

AGENDA

Planning Committee

Date: **Wednesday 15 April 2015**

Time: **10.00 am**

Place: **The Shire Hall, St Peter's Square Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor PA Andrews

Councillor AJM Blackshaw

Councillor AN Bridges

Councillor EMK Chave

Councillor BA Durkin

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor JLV Kenyon

Councillor JG Lester

Councillor RI Matthews

Councillor RL Mayo

Councillor PJ McCaull

Councillor FM Norman

Councillor J Norris

Councillor TL Widdows

Councillor DB Wilcox

AGENDA

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1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meetings held on 16 March 2015 and 25 March 2015.</p>	7 - 46
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	47 - 52
7.	<p>140554 LAND AT FORMER MUSHROOM FARM, MUCH BIRCH, HEREFORD, HR2 8HY</p> <p>Outline planning application for 5 no. detached dwellings and garages and access onto A49.</p>	53 - 66
8.	<p>142443 LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY</p> <p>Outline permission for the erection of three dwellings.</p>	67 - 80
9.	<p>141905 LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORD, HR2 9SL</p> <p>Proposed erection of four dwellings and construction of vehicular access.</p>	81 - 90
10.	<p>143833 LAVENDER COTTAGE, COMMON HILL, FOWNHOPE, HEREFORD, HR1 4QA</p> <p>Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from orchard to residential.</p>	91 - 98

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Monday 16 March 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JF Knipe, RI Matthews, PJ McCaull, NP Nenadich, FM Norman, J Norris and AJW Powers

In attendance: Councillor AW Johnson

178. APOLOGIES FOR ABSENCE

The Chairman reported that Councillor MAF Hubbard had resigned from the Committee with immediate effect. Councillor AJW Powers had replaced Councillor Hubbard on the Committee for the meeting.

On behalf of the Committee, Councillor Cutter thanked Councillor Hubbard for his contribution to the Committee and wished him success with his business.

Apologies were received from Councillors AJM Blackshaw, AN Bridges, BA Durkin, JG Lester, RL Mayo and DB Wilcox.

179. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor AN Bridges and Councillor NP Nenadich substituted for Councillor DB Wilcox.

180. DECLARATIONS OF INTEREST

Agenda item 8 – P150067/O Land Adjacent to Vine Tree Close, Withington

Councillor J Hardwick declared a non-pecuniary interest because he knew the landowner.

181. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

182. 143252 - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER

(Proposed development of 12 nos. dwellings, consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.)

The Committee had approved this planning application on 21 January 2015. The Development Manager reported that although the S106 contributions quoted in that report had been correct, they had differed from the draft heads of terms appended to that report which had been for a previous application.

The correct draft heads of terms were appended to the report before the Committee.

The Development Manager also reported that the local ward member was content with the situation and that as requested by the Committee he and the Chairman had been consulted on and had agreed with the proposed conditions to be attached to the planning permission.

RESOLVED: That the report be noted.

183. 143370 - LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD

(Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He noted that in November 2014 the Committee had refused planning permission for the erection of up to 46 dwellings on land to the west of Upper Court Road, Bosbury (application reference P141550/O), and that application was currently the subject of an appeal.

In accordance with the criteria for public speaking, Mr P Whitehead of Bosbury and Coddington Parish Council spoke in opposition to the Scheme. Mr M Hosking, a local resident, spoke in objection. Mr P Deeley, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AW Johnson, one of the two local ward members, spoke on the application.

He commented on a number of issues including:

- The village was close to an Area of Outstanding Natural Beauty and the centre of the village was a Conservation Area. The proposed development of 37 dwellings would have a considerable impact. There were 350 dwellings within the whole Parish, but only 100 in the core settlement. The development would therefore represent a 37% increase. The Core Strategy envisaged 14% growth over the period 2011-2031. The proposed development was disproportionate. The Committee had previously refused an application for 46 dwellings which was currently the subject of an appeal.
- The proposal was contrary to policy.
- The development would have a detrimental and unacceptable impact on the visual amenity of the village.
- An application for a single dwelling on a site close to the proposed attenuation pond for the development had recently been refused because of its impact on the visual amenity of the village.
- Whilst officers had made no objection on highway grounds, the proposed access was of concern.
- The site was already vulnerable to flooding caused by rain and development would make the situation worse with consequences for land downstream of the development.
- Improvement to the sewerage works would be required. The application made no reference to this issue.

