

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	4 OCTOBER 2017
TITLE OF REPORT:	172420 - PROPOSED SINGLE STOREY DWELLING AT LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD. For: Mr Crockett per Mrs Angela Tyler, 39 Grandison Rise, Hereford, Herefordshire, HR1 1PP
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172420&search=172420
Reason Application submitted to Committee – Member application	

Date Received: 29 June 2017

Ward: Queenswood

Grid Ref: 345619,245986

Expiry Date: 20 September 2017

Local Member: Councillor PE Crockett (Councillor WLS Bowen is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The site lies to the north of the C1095 road between Tillington and Tillington Common, some 4km north west of the edge of Hereford city. There is a gated vehicular access off the C1095 leading onto lower ground enclosed on the three remaining sides with wooden fences. The site lies to the immediate west of the Old Chapel (which is a small red brick and tile roadside building now converted to a dwelling. There are sporadic roadside dwellings along the C1095 but none immediately adjoining. The opposite side of the road is largely open and undeveloped with some dwellings set back deeper from the road which are accessed some distance to the east along a private lane.
- 1.2 The proposal is for a single storey dwelling with 2 parking spaces and a package sewage treatment unit, with driveway and some native tree and shrub planting to the frontage. The existing boundary treatments are shown to be retained.
- 1.3 The building has a broadly H-shaped plan with two side mono-pitched roofs tying into a pitched roof in between. Proposed materials are grey zinc roof, grey aluminium triple glazed windows, with render and timber cladding to elevations.
- 1.4 The application promotes the proposed dwelling as a Paragraph 55 (National Planning Policy Framework) innovative and sustainable design proposal. The application is accompanied by a 3d visualisation along with a visualisation of street-scene with the proposed building.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- 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 (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- 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 National Planning Policy Guidance:

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.

2.3 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);
Planning Obligations (ID23b);
Design (ID26): Form, Scale, Details, Materials.

2.4 Neighbourhood Plan

Burghill Neighbourhood Development Plan (BNDP) was presented for examination in August 2016, but it was not recommended to progress to examination due to a number of issues including the BNDP production process and deliverability of allocated sites. The progression to examination report can be found on the following link.

https://myaccount.herefordshire.gov.uk/media/5038978/burghill_progression_to_examination_decision_document.pdf

The emerging BNDP is being amended in response to the comments received at Regulation 16 stage (consultation). Therefore the current status of the plan is that has no material weight in decision making.

2.5 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:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2

3. Planning History

3.1 142839 Dwelling: Refused 6 November 2014 as follows:

“The application site lies outside of any defined settlement boundary in an unsustainable rural location. In relation to Policies SI and H7 of the Herefordshire Unitary Development Plan and paragraph 55 of the National Planning Policy Framework the proposal does not accord with any of the limited exception criteria, which allow for residential development within open countryside. Furthermore the development is not considered to represent a sustainable form of development having regard to its location and the guidance contained within the National Planning Policy Framework. Therefore the proposal is contrary to be contrary to policies 81 and H7 of the Herefordshire Unitary Development Plan and guidance contained with the National Planning Policy Framework, particularly in paragraphs 7, 8, 14 and 55.”

111396 Extension to chapel: Refused and dismissed on appeal.

4. Consultation Summary

Statutory Consultations

4.1 Natural England: No response.

Internal Council Consultations

4.2 Transportation Manager: No objection subject to conditions to ensure visibility is maintained and construction details of access

Conservation Manager (Ecology): The site falls within the River Wye SAC/SSSI Impact Risk Zone (amended October 2016) “Any discharges of water or liquid waste including to mains sewer”. This means that this Authority has a Duty of Care under NERC and Habitat Regulations to undertake an assessment of the relevant ‘Likely Significant Effects’ (LSE); and that Natural England should be a statutory consultee. The identified LSEs are management of foul water and any final outfall from foul water management systems and additional surface water run-off.

The further information requested below MUST be supplied PRIOR to determination of this application

In order to complete the required SAC/SSSI Habitat Regulation assessment I require confirmation that the final outfall from the proposed Package Treatment Plant will be managed through a soakaway/spreader field so that this Authority is sufficiently satisfied that no Phosphates will be released directly in to any local watercourse, stream or culvert. (Phosphates are not directly removed by standard type PTP or septic tanks). (NERC Act, Habitat Regulations, Core Strategy SD4 and LD2)

I note that surface water is going to managed on site through a harvesting/soakaway system

Subject to the above assurance on final outfall being received in writing and subject to implementation as part of any planning consent and with surface water managed through soakaway I would be happy to determine that this development should have NO unmitigated ‘likely significant effects’ on the River Wye SAC/SSSI

In addition as per NPPF Guidance and Core Strategy LD2 all developments should show how they are going to enhance the area for biodiversity. To secure these enhancements I would request ecological enhancement planning condition and appropriate informative note.

