

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>2 August 2017</b>
<b>TITLE OF REPORT:</b>	<b>170984 - ERECTION OF A 3 BED DWELLING, AMENDED ACCESS AND BIO-DISC DRAINAGE AT LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE.</b>  <b>For: Mr &amp; Mrs Long per Mr Brian Griffin, The Cottage, Green Bottom, Littledean, Cinderford, Gloucestershire GL14 3LH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&amp;search=170984">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&amp;search=170984</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 16 March 2017**

**Ward: Old Gore**

**Grid Ref: 362146,225868**

**Expiry Date: 16 May 2017**

Local Member: Councillor BA Durkin

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

- 1.1 The application site lies to the north east of Four Winds, a detached bungalow, while the site lies outside of the curtilage associated with Four Winds, it is understood that this dwelling is within the ownership of the applicants albeit rented out to a tenant at present.
- 1.2 The site is accessed to the north of a driveway shared with Four Winds and the neighbouring dwelling to the east, Westwood View. This is presently accessed off an entrance (understood to be outside of the applicants' ownership), which goes on to serve four additional dwellings located to the west of the site off a driveway named The Downs. There are dense hedgerows bounding all four sides of the application site.
- 1.3 The site, while located within the parish of Brampton Abbots, is within open countryside and away from this identified settlement within that parish.
- 1.4 The application seeks outline permission for the erection of a detached three bedroomed bungalow with only access to be considered at this stage. With this in mind, while drawings of a dwelling accompany the application, they are purely for indicative purposes.
- 1.5 As well as a proposed layout plan, the application was accompanied by:
  - An indicative photograph
  - Planning statement
  - Ecology Inspection
  - Seven letters of support

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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>

### 2.2 National Planning Policy Framework (NPPF)

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

### 2.3 The Brampton Abbots & Foy Group Neighbourhood Development Plan (NDP)

The Neighbourhood plan area was designated on the 29<sup>th</sup> January 2013 and while it is a material planning consideration, the plan is not yet at a stage where it is afforded any weight.

## 3. Planning History

3.1 163759/F - Site for erection of 1 detached dormer Bungalow, use of an existing access, treatment plant drainage. Refused 2 February 2017.

3.2 This previous application is similar to the one that is now submitted, albeit some alterations have been made to the application form to clarify the number of proposed bedrooms and drainage methods as well as amendments to the access so that it no longer goes over third party land. It was refused on the following grounds:

- 1) *The proposal is found to represent an unsustainable form of development that would be contrary to policies SS1, RA2 and RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework due to its isolated location within open countryside, where residential development of this type is not supported unless it meets exceptional criteria.*

- 2) The proposal is considered to be out of keeping with the pattern of the surrounding January 2013 development, introducing an uncharacteristic 'backland' development. As such, the character of the landscape has not positively influenced the site selection with the application therefore being contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy.
- 3) In the absence of sufficient information, the highways implications of the proposal cannot be adequately assessed in relation to visibility splays, connection to the highway and increased vehicle movements onto the highway. The proposal is therefore unable to be assessed favourably against Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.

#### **4. Consultation Summary**

##### Statutory Consultations

##### 4.1. Welsh Water

No objections to the proposal as it is intended to utilise a private treatment works.

##### Internal Council Consultations

##### 4.2. Transportation Manager

As raised in the previous application, the applicant had not provided enough information in regards to the speed of the road and volume of traffic which uses the C1283. The submitted documents now show a new access which has not been fully assessed.

A full 7 day speed and volume survey (undertaken during term time) should be supplied Applications should be submitted with the access clearly shown on submitted plans to facilitate the proposed using required visibility splays, designed and informed by Manual for Streets 2 using the 85 %tile based on a full seven day speed and volume survey carried out in term time. If these are not provided then it will be refused on highways due to lack of information.

The road is subject to a national speed limit; however the submission of a speed and volume survey may record a lower speed therefore requiring a smaller visibility splay. Manual for streets 2 (2.0 sec reaction time) states a visibility splay for a road subject to a national speed limit should be 152m in both directions. The visibility from the existing access is restricted by a number of over grown hedges, these limit the visibility further than the proposed shown on the submitted documents.

Without the submission of a full speed and volume survey as described above I can not look to support this application.