- The applicant had not consulted the Parish Council and had omitted 50% of residents from the distribution of a letter they had sent out including those most affected by the proposal.
- Weight should be given to the Neighbourhood Plan which the Parish Council had in part funded itself. The Plan would meet the development need envisaged within the Core Strategy through development within the settlement boundary. Sensitive and appropriate growth was acceptable.
- The Council's lack of a five year housing land supply was being exploited by developers creating pressure to accept developments which in other circumstances would have been refused.
- There were sound grounds for refusing the proposal.

In the Committee's discussion of the application the following principal points were made:

- An application for a single dwelling close to the application site which had had local support had been refused.
- The Parish Council and local ward member opposed the development.
- The Conservation Manager (Landscape) objected to the proposal.
- The development was disproportionate.
- There would be detrimental impact on the village and its historic buildings.
- The development was visually intrusive.
- Although the area was not designated it was an important setting close to an AONB.
- Weight should be given to the Neighbourhood Plan.
- The site was outside the settlement boundary.
- The grounds for refusal outweighed the Council's lack of a five year supply of housing land.
- A Member suggested that evidence presented at the public examination of the Core Strategy supported the view that the Council had a five year supply of housing land.
- There was no reference to energy efficiency measures in respect of the proposed dwellings.
- There was insufficient local employment available.
- If the development were to be approved regard should be had to the recommendations of the Conservation Manager (Landscape) set out on pages 18/19 of the agenda papers.

The Development Manager commented that, given the Committee's view appeared to be opposed to the development the strongest grounds for refusal were those advanced by the Conservation Manager (Landscape). Weight should be given to the Council's lack of a five year housing land supply. Only limited weight could be given to the Neighbourhood Plan as it had only reached Regulation 15 stage. The Core Strategy envisaged 14% growth calculated with reference to the 350 dwellings in Bosbury Parish not with reference to the 100 dwellings in the main village.

He added that housing development in the County had previously taken place at 200 dwellings per year. Some 825 dwellings a year needed to be built to meet the Core Strategy target. Sites such as the one proposed would need to be developed if this target was to be met. The five year housing land supply figures would shortly be

submitted to the Planning Inspector for final consideration. The Scheme did provide 35% affordable housing.

He urged some caution regarding the possibility of an appeal against refusal of permission.

The local ward member was given the opportunity to close the debate. He acknowledged the pressures officers faced in relation to the absence of a 5 year housing land supply. However, the village did not have the ability and facilities to absorb a development of the scale proposed. The development would not have been countenanced before such weight had been required to be attached to the housing land supply.

The following grounds for refusing the application were advanced: the development would have a detrimental effect and was contrary to policies LA2 and LA3, contrary to the NPPF and the Neighbourhood Plan; and there was also a lack of a signed section 106 agreement.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee's view that the proposal would have a detrimental effect and was contrary to policies LA2 and LA3, contrary to the NPPF and the Neighbourhood Plan; and there was also a lack of a signed section 106 agreement.

184. 143720 - LAND SOUTH OF A438 FORMING PARCEL NO 0008 AND PART PARCEL NO 2308, BARTESTREE, HEREFORD

(Proposed erection of 40 dwellings including 14 affordable houses and change of use of land to form community open space.)

The Principal Planning Officer gave a presentation on the application. An application for 60 dwellings on the site had been refused by the Committee on 27 August and was the subject of an appeal. The revised application before the Committee was for 40 dwellings to be constructed on the eastern parcel of the application site (where 49 were previously proposed) with the whole of the western parcel transferred to the Parish Council and protected for community use as public open space.

