

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	2 August 2017
TITLE OF REPORT:	170465 - PROPOSED BUNGALOW AND GARAGE WITH ACCESS AT LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HEREFORDSHIRE, HR4 8AD For: Mr Hall per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170465&search=170465
Reason Application submitted to Committee – Re-direction	

Date Received: 7 February 2017 Ward: Queenswood Grid Ref: 350108,244414

Expiry Date: 4 April 2017

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 The site comprises an elevated backland plot between new dwellings, Holly Brook Cottage to the north and to the south (on lower ground), The Dorall. Existing access into the site is via an unsurfaced strip of land in between the above dwellings, and those dwellings have rear gardens with open aspects onto the application site. The eastern boundary of the application site adjoins the A49T between Hereford and Leominster.
- 1.2 The site is 2 km north of Hereford in a group of dwellings identifiable as within Lyde. Pipe and Lyde is identified as a settlement for proportionate growth within policy RA2 of the Herefordshire Local Plan and in the absence of Neighbourhood Development Plan it is considered that the site is within the settlement.
- 1.3 The proposal is for an H shaped floor plan bungalow with detached garage outbuilding on the southern boundary. Vehicle and pedestrian access into the site would be via the gap between the two immediate dwellings to the west.
- 1.4 No landscaping or boundary treatment has been indicated.

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- LD2 - Biodiversity and Geodiversity;
- SD1 - Sustainable Design and Energy Efficiency;
- SD3 - Sustainable Water Management and Water Resources;
- SD4 - Waste Water Treatment and River Water Quality.

2.2 Pipe and Lyde Parish Council are not currently preparing a Neighbourhood Development Plan.

2.3 National Planning Policy Framework (NPPF)

- Chapter 6: Delivering a Wide Choice of High Quality Homes;
- Chapter 7: Requiring Good Design;
- Paragraph 14: Presumption in Favour of Sustainable Development;
- Paragraph 49: 5 Year Housing Land Supply;
- Paragraph 55: New Housing in the Countryside.

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 052119 Outline Application for 2 Dwellings: Refused and Dismissed on Appeal.

4. Consultation Summary

Statutory Consultations

4.1 Highways England: No objection.

Internal Council Consultations

4.2 Transportation Manager: No objection in principle subject to agreement of internal road layout and gradients.

4.3 Conservation Manager (Ecology): No objection

The original site clearance may have resulted in illegal activities (both ecologically and arboricultural related) – but what is done is done. Any residual flora and fauna from the Traditional Orchard will now be gone. However the regenerated ruderal vegetation has a potential for transient use by species due to the rural location and wildlife corridor links to the wider countryside and habitats including reptiles so an ecological Working Method Statement and Risk Avoidance Measures plan should be requested to ensure the construction works do not impact any local wildlife this should include the appointment of an Ecological Clerk of Works who should undertake and record a detailed site check immediately prior to any further site works taking place.

I do think the remaining roadside trees should be properly protected with a Root Protection Area (based on BS5837:2012) properly secured. These in the main are Ash trees which are already under stress from currently increasing pathogens and diseases so any damage to the roots could increase the risk of them dying back or dying completely. As these screen the site from the A49 I am sure the applicant would not want this anymore than we would.

I would be expecting significant biodiversity enhancements including within/on the new dwelling for bat roosting, bird nesting and pollinating insects (various durable woodcrete and similar material habitat boxes, tubes and specialist bat tiles are easily available. In the garden we

would expect at least one hedgehog home and any fences erected must have small gaps left to allow movement of hedgehogs and other wildlife in and out of the garden. Any new or replacement trees should be locally characteristic native species. The site was historically a small farm Traditional Orchard and the inclusion of some new fruit tree planting within the landscaping would be welcomed.

With the applicant's email on the file confirming final PTP discharge to soakaway, and subject to conditional implementation as part of the approved plans, I am satisfied that through an appropriate HRA screening there should be NO unmitigated 'Likely Significant Effects' on the River Lugg (River Wye) Sac and SSSI as identified in the relevant Impact Risk Zone criteria.

4.4 Environmental Health Officer: No objection. I refer to the above application and would make the following comments in relation to contaminated land issues only (excluding controlled waters).

I've no adverse comments to make.

