

MEETING:	PLANNING COMMITTEE
DATE:	3 AUGUST 2016
TITLE OF REPORT:	<p>152779 - PROPOSED CONSTRUCTION OF 5 NO DWELLINGS WITH GARAGES. FORMATION OF NEW ACCESS AND PRIVATE DRIVE AND CLOSE EXISTING. DEMOLITION OF OUTBUILDING, STEEL FRAMED BARN, WIND TUNNEL AND GREENHOUSE AT LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE</p> <p>For: Pallas Ventures Ltd per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152779&search=152779
Reason Application submitted to Committee – Redirection	

Date Received: 15 September 2015 Ward: Arrow Grid Ref: 341731,258331
Expiry Date: 5 August 2016
 Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 Eardisland is a picturesque historic village on the River Arrow about 15 miles north west of Hereford and 5 miles west of Leominster. It is a nucleated settlement which is centred on the river's crossing point and is set either side of the B4529 Road that runs through the village. The village has two public houses, two tea rooms and a community run village store. Other services, including schools and a doctor's surgery, are available in nearby Pembridge and Kingsland.
- 1.2 The village is characterised by its timber frame cottages and larger farmhouses with more contemporary residential development utilising brick, stone and render, but nevertheless maintaining a traditional form of pitched roofs and small modular windows to complement the older properties. There is no set building line and many of the existing buildings are set alongside, at right angles or obliquely to the main road and are dispersed and fairly sporadic further outside the village centre.
- 1.3 The application site is located on the western side of the highway on 0.84ha of land behind Orchard Farmhouse in the southern part of the village with direct access onto the B4529.
- 1.4 The site is part of a former nursery complex and comprises mainly open land which is enclosed by mature hedges. Denser tree planting screens the site from the south whilst immediately to the north is existing terraced housing (beyond which a further 10 dwellings are proposed on The Elms site, P144390/F). To the east and south east are a loosely knit group of houses, which also front the B4529 and to the west are a series of arable fields.

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

- 1.5 The Applicant is proposing to construct five dwellings with garages on the northern portion of the site and demolish five existing structures including an outbuilding, steel framed barn, wind tunnel and greenhouse. The existing access would be closed and a new access and private drive would be created in a safer position some 10m to the north.
- 1.6 At officer's request, the scheme has been amended primarily in response to issues raised in relation to flood risk, which are discussed in Section 6 of this report. The application is supported by the following documents:
- Planning, Design & Access Statement
 - Flood Risk Assessment
 - Ground Infiltration Testing
 - Highway Safety Assessment
 - Phase 1 Ecological Survey

2. Policies

2.1 National Planning Policy Framework:

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
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.3 Neighbourhood Planning

Eardisland Parish Council designated a Neighbourhood Area on 24 February 2014 and has produced a Neighbourhood Plan for the area. On 29 June 2016, the Regulation 16 Plan was sent for Examination and the Council is awaiting the Examiner's Report. This emerging

neighbourhood plan is sufficiently advanced to attract weight for the purposes of determining planning applications.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 None.

4. Consultation Summary

- 4.1 Statutory Consultations

The Environment Agency removed its original objection to the application subject to flood risk conditions being imposed and made the following comments:

I refer to further information received in support of the above application and in consideration of our outstanding objection (14 March 2016). Having reviewed the updated FRA undertaken by Hydro-Logic Services dated May 2016 (Ref K0634/1 Rev 2) we are in a position to remove our objection to the application and would offer the following conditions and comments for your consideration at this time.

The updated FRA confirms that the development layout has been revised and that Plots 1 and 3 are no longer located within the 1 in 100 year plus climate change floodplain extent based on our River Arrow model. There is therefore no requirement for flood storage compensation as outlined in our previous response. Page 18 of the FRA highlights that 2 of the garages will protrude into the 1 in 100 year plus climate change extent but the impacts would be minimal. As stated on Page 24 of the report, these garages would be built at existing ground levels and would be allowed to flood. We are satisfied with this and would not seek compensation for these losses given the extensive floodplain extent in Eardisland.

Any boundary treatment of gardens falling within the 1 in 100 year plus climate change extent (85.20m AOD or below) should be of a nature to allow floodwater to enter the garden i.e. post and rail fencing or natural hedgerows. The development layout does show 1.0m high post and rail fencing in the 1 in 100 year plus climate change floodplain extent.