5. Representations

5.1 Burghill Parish Council: Objection

1. Supporting documentation from the agent states that this application is made under Section 55 of the National Planning Policy Framework which makes provision for exceptional and sustainable development in the countryside. It is noted that such development should demonstrate truly innovative and outstanding design, reflect the highest standards in architecture, enhance its immediate setting and be sensitive to the defining characteristics of the local area. Councillors agreed that the proposed development failed to meet these requirements. The site was considered cramped with little opportunity to use softening landscape features on either side of the property, which was also bounded by close board fencing inappropriate within the rural environment. Also the design was inconsistent with the neighbouring built form, namely the Old Chapel.

2. In addition concern was expressed by Councillors regarding drainage issues relating to the site which falls significantly away from the highway to the rear curtilage of the site. This could pose problems for septic tank drainage etc as no mains drainage infrastructure served the area around Tillington Common.

3. Councillors also discussed planning applications pertinent to this site, PA170424 - The Old Piggery and PA142839, a previous application for this particular site. Here issues of sustainability were raised that the proposed dwelling lay within 'no safe walking distance' of the school some 1.5 kilometres away, and 1.3 kilometres from nearest services in Tillington including the shop and public house. The Planning Authority acknowledged this when considering the previous applications and stated that there would have to be a presumption in favour of car use.

4. Councillors heard that the Planning Authority had previously determined that the site lay outside any main or smaller settlement a view consistent with the Parish Councils emerging NDP and also acknowledged by the applicant's decision to apply under Section 55 of the NPPF, a site in open countryside.

Burghill Parish Council therefore resolved to object to the application.

5.2 To date some 20 representations, of which 17 support, 2 general comment and 1 objection have been received raising the following points:

- nearby planning history relevant;
- Core Strategy is relevant here;
- concern at future development in Tillington Common.

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=172420&search=172420

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 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.
- 6.3 The strategic 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. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.
- 6.4 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, also supported. Tillington (some distance to the east) is one of those settlements. Tillington Common is not listed.
- 6.5 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 Burghill which is preparing a Neighbourhood Development Plan, however, due to housing allocation objections this has no material weight in decision making (presently).
- 6.6 The site of the dwelling is not immediately adjacent to the settlement of Tillington, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Policy RA2 requires that housing proposals be *located within or adjacent to the main built up area*. Accordingly the site is considered to be in open countryside where policy RA3 is the appropriate policy.
- 6.7 It is not considered that the proposal satisfies any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets and agricultural or forestry need or farm diversification enterprise;
 - Is for a rural enterprise;
 - Is a replacement dwelling;
 - Sustainable re-use of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
 - Is rural exception housing (Policy H2);
 - Exceptional or innovative design;
 - Site for Needs of gypsies or travellers.

6.8 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:

- This assists in meeting a proven local need;
- Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
- The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.

6.9 This is in a countryside location and not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 or that defined in Paragraph 55 of the NPPF.

Design/Landscape

6.10 The dwelling design is considered to be visually interesting and appropriately modest in scale and massing. Whilst contemporary in its design, it would not have a significant visual impact when viewed from west and east along the main road, although it is not considered to be locally distinctive or compatible with the pattern and design of more traditional brick and tile buildings found in the locality. Accordingly the proposal is considered to be out of character with the sporadic roadside development that characterises this locality.

6.11 It is appreciated that design is a subjective matter, but in the context of this site, your officer's opinion is that this architectural design is not of the exceptional or innovative standard envisaged in paragraph 55 of the NPPF, but is rather an interesting modern design on what is a small plot of land. Furthermore it has not been considered by a design organisation such as carried out formerly by CABI (now the Design Council), or by an independent architectural peer review group to substantiate its claims as a 'para 55 dwelling'

Accessibility

6.12 The C1095 is a two way road and at the existing point of access into the field there is a relatively straight section of road. This is considered acceptable in terms of highway safety but the lack of pedestrian connectivity to the nearest identified settlement adds further weight to the poor sustainability of the site in policy terms.

Ecology

6.13 There are no adverse ecological implications from the siting and construction of the dwelling and access road. Ecological enhancement could be secured by way of a planning condition.

Historic Environment/ Heritage Assets

6.14 There are no designated or undesignated heritage assets affected by the proposal.

Waste Water

6.15 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is sufficient room within the site for the installation of underground soakaway pipes.