5.0 Representations

5.1 Pipe and Lyde Parish Council: Pipe and Lyde Parish Council resolved (during its meeting on 10th March 2017) to object to application for a bungalow, garage and access adjacent to Holly Brook Cottage for the following reasons:

- The very narrow drive (originally a hedge removed by the applicant several years ago) giving access to the property is of concern as it would appear to be insufficient for emergency vehicles to get close to the property in the event of a fire etc., which could endanger residents and affect neighbouring properties (contrary to Policy MT1).
- Visibility at the point of access will be very restricted, and could be a safety issue for vehicles exiting the property and in the lane.
- Delivery and construction traffic accessing the site is very likely to cause considerable inconvenience to local properties
- Type of sewerage and foul water disposal is of concern as the brook is not capable of taking another run off outlet.
- The parish council does not consider the proposal to be sustainable and does not conform to Core Strategy policies SS4 and SS7, nor does it fit with the objective of the NPPF to guide development to sustainable locations. There are no local services to support another dwelling, no village shop, no school, no community centre, no mains drainage, and an infrequent bus service. Occupants of the site will be completely reliant on car use.
- An increase in density of housing in this small part of a rural village and the number of access points to this short stretch of a very narrow lane is unacceptable.
- It is disappointing to the local residents that the site has been substantially cleared immediately before the submission of a planning application; a number of trees and hedges have been removed and wildlife habitat within the paddock lost.
- The parish council also understands that boundaries shown on the application are disputed.

Prior to the application the paddock was cleared by a contractor who removed hedges which belonged to neighbours and encroached onto neighbouring properties. Boundary lines as shown on the planning application are disputed by at least two neighbours; a WPD electricity pole on one property for which the owner receives a wayleave payment is now shown within the proposed development plot.

5.2 To date 7 letters of objection received raising the following points:-

- Poor access;
- Drainage concerns;
- Unsustainable location;
- No shops or services here;
- Amenity concerns;
- Land ownership concerns.

5.3 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=170465&search=170465

5.4 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 General Principles

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 CS Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the CS out of date. At present, the Council cannot demonstrate a 5-year supply of housing land.

6.3 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15 under policy RA2, also supported.

6.4 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan (NDP) or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Pipe and Lyde which is a settlement listed under Policy RA2 where proportionate growth is envisaged. There is no defined settlement boundary for Pipe and Lyde, as no neighbourhood development plan is being prepared.

6.5 Therefore in locational terms I consider the proposal accords with new housing allocations in Policy RA2 in that respect, in that the site lies within the built pattern of development at Lyde.

Highway Safety and Access

- 6.6 Access into the site will include part of the neighbouring dwelling's drive (in the applicant's control) and further detail has been provided on the proposed internal road layout which involves land regrading. The Transportation Manager has advised that the access and parking arrangements are acceptable and as such it is considered that the requirements of CS policy MT1 are satisfied

Settlement Character/Visual Impact

- 6.7 The plot backs onto the A49 demarcated by a high hedge. This means that the rear of the building will be glimpsed within the pattern of built development alongside the A49 when travelling in a northerly direction along that road. Views from the north are limited by the bend in the road, and existing built form. There will be no adverse visual impact in the narrow street-scene along the unclassified road, save the modest change to the point of access set in between other dwelling frontages. The proposed dwelling would be hidden from view behind the existing dwellings that front the road.

Residential Amenity

- 6.8 The building is indicatively shown to be sited in the centre of plot with sufficient separation distance from the adjoining dwelling to the east. As a single storey dwelling is envisaged here the issue of overlooking and related loss of privacy is not expected, The boundary with the neighbour to the south (in applicants control) can be fenced so as to limit views into the rear garden and side and rear elevation of the house due to the application site being on higher ground. This could be achieved with a 1.8m close boarded fence, and secured by way of a planning condition. This would accord with Policies SD1 and LD1 of the Core Strategy.

Ecology

- 6.9 The site has been cleared which is recorded as unfortunate by the Council's Ecologist. Notwithstanding these works which are not in breach of Planning legislation, the existing roadside trees/hedges can be protected by protective fence during the construction phase, and an ecological working method statement and risk avoidance measures would mitigate any potential transient ecological matters during the construction phase. Post construction ecological habitat enhancement can be secured by way of a planning condition. The combination of requirements recommended by the Council's Ecologist would secure compliance with Policy LD2 of the Core Strategy.

Surface and Waste Water

- 6.10 A package waste water treatment with soakaway is indicated in the planning application (following clarification with the agent) and this can be secured by way of a planning condition. This accords with Policies SD3 and SD4 of the Core Strategy.