The FRA Summary of Report section also confirms that finished floor levels will now be set at 600mm above the 1 in 100 year plus climate change flood level of 85.20m AOD at 85.80m AOD which is in line with our guidance.

As highlighted in our response of 14 March 2016, the site is a dry island surrounded by Flood Zone 3 (High Probability) and safe, dry access is not available. We are satisfied the FRA details the risk to occupants on this route. A Flood Evacuation Management Plan (FEMP) has been produced following discussions with your Emergency Planning team. Whilst we offer a flood warning service on which the plan can be based, we would not make comment on the adequacy of the Flood Evacuation Management Plan should you be minded to secure permission with it to ensure it secures safe and sustainable development.

Welsh Water had no objection as a private treatment plant would be utilised as there is no foul mains connection available in the village and no problems are envisaged with the provision of water supply.

4.2 Internal Council Consultations

Transportation Manager: No objection, subject to conditions

Land Drainage Manager: No objection to the application on drainage and flood risk grounds, subject to further drainage details being provided prior to construction.

River Lugg Internal Drainage Board: No objection, provided the Board's standard requirements in respect of surface water disposal are taken into account when the application is being assessed.

Conservation Manager (Ecology): No objection subject to a condition being imposed requiring the recommendations of the submitted ecologist's report being implemented, and for an integrated landscape and habitat protection and enhancement scheme to be prepared on the site.

Conservation Manager (Archaeology): Noted that the site is within the Conservation Area and has some broad relation to the former medieval layout of the settlement but acknowledged that it is quite peripheral, and there is no particular evidence of below-ground archaeological interest. Accordingly, no objection and no other requirements to advise.

Conservation Manager (Historic Buildings): No objection as the proposal would not have an adverse impact on the Conservation Area nor the setting of any nearby listing buildings.

5. Representations

5.1 Eardisland Parish Council made 4 submissions on the application and objected to the application for the reasons summarised below.

Flooding and Drainage	<ul style="list-style-type: none">• The application has not addressed the issue of flooding in those parts of the site lying in Flood Zones 2 and 3.• The proposal relies on an unsuitable flood evacuation route via Burton Lane, which is known to flood to substantial depth.• The development would increase impermeable surface area exacerbating flood risk.
Highway Safety	<ul style="list-style-type: none">• The area around the proposed access floods in heavy rain and poses a danger to motorists.
Landscape and Ecology	<ul style="list-style-type: none">• The application should have been accompanied by an Ecological Assessment.
Heritage	<ul style="list-style-type: none">• The application should have been accompanied by a Heritage Impact Assessment.
Layout and Design	<ul style="list-style-type: none">• The design and layout does not reflect the existing layout of the village and does not make a positive contribution to the surrounding environment.• The application no longer takes account of the high voltage electricity supply crossing the site.• The proposal does not ensure an appropriate range of tenures, types and sizes of houses.• The density differs to other development nearby and the proposal does not contribute to local identity and sense of place.
Other Matters	<ul style="list-style-type: none">• The site layout no longer accommodates the effluent pipe from the Housing Association development and farmhouse to the treatment plant.
Policy	<ul style="list-style-type: none">• In light of the above issues, the proposal represents unsustainable development and is not in conformity with the NPPF, the Core Strategy and the Eardisland NDP.

The full comments are attached as an appendix to the report.

5.2 13 objections have been received from local residents many of which echoed the issues raised by the Parish Council. In summary, the relevant points raised are as follows:

- Flooding risk and drainage issues on the site and possible impacts on surrounding land.
- Highway safety of the access particularly during flooding events.
- Amenity including loss of outlook, privacy and light to neighbouring properties.
- The design of the proposed dwellings is generic and incongruous with local character.
- Lack of information provided in relation to flooding, drainage and heritage issues.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152779&search=152779>

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

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

6. Officer's Appraisal

Principle of Development

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

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

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy. A range of Core Strategy policies, referred to at section 2.1, are relevant to a development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. Policy SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas, new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Core Strategy Appendix 4.