##### 4.3 Conservation Manager (Ecology)

I note that this is a slightly reworked application from that refused under application ref 163759. Previously I had requested confirmation details of location of proposed foul water (package treatment plant with final outfall to soakaway/spreader) and surface (soakaway) in order to confirm through a basic HRA screening that the development would have no 'likely significant effects' on the River Wye SAC & SSSI (site falls within SAC catchment and within SSSI Impact Risk Zone for water discharges) – this information has again not been provided and is required prior to determination.

I do note one change is now a loss of roadside hedgerow and I would request that some relevant compensatory planting of native trees is requested to mitigate this loss. This could be

by the planting (including relevant support and protection) of a minimum of 6 'heavy standard', native trees in existing hedgerows (northern boundary is indicated to predominantly native hedge species from ecological survey and within existing retained roadside hedge). Species such as Oak, Hornbeam and Field Maple would be appropriate. This compensatory planting should be detailed (including species, location, planting and protection methodology and a 5 year establishment management plan) on a plan and supplied for approval alongside the required confirmation and locations of foul and surface water management systems.

The biodiversity working methods and enhancements as detailed in the supplied ecological report by James Johnston dated September 2016 should be implemented as recommended – as per comments/suggested condition on previous application.

#### 4.4 Drainage Consultant

We recommend that the following information is provided prior to the Council granting planning permission for this development

- A detailed foul water drainage strategy showing how foul water from the development will be disposed of. If infiltration of treated effluent is proposed, the Applicant should undertake infiltration testing in accordance with BS6297 to determine whether infiltration is a viable option. We note that the Applicant owns land to the rear of the property, however this land is higher than the proposed dwelling, and so draining the treated effluent into a soakage field would require a pump. We do not support pumping treated effluent.

Once the above has been submitted and approved, the following information should be provided within suitably worded planning conditions:

- Provision of a detailed surface water drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

## 5. **Representations**

### 5.1 Brampton Abbots & Foy Group Parish Council

No objections

### 5.2 29 letters of support have been received in response to the public consultation process. In summary the points raised are as follows:

- The applicants have been actively involved in the agricultural and nursing community around Ross-on-Wye for many years and have been given notice to quit their tenancy and therefore need somewhere to live
- To be able to continue his contribution to local community this obviously needs to be in the locality
- The proposal will have minimal visual impact on the area and negligible impact on the traffic
- In previous years the land formed part of a Sun Valley poultry site and is unsuitable for agricultural use due to hardstanding and septic tank

- They already own one dwelling on Four Winds and in order to prevent the tenants from being evicted they would prefer to build a second dwelling
- The proposed would balance the smaller bungalows against the larger ones
- The plot of land is of ample size to accommodate an affordable retirement dwelling and is surrounded by a well-established hedge
- Would not interfere with anyone or the view
- If they need to evict their tenant they may require council accommodation which has a knock on effect

5.3 2 letters of objection have been received in response to the public consultation process. In summary the points raised are as follows:

- The building would be squeezed into such a small site it would be completely out of character and would represent backland development
- The access now worsens the traffic impacts by the driveway being directly alongside that from The Downs and straight onto the lane. An additional driveway will only increase the risk of accidents
- Some conifer hedges have been removed but this was to aid the tenant of Four Winds
- Do not wish to malign Mr Long but he will not be homeless when leaving the farm, owning Four Winds and, we believe, another house in Ross-on-Wye
- The development claims to be a replacement dwelling in effect but there is no immediate need for a replacement dwelling
- The owner has jumped the gun and assumed that planning permission will be granted and cut down hedgerow to make a way for a drive
- Documents providing support that have been submitted with the application are not from within the vicinity of the application

5.4 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=170984&search=170984](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170984&search=170984)

