

Planning Objection
Application Ref P152779/F
Land at Orchard Farm



On behalf of
Eardisland Parish
Council

Kirkwells

The Planning People

Introduction

1. These comments in response to consultation on planning application P152779/O on land adjoining Orchard Farm, Eardisland are made on behalf of Eardisland Parish Council.
2. The application is for the 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.

Summary of Key Points

3. Planning application P155279/F should be refused for the following reasons:
 - The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.
 - This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.
 - This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies SS1, SS7, SD3 and SD4.
 - Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets or landscape means that a proper assessment of the application cannot be made.
 - The proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy.
 - With regards to ecology, biodiversity and protected species, in the absence of sufficient information to enable proper consideration, this application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

- The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy.
- The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community.
- The application is not in conformity to the emerging Eardisland Neighbourhood Development Plan (NDP), which is currently undertaking Regulation 14 Consultation.

The Proposal

4. This application, on land adjoining Orchard Farm, Eardisland is a full application for the 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.

Eardisland

5. Eardisland Village is a classic nuclear settlement, clustered around a crossing-point of the River Arrow. It is mentioned in Domesday Book (1086). There is archaeological evidence of occupation here very much earlier. The moated castle site and the church not far from the river crossing and also parts of the present road network indicate the presence of an active community here well over a thousand years ago.
6. While timber framed houses, of which Eardisland has some outstanding examples, are regarded as the local vernacular, Eardisland village and the wider parish display styles of building periods from mediaeval times until the present day. These buildings, together with various wild-life rich open spaces and enclaves within the village itself, have evolved into a prime example of the quintessential English village and community. The Parish Council believe it can remain equally special for future generations.
7. In 1996 Eardisland village and its surrounds were designated a Conservation Area by Leominster District council and this designation has been carried forward by Herefordshire Council. The preservation of its special ambiance is greatly valued by our many visitors, as is reflected in comments made in the visitors' books in our church and the community shop.
8. The historical outline and expansion of the village of Eardisland has been to some extent dictated by its position within the local flood plain of the River Arrow, which runs west to east across the Parish. The number of homes in the village expanded relatively quickly in the latter half of the 20th century with groups of new houses being erected, and some conversions or re-developments of former farm and residential sites taking place.
9. Alterations over the years in roadway surfacing and drainage, the culverting or infilling of drainage ditches and changes in agricultural practice have tended to aggravate the effects of flooding around the village

and parish. In recognition of this the Parish Council commissioned a Flood Alleviation Study in September 2014 of the village and its surroundings to help assess and potentially ameliorate the current position.

National Planning Policy

10. The relevant sections of the National Planning Policy Framework are as follows:

11. Para 7: There are three dimensions to sustainable development:

economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6. Delivering a wide choice of high quality homes

12. Para 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

13. Para 55: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

7. Requiring Good Design

14. Para 56: The Government attached 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.
15. Para 57: It is important to plan positively for the achievement of high quality and inclusive design of all development, including individual buildings, public and private spaces and wider area development schemes.
16. Para 60: Planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms and styles. It is however, proper to seek to promote or reinforce local distinctiveness.

10. Meeting the challenge of climate change, flooding and coastal change

17. Para 99: New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
18. Para 100: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11. Conserving and enhancing the natural environment

19. Para 109: The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils
 - recognising the wider benefits of ecosystem services

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

20. Para 111: Planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

12. Conserving and enhancing the historic environment

21. Para 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

Local Planning Policy

22. Existing local planning policy is contained in the Herefordshire Core Strategy adopted on 15th October 2015. The relevant planning policies within the Core Strategy are as follows:

Policy SS1: Presumption in favour of sustainable development.

Policy SS2: Delivering new homes.

Policy SS3: Ensuring sufficient housing land delivery.

Policy SS4: Movement and Transportation.

Policy SS6: Environmental quality and local distinctiveness.

Policy SS7: Addressing climate change.

