

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 NOVEMBER 2016</b>
<b>TITLE OF REPORT:</b>	<b>161522 - PROPOSED 6 NO. DETACHED DWELLINGS AND 4 NO. GARAGES AT LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA</b>  <b>For: Mr F Price per John Needham Associates, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161522&amp;search=161522">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161522&amp;search=161522</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 11 May 2016**

**Ward: Bircher**

**Grid Ref: 347162,264764**

**Expiry Date: 6 July 2016**

Local Member: Councillor WLS Bowen

## **1. Site Description and Proposal**

- 1.1 The site comprises 0.49 hectares and is part of a larger area of arable farming land on the south eastern edge of Yarpole. The site has frontage to the northern side of the C1039, which runs through the village, linking the settlement to Luston, the B4361 to Leominster and Kingsland. A public footpath also meanders through the site in a north-south direction (YP6).
- 1.2 Stony Brook flows along the site's southern boundary beyond which there is a small pumping station. Native trees and hedgerows are present along the same boundary with the main road. The western boundary of the site adjoins single storey properties on the northern side of the highway. On the opposite side of the road are a number of former agricultural buildings which have been converted to residential use.
- 1.3 The site is located adjacent to Yarpole Conservation Area and the historic core of the village. The proposal involves the development of six residential properties of mixed design, four of which would have detached garages. A new access is proposed off the highway from the south western corner of the site with each individual dwelling gaining access via an internal private road.
- 1.4 This application is a re-submission following a refusal and a dismissed appeal of ref 150995. It seeks to address the reasons set out by the Inspector for that dismissal, namely:
  - i) Lack of confirmation about safety in event of flood;
  - ii) Arbitrary layout with suburban feel,

As a consequence of the above the Inspector found the development not to be sustainable.

Previous concerns relating to drainage, impact on heritage assets, highway safety and ecology were all considered to be acceptable or capable of being resolved by condition.

The proposal falls below the threshold for S106 contributions.

## **2. Policies**

### **2.1 The Herefordshire Local Plan Core Strategy**

SSI	-	Presumption in Favour of Sustainable Development
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

### **2.2 National Planning Policy Framework**

Chapter 4	–	Promoting sustainable transport
Chapter 6	–	Delivering a wide choice of high quality homes
Chapter 7	–	Requiring good design
Chapter 11	–	Conserving and enhancing the natural environment
Chapter 12	–	Conserving and enhancing the historic environment

### **2.3 Neighbourhood Plan**

Yarpole Neighbourhood Area was designated on 8 February 2013. The Plan has reached regulation 14 (9 June 2016) and whilst it is therefore a material consideration it has no weight in the determination of 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 150995 - 6 dwellings and 4 garages refused November 2015, appeal dismissed 22 March 2016, for the reasons set out in paragraph 1.4 of this report.**

## **4. Consultation Summary**

### Statutory Consultations

#### **4.1 Welsh Water – no objection subject to condition.**

### Internal Council Consultations

#### **4.2 Transportation Manager formal comment awaited, but no objection.**

#### **4.3 Drainage Consultant - recommends that should permission be granted conditions be imposed.**

#### 4.4 Emergency Planning and Resilience Officer:

The planning inspectorate appeal decision points 18 and 19 relate to flood risk at the site. Point 19 states that the application conflicts with policy SD3 of the Core Strategy as it does not demonstrate that “safe access for emergency vehicles would be available for future occupiers during a flood event”.

The Herefordshire Local Plan Core Strategy 2011-2031 ‘Policy SD3 – Sustainable water management and water resources’ point 2 states that the:

“Development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;”

This is elaborated on in paragraph 5.3.47:

“Policy SD3 also provides criteria for developers to consider when proposing development within areas identified as being at risk of flooding within the district. The policy identifies the need for development proposed within flood risk areas to take account of a number of measures to ensure that the development is safe and remains safe, in times of flood including:

- setting appropriate floor levels which should be above the 1% predicted plus climate change design flood level, incorporating an allowance for freeboard. Development should also consider in the design the risk from more extreme events. Where it is not feasible or practicable to set the floor levels, then other forms of flood resilience and resistance techniques may be considered as an alternative;
- where overnight accommodation is included, the development should include a safe pedestrian access route which would be available during a 1% plus climate change design flood event. In considering this, regard should be given to the evidence in the SFRA and for ‘defended areas’ including an assessment of Flood Defence breach/overtopping scenarios. Other development should consider this as a residual risk;
- consideration of safe vehicular access; and
- for developments implementing a flood evacuation management plan, where appropriate, to manage the risk to the development site itself and future users/occupiers during all flood events along with any remaining residual risks.”

As far as I’m aware the Core Strategy makes no reference to emergency vehicle access being required specifically at times of flooding.

As above a “safe pedestrian access route” should be included. Safe vehicular access should be considered but at sites where that is not possible the Flood Management and Evacuation Plan will detail when and how a site should be evacuated. For this application where the site itself is not within the flood zone and a “safe pedestrian access route” is available residents may choose to shelter in-situ.

