

MEETING:	PLANNING COMMITTEE
DATE:	26 April 2017
TITLE OF REPORT:	153330 - PROPOSED 5 NO. DWELLINGS WITH GARAGES AND TREATMENT PLANT AT LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER. For: Mr Probert per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=153330&search=153330
Reason Application submitted to Committee – Re-direction	

Date Received: 11 November 2015 Ward: Mortimer Grid Ref: 342573,264899
Expiry Date: 30 April 2017
 Local Member: Councillor CA Gandy,

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of the A4110 immediately to the south of the village hall in Aymestrey. To the north of this on the same side of the highway is Aymestrey Court beyond which is the Grade I listed Church of St John the Baptist and St Alkmund. On the opposite side of the road at the river's crossing point is the Riverside Inn.
- 1.2 The village is characterised by its timber frame cottages with more contemporary houses utilising brick, stone and render. There is no set building line and many of the existing buildings are set alongside, at right angles or obliquely to the main road and are dispersed and fairly sporadic further outside the village centre.
- 1.3 The site is currently in agricultural use and is roughly rectangular in shape. Mature hedgerows and trees are present along the site's frontage which is approximately 85m. The land slopes from west to east towards the River Lugg. There is existing residential development opposite the site along Bacon Lane.
- 1.4 The proposal is to construct five dwellings with garages on the site, consisting of two x 3 bed and three x 4 bed traditionally styled properties. A new access is proposed off the A4110, which has been subject of much discussion and has been relocated further to the north from the location originally proposed to improve visibility. A landscaping scheme would be implemented across the site.

2. Policies

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

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- 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
- SD4 - Waste water treatment and river water quality

2.2 NPPF - Achieving Sustainable Development & Chapters 4, 6, 7, 8, 11 and 12

2.3 Aymestrey Neighbourhood Development Plan was designated on 7th January 2016 but has not yet reached regulation 14 stage. Therefore whilst it is a material consideration it cannot be attributed any weight within the decision making process.

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

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

3. Planning History

3.1 none

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply

No problems are envisaged with the provision of water supply for this development.

Internal Council Consultations

4.2 Transportation Manager

There has been numerous discussions and meetings reference the site, access and speed. From the discussions the applicant has offered a contribution towards the installation of gateway features.

Internal layout

The road is not to be adopted though the layout must be to adoptable standards, the proposal is acceptable. The layout and turning will be conditioned to remain as such.

There needs to be a footpath link to the village hall, this is within Highway land and will need a Section 278/184 licence to enable the works to progress.

The internal layout will need a service strip alongside and all services need to be placed to ensure any failures will not close off the access.

A long section has been provided, this needs to be part of the application, this demonstrates that a minimum of 160m x 2.4m can be achieved to the south. This will require the hedge to be set well back from the visibility splay to enable growth and not block the splay, this will also enable the gateways to be built.

There needs to be a 2.4m fronting the access to the North, this will ensure suitable visibility to the North.

There is an issue with speeds in the village as demonstrated by the local concern and the speed survey, either a contribution to the local parish is required to support engineering features such as Gateway Improvements and build outs or there needs to be S278 improvements to reinforce the speed limit such as red Roundels, Whitelining etc, this will need to be agreed with the local highway Authority.

If you are minded to approve, please add the following conditions, (if the conditions are not added in full, I will need to reconsider the application) (see recommendation).

4.3 Historic Buildings Officer

I do not consider that the site is sufficiently close to Aymestrey Church to materially and adversely affect its setting or historic interest. As such, I have no objection to the proposal.

4.4 Ecologist

Thank you for consulting me on this application. I have read the ecological report from Protected Species consultancy and agree with low biodiversity impact on this site. If given approval I would like to see a condition added to enhance the site via a habitat enhancement scheme and so I recommend the following non-standard condition be attached: see recommendation below.

