

MEETING:	PLANNING COMMITTEE
DATE:	7 DECEMBER 2016
TITLE OF REPORT:	161859 - PROPOSED RESIDENTIAL DWELLING AT LAND WEST OF LARKSMEAD, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE For: Mr Fraser per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161859&search=161859
Reason Application submitted to Committee – Re-direction	

Date Received: 13 June 2016

Ward: Old Gore

Grid Ref: 359980,226435

Expiry Date: 29 August 2016

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The site lies to the south of the existing dwelling known as Clouds Harrow, Brampton Abbots which comprises the applicants' horse paddock and large associated stable building and is accessed by a track that also provides access to Clouds Harrow and further agricultural land. The track is also part of a Public Right of Way, and this adjoins the site's Northern boundary which is delineated by a mature hedgerow. Mature hedgerow also delineates the East and West boundaries, the latter providing a boundary between the site and the dwelling Larksmead and its associated curtilage.
- 1.2 Brampton Abbots is designated under policy RA2 of the Core Strategy as a sustainable location for appropriate proportional residential growth. The village benefits from a Church, village hall and children's nursery, whilst the Primary School is located on the edge of Ross on Wye on the main road between the village and Ross. Brampton Abbots lies approximately 2.5km from Ross-on-Wye Town Centre. The site, as is the whole of Brampton Abbots and surrounding area (including parts of Ross-on-Wye), located within the Wye Valley Area of Outstanding Natural Beauty (AONB).
- 1.3 The proposal is the erection of a single dwelling, associated access and turning area, double garage, domestic curtilage and wider landscaping proposals featuring an orchard.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction – Achieving Sustainable Development

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

Section 6 – Delivering a Wide Choice of High Quality Homes
Section 7 – Requiring Good Design
Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 11 – Conserving and Enhancing the Natural Environment
Section 12 – Conserving and Enhancing the Historic Environment

2.2 Herefordshire Core Strategy Policies

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
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
SD4	-	Waste Water Treatment and River Water Quality

Herefordshire Council's Landscape Character Assessment

- 2.3 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>

2.4 Neighbourhood Plan

Brampton Abbots and Foy Group Neighbourhood Area was approved under the Neighbourhood Planning Regulations 2012 on 29th January 2013. Work has commenced on drafting the plan however whilst a material consideration it has not reached a stage where it can be given weight in the decision making process

2.5 Other Material Considerations

The Wye Valley Area of Outstanding Natural Beauty Management Plan is a material consideration. Relevant policies include –

WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment.

WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important.

3. Planning History

151299/F – Proposed new dwelling – Refused 28 October 2015

SH97/0965/PF – Stable building for shelter of ponies – Approved with conditions 20 October 1997

SH96/0493/PF – Two loose boxes, open and secure stores constructed under a single roof with yard/ enclosure – Approved with conditions 4 July 1996

SH94/0987/PO – Erection of a bungalow – Refused 16 September 1994, Appeal Dismissed 8 February 1995

4. Consultation Summary

Statutory Consultations

- 4.1 **Historic England** “does not wish to offer any comments” however advises the application should be determined in accordance with national and local policy guidance.

Welsh Water has no objection, commenting they request that if Planning permission is granted, Conditions and Advisory Notes provided by Welsh Water are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. These have been added to the recommendation, below.

Internal Council Consultations

- 4.2 **The Transportation Manager** has no objection, considering the proposal acceptable, subject to a number of conditions and informatives being attached to any planning permission. These are set out within the recommendation, below.

The Transportation Manager references they previously commented on application reference 151299/F at the site for a dwelling and offered *no objection*.

The Transportation Manager maintains that previous position and adds *from the submitted documents, the dwelling accesses the adopted highway by an existing drive area. The existing access enters the adopted highway via at a bend. The road is subject to a national speed limit however due to the geometry of the road this is highly unlikely to be attainable.*

- 4.3 **The Conservation Manager – (Landscapes)** comments: Thank you for re-consulting me on amended plans...I note the dwelling has been repositioned to replicate the previous application reference, P151299/F. I refer you to my previous comments which still stand and also note:

- The AONB Office has no objection and I agree with their recommended condition
- The Landscape Assessment has been update to reflect the application is within an AONB
- The proposal offers opportunities for landscape enhancement. Landscape planting should be subject to normal conditions regarding details and maintenance

As such I have no objection.