In accordance with the criteria for public speaking, Mr M Thomas, a local resident, spoke in objection to the application. Mr B Eacock, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor DW Greenow, spoke on the application.

He commented on a number of issues including:

- At a meeting of the Parish Council residents present had been asked for their views and had narrowly voted in support of the application. The Parish Council had noted that those supporting the application appeared to do so reluctantly acknowledging that there would have to be some development in the villages. The Parish Council had voted by a majority to support the application.
- A difficult balance had to be struck. The reasons for refusing the previous application still applied: adverse effect on the character and setting of the village. and visibility from the AONB. However, the new proposal was for a smaller development with the offer of a parcel of land to the Parish Council.

- Other applications for development in the locality had been lodged, one for over 100 houses. The previous application was the subject of an appeal. It was understood that the developer would proceed on the basis of the application before the Committee rather than the original application if planning permission was granted.
- At least one property neighbouring the development relied on a private water supply. If permission were granted the developer should be requested as part of the development works to explore linking any such properties to the mains water supply.

In the Committee's discussion of the application the following principal points were made:

- The development would have an adverse impact on the setting of listed buildings and the landscape. It was important that if it proceeded particular consideration was given to landscaping at the reserved matters stage.
- It was requested that the developer should be asked to work with neighbours in relation to the water supply.
- Further work should be done at the reserved matters stage on pedestrian access. In response to this point the Principal Planning Officer clarified the position regarding pedestrian access and officers' conclusion that there was no highway safety issue.
- The development offered the opportunity to preserve a green space in the village.
- The development should be built to a good and sustainable standard.
- The Parish Council had indicated support for the development.
- It was suggested that the application should not have been brought forward until relevant appeals had been decided.
- Whilst the proposal was an improvement on the previous application the Conservation Manager (Historic Buildings) and the Conservation Manager (Landscape) maintained their objections.
- There had been 40 letters of objection.
- The school was at capacity.
- The road had been designated a 'road for concern' by the West Mercia Safe Roads Partnership.

The Development Manager commented that conditions could reflect the Committee's wish that the development be of a high standard. Organic growth alone would not bring forward developments of the scale required including 35% affordable housing. The Parish Council supported the proposal. He cautioned that highway grounds had not featured in the Committee's previous grounds for refusal. He added that the S106 agreement provided for a number of highway measures.

The local ward member was given the opportunity to close the debate. He reiterated that the grounds for refusal previously advanced remained valid. However, the opportunity to secure a 4 acre field as public open space for future generations was attractive. Mindful of an outstanding appeal and recent decisions of the Planning Inspectorate, the opportunity was one that on balance he considered should be taken.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 40 dwellings and no dwelling shall be more than two and a half storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H06 Vehicular access construction**
7. **H09 Driveway gradient**
8. **H11 Parking - estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads - submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion in 2 years**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **H30 Travel plans**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L04 Comprehensive & Integrated draining of site**
20. **G04 Protection of trees/hedgerows that are to be retained**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **The recommendations set out in Sections 8.3 to 8.8 of the Phase 1 ecologist's report from Phil Quinn dated May 2014 and Section 7 of the Great Crested Newt report from Phil Quinn dated May 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

24. Prior to commencement of the development, a reptile survey for should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

25. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire's Unitary Development Plan.

To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN27 Annual Travel Plan Reviews
8. HN25 Travel Plans
9. HN13 Protection of visibility splays on private land

10. N02 Section 106 obligation

(The meeting adjourned between 11.50 am and 12.10pm)

185. P150067/O - LAND ADJACENT VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE

(Proposed erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of no. 5 Vine Tree Close.)

The Principal Planning Officer gave a presentation on the application. He noted that an application for 45 dwellings had been refused by the Committee on 29 October 2014 and was currently the subject of an appeal. The application was a resubmission proposing up to 31 dwellings.

