is to these dwellings.

Other Matters

- 6.26 Concern has been expressed regarding the precedent this development would create if approved. There is no precedent in planning and each application is required to be assessed on its own merits.
- 6.27 Further concern has been expressed regarding the development of the remaining parcel of land to the West. This area is to be planted as an orchard as part of the enhancement and mitigation proposals that make up this application. This area creates important landscaping, biodiversity and drainage improvements contributing to the sustainability of the proposal and satisfying local and national policy requirements. Conditions will ensure the implementation and protection of this orchard landscaping planting area.
- 6.28 It is noted the Transportation Manager has no objection, noting the relative sustainability of the site and low traffic volume and speeds on the highway. Furthermore on this basis and in landscape interest in respect of the road side hedge, the Transportation Manager has accepted an alternative, lesser visibility splay (this is a 2 metre set-back rather than 2.4 metres) which allows most of the roadside hedge to remain. As such there is considered no justification on highways grounds to resist this proposal.
- 6.29 As such having regard to the Council's housing land supply position, context, sustainability and contribution to the local economy it is considered approval is appropriate. The proposal complies with local plan policies DR1, DR2, DR3, DR4 and LA1 and the relevant aims and objectives of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **Foul water and surface water discharges shall be drained separately from the site.**

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

6. **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.

7. **H03 Visibility splays – should meet HC design guide for single private drives.**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H12 Parking and turning - single house**
11. **H17 Junction improvement/off site works**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **G03 Retention of existing trees/hedgerows: scope of information required**
16. **G04 Protection of trees/hedgerows that are to be retained**
17. **G09 Details of Boundary treatments**
18. **G10 Landscaping scheme**
19. **G11 Landscaping scheme – implementation**
20. **I16 Restriction of hours during construction**

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. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN08 Section 38 Agreement & Drainage details**
6. **HN10 No drainage to discharge to highway**
7. **HN22 Works adjoining highway**
8. **HN28 Highways Design Guide and Specification**

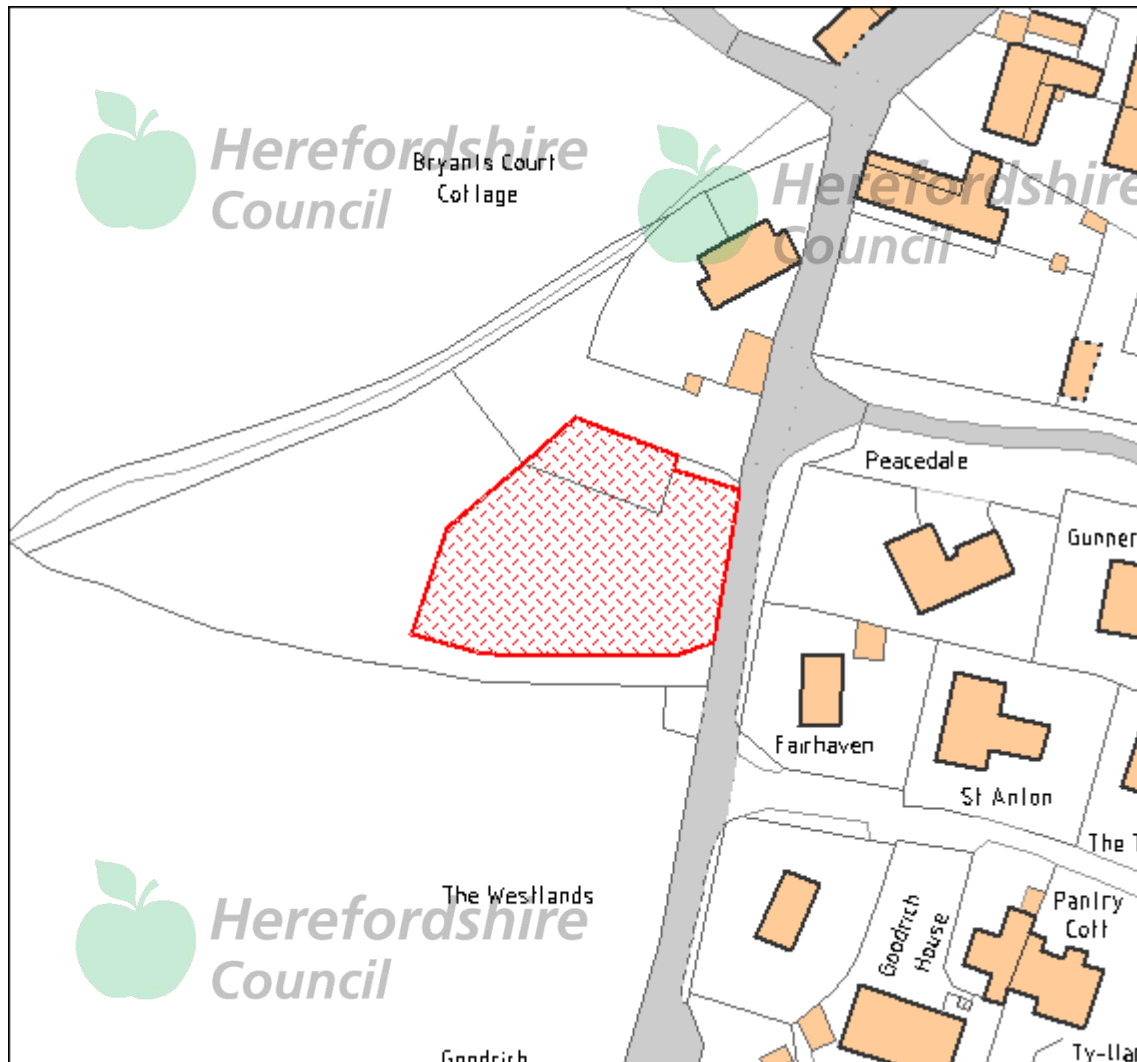
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151627

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