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

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

## 6. Officer's Appraisal

### Principle of development

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

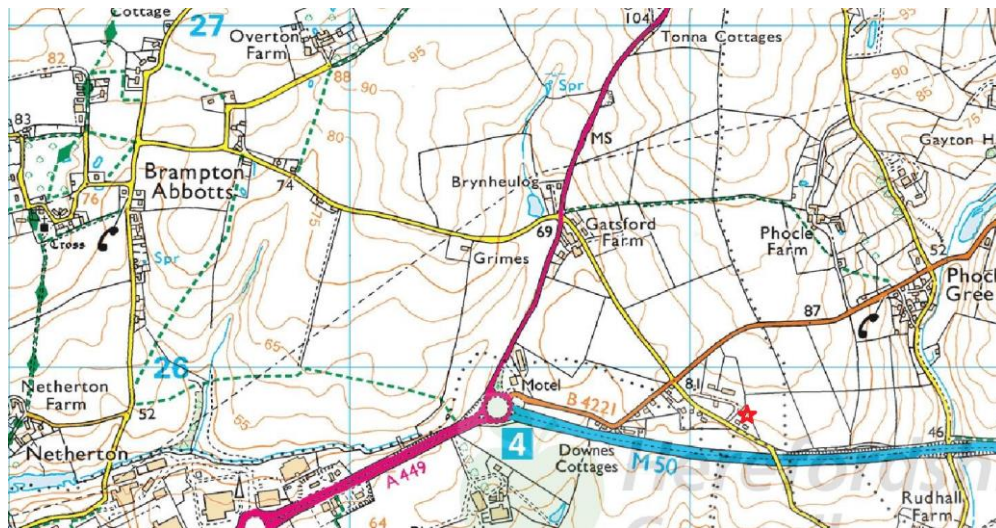
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 49 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date. As established in recent case law (Suffolk Coastal DC v Hopkins Homes [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this.

6.3 An appeal decision for an outline application for up to 100 dwellings in Bartestree (LPA reference: 143771 / PINS ref: 3051153). considered the weight to go to the Council's spatial strategy in the context of a housing land supply shortfall; then held at 3.63 years' worth of

supply (this has improved subsequently to an updated position of 4.39 years). The decision, which was endorsed by the Secretary of State, confirmed that the Council's approach to housing delivery is sound and the shortfall attributable to the delays in delivering housing on large, strategic urban extensions. Accordingly, the Inspector and subsequently the Secretary of State, determined to give significant weight to policies relevant for the supply of housing; particularly in the rural context.

- 6.4 In the context of the clarification provided by the Supreme Court re: Hopkins & Richborough, it is also the case that the correct definition of policies 'caught' by paragraph 49 is the narrow one and that the weight to go to the policies that serve to protect the countryside for its own intrinsic value can legitimately be afforded full weight.
- 6.5 Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing absent a 5 year supply with buffer. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy continue to attract significant weight.
- 6.6 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.7 Housing in the rural parts of the county is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Brampton Abbots is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14.
- 6.9 Notwithstanding the above, the preamble to Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. As stated above, the Brampton Abbots & Foy Group NDP is not yet at a stage where it is afforded any weight. With this in mind, it is the relationship between the built up part of Brampton Abbots and the application site that is to be assessed.



- 6.10 The application site is indicated on the map above by the red star. The main built up part of Brampton Abbots can be found approximately 1.8km to the north west. While there is a collection of dwellings within Phocle Green approximately 550m to the north east from the application site, Phocle Green is not a settlement where the principle of residential development is accepted under Policy RA2. Since the application site is clearly divorced from the main built up part of Brampton Abbots, it lies within open countryside.
- 6.11 In such locations, Policy RA3 is engaged when assessing proposals for new residential development. Policy RA3 is a criteria-based policy identifying seven instances where residential development in the open countryside may be permissible. Such instances include, inter alia, the erection of dwellings connected with proven agricultural necessity, replacement dwellings or rural exception housing in accordance with H2.
- 6.12 While the situation of the applicants, whose tenancy is due to end at a Council owned farm within Hildersley, is acknowledged, this is not found to represent one of the exception criteria under Policy RA3. It is also noted that they do own a dwelling within the immediate vicinity (Four Winds directly to the south west of the application site). Accordingly it is considered that no weight can be afforded to the personal circumstances of the applicant.
- 6.13 In relation to the case that the proposal seeks a replacement dwelling, Policy RA3 makes it clear that any replacement dwelling should be located within a lawful residential use, comparable in size and scale with, and located within the lawful domestic curtilage, of the existing dwelling it is to replace. It is evident that this proposal does not satisfy this exception.
- 6.14 It follows that the application conflicts with policies RA2 and RA3 of the Core Strategy resulting in residential development being unacceptable in this location. Notwithstanding this in principle objection to the proposal, the other areas of this outline application are assessed below.

### Landscape

- 6.15 While the application only seeks outline permission at this stage, the impact on the wider landscape of a dwelling on the site is something to be considered. Policy LD1 of the Core Strategy states that development proposals should demonstrate that the 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.