6.5 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 49 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that Core Strategy policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

- 6.6 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Eardisland is identified as one of the rural settlements within the Leominster Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Leominster HMA the indicative minimum housing growth is 14%. This equates to 35 dwellings for Eardisland.
- 6.7 The growth target should not be seen as a ceiling to development and proposals should be considered in terms of paragraph 14 of the NPPF which states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.8 The preamble to Policy RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Policy RA2 seeks to support housing growth in or adjacent to these settlements and confirms that the indicative targets established in Policy RA1 will be used to inform the level of development in the identified settlements.
- 6.9 The Core Strategy confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development, that are inaccessible and give rise to attendant landscape harm.
- 6.10 The core principles upon which Policy RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, Policy RA2 may continue to attract weight in the determination of this application. This is because it is positively worded and does not, in advance of an NDP, seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned.
- 6.11 The site is well related to Eardisland and is adjacent to the main built up part of the settlement. It is bounded by residential development to the north, east and south. Safe access can be achieved onto the B4529 and the site is a short distance from existing services and facilities that are available in the village centre. The proposal would not therefore result in an isolated or unsustainable pattern of development and the detailed design of the scheme is considered acceptable.
- 6.12 In this instance, officers consider that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.
- 6.13 The expectation of Policy RA2 is that NDPs will define appropriate settlement boundaries or reasonable alternatives or will allocate land for new housing or otherwise demonstrate delivery by indicating levels of suitable and available capacity.
- 6.14 The site lies within the designated Neighbourhood Area of Eardisland and is adjacent to the settlement boundary proposed by the emerging Neighbourhood Plan.

- 6.15 Eardisland NDP acknowledges in its objectives, the need to promote a level of housing growth to meet the indicative housing target for Herefordshire that is proportionate to the size of Eardisland Parish and its settlements so that the parish retains its essentially rural character. The Regulation 16 Plan has been sent Examination and the Council is awaiting the Examiner's Report. It is therefore sufficiently advanced to attract weight for the purposes of determining planning applications.
- 6.16 The Neighbourhood Plan does not allocate sites for housing but does identify settlement boundaries with criteria-based policies. There is a current shortfall of 35 dwellings from the proportional growth requirement. Policies E1(i) and E9(b) of the NDP permit new residential development that is located within or adjacent to the settlement boundary. Given that the proposal is able to satisfy these, together with other relevant criteria in these and other relevant policies, the principle of developing this site for residential purposes is considered to comply with the NDP.

Flooding and Drainage

- 6.17 Part of the southern portion of the site lies within Flood Zones 2 and 3. In accordance with Policy SD3 of the Core Strategy, Policy E9 of the NDP and the NPPF, development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower probability of flooding.
- 6.18 Residential development is classified in the NPPF as 'more vulnerable'. This type of development is considered appropriate in Flood Zones 1 and 2. However, to develop in the floodplain (i.e. Flood Zone 3), the Council must be satisfied that the development passes the Sequential Test and the first two points of the Exception Test namely that it is not possible for the development to be located on land with a lower probability of flooding and that the development provides wider sustainability benefits to the community that outweigh flood risk.
- 6.19 Plots 1 and 3 were originally proposed within the Flood Zone 3. Having applied these tests, officers informed the applicant that that proposal would not be supported in its then current form. The applicant subsequently obtained confirmation and a budget estimate from Western Power Distribution that an existing high voltage overhead power cable, which had before constrained the development potential of the site, could be diverted underground to provide more developable area. The layout of the scheme was reconfigured to allow all new dwellings outside the flood zone (i.e. in Flood Zone 1). As such, floodplain storage compensation is no longer required and the NPPF Sequential Test is no longer relevant. The Environment Agency and the Council's land drainage engineer have no objection to the revised proposal, subject to a series of flood risk and drainage related conditions being imposed, and officer's are able to support the revised layout.
- 6.20 There is also a requirement in the NPPF and Policy SD3 of the Core Strategy to ensure that the development would be safe for its lifetime taking into account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, reducing overall flood risk.
- 6.21 To ensure this is achieved, finished floor levels would be set a minimum of 600mm above the 1 in 100 year plus climate change River Arrow flood level to protect the proposed dwellings from possible flood risk and no new solid structures such as walls or fences or changing ground levels below this level would be permitted in order to prevent any impact on flood flows consistent with Environment Agency advice.
- 6.22 Infiltration testing has been undertaken to assess the soil infiltration rate across the site. Based on this, it is recommended that soakways are used to manage surface water runoff from the impermeable areas on site and outline designs have been prepared by specialist consultants.