#### 4.5 Public Rights of Way Officer objects as no contact has been made regarding diversion of footpath.

## 5. Representations

### 5.1 Yarpole Parish Council object for the following reasons:

1. Number of dwellings: This is a stated re-submission of an application for 6 houses, yet there are 7 indicated on the block plan, not 6. All the documentation relates to 6 dwellings, so there is something wrong here.
2. Visibility splays: The diagram in DRG1432/SW/1 indicates road width of 4.5m and a wider road than actually exists on site (over the brook). The existing culvert is less than 4m so the access would need to be widened. Widening the access can only be done by removing trees and hedgerows but there is no reference to this in the application. An assessment of this should be made before any decision is taken, and the Parish Council does not support removal of indigenous hedgerow unless a full planting scheme is submitted as part of the application.
3. Flooding & emergency vehicle access: The Inspector dealing with the Appeal on the original application was concerned about emergency vehicle access to the site at times of flooding. The Applicant's response is to include a FMEP which expects occupants to either evacuate the site via the public footpath which is 200m away, leave the site ahead of the flooding, or remain on site until the flooding subsides. The Parish Council considers that all of these 3 options are unacceptable, especially if residents have reduced mobility. We do not feel that the FMEP sufficiently addresses the inspectors concerns.
4. Access road: The parish Council is concerned that the proposed access location is unsafe and that safety issues will be made worse by vehicles coming and going from the site. We know that a survey was taken, but the villagers are fully aware of the traffic dangers on this part of the road and were never satisfied with the conditions and length of time in which the survey was carried out. The monitors were laid in the wrong place and the survey was too short and a 'one off', whereas the PC and village experience is of frequent use and concerns farming vehicles that regularly block this bend, and cars that regularly speed in to the bend from the long straight stretch (from Kingsland direction). Traffic moving fast from the straight stretch has no view of emerging traffic from an existing access road further in to the village, and the same will be true of this new access.
5. Sewer Network: The Water Cycle Study Addendum of Feb. 2015, as published by Herefordshire Council, clearly states that there is no headroom available within the Luston and Yarpole STW, no capacity for new housing, and that DCWW have commented that they are currently investigating options. Further DCWW comment that an improvement scheme is included within their AMP6 with a time horizon of 2035. Can we be assured that no connections will therefore be made to the existing system ahead of these improvements? The Parish Council supports off grid solutions to sewage and waste management and expects that no new developments be connected to the mains sewer network, which clearly cannot cope. We have frequent meeting with Welsh Water about this, who have told us they routinely support planning applications, despite knowing that the network cannot cope.
6. The Parish Council published the Reg 14 Draft Neighbourhood Development Plan on Monday 6th June. The plan clearly shows that there are definite proposals for more houses than required by the targets indicated in the Core Strategy. So this application does not need to be assessed in the light of meeting 5 year land supply, as the NDP already more than satisfies our local requirement. You can also see from the draft NDP how supportive of new development the community is, in the right place and under the right conditions. The Parish Council would be happy to discuss this site with the developer, and would have liked the opportunity to support a different scheme on this site, but the developer has indicated no will to share ideas or discuss with the community.

7. This site is outside the proposed new settlement boundary as illustrated in the draft NDP.

5.2 12 letters of objection have been received making the following points:

1. The site floods
2. Highway safety
3. Outside settlement boundary/inconsistent with NDP
4. Disagree with inspector's conclusion
5. Sewage capacity
6. No need for executive houses
7. Disrupt enjoyment of footpath

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=161522&search=161522>

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 S38 (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."*

The policy position in terms of the Council's 5 year housing land supply remains as it was at the time the appeal was determined. The Yarpole Neighbourhood Development Plan has now reached Regulation 14 stage, but can be afforded no weight at this stage. The housing target in this plan is a minimum of 48 dwellings, to date there are 8 commitments. The presumption in favour of sustainable development set out in the NPPF therefore supports the principle of development. Consequently the main issues to be addressed on this occasion are the reasons for refusal expressed by the Inspector in dismissing the appeal. To re-impose previous reasons for refusal in the absence of any significant policy change in the intervening period would be to risk a cost award at any subsequent appeal.

### Flood Risk

6.2 The Inspector expressed concern about the provision for emergency vehicles to access the site in the event of a flood. As the Emergency Planning and Resilience Officer points out policy SD3 of the Core Strategy does not call for access for emergency vehicles. The policy can be satisfied through a Flood Evacuation and Management Plan.

### Site Layout

6.3 The concerns expressed by the Inspector related to the layout of the site, the open ended nature of which was considered as suburban in nature and lacking the organic feel of the courtyard arrangement opposite. Whilst the proposed layout is much as before, a seventh dwelling, subject of the next report on the agenda, and referred to by the parish council, seeks to close off the development from the adjoining field creating a definitive edge. Given that there was no concern in terms of the impact of the development on the setting of the Conservation Area nor upon listed buildings, it is considered that the layout, with the additional dwelling sufficiently addresses that concern such that a reason for refusal could not now be sustained.

It should also be noted that the design of the dwellings was considered to be acceptable.

- 6.4 Additional areas of concern expressed by the parish council not already commented upon include the sewer network. In this instance Welsh Water have no objection to the proposal and it was not previously a ground for refusal in the appeal.
- 6.5 The Transportation Manager's comment is awaited, but again the Inspector concluded that the access arrangements were acceptable. The route of a proposed diversion of the footpath is shown on the layout plan, this would remain to be agreed however.
- 6.6 Similarly ecology matters were accepted by the Inspector.
- 6.7 Given the lack of significant difference in policy terms since the appeal decision, the subsequent comment of the Emergency Planning and Resilience Officer and the closing of the cul-de sac it is considered that the planning balance now lies in favour of the development and it is recommended for approval accordingly.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

1. **C01 - A01 Time limit for commencement (full permission)**
  2. **C06 - B01 Development in accordance with the approved plans**
  3. **C13 - C01 Samples of external materials**
  4. **Highway conditions inc CB1- diversion of public right of way**
  5. **C96 - G10 Landscaping scheme**
  6. **C97 - G11 Landscaping scheme - implementation**
  7. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**
- Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, to ensure compliance with policy SD3 and SD4 of the Herefordshire Local plan- Core Strategy.**
8. **CDD - M07 Evacuation management plan**
  9. **I16 – Hours of construction**
  10. **CE6 – Water usage**

**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.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