In accordance with the criteria for public speaking, Mr P Bainbridge, Chairman of Withington Parish Council spoke in opposition to the Scheme. Mr M Warner, a local resident, spoke in objection. Mr P Smith, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor DW Greenow, spoke on the application.

He commented on a number of issues including:

- The objections to the original proposal remained valid. The site was at the highest point of the village and highly visible. The demolition of a house to provide an access was unwelcome. All the works traffic would have to travel between the two dwellings either side of the proposed access which in addition to having an adverse effect on those two properties would also adversely affect other neighbours.
- There was concern about flooding from the site affecting homes below the site.
- There were alternative sites for development.
- There had been 96 letters of objection and in canvassing opinion on a visit to the area he had found no support for the development.

In the Committee's discussion of the application the following principal points were made:

- The grounds on which the Committee had previously refused the application remained valid.
- The Strategic Housing Land Availability Assessment had categorised the site as having significant constraints.
- The character and ambience of Vine Tree Close would be adversely affected by the development.

The Development Manager commented that at the current appeal the Council was not defending the lack of a proven surface water drainage proposal, one of the Committee's original grounds for refusal. He requested that this should be withdrawn as a ground for refusing the resubmitted application. No weight could be given to the Neighbourhood Plan. The Housing Development Officer supported the application. There was a need for affordable housing in the village which the scheme would provide. Weight should be given to the Council's lack of a 5 year housing land supply.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the Scheme because of its adverse impact.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: the adverse impact on neighbouring residents of the proposed access, and saved policies of the UDP: LA2 – landscape character and areas least resilient to change, and LA 3 – setting of settlements.

INFORMATIVE

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 by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Appendix 1 - Schedule of Updates

The meeting ended at 12.48 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 16 March 2015

Morning

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

143370 - PROPOSED RESIDENTIAL DEVELOPMENT FOR UP TO 37 DWELLINGS OF WHICH 13 (35%) WILL BE AFFORDABLE AT LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD

**For: Mr Watkins & Mr P Bennett per RCA Regeneration Ltd,
Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa,
Worcestershire, WR9 0QE**

ADDITIONAL REPRESENTATIONS

Email correspondence has been submitted on behalf of the Bosbury Neighbourhood Plan Committee to advise that the plan has been submitted under Regulation 15 of the Neighbourhood Planning Regulations 2012. The email refers to an appeal case in Devizes, Wiltshire where an Inspector concluded that material weight could be given to a Neighbourhood Plan submitted at Reg. 15.

Further correspondence has also been received from Severn Trent Water. Notwithstanding their original advice contained within the report, they request that a Grampian Style planning condition be imposed so that the Sewage Treatment Works (STW) can be upgraded before the development is first occupied. They advise that the STW is already slightly overloaded by approximately 11% and an increase in the number of dwellings in the village by approximately 27% will exacerbate the situation.

They also advise that the matter has been discussed with the Sewage Treatment Team and the improvement works are already included in the next Asset Management Plan (AMP) period commencing April 2015.

OFFICER COMMENTS

The Bosbury Neighbourhood Plan has been scrutinised by the Council's Neighbourhood Planning team to establish its compliance with Reg.15. They have found that Bosbury have undertaken the appropriate consultation process, with an initial six week consultation and then a formal Reg. 14 eight week consultation consulting the necessary statutory bodies. The submission also confirms that various site options have been considered and that the draft Neighbourhood Development Plan (NDP) has been subject to several consultation and Planning For Real events. Notwithstanding this, the site that is preferred locally (land at Old Court Farm) is contained, at least in part, within a Flood Zone 2 & 3. Neither the Environment Agency or Severn Trent Water have replied to the consultation undertaken.

There is a concern about the potential capacity for development within the settlement boundary identified by the NDP. It relies upon the conversion of buildings at Old Court Farm and it is noted that the buildings and land are owned by the Church Commissioners, who were the applicants for the site refused planning permission that is now the subject of an appeal. There may be some doubt about the deliverability of the site.