- 6.23 The Council's land drainage engineer has no objection to this approach in principle but has recommended that additional information is submitted prior to construction, including a detailed surface water drainage strategy which demonstrates that the rate and volume of discharges would provide betterment and be restricted to the pre-development greenfield values. A sustainable drainage solution is considered to be demonstrated and deliverable at this site. The most important function of this drainage strategy is to demonstrate that the development would not increase flood risk elsewhere.
- 6.24 The other main issue in relation to flood risk is that the main access road through the village could flood to an unsafe and unpassable depth during the peak of a 1 in 100 year plus climate change flood event. The applicant has produced a Flood Evacuation Management Plan (FEMP) which has been developed in consultation with and reviewed by the Council's Emergency Planning Team, which has confirmed that the FEMP provides an acceptable risk-mitigation strategy for egress and ingress in an emergency out of the site. Eardisland benefits from the Environment Agency's Floodline Warning Direct Service which includes a series of alerts and warnings that are triggered in the event of a flooding event of this magnitude. Following this warning, residents could make use of the site-specific FEMP. The application site is located along the same evacuation route that would be used by The Elms development to the north (P143390/F) and, if residents chose to evacuate their properties (noting they would be outside the 1 in 100 Year + CC flood level), they would have at least two hours to reach safety along this route, before the access became inundated with flood waters.
- 6.25 Policy SD4 seeks to ensure that new development does not undermine the achievement of water quality targets for rivers across the County, in particular through the treatment of wastewater. The applicant is proposing to treat foul water discharge via a package treatment plant and with treated foul water to be discharged into a watercourse at the rear of the site given there is not currently a foul mains connection available in Eardisland. The Council acknowledges this and therefore has no objection to a private arrangement in principle subject to a detailed foul water drainage strategy being submitted prior to construction.
- 6.26 Based on the above assessment, and subject to the imposition of a series of conditions requiring further detailed water-drainage information being submitted prior to construction, the Council is satisfied that the proposal complies with Policies SD3 and SD4 of the Core Strategy and Policies E1 and E5 of the NDP.

Highways

- 6.27 Policy MT1 of the Core Strategy requires development proposals to demonstrate that the strategic and local highway network can absorb their traffic impacts without adversely affecting the safe and efficient flow of traffic on the network. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.28 The proposed means of access to the site is onto the B4529 which is within a 30mph zone. Alpha Traffic Consultants carried out surveys of vehicle speeds and flows in the vicinity of the site access, which recorded Wet Weather 85th percentile speeds of 27mph northbound to Eardisland and 26.2mph southbound to the A44.
- 6.29 Based on the speed survey results, and having regard to relevant highway design guidance, the desirable minimum stopping distances are 36m to the north and 37m to the south of the proposed access. These are well within the available visibility in both directions of 56m and 87m respectively. As adequate visibility can be achieved in both directions, there would be no issues with achieving adequate visibility splays along both sides of the proposed access so as to achieve a safe and viable access to and from the site.

- 6.30 Paragraph 30 of the NPPF and Policy MT1 of the Core Strategy requires local authorities to facilitate sustainable modes of transport. As indicated earlier in this report, the site is considered sustainable being located alongside existing residential development that forms part of the village and is a short walk to nearby services and facilities in Eardisland and a bus stop with regular buses to other essential services in Kingsland and Pembridge and the larger centres of Hereford and Leominster.
- 6.31 If planning permission were to be granted, the development would be subject to the completion of a Section 278 Agreement. This would include works that are deemed to be necessary within the application site or on highway land to ensure the development is acceptable in highway safety terms. In this case, the Highway Safety Assessment has indicated that a new shared access ramp and dropped kerb/vehicle crossover would be provided.
- 6.32 Officers are satisfied that the local highway network can absorb the low number of traffic movements that would be generated by the proposed development and that the residual impacts cannot be considered severe. It is also noted that there have been no recorded personal injury collisions within the vicinity of the site over the last five years and the Transportation Manager has no objection to the application. The proposal is in accordance with Policy MT1 of the Core Strategy, Policy E1 of the NDP and Paragraph 32 of the NPPF.