Conclusion

- 6.11 In applying the planning balance this proposal is considered to provide modest economic and social benefits which outweigh the limited environmental dis-benefits that have been identified by third parties. The site is in a sustainable location and the site specific concerns regarding access and neighbouring amenity are or can be appropriately addressed by way of a planning condition. Consequently a recommendation of approval is put forward.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. C01 - Time limit for commencement (full permission)
2. C06 - Development in accordance with the approved plans (Drawings received 7 February 20170)
3. CAH - Driveway gradient
4. CAL - Access, turning area and parking
5. CAZ - Parking for site operatives
6. C13 - Samples of external materials
7. C95 - Details of Boundary treatments (boundary treatment (in particular Wyloe);
8. CD5 - No drainage run-off to public system
9. CD6 - Comprehensive & Integrated draining of site
10. CE6 - Water Efficiency - Residential
11. CD2 - Habitat Enhancement Scheme
12. CBK - Restriction of hours during construction
13. Single storey building only.
14. Ecological working method and risk avoidance measures statement.
15. Boundary tree protection measures during construction.

INFORMATIVES:

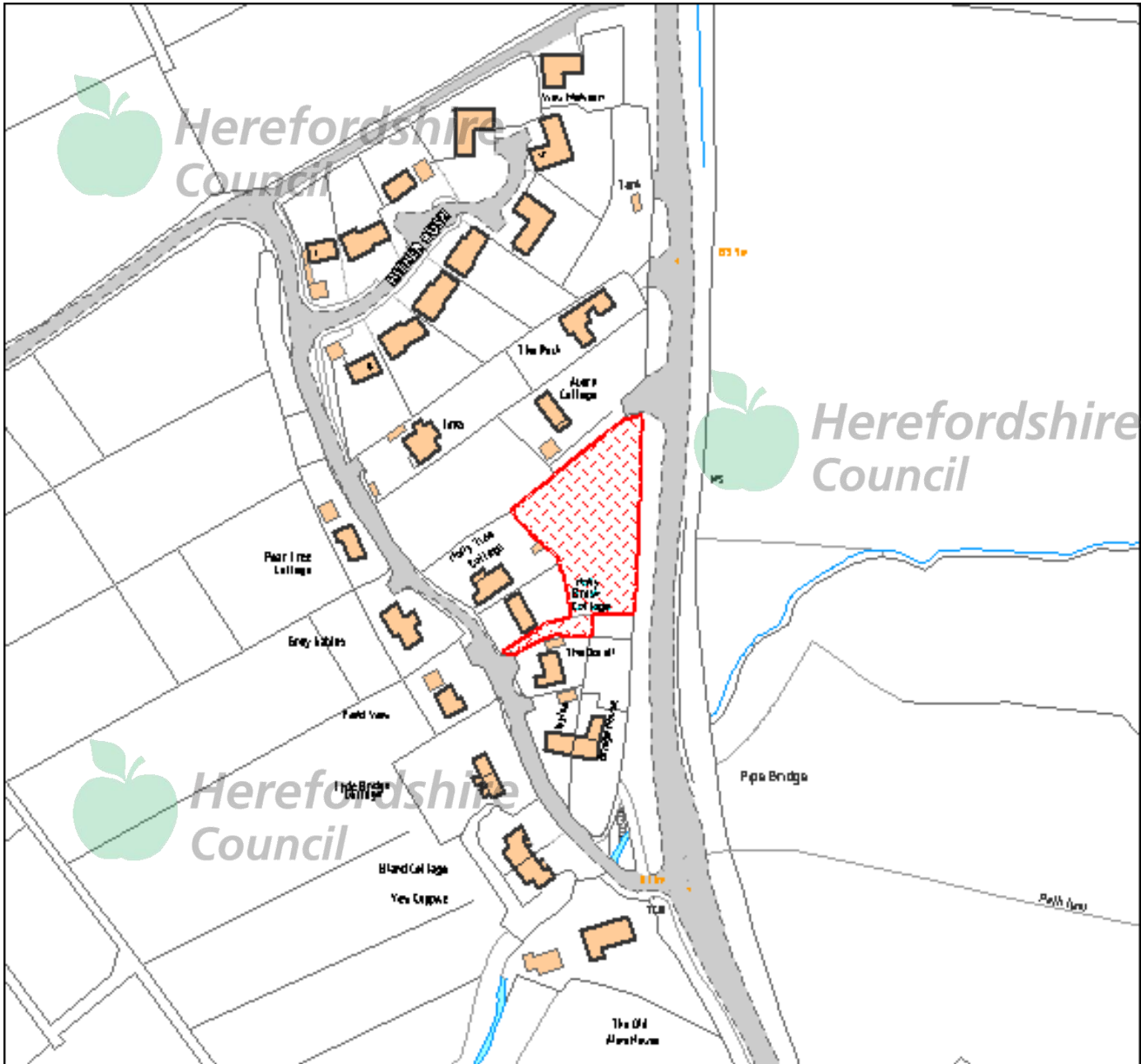
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I05 - HN10 No drainage to discharge to highway
3. I45 - HN05 Works within the highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 170465

SITE ADDRESS : LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HEREFORDSHIRE, HR4 8AD

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