For reference their comments regarding application reference 151299/F were as follows and as previously reported to this Committee –

I am satisfied that the proposed dwelling upon this site will respect the existing settlement pattern of Brampton Abbots; a nucleated settlement focused around the Church of St Michael. The alignment of the proposal is such that it represents a continuation of built form extending from Larksmead northwards.

The proposal is in line with the existing built form of Larksmead and does not project further west into open countryside beyond the adjacent residential curtilage of Clouds Harrow.

The boundary of the curtilage of the proposal reflects the contours of the land and where the landform falls westwards in the direction of the river this has been retained as natural landscape.

The landscaping proposed is in line with management guidelines for the landscape character type; Principal Settled Farmlands. Both conserving and enhancing the hedgerow pattern as well as planting of orchards.

It is my understanding that the proposal is to be timber clad, with limited glazing to the north, when viewed from the PROW BA1 which links with the Herefordshire Trail the proposal will bear resemblance to an agricultural barn and is not therefore considered unduly harmful within the landscape.

- 4.4 The PROW Manager comments Public footpath BA1 has been shown on plans, and would not appear to be affected by the development. As such there is no objection.

5. Representations

- 5.1 The Wye Valley AONB Partnership Manager has no objection, commenting:

The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape.

The AONB Unit has reviewed the Landscape and Visual Impact Study (Revised 6th October 2016). We broadly agree with the assessment conclusions. However we re-emphasise the observation that "lighting should be restricted and carefully specified to minimise light spillage. More detailed information on proposed lighting is required in order to assess the implications of the development on light pollution". If lighting can be satisfactorily controlled by an appropriate condition then we do not consider that the development is in conflict with the AONB Management Plan 2015-2020.

- 5.2 Brampton Abbots & Foy Parish Council Objects to the application as it is contrary to policies RA2 and RA3 of the Local Plan & NPPF Para115. Policy RA2 states the importance of the Wye Valley Area of Natural Outstanding Beauty and therefore the application is contrary to the policy for the following reasons:

The position of the development would have a detrimental and unacceptable impact on the landscape and character of the area with regard to the special qualities of The Wye Valley Area of Outstanding Natural Beauty of which this proposed development is within. There is no settlement boundary in Brampton Abbots at present and therefore the proposed development is in open countryside, which is again contrary to policy RA2 & also RA3. We would also draw your attention to: NPPF Para 115 Which states "Great Weight should be given to conserving landscape, scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection to landscape and scenic Beauty." It is also noted by The Parish Council that the landscape and visual impact study undertaken by Peter Quinn Associates makes no

representation with regard to the application being within an Area of Outstanding Natural Beauty.

5.3 16 letters of objection have been received, comments are summarised as:

- The proposed dwelling is within the AONB.
- The proposed dwelling would be visually conspicuous, including from the adjacent public right of way.
- The proposed dwelling would be outside the settlement of Brampton Abbots.
- The siting of the proposed dwelling is unrelated to the settlement's pattern and character of development.
- The design is poor
- Concern over materials
- Precedent for further development
- Reference is made to a previous appeal decision
- Reference is made to the refusal of application reference 151299/F

5.4 20 letters of support have been received, comments are summarised as:

- The proposal responds to the development pattern hereabouts
- The proposal will benefit the village helping housing delivery
- The landscaping proposed enhances the area
- Proposal accords with planning policies
- Concern over integrity of planning process as other dwellings have been permitted in the village without such resistance
- There is no right to a view from the neighbour
- There will be minimal impact as there's a building on the land already
- Sympathetic design
- This will no more impact on the AONB than other permissions hereabouts
- Brampton Abbots is designated to deliver housing
- Single plot developments as proposed are preferable to estates
- Traffic impact will be negligible
- Proposal is a 'yardstick' regarding quality for other development
- Over Ross industrial estate is more impactful and harmful and out of keeping to and with the AONB character and appearance
- Enhancement to biodiversity
- Reference made to other dwellings approved around Brampton Abbots

5.5 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=161859&search=161859>

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

Background to the Application

6.1 Permission for a dwelling on the same site and of the same size, form and appearance under reference 151299/F was refused against Officer's recommendation by this Planning Committee on 28 October 2015 on a single ground as follows:

The proposed development by reason of its prominent and uncharacteristic location would be contrary to the predominantly linear pattern of development that characterises Brampton Abbots and would not conserve or enhance the scenic beauty

of the Wye Valley Area of Outstanding Natural Beauty contrary to Policies SD1 and LDI of the Herefordshire Local Plan - Core Strategy and the guiding principles of the National Planning Policy Framework.