5. Representations

5.1 Aymestrey Parish Council (2 December 2015)

1. Councillors were unable to support the proposed planning application for five dwelling houses adjacent to Aymestrey Parish (Village) Hall at the present time due to the following:

- Incomplete information provided on Herefordshire Council website with pages 17 – 21 of application form not visible;
- Lack of Design and Access Plan;
- Parish Plan available at www.aymestrey.org identifies affordable homes as a specific housing need.

Aymestrey Parish Council (6 January 2016)

- The land proposed for development is Grade 2 Agricultural;
- The land proposed for development has a close proximity to a flood plain;
- The proposed development site poses visibility and access issues due to the close proximity to the Village Hall entrance/exit, the blind summit located in front of the Village Hall, high speed of through traffic despite the 30 mph zoning;
- Consideration of sustainable construction required; and
- Parish Plan available at www.aymestrey.org identifies affordable homes as a specific housing need.

Aymestrey Parish Council (12 October 2016)

This application was discussed in Council and the response was

- That the council still maintained that their original comments still stood, however they acknowledged that amendments had tried to address the road safety concerns. In Council's opinion the safety issues still remained the entrance to the development was still too close a brow of a hill which was a zone of poor visibility for vehicles approaching the entrance to the development and any emerging traffic.
- If the development was to progress the Parish Council would like to suggest the following for mitigation.
- That the redundant entrance to the remainder of the field, (egress on to the village hall car park) be closed up.
- That the hedge on the frontage of the development remain.
- No trees are removed.
- A footpath is constructed from the Village Hall to Mortimer's Cross.

A further summary of the objections has recently been received, 11/4/17

1) The development would prevent or significantly reduce the effectiveness of the traffic calming scheme, in particular the element for which the parish council has been granted funding by the Police and Crime Commission for West Mercia.

This is the village gateway at the south end of the village close to the access to the proposed development. The aim of the gateways is to make the road appear narrower, encouraging drivers to slow down. This effect would be lost if the development went ahead because:

- a) the gateway would have to be set back from the edge of the road by more than 1m than would otherwise be the case
and
- b) the access itself, the loss of trees and the relocation of the hedge further away from the carriageway would all make the road appear wider.

The parish council has been working for several years to accomplish this traffic calming scheme. Controlling the speed of traffic through the village is a high priority: traffic speeds were identified as a problem by 80% of respondents in two separate surveys for the Parish Plan

and the Neighbourhood Development Plan. Traffic surveys have shown that the average traffic speed through the village is approaching 50 mph, despite the 30 mph speed limit.

2) The development would harm the setting of the Grade I listed church. Notwithstanding the cursory comment from the council's "historic buildings officer" on a single sheet torn from a notepad, one of the principle elements of the church's setting is the view on the approach to the village from the south, where it is seen set amongst traditional orchards. This sets the scene of both the church and the historic village. The comments from the "historic buildings officer" - not actually an employee of the council or apparently qualified to make such assessments - paid no heed to the importance and rarity of this heritage asset as Grade 1 listed or to Historic England's guidance on the setting of heritage assets. We note that Historic England has not been consulted.

3) The proposed development is suburban in layout and appearance, thus failing to reflect the character and setting of the historic village. The houses are large and in very large plots and would not deliver the housing needs of the settlement as established in Parish Plan and Neighbourhood Development Plan surveys. Although the NDP is at a comparatively early stage, the surveys have identified the need for affordable and retirement homes. The residential area of the Aymestrey is on the opposite side of the A4110, with only two houses on this side of the road in the village, 200m north of this proposed development, the intervening land being traditional orchard. The development would fail to comply with any of the requirements of CS Policy RA2.

4) The development would result in the loss of at least 1 acre of Grade 2 agricultural land. Grade 2 land is at a premium in the parish and this is the only part of this particular field that is outside a flood risk zone. The NDP is expected to seek a much higher density for new residential development in order to ensure that new housing meets identified local need and development will be directed to brownfield sites or, if no such sites are available, to agricultural land of lesser quality.