Landscape and Ecology

- 6.33 The site is located behind Orchard Farm and is surrounded by mature hedgerows and trees which are to be retained. In landscape terms, longer distance views from the footpath to the north west (ED7) are filtered by these hedgerows and trees and the site is not especially evident. In any event, any dwellings on this site would be viewed in the context of existing adjacent residential development.
- 6.34 The site itself has been used as a market garden and plant nursery with a small number of buildings associated with this past use. Over time, the land has become overgrown with vegetation and grass.
- 6.35 The ecological survey and report submitted with the application confirms the existing buildings do not offer bat habitat and the field was assessed as having no significant habitat for reptiles and amphibians. Other than a single probable predated Robin's nest, no other evidence of any protected species was identified during the survey.
- 6.36 Whilst the survey results found the site to be of low biodiversity value, the Conservation Manager (Ecology) is of the view that the scheme provides an opportunity to secure some habitat enhancements for the area. It is recommended that a habitat protection and enhancement scheme should be prepared which is integrated with a wider landscaping scheme for the site. Root Protection Areas would also be provided around existing trees and hedgerows. These measures would all be secured through the imposition of planning conditions.
- 6.37 Development of any sort inevitably has impacts to landscape and ecological values. However, it is considered that the impacts of the proposed development are in this case minor and can be easily mitigated. The proposal is therefore in accordance with Policies LD1 and LD2 of the Core Strategy and Policies E1 and E4 of the NDP.

Heritage

- 6.38 There are several listed buildings along the main road from which the site would gain access, including two Grade II listed buildings immediately opposite the site entrance (The Latchetts and Ruscote). The application site also lies within Eardisland Conservation Area. As such, the proposal needs to be considered against Policy LD4 of the Core Strategy and the NPPF, in particular Paragraphs 128 to 137, which seeks to protect heritage assets. Considerable

importance and weight has been given to the desirability of preserving the setting of the listed buildings and not adversely affecting the character of a recognised heritage asset.

- 6.39 In addition, Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting or a Conservation Area:

S66 “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

S72 “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

- 6.40 The submitted Heritage Impact Assessment found that there is no physical association between the site and the setting of the listing buildings along the main road from where access would be gained. Council officer’s generally concur with this view and are satisfied that there would be no harm to recognised heritage assets.
- 6.41 The site is located in the southern part of the village on a former nursery behind Orchard Farm. As such, and given that it is surrounded by mature hedgerows, the site is largely hidden from view on all sides and the development would only result in glimpses of architectural form for those walking nearby. As a result, there would be negligible impact and it is the officer’s view that the character of the Conservation Area would be preserved and not harmed in this case. The Conservation Manager (Historic Buildings) is also satisfied that the proposal would not have an adverse impact on the Conservation Area nor the setting of any nearby listing buildings.
- 6.42 Five dilapidated structures associated with the former nursery use would be removed from the site and replaced with architecturally designed housing which has embraced the traditional form and detailing of existing development in the village. The low density of development also allows for relatively large, open garden areas allowing for effective landscaping and planting.
- 6.43 Overall, the development proposal would complement the existing character of the village and improve the attractiveness of this part of the settlement. Existing heritage assets, including both nearby listed buildings and the wider Conservation Area, would not be adversely impacted by the proposal. As such, the proposed development complies with Policies LD1 and LD4 of the Core Strategy, Policy E2 of the NDP and Paragraphs 128 to 137 of the NPPF.

Layout and Design

- 6.44 The scheme has been designed to maintain local distinctiveness by incorporating strong traditional elements.
- 6.45 A combination of vernacular materials would be used including brick, render, weatherboarding and structural timber framing. Steep roof pitches are proposed which would be clad in a combination of plain clay tiles and slate, with a variety of fenestration detailing and traditional chimneys.
- 6.46 The scale of dwellings would be reduced with a series of individual gables, stepped ridge lines and dormer windows that enable the overall heights of the dwellings to be limited and varied. The scale, height, proportions and massing of the scheme respects other surrounding development in the village.
- 6.47 The density of the development makes efficient use of land taking into account the local context and site characteristics (particularly the constraints posed by flood risk) but is low enough to allow for spacious gardens and separate garages on all plots.