- 6.2 Following this, the applicant sought to engage with the local community rather than appeal the refusal and submitted a new planning application relocating the proposed dwelling further away from the nearest neighbour and objector. However this, through the consultation process, was still rejected by some members of the local community. As a consequence the applicant has repositioned the dwelling to a position supported by both Planning and Conservation Officers. The applicant is fully entitled to submit the application as amended and considered here and the Council is obliged to assess it against current policies, legislation and other material considerations relevant at this moment in time.
- 6.3 Further to the above it should be noted, unlike the time period against which the previous application was considered, Herefordshire Council clearly does not have an up to date five year supply of housing land plus twenty percent buffer. This is a significant consideration and materially supports the principle of the proposal.
- 6.4 Additionally, the Wye Valley AONB Partnership confirms they have no objection to the proposal vis-à-vis its impact on the Wye Valley AONB. They also confirm its conformity with the AONB Management Plan. This, coupled with no objection from the Council's Conservation Manager – Landscapes is significant given the previous refusal reason was based upon harm to the character and appearance of the AONB. The professional advice and opinion of the Council's and independent Officers' is that refusal can not be substantiated on such grounds.
- 6.5 All of the above justify and enable the applicant to resubmit an identical application and enable and strengthen the soundness of the recommendation, below.

Assessment

- 6.6 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.
- 6.7 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 approving development proposals that accord with the development plan without delay unless 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 specific policies in the NPPF indicate development should be restricted.

Policy Assessment

- 6.8 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that '*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*'.
- 6.9 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.10 Paragraph 14 of the NPPF states that there "*is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent,*

silent or relevant policies are out of date, granting planning permission unless 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 specific policies in this Framework indicate development should be restricted."

6.11 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission.

6.12 In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This position has been crystallised following a recent Appeal Court Decision and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus –

*We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H).*

Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.

6.13 This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations as locationally through Core Strategy policy RA2 and 'in principle' due to the Council's housing land supply position and from the NPPF, the proposal represents sustainable development.

6.14 The NPPF sets out 12 core land-use planning principles in paragraph 17 which should underpin decision taking. These include the principle to '*proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving places that the country needs*'.

6.15 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. The Ministerial foreword 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.

6.16 It is clear from the NPPF that 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.
- 6.17 Whilst LPA's are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.
- 6.18 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.
- 6.19 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.
- 6.20 NPPF section 12 sets out the position regarding conserving and enhancing the natural environment. Specific principles and policies relating to the natural environment and its assets and development are found in paragraphs 109 – 125.
- 6.21 The assessment of development as being unacceptable within the AONB is explained within the NPPF as being a scenario whereby:
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’.
- 6.22 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.
- 6.23 Officers do not consider the provision of a single dwelling to represent major development in the context of Brampton Abbots and paragraph 116 of the NPPF. The planning balance therefore applies.

Herefordshire Core Strategy

- 6.24 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.

- 6.25 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.26 Core Strategy policy SS7 – *Addressing climate change* describes how development will be required to mitigate their impact on climate change, and strategically, this includes:
- focussing development to the most sustainable locations
 - delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.27 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.
- 6.28 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate.
- 6.29 Brampton Abbots is within the Ross on Wye HMA and one of thirty one settlements designated to be the main focus of proportionate growth in that HMA. The Ross on Wye HMA is to provide a minimum 1150 dwellings in the Plan period with an indicative housing growth target of 14%.
- 6.30 The application site is therefore sustainably located, being adjacent to the main built core of Brampton Abbots, a settlement designated under Policy RA2. Development is therefore acceptable in principle on a locational basis. Since April 2014, Brampton Abbots has eight housing commitments plus two completed dwellings. The indicative target within this HMA is a minimum of 14% or a minimum of 19 dwellings, therefore the proposal for a single dwelling is considered to be proportionate housing growth.
- 6.31 In principle and strategically, the proposal is acceptable as it represents sustainable and proportionate development, complying with Core Strategy policies SS1, SS2, SS7, RA1 and RA2 and the relevant requirements of the NPPF.