5) The parish council objected to the removal of the old hedge and the significant number of trees at the proposed entrance, not only on ecology grounds, but due to visual impact.

6) The parish council was concerned about the limited pedestrian access from the site and requested that a footpath be provided connecting the development to Mortimer's Cross, the main employment area of the parish.

Ten letters of objection have been received from six different households making the following points;

1. Detrimental impact on setting of grade I LB Church.
2. Development is too high.
3. Speed of traffic, inadequate visibility splays.
4. No need for more dwellings.
5. Loss of grade 2 agricultural land.
6. Contrary to parish plan.
7. Need for affordable homes.

Four letters of support, 3 from outside village, make the following points

1. Village needs housing to support the community.
2. Not in flood zone
3. Obvious location adjacent to village hall.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=153330&search=153330

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."

6.2 The position in terms of the Council's 5 year housing land supply is that it sits at 4.39 years. The Aymestrey Group Parish Neighbourhood Development Plan has not yet reached Regulation 14 stage, and can be afforded no weight at this stage.

6.3 Aymestrey is an RA2 settlement within the Leominster Housing Market Area with an indicative growth target of 14%. As at 1 April 2016 the position was of the 23 dwellings required 2 had been built a further 6 committed leaving 15 to be approved/allocated.

6.4 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:

Highway safety

Character/amenity of area

Setting of Grade 1 listed church

6.5 After much discussion and revision to plans the transportation manager is now satisfied that a safe access arrangement is available. This includes a condition ensuring space is available for the provision of traffic calming by way of 'village entry gates' The applicant has offered to contribute to such a scheme. This will be via a S278 Highway Agreement which is required to reinforce the speed limit as set out in the consultation response and linked to a planning condition as set out in the recommendation.

6.6 In terms of the character of the area the designs, a different one for each plot, are considered to be appropriate to the area. Whilst the site currently benefits from no boundary trees/hedges on the south boundary a landscape condition will require this in particular to be addressed. There are no neighbours near enough to be overlooked by this development.

6.7 The approach to the village from the south allows views of the church tower, behind the village hall. Much of the rest of the church is already obscured by the existing hedge/tree lined northern boundary of the site. The Historic Building Officer has considered the impact of the development upon the Grade 1 Listed church and concludes that the distance, at its closest over 160m, between the church and the site is such that there is no material or adverse impact upon the setting. Having regard for the S66 'special consideration' test and paragraph 132 of the NPPF, not only is there less than substantial harm, there is considered to be no harm.

6.8 It is therefore considered that on balance the proposal complies with relevant Core Strategy policies and the general tenet of the NPPF.

- 6.9 Given the current 5 year housing land position and absence of a Neighbourhood Development Plan being accorded any weight, this sustainable proposal, in the absence of material considerations demonstrating significant harm to outweigh the benefits, including loss of grade 2 agricultural land, is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (1447/1C 1447/2-8)**
- 3 C01 Samples of external materials**
- 4. Recommendations set out in the ecologist's report from Protected Species dated October 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

Reasons:

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

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

- 5 G10 Landscaping scheme**
- 6 G11 Landscaping scheme – implementation**
- 7 I51 Details of slab levels**
- 8 H14 Turning and parking: change of use – domestic**
- 9 H04 Visibility over frontage**
- 10 H05 Access gates**
- 11 H06 Vehicular access construction**
- 12 H09 Driveway gradient**
- 13 H13 Access, turning area and parking**
- 14 H17 Junction improvement/off site works (gateway feature)**

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- 15 **H21 Wheel washing**
- 16 **H20 Road completion in 2 years**
- 17 **H27 Parking for site operatives**
- 18 **H29 Secure covered cycle parking provision**
- 19 **H03 2.4m x 160m to the south**
- 20. **Drainage Conditions.**

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. **HN07 Section 278 Agreement**
- 6. **HN10 No drainage to discharge to highway**
- 7. **HN28 Highways Design Guide and Specification**