Policy RA1: Rural housing distribution.

Policy RA2: Housing in settlements outside Hereford and the market towns.

Policy RA3: Herefordshire's Countryside.

Policy H3: Ensuring an appropriate range and mix of housing.

Policy MT1: Traffic management, highway safety and promoting active travel.

Policy LD1: Landscape and Townscape.

Policy LD2: Biodiversity and Geodiversity.

Policy LD4: Historic environment and heritage assets.

Policy SD3: Sustainable water management and water resources.

Policy SD4: wastewater treatment and river water quality.

23. The Council's *Landscape Character Supplementary Planning Guidance* (2004) seeks to explain the modern concepts of landscape and landscape character and to offer guidance in the application of Landscape Character Assessment to professionals and lay persons alike.
24. The current application site falls within the Landscape Characterised as *Principal Settled Farmlands - Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses.*
25. The document identifies that the dispersed settlement pattern of farmsteads and hamlets is capable of accommodating limited new development if it is in accordance with planning policy. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement. New development should remain at a low density with most housing associated with existing hamlets and villages. In order to conserve the landscape character new development is expected to retain the integrity of a dispersed settlement pattern.

The Application

26. The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.

Sustainable Development

27. This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.

28. A Strategic Housing Land Availability Assessment (SHLAA) has been prepared as part of the Herefordshire's Core Strategy evidence base. The SHLAA assesses the potential availability of land for housing across Herefordshire up to the end of the plan period, and explores any constraints that might affect their suitability, achievability or availability for development. The study, which has been based upon Hereford, the market towns and the most sustainable rural settlements identifies both brownfield and greenfield opportunities. This site was not identified in the SHLAA.

29. Eardisland Parish Council is preparing a Neighbourhood Development Plan. The emerging plan is currently about to undertake the 6 week consultation period required by Regulation 14 of the Neighbourhood Planning Regulations 2012. Following this, the plan will be revised and submitted to Herefordshire Council in early 2016. This application is contrary to the emerging NDP and would be seen as unsustainable once the NDP is part of local policy.

Flooding and Drainage

30. Eardisland is affected by flooding from the River Arrow and a number of tributaries and smaller watercourses in the area. Surface water flooding, from overland flows, land drainage and highway drainage is also a known issue. The Environment Agency indicative flood risk maps indicate over 100 properties are in areas at risk of fluvial flooding and a further 25 properties are in areas at risk of surface water flooding. Flooding of roads also occurs regularly causing disruption for periods of 24 to 48 hours.

31. This application is located partly in Flood Zone 3. The NPPF states that all development should be directed to the area of lowest risk of flooding. The village of Eardisland is located on the floodplain for the River Arrow.
32. In addition to this, the flood alleviation study carried out in 2014 includes photographs of flooding of the main road directly at the point of access from this development.
33. The proposed emergency access at times of flooding is identified as being onto Green Elms to the north of the site. This narrow road is impassable the majority of the time due to parked cars.
34. During previous flooding incidents, flood water from the proposed development site has flooded the neighbouring property's garden and house. The submitted Flood Risk Assessment (FRA) states there will be no extra run-off but development must increase the risk of more run-off and flooding. As no counter measures to control this are proposed, the application will increase the flood risk to neighbouring houses.
35. The map within the FRA on page 11 shows houses for plots 1 and 3 in Flood Zone 2/3, however at page 10 point 3a the FRA states areas in FZs 2/3 should be used for gardens. The FRA contradicts itself.
36. The area of the site where plots 1 and 3 are positioned is the route of floodwater through the site from other areas. Construction of buildings in this area will exacerbate flooding issues elsewhere. In addition, the plot 1 is located on the area of a former pond used for surface water management. This pond has since been filled, which contributes to further surface water flooding in the area.
37. The area identified for run off to discharge into is already full to capacity, as is Southalls Brook. The discharge of further surface water into the existing ditches and streams will create additional flooding issues up stream, exacerbating flooding issues in the village.
38. This application is contrary to the NPPF as development is located in an area of high risk, without any sequential or exception test being undertaken.
39. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably

available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

40. Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

41. Both elements of the test will have to be passed for development to be allocated or permitted.

42. Paragraph 103 of the NPPF specifically states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

43. This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies

SS1, SS7, SD3 and SD4. The application is also contrary to the emerging Eardisland NDP.