Assessment

- 6.32 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. 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.
- 6.33 Section 7 (*Requiring good design*) of the NPPF requires developments should function well and add to the overall quality of an area, establishing a sense of place to create attractive places to live, work and visit through responding to local character and history and reflecting local identity, whilst at the same time not stifling innovation. This approach is reinforced through Core Strategy policies SS6, LD1 and SD1 and the criteria of policy RA2 which requires development should reflect the size, role and function of the settlement and be located within or adjoining its main built up area. Attention is required to be paid to the form,

layout, character and setting of the site and its location, resulting in high quality sustainable development.

- 6.34 As such, given the sustainable location and in principle acceptability of the development on those terms, the decision making process turns to the assessment of material considerations.
- 6.35 At the local level policies regarding design and context reflect the Government's aims and objectives. Core Strategy Policy RA2 acknowledges the importance of the Herefordshire landscape, and particularly the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty. As such it states new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping. High quality design that is sustainable and reinforces the locally distinctive vernacular will be particularly encouraged. Innovative and/or contemporary design will also be supported where it is appropriate to its context, it makes a positive contribution to the architectural character of the locality and achieves high levels of sustainability in terms of energy and water efficiency, as set out in Policy SD1.

Sustainable Design, Layout, Context and Energy/Resource Efficiency

- 6.36 The proposal includes high quality sustainable design that also creates a safe, accessible, well integrated environment. In conjunction with this, the proposal incorporates the following relevant requirements of Core Strategy policy SD1:
- ensure that proposals make efficient use of land taking into account the local context and site characteristics,
 - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
 - safeguard residential amenity for existing and proposed residents;
 - ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
 - ensure that distinctive features of existing buildings and their setting are safeguarded;
 - utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;
 - Where possible, on-site renewable energy generation should also be incorporated;
 - ensure that proposals make efficient use of land -taking into account the local context and site characteristics, including land stability and contamination;
 - ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development;
 - utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;
- 6.37 Furthermore the proposal is considered to satisfy the additional policy SD1 requirement *all planning applications will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.*
- 6.38 The design approach interprets characteristics and materials common to and representative of agricultural and equine buildings (both of which are common and recognised features within this area and AONB) in a contemporary form to create a modern aesthetic.
- 6.39 The palette of natural materials is complementary to this rural setting. When viewed from the adjoining Public Right of Way or from any medium and long range views, the dwelling takes the form and general appearance of an agricultural/ equine building, thus through its scale, design, form (and materials) has a neutral to low impact on a viewer as such buildings are

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

expected in such a landscape. It should be noted there are minimal openings on the elevation facing the adjoining PROW.

- 6.40 The dwelling has been designed, located and orientated following discussion and assessment to fulfil three distinct functions and appropriately integrate and relate to its context. These are:
- Minimise landscape impact
 - Minimise impact on adjoining dwellings
 - Maximise solar gain
- 6.41 The dwelling is located within an identified area rounding of and adjoining the curtilage of Larksmead and the curtilage of Clouds Harrow. It is considered within this 'zone' the location of a dwelling effectively acts as a natural extension to Brampton Abbots, therefore minimising development creep into open countryside beyond existing visible residential development when viewed from the North or West.
- 6.42 In addition this location also sets the proposal away from the highest part of the field so it does not sit on the skyline, in particular as viewed from Ross on Wye. It is located broadly in the area currently developed with equine related buildings thus replaces existing buildings that have an established landscape presence. As referenced, careful consideration has been given to external materials in order to complement and be appropriate to the location and conditions secure this.
- 6.43 The north east elevation which faces Larksmead, the nearest third party dwelling, has a single window opening at ground floor level, furthermore it is a linear high level window. In addition the nearest part of the proposal to Larksmead is single storey in extent and this section of the proposed dwelling has a height to ridge 3.4 metres and a height to eaves 2.25 metres. Furthermore this section is some over 25 metres distant from Larksmead. The two storey element of the proposal has a height to ridge 6.5 metres and eaves 3.6 metres and is 32 metres from Larksmead, at an offset angle, with existing and proposed planting and landscaping inbetween. The garage is single storey and discretely located in the North East corner of the site, screened on its North and East boundaries by existing and enhanced landscaping. Vehicular movements associated with one dwelling are considered to be minimal and not detrimental to adjoining dwellings. On this basis there is no justification to resist the proposal on the basis of the impact on the amenity and privacy of occupiers of Larksmead.
- 6.44 The south west elevation features the majority of glazing in order to capture natural light, solar gain and maximise views. By contrast and in addition to the north east elevation, the North West elevation has minimal openings. Reduced openings also help increase the thermal efficiency of the dwelling.
- 6.45 It is emphasised the main functional areas, glazing and openings and private garden areas all are located away from Larksmead. On the basis of all of the above, it is considered there is no credible argument the proposal adversely affects existing amenity and privacy of that property justifying refusal.
- 6.46 The house has been future proofed with the following low energy features to aim to achieve Passivhaus standards:
1. The external walls, floor and roof are insulated to a high standard and air infiltration is minimised.
 2. Triple glazed windows with warm edge spacer bars, thermally broken frames and inert gas filled to achieve a whole window u-value of 0.7W/m²K.
 3. Heat pump using a borehole as the ground source for the underfloor heating and hot water system with a closed combustion wood burning stove as back up.
 4. Whole house heat recovery ventilation system.