Although the Bosbury Neighbourhood Plan appears to be compliant with Reg. 15, the advice given by the Council's Neighbourhood Planning team is that it should have limited weight as a material planning consideration because of the outstanding matters outlined above. It cannot be assumed that a lack of a consultation response from statutory consultees indicates their acceptance of the plan. It will assume greater weight once further consultation has been completed under Reg.16, but this cannot be commenced at this stage as the Council finds itself in a pre-election period.

In light of the fact that there is a programme of improvement works scheduled in the next AMP period (2015 to 2020), the request to impose a Grampian style condition to prevent occupation of dwellings until the improvement works are complete is not unreasonable and would not compromise the delivery of the site.

CHANGE TO RECOMMENDATION

In accordance with the request from Severn Trent Water the following condition is added to the recommendation:

No development shall take place until details of a phased drainage scheme, that has been informed by an assessment of the hydrological and hydro-geological context of the development in relation to the disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity within the public sewerage system to accommodate the development, has been submitted to and approved in writing by the local planning authority.

No dwelling hereby permitted shall be first occupied until the drainage scheme approved by the local planning authority has been implemented and the works completed in accordance with the approved details and until confirmation of such, in respect of the public foul sewerage system improvements have been obtained from Severn Trent Water Limited and a copy of that confirmation has been provided in writing to the Local Planning Authority.”

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Monday 16 March 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JF Knipe, RI Matthews, PJ McCaull, NP Nenadich, J Norris and AJW Powers

In attendance: Councillors MJK Cooper and DC Taylor

186. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AJM Blackshaw, AN Bridges, BA Durkin, JG Lester, RL Mayo, FM Norman and DB Wilcox.

187. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor AN Bridges and Councillor NP Nenadich substituted for Councillor DB Wilcox.

188. DECLARATIONS OF INTEREST

There were no declarations of interest.

189. P140928 N - GELPACK INDUSTRIAL LTD, UNIT 4, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ

(Proposed polythene film recycling and production facility, with associated parking and access.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr P Corcoran of Madley Parish Council spoke in support of the Scheme. Mr A Fowler-Wright, an adjoining owner, spoke in objection. Mr G Davis, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor DC Taylor, spoke on the application.

He commented on a number of issues including:

- The firm was a valuable employer. There was a need to recycle waste from the existing factory and a plant should be provided on site as proposed. This would bring additional jobs.
- The Parish Council supported the proposal.
- A traffic management plan had been agreed.

In the Committee's discussion of the application the following principal points were made:

- The proposal had clear economic benefits.
- The lack of a substantive response from the Environment Agency was questioned. The Principal Planning Officer clarified the application process. She confirmed that the Agency had not submitted an objection and there appeared to be no significant issues to be addressed. If planning permission were granted the Agency would then have to consider an application for an Environmental Permit.
- It was essential that the traffic management plan was managed effectively. Clarification was sought on the concerns raised by the adjoining owner. The Transportation Manager confirmed that he was now satisfied that a satisfactory access could be secured through a condition and a section 278 agreement for highway works.

The local ward member was given the opportunity to close the debate. He had no additional comments.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **C01/A01 [Time limit for commencement (full permission)]**
2. **C06/B01 [approved plans]**
3. **C13/C01 [external materials]**
4. **No development shall take place until the following sequential investigation has been submitted to and approved in writing by the local planning authority:**
 - a) **A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) **If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to establish the nature and extent and severity of any contamination, incorporating the conceptual model for all potential pollutant linkages and an assessment of risk to identified receptors**
 - c) **If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health, to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with the requirements of policies S2 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

5. Any such remediation scheme submitted under condition 4 above shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health, to ensure that the proposed development will not cause pollution to controlled waters or the wider environment, and to comply with the requirements of policies S2 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