Access

44. The proposed access to the site is located adjacent to double bends on the road from the village of Eardisland to the A44. This is a dangerous blind-spot on the road as there have been accidents and near misses on this section of road.
45. The visibility from the proposed access is limited and it is debateable whether the correct splays can be achieved.
46. It is indicated in the Design and Access Statement that traffic speed survey information is available. However no information has been submitted with the application.
47. Policy MT1 of the Herefordshire Core Strategy states that development should demonstrate that the local highway network can absorb the traffic impact without adversely affecting the safe and efficient flow of traffic.
48. The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy and the emerging Eardisland NDP.

Housing Mix

49. This application proposes 5 detached 4 bed dwellings. Currently in Eardisland there are a number of large properties on the market, which are not selling.
50. The 2011 Census identifies that Eardisland has a significant number of dwellings of 4 or more bedrooms (35.5%) compared to the Herefordshire figure of 24.8%.
51. The application submission identifies local need, however does not qualify how the result has been arrived at. There is a need in Eardisland to provide 2 or 3 bedroomed starter homes, which are in short supply.

52. The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community. In addition it is contrary to the emerging Eardisland NDP.

Impact on setting of Heritage Assets/Wider Landscape Character

53. The application is located in open countryside, and within the Eardisland Conservation Area. The proposal extends the village form in a westerly direction.

54. No Significance statement or assessment of impact on the Conservation Area has been submitted with the application. Therefore no proper assessment of the impact of the development on heritage assets, such as the listed buildings adjacent and opposite the proposed access, has been undertaken. This is contrary to the emerging Eardisland NDP.

55. The NPPF clearly states at Para 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

56. No assessment of the visual impact on the wider landscape character has been undertaken.

57. Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets, or landscape means that a proper assessment of the application cannot be made.

Design

58. The design of some of the properties is a pastiche. Whilst elements of design features of the village are reflected in the design of other dwellings included on the site, the use of timber boarding/ render as a cladding material very rarely works.

59. Timber boarding is only successful in modern construction if the timber framed construction methods are understood and used.

60. Policy RA2 of the Herefordshire Core Strategy states that housing proposals will be permitted where the following criteria are met

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

61. Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.

62. In the case of this application, the proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy and the emerging Eardisland NDP.

Impact on Ecology/Biodiversity/Protected species

63. This application involves the development of a greenfield site and the demolition of existing buildings. No ecological assessment has been carried out on the land, nor has any survey of protected species been carried out on the existing buildings.

64. The site also includes a significant number of trees, of which no assessment has been carried out.

65. Due to the lack of meaningful information in relation to ecology, biodiversity and protected species on the site, it is not possible to carry out any proper assessment of the application.

66. In the absence of sufficient information to enable proper consideration, this application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

Conclusion

67. The presumption in favour of granting planning permission would normally take effect. But this is qualified in the NPPF where there are “any adverse impacts” which would “significantly and demonstrably outweigh the benefits”, crucially when assessed against the NPPF as a whole.
68. This objection demonstrates that there are adverse impacts that significantly outweigh the benefits of the proposal.
69. The current planning application should therefore be refused for the following reasons:
- The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.
 - This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.
 - This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies SS1, SS7, SD3 and SD4.
 - Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets or landscape means that a proper assessment of the application cannot be made.
 - The proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy.
 - With regards to ecology, biodiversity and protected species, in the absence of sufficient information to enable proper consideration, this

application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

- The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy.
- The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community.
- The application is not in conformity with various policies of the emerging Eardisland NDP.

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