5. Micro generation of renewable electricity using roof mounted Photovoltaic/Solar Panels.

6.47 This approach accords with the NPPF, Core Strategy policy S1 and SD2. In addition it fulfils the criteria of policy SS7 which states development proposals will be required to include measures which will mitigate their impact on climate change. In particular, in addition to the sustainability of location, the proposal will:

- Reduce carbon emissions and use resources more efficiently
- Use renewable energy and low carbon energy
- Make use of sustainable drainage measures
- Use of passive solar gain
- Reduce heat island effects

6.48 From a design and sustainable design assessment, the proposal is considered to clearly fulfil locational, development and energy sustainability requirements described in national and local planning policies, aims and objectives. The proposal is considered to represent high quality design that will help raise design standards locally and demonstrates how rural vernacular can be incorporated into a contemporary architectural solution, integrating with and enhancing a sensitive location.

Landscape

6.49 Paragraph 17 of the NPPF describes twelve core planning principles. This includes taking 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, and contributing to conserving and enhancing the natural environment and reducing pollution

6.50 Section 11 of the NPPF – *Conserving and enhancing the natural environment*, in its opening paragraph 109, sets out ‘*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*’.

6.51 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations*. Policy SS6 then states in its list of criteria that *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty*.

6.52 Core Strategy Policy LD1 – *Landscape and townscape* states Development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

6.53 As noted by the Conservation Manager (Ecology) and (Landscapes), the proposal also comprises a landscaping strategy that includes significant planting with associated biodiversity

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

and landscaping benefits. This more than satisfies the objectives of Core Strategy policy LD2 which aims to where possible to secure the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and the creation of new biodiversity features and wildlife habitats.

- 6.54 The landscaping is not proposed to mitigate the proposed dwelling, although it will filter views of the proposal. The driver for the significant planting is to deliver a high quality proposal that enhances this existing field and by association local context through a holistic approach. The existing field has both very limited ecological value and landscape quality. Two banks of orchard planting featuring apple and pear varieties with plum, damson and cherry either side a wildflower meadow will, along with the significant boundary planting, greatly enhance biodiversity value and landscape character. Standard trees introduced in the landscaping planting include field maple, common alder, silver birch, wild cherry and English oak. New and enhanced hedgerow planting comprises mixed deciduous species including hazel, hawthorne, dog rose and Guelder rose in line with the Council's recommended and preferred specification. This is all considered positive planning gain that fulfils local and in particular, national planning policies, in regards enhancing the local and natural environment. Naturally, all of this would be ensured through condition and thereafter protected from future development. All of this satisfies Core Strategy policies LD1 – Landscape and townscape, and policy LD3 – Green infrastructure, where in particular proposals will be supported where new green infrastructure enhances the network.
- 6.55 The proposed construction of the house is unlikely to have any discernible effect on the wider landscape character and will not contradict the description, aspirations or guidelines of Principal Settled Farmlands in the Landscape Character Assessment.
- 6.56 As recommended by the Wye Valley AONB Partnership Office, and as a matter of good practice and as utilised in other similar situations, conditions regarding external lighting are recommended to minimise light pollution and its impact on the character and appearance of the locality. All external lighting including its luminescence and location will be required to be approved by way of condition.

Heritage

- 6.57 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 6.58 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141. The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance taking into account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
 - the desirability of new development making a positive contribution to local character and distinctiveness
 - opportunities to draw on the contribution made by the historic environment to the character of a place.