6. No development shall take place unless or until a finalised comprehensive Traffic Management Plan (TMP) has been submitted to and approved in writing by the local planning authority. The scheme shall include final details of the physical arrangements for the site entrance, to incorporate the following in particular:

- A final detailed and annotated plan based on the previously submitted drawings 106C and 108B (Bay Associates);
- Coloured surfacing within the highway boundary to define (a) pedestrian access across the site frontage and (b) connectivity between the 2 sites;
- Rumble strip on the north edge to keep vehicles to the centre of the access;
- ‘Give Way’ junction markings to delineate ‘in’ and ‘out’;
- Footpath fronting the existing site, highlighted in red surfacing, to prevent HGVs parking and blocking visibility;
- Planting overgrowth within the entrance to be kept trimmed back, to prevent visibility blocking;
- Works to reinforce the roadside verge with kerbing on the opposite side of the U73209 for the length of the site access;
- Comprehensive details of a road signage scheme to inform visiting drivers as to the various accesses and facilities at the site.
- Reference to, and/or incorporation of, the details required in the following nine conditions as required by the Transportation Manager;
- Reference to, and/or incorporation of, the previously approved TMP relating to the existing Gelpack Industrial site on adjacent land;
- Provision for regular review of the scheme, audit, tool-box talks, revision if necessary.

The TMP shall be implemented as approved and maintained for the life of the development hereby permitted.

Reasons: In the interests of highway safety, to ensure that traffic management arrangements are effective, up-to-date and adaptable to current circumstances, to provide safe and workable access arrangements, to prevent indiscriminate parking on the highway and to accord with policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

7. CAB/H03 – [Visibility splays]
8. CAE/H06 – [Vehicular access construction]
9. CAL/H13 – [Access, turning area and parking]
10. CAO/H16 – [Parking/unloading provision]
11. CAP/H17 – [Junction improvement/off site works]
12. CAT/H21 – [Wheel washing]
13. CAZ/H27 – [Parking for site operatives]
14. CB2/H29 – [Secure covered cycle parking provision]
15. CB3/H30 – [Travel plans]
16. No development shall take place unless or until a comprehensive drainage scheme to show final detailed proposals and supporting calculations for surface water management have been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the submitted Drainage Strategy Report plus the addendum received on 7 August 2014 and shall also include the following in particular:
 - a) Results of infiltration testing and contamination risk assessment in respect of all soakaways and/or any other systems that may be proposed;
 - b) A large-scale site plan showing the location of all clean and dirty water drainage arrangements;
 - c) An operational method statement for clean and dirty water management;
 - d) Details of rainwater harvesting and storage if necessary;
 - e) Details of final disposal or discharge;
 - f) Details of proposed ownership and maintenance of the scheme and works;
 - g) Evidence of any necessary agreements with other landowners or the highways authority as applicable.
 - h) The drainage scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment, to ensure adequate drainage arrangements to appropriate standards in advance of the development, and to comply with the requirements of policies S2, DR1, DR4

and DR7 of the Herefordshire Unitary Development Plan and the guidance in the National Planning Policy Framework

17. Before the development hereby approved begins, a working Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include the following in particular:
- a) Confirmation that the protective recommendations set out in Section 6 of the submitted ecological report (Aspect Ecology July 2014) shall be followed;
 - b) A habitat and biodiversity enhancement plan;
 - c) The appointment of a named appropriately qualified and experienced ecological clerk of works (or consultant engaged in that capacity) to oversee the scheme.

The Method Statement shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan, and the National Planning Policy Framework with reference to section 11. Also to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

18. No external lighting shall be installed on the proposal site, including on the external elevations of the building, unless it accords with the submitted Lighting Scheme (Madera MD04 00 DEL01 002, 9 September 2014), the details of which are hereby approved as submitted.