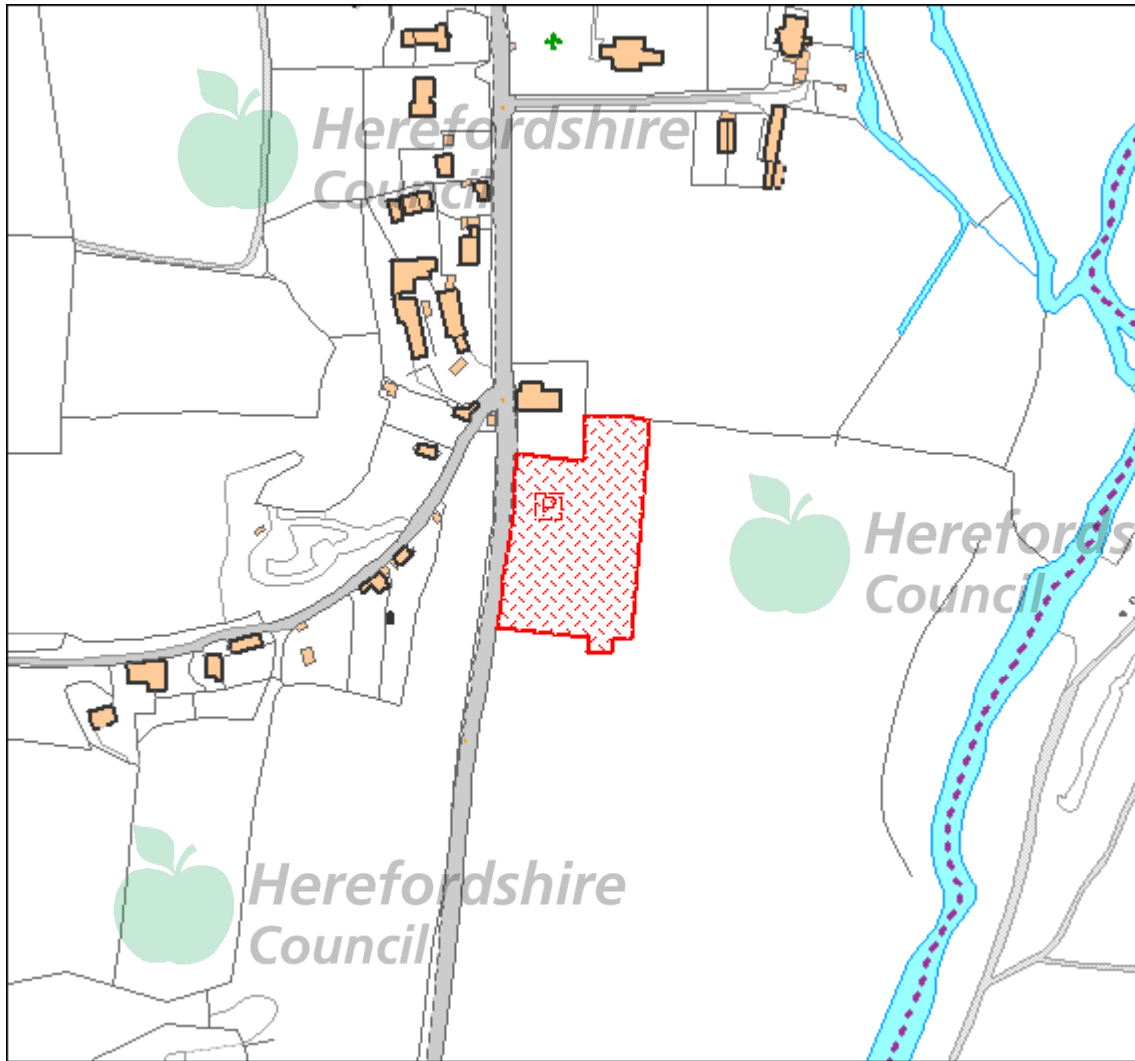
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 153330

SITE ADDRESS : LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER, HEREFORDSHIRE

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