- 6.69 Paragraph 131 – 133 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.60 The Core Strategy sets out heritage policy under LD4. The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed buildings and conservation areas, or not.
- 6.61 Policy LD4 – *Historic environment and heritage assets* requires Development proposals affecting heritage assets and the wider historic environment should:
- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
 - The conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;
 - use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;
 - record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and where appropriate, improve the understanding of and public access to the heritage asset.
- 6.62 The application site as a whole has been assessed regarding its impact on all heritage assets hereabouts, with particular regard on the impact on the character or setting of the Church of St Michael, a Grade II* listed Church that within its complex includes 19 tombs that have a group listing Grade II designation. The proposal is around 110 metres west of the Church however the third party dwelling Larksmead and its curtilage is located between the Church and the proposal.
- 6.63 It is considered the impact of the proposal on these heritage assets is less than substantial harm. This is through the existing context, lack of direct relationship, and in regards to the proposal as a whole, its distance, form, inter-dividing existing buildings and comprehensive landscaping. The proposal is set further north than the existing two storey dwelling Larksmead which is adjacent to the Church, therefore given this and all the above, it is concluded there would be no adverse impact on these listed heritage assets or their setting when viewing the proposal from the PROW BA4 which runs up to the churchyard and offers a full panorama when walking Northwards.
- 6.64 There would, it is concluded, not be substantial harm on heritage assets hereabouts from the development and as such no reason to refuse the application on such grounds.

Other Matters

- 6.65 Reference is made to the findings of a Planning Inspector in 1995 against refusal of a residential development under reference SH94/0987/PO. The Inspectors' comments are noted, however it is not considered an 'absolute position' precluding development. This opinion is reached having regard to the fact these comments are over twenty years old and since then both local and national planning policies have evolved and developed, including the current position regarding housing land supply, acceptability of appropriate development in the AONB and within this general location as assessed against the current local plan and NPPF and sustainability detailed in this report.
- 6.66 For the avoidance of doubt, Brampton Abbots has no settlement boundary at the present time there is no Neighbourhood Plan that can be attributed weight. As described above, the acceptability in principle of residential development in Brampton Abbots is enshrined through the NPPF and designation of Brampton Abbots in the Core Strategy. It is noted under policy RA2 development is directed to be within or adjoining the main built up area of a settlement. As such the application site clearly meets this criteria.
- 6.67 Reference is made by objectors to the importance of consistency in the decision making process and reference case law. Members will be aware that each application needs to be assessed on its own merits however the following decisions are relevant to this proposal –
- 153437/F – four dwellings at Brampton Abbots
151752/O – two dwellings at Kings Caple
151189/F – five dwellings at Fernbank Road, Ross on Wye
- 6.68 These permissions were granted on the basis of compliance with Core Strategy and NPPF policies as they are all sustainably located. Furthermore regard to the relevance or lack thereof of previous appeal decisions refusing residential development on land when assessed against the current policy regime was applicable to 151189/F. Attention is drawn to the fact all of these permissions are located within the Wye Valley AONB and received 'no objection' from the Wye Valley AONB Office or Council's Conservation Manager (Landscapes). Finally, the Council's housing land supply position was a material consideration in each case.

Summary

- 6.69 The proposal represents sustainable residential development in a location designated for residential growth, providing a high quality designed building that interprets rural vernacular in a contemporary way and facilities the highest standards of energy and resource efficiency, whilst also enhancing the local environment in landscape and biodiversity terms.
- 6.70 No objection has been received from either the Council's Conservation Manager – Landscapes or the Wye Valley AONB Partnership Office regarding harm or impact upon the AONB from the proposal, as referenced above.
- 6.71 As such the requirements of Core Strategy policies SS1, SS2, SS6, SS7, RA1, RA2, LD1, LD2, LD3, LD4 and SD1 are satisfied along with the relevant aims and objectives of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers under the scheme of delegation:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**

3. **Foul water and surface water discharges shall be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
4. **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.
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme – implementation**
7. **The recommendations set out in the ecologist’s report listed under Condition 2 of this Decision Notice should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**
Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.
8. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**
Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy
9. **Removal of permitted development rights**
Reason: To ensure the design, energy efficiency and sustainability qualities of the proposal is maintained and to protect the character and appearance of the AONB and in the interests of adjoining amenity
10. **No conversion of garage to residential use**
Reason: In the interests of adjoining amenity
11. **External lighting details**
Reason: In order to protect the character and amenity of the Wye Valley AONB and setting of Brampton Abbots.
12. **CA9 – Single Access**
13. **CAL – Access, turning area and parking**