Reason: To safeguard the character and amenities of the area, to prevent adverse effects on nocturnal wildlife, and to comply with Policies DR14, NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

19. CCC/I43 [No burning of material/substances]
20. Within the application site there shall be no outdoor deposit or storage of any waste, plastic, packaging or other materials

Reason: To protect the appearance of the locality and to comply with Policy E8 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. The local planning authority has acted positively and pro-actively in determining this by identifying matters of concern within the application as original submitted. The authority has actively engaged in dialogue and negotiations with the applicant and his consultants to secure acceptable amendments. As a result, the local planning authority has been able to grant planning permission for an acceptable proposal in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

2. **With regard to the requirements of condition 4, the following advice is offered:**
 - a). **The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework.**
 - b). **We require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**
3. **Conditions 7 to 15 inclusive as detailed above may, if practicable, be addressed within the comprehensive Traffic Management Plan (TMP) required by condition 6 provided each of the above conditions is clearly identified. The following notes are intended to assist in informing the content of the TMP.**

Highways and Transportation Informative Notes

- (a) **I11/HN01 – Mud on highway**
- (b) **I45/HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004**
- (c) **I08/HN07 – Section 278 Agreement**
- (d) **I05/HN10 – No drainage to discharge to highway**
- (e) **I52/HN21 – Extraordinary maintenance**
- (f) **I51/HN22 – Works adjoining highway**
- (g) **I47/HN24 – Drainage other than via highway system**
- (h) **I41/HN25 – Travel plans**
- (i) **I37/HN26 – Travel Plans**
- j) **I36/HN27 – Annual travel Plan Reviews**
4. **I30/N11A – Wildlife and Countryside Act 1981 (as amended) - birds**
5. **I46/N11B – Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations (as amended)**
6. **I33/NC11C – Wildlife general**
7. **This proposal is subject to the issue of an Environmental Permit by the Environment Agency. The information detail to be submitted to the Agency in applying for the Permit should correspond and complement the planning permission and information relating to it.**

190. P143390 F - THE ELMS, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BN

(Proposed erection of 10 houses with associated highway infrastructure and landscaping.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr L Stead, a local resident, spoke expressing concern about aspects of the detail of the application, not the principle. Mr J Hicks, the applicant's agent, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor MJK Cooper, spoke on the application.

He commented that the impact of flooding was the principal issue and expressed concern about the risk associated with building on land adjacent to the flood plain.

In the Committee's discussion of the application the following principal points were made:

Concern was expressed about foul waste disposal in the absence of mains drainage. In response the Development Manager commented that satisfactory arrangements were proposed.

Whilst the site itself was highly unlikely to flood, the surrounding area was very vulnerable to flooding. It was questioned how emergency services would reach the site. In response the Emergency Planning Officer explained how a flood management and evacuation plan would be drawn up.

It was noted that whilst the Environment Agency had felt it had no option but to object to the proposal, it had stated that it did appreciate that this would prevent any additional development within Eardisland itself and why the Council might wish to approve the application.

The Parish Council supported the proposal.

The Development Manager commented that the site was the only site within the village outside the flood plain that provided an opportunity for growth at Eardisland. Weight should be given to the fact that the development would provide 3 affordable houses. Concerns about drainage and other technical matters could be addressed by conditions. A drainage system had to be approved before development could take place. The site itself was in flood zone 1. The Emergency Planning Officer had explained how a flood management and evacuation plan would operate. Eardisland was identified in the Unitary Development Plan and the Core Strategy as a sustainable village where growth should take place.

The local ward member was given the opportunity to close the debate. He commented that a difficult balance had to be struck. The Committee had considered the key issues of flooding and drainage.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms as attached to this report, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **The recommendations set out in Section 9 and 10 of the ecologist's report from Star Ecology dated August/November July 2013 must be followed in relation to species mitigation and habitat enhancement. Prior to**

commencement of the development, a species and habitat enhancement plan integrated with the landscape plan must be submitted to, and be approved in writing by, the local planning authority, and the work 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.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006'

4. Notwithstanding the approved plans prior to any development on site details of the proposed solar panels and their construction will be submitted to the Local Planning Authority and approved in writing.