- 6.48 There are no privacy or amenity issues that would arise given the distance between and orientation of existing and proposed dwellings and supplementary planting would help mitigate any visual impacts of the development.
- 6.49 The architectural approach has been to embrace traditional form and detailing of existing development in the village and the wider area and to use closely matching local materials. This approach is considered appropriate given the site's context and it is considered that the proposal complies with Policy SD1 of the Core Strategy and Policy E1 of the NDP.

Summary and Conclusion

- 6.50 Both Policy SS1 of the Core Strategy and Paragraph 14 of the NPPF engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan, which in this case is both the Core Strategy and the Eardisland Neighbourhood Development Plan. The site is well related to the built form of the village, which is considered to be sustainable and is one where proportionate growth will be promoted. The proposal accords with the relevant policies in the development plan.
- 6.51 The Council is unable to demonstrate a five-year supply of housing land and failure to maintain a robust NPPF compliant supply of housing land render the housing supply policies of the Core Strategy out-of-date. As a result, Paragraph 14 of the NPPF is engaged. In this case, there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.52 In weighing the planning balance, the delivery of 5 dwellings in this location and having regard to the Council's housing land supply position and in the absence of any detrimental impacts in respect of flooding and drainage, highway safety and heritage assets (indeed there are material benefits) outweighs any environmental impacts of the development. The only residual impact in this regard is loss of some vegetation and habitat, which is able to be mitigated through an integrated landscape and habitat enhancement scheme which can be enforced and protected through conditions.
- 6.53 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting local business turnover in the village and wider area should also be acknowledged as fulfilment of the economic and social roles.
- 6.54 Officers also note the lack of housing delivery and the absence of any other sites currently coming forward in and around Eardisland (apart from The Elms site to the north) to deliver housing growth in the locality given amount of floodplain in this settlement. The proposal would contribute 5 dwellings towards the indicative housing growth target for the parish area of 35 dwellings.
- 6.55 In conclusion, the proposal is considered to represent a sustainable development for which there is a presumption in favour of and, as such, the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions being drafted in detail by officers:

1. A01 (one year commencement)

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **D04 Details of window sections, eaves, verges and barge boards**
5. **F01 Restriction on hours of working**
F08 No conversion of garages to habitable accommodation
6. **G02 Retention of existing trees/hedgerows**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G09 Details of boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme – implementation**
11. **Habitat enhancement scheme – approval and implementation**
12. **The recommendations set out in the ecologist’s report from Protected Species Ecology dated October 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the proposals for the scheme’s landscaping should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

14. **H03 Visibility splays**
15. **H06 Vehicular access construction**
16. **H08 Access closure**
17. **H09 Driveway gradient**
18. **H11 Parking – estate development (more than one house)**
19. **H13 Access, turning area and parking**

20. H17 Junction improvement/off site works
21. H20 Road completion in 2 years
22. H27 Parking for site operatives
23. H29 Covered and secure cycle parking provision
24. I16 Restriction of hours during construction
25. I18 Scheme of foul drainage disposal
26. I20 Scheme of surface drainage
27. I21 Scheme of surface water regulation
28. I24 Standard of septic tank/soakaway system
29. **Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.**

Reason: To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Hereford Local Plan – Core Strategy

30. M06 Finished floor levels (85.80m AOD)
31. **There shall be no new solid structures such as walls and fences or raising of ground levels on land below 85.20m AOD, within the 1 in 100 year plus climate change floodplain extent as shown in Figure 15 of Hydro-Logic Services' FRA (Ref K0634/1 Rev 2), unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To prevent any impact on flood flows and flood risk elsewhere.

32. M07 Evacuation management plan
33. M08 Flood warning
34. M11 Use of SUDS infiltration methods including soakaways

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 highway**
5. **HN07 Section 278 Agreement**
6. **HN08 Section 38 Agreement & drainage details**
7. **HN21 Extraordinary maintenance**
8. **HN24 Drainage other than via highway system**
9. **HN28 Highways design guide and specification**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