- 6.16 The application site is located to the north east of Four Winds, and effectively to the rear of the dwelling. It is proposed that the access would be located along the eastern boundary and approximately 3.5m away from the east elevation of Four Winds.



- 6.17 The application site is indicated on the photograph above, again by the red star, and shows the relationship between the existing dwellings and the location of the proposed.
- 6.18 While it is acknowledged that the four dwellings to the west are not accessed directly off the road, the 'backland' nature of the proposal, which sits directly behind, and requires an access directly adjacent to, another dwelling are characteristics not found within the locality. This arrangement is considered to be far more in keeping within an urban setting as opposed to this rural one.
- 6.19 The proposed pattern of development is not found to reflect the local landscape and as such has an associated harm. With this in mind, there is found to be conflict with Policy LD1 as the character of the landscape has not positively influenced the proposed siting of a dwelling.

#### Access

- 6.20 The highways implications of any proposal are to be assessed against Policy MT1 of the Core Strategy. This policy states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposal without adversely affecting the safe and efficient flow of the traffic, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Council's Highways Design Guide.



- 6.21 Under the previous application there was some doubt regarding the access being wholly within the applicants ownership. The current application has amended the access so that instead of leaving the road through the existing access which serves Four Winds and Westwood View (as well as the four bungalows off The Downs, a private drive) a new access will be created so that it is within the applicants ownership.
- 6.22 However, no speed or volume survey accompanies the application and therefore, while a 100m+ visibility splay is indicated on the plans, it cannot be calculated whether this is sufficient. Furthermore, the plan does not show the entirety of the visibility splay and it cannot therefore be determined whether this includes highway land or land within a third party's ownership. The concern in respect of a lack of survey was highlighted under the previous application.
- 6.23 With the above in mind, it cannot be assessed whether the application provides a safe entrance and exit to the site due to a lack of information. As such, the proposal cannot be favourably assessed against policy MT1.

#### Design and amenity

- 6.24 Policy SD1 of the Core Strategy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact.
- 6.25 With the application seeking outline planning permission, at this stage detailed elevations do not accompany the proposal. However, it is noted that since the previous refusal the indicative floor plan included on the proposed layout plan has been amended and a first floor is no longer submitted. Given the nature of the application, these aspects are not for detailed consideration at this stage, rather something for any reserved matters application. However, given the majority of the neighbouring dwellings are detached bungalows, it is found likely that, notwithstanding the concerns about the impact upon the character of the site and locality, a design solution could be reached that would be both in keeping and ensure that the amenity of neighbouring dwellings is safeguarded.

#### Ecology

- 6.26 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.27 The comments of the Council's Ecologist are noted. However, while ideally the drainage arrangements would accompany the application at this stage so that a HRA screening can be carried out, given the size of the plot it is likely that a suitable method can be found so that there is no significant impact on the River Wye Special Area of Conservation and Site of Special Scientific Interest.
- 6.28 With regard to the removal of a hedgrow in order to form the new access, landscaping and mitigation details could be conditioned on any approval and considered in detail under a reserved matters application.

## Drainage

- 6.29 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. Policy SD4 goes on to state that in the first instance developments should seek to connect to the existing mains wastewater infrastructure.
- 6.30 The form that accompanies the application states that a private treatment plant would be utilised for the disposal of foul sewage and a soakaway utilised for surface water. While the comments of the Land Drainage consultant are noted, given the size of the plot, these methods appear acceptable in principle but details would be obtained through a planning condition or as part of a reserved matters application.

## Conclusion

- 6.31 The application proposes residential development in a unsustainable location that is not supported by policies RA2 or RA3 of the Core Strategy. Furthermore, the siting of a dwelling, resulting in backland development, is out of keeping and has not been influenced by the surrounding development, conflicting with the aims of policy LD1. Finally, as insufficient information in relation to the access has been submitted, this aspect can not be favourably assessed against Policy MT1. While the personal circumstances of the applicant are appreciated, this does not outweigh the clear conflict with local and national planning policies.