- 14. CAH – Driveway gradient
- 15. CAE – Vehicular access construction
- 16. CAS – Road completion
- 17. CB2 – Secure covered cycle parking provision

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. HN10 No drainage to discharge to highway
- 6. HN24 Drainage other than via highway system

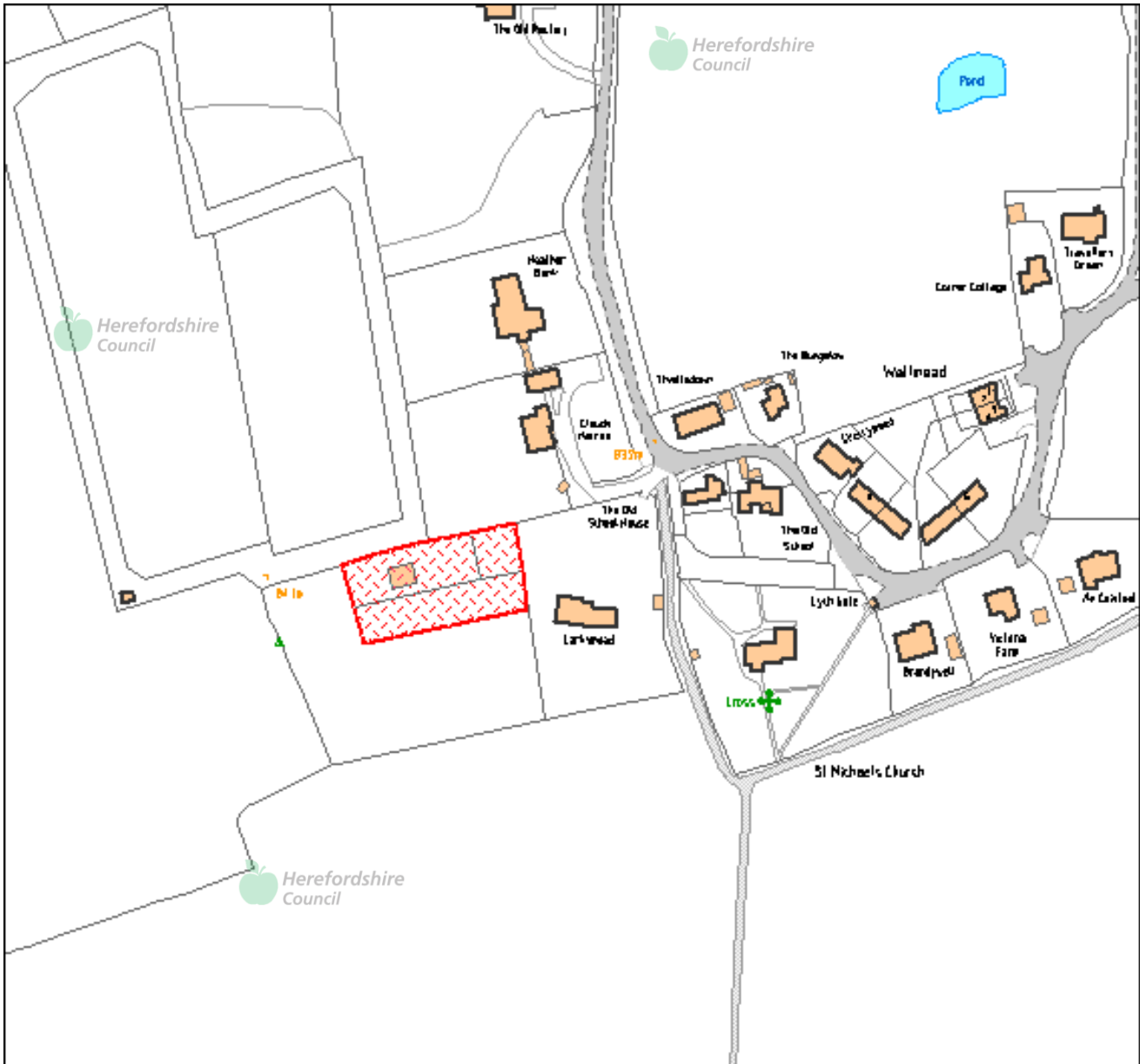
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 161859

SITE ADDRESS : LAND WEST OF LARKSMEAD, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JE

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