Conclusion

- 6.16 Whilst the Council has been found unable to demonstrate an NPPF compliant 5 yr housing land supply for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS. Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular, are considered to retain significant weight.
- 6.17 The site is located in a rural location - sufficiently separate from Tillington (to the east) settlement so as not to be Policy RA2 compliant.
- 6.18 Paragraph 55 of the NPPF also states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive (being out of character sporadic roadside development), and it is a subjective professional judgment as to whether the proposal is in fact innovative or of exceptional design envisaged by policy makers at a national level which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3. Previously confirmation would be obtained from organisations such as CABE (or other peer review groups) to confirm the quality of the design. This has not happened in this case.
- 6.19 In relation to the planning balance, it is considered that the environmental harm identified in this case would significantly outweigh the modest economic and social benefits that would be associated with a small scale residential development such as this. Accordingly the proposal is not considered to be representative of sustainable development as envisaged by the NPPF.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The proposal by reason of its design and location in open countryside and in the absence of any exceptional circumstances would be contrary to Policies SS1, SS2, SS3, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy and the National Planning Policy Framework.**
2. **The proposed building design is not considered to be locally distinctive or compatible with the pattern and design of more traditional brick and tile buildings found in the locality. Accordingly the proposal is considered to be out of character with the sporadic roadside development that characterises this locality thereby contrary to Policies SD1 and LD1 of the Herefordshire Local Plan Core Strategy.**
3. **The proposed design is not considered 'exceptional' as per the intent of Paragraph 55 of the National Planning Policy Framework (as expanded in the subsequent criteria contained in Policy RA3 of the Herefordshire Local Plan: Core Strategy) in that the proposed design is on a cramped site and screened site on lower ground between sporadic older roadside dwellings, which affords little opportunity for the appreciation of an 'exceptional' design in a high quality landscape setting. The level of innovation in terms of its sustainable/ design credentials is not out of the ordinary.**

INFORMATIVE

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.**

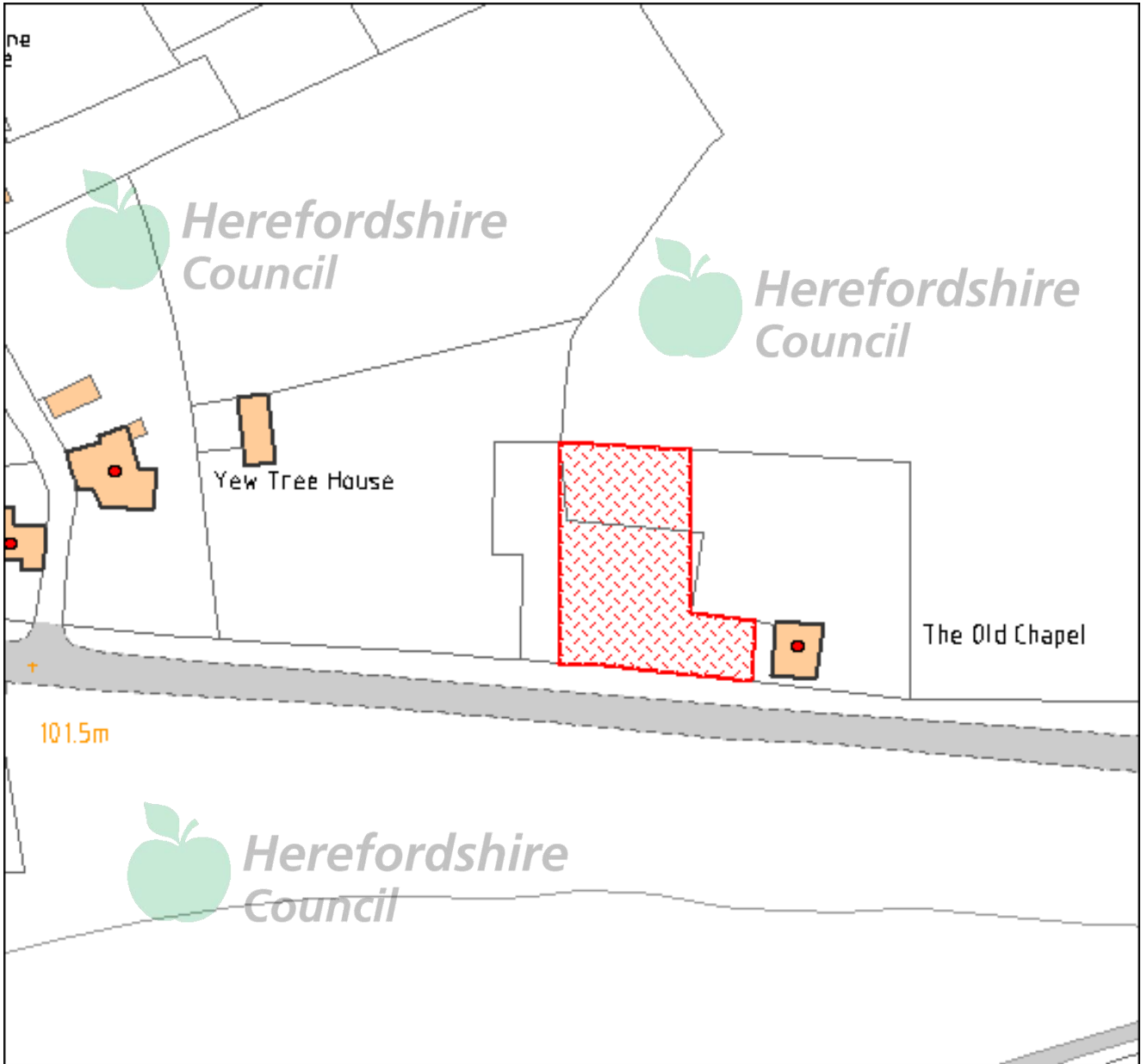
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172420

SITE ADDRESS : LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD, HEREFORDSHIRE

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