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. The proposal is considered to represent an unsustainable form of development where residential development of this type is not supported unless it meets exceptional criteria. As such, the application is found to be contrary to Policies RA2 and RA3 of the Herefordshire Local Plan – Core Strategy.**
- 2. The proposal is considered to be out of keeping with the pattern of the surrounding development, introducing an uncharacteristic ‘backland’ development. As such, the character of the landscape has not positively influenced the site selection with the application therefore being contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy.**
- 3. In the absence of sufficient information, the highways implications of the proposal cannot be adequately assessed in relation to visibility splays, connection to the highway and increased vehicle movements onto the highway. The proposal is therefore unable to be assessed favourably against Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.**

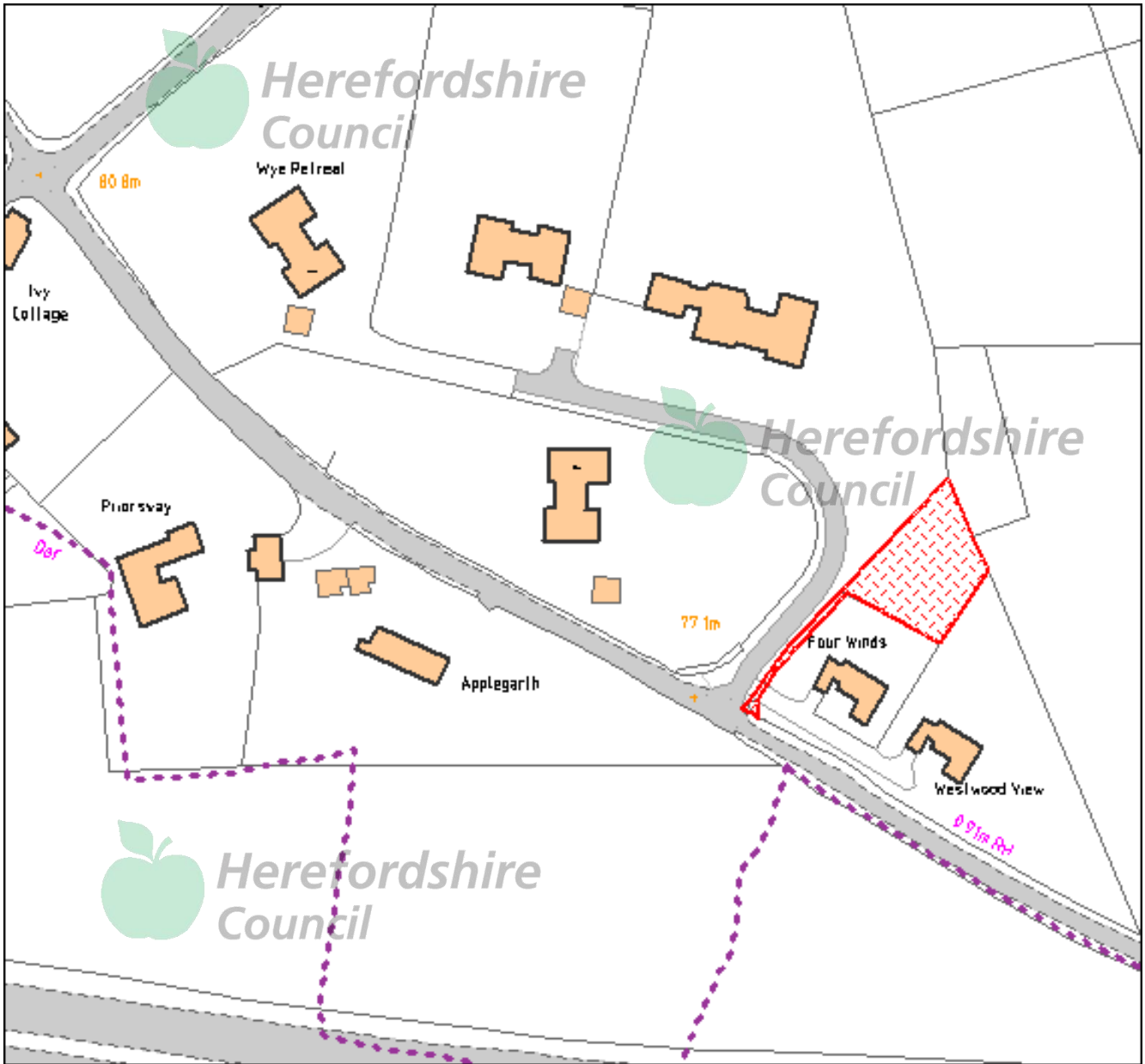
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 170984

**SITE ADDRESS :** LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE

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