Reason: In consideration of the impact on the surrounding Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

5. G02 Retention of trees and hedgerows
6. G03 Retention of existing trees/hedgerows
7. G09 Details of Boundary treatments
8. Finished floor levels will be of 86.25mAOD as indicated in Section 3.2 of the flood risk assessment submitted in support of the application .

Reason: With consideration to flood risk and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan.

9. L04 Comprehensive & Integrated draining of site
10. I55 Site Waste Management
11. I52 Finished floor levels (area at risk from flooding)
12. M07 Evacuation management plan

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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General

191. 143124 - LAND REAR OF 53 YORK ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BG

(Proposed development of 1 x 2-bedroom bungalow, together with 2 off road parking spaces)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Page, the applicant's agent, spoke in support of the application.

It was noted that the site was within the settlement boundary.

RESOLVED: That Outline Planning Permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **H13 Access, turning area and parking**
6. **I43 No burning of material/substances**
7. **L01 Foul/surface water drainage**
8. **L02 No surface water to connect to public system**
9. **L03 No drainage run-off to public system**
10. **H27 Parking for site operatives**
11. **Secure cycle storage shall be provided in accordance with submitted plans before first occupation of the dwelling and shall be retained to the satisfaction of the local planning authority**

Reason: To ensure that there is adequate cycle storage accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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. **Welsh Water Advice:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN28 Highways Design Guide and Specification**

192. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 3.20 pm

CHAIRMAN

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 25 March 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, WLS Bowen, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, PJ McCaull, FM Norman, J Norris and DB Wilcox

In attendance: Councillors H Bramer, PM Morgan and GJ Powell

193. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JLV Kenyon, JG Lester, RI Matthews, RL Mayo and TL Widdows.

194. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor WLS Bowen attended the meeting as a substitute member for Councillor RI Matthews.

195. DECLARATIONS OF INTEREST

Agenda item 11 – 150373 – The Laurels, Wellington, Hereford

Mr M Willimont, Head of Development Management and Environmental Health declared a pecuniary interest as he was the applicant and left the meeting for the duration of this item.

196. MINUTES

RESOLVED: That the Minutes of the meetings held on 4 March 2015 be approved as a correct record and signed by the Chairman.

197. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that Mr P Mullineux, Senior Planning Officer, was leaving the authority. He thanked him, on behalf of the Committee, for his hard work in dealing with a number of difficult applications presented to the Committee.

198. APPEALS

The Planning Committee noted the report.

199. 143517 LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA

(Proposal for 7 no. Dwellings with garages and parking.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr K Goodman, of Eardisley Group Parish Council, spoke in opposition to the Scheme. Mrs Y King, a local resident, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor JW Hope MBE, spoke on the application.

He commented on a number of issues including:

- The proposed access to the site was not the one which the Parish Council had criticised in its objection.
- There were only twelve letters of objection which was a low percentage of the relevant population.
- There was adequate drainage.
- The School had capacity.
- The development was not of a high density; the reduction from a proposal for 13 dwellings to 7 dwellings was welcome.

In the Committee's discussion of the application the following principal points were made:

- Although the reduction in the number of dwellings brought some benefits to those living nearby it did mean that the developer was not required to enter into a Section 106 agreement or provide any affordable housing. The Development Manager confirmed that should the developer wish to increase the number of dwellings a further application would be required and S106 considerations could apply.
- The proposed development had many good features. It was a small scale development which would benefit the village.
- There were no grounds for refusal and weight needed to be given to the Council's lack of a five year housing land supply.
- Traffic speed on the A438 was of particular concern. It was asked whether the developer could be encouraged, working with the Parish Council, to contribute to measures to slow traffic down. In response it was noted that an informative could be added to this effect.
- In relation to the use of speed indicator devices the Transportation Manager confirmed that the Council's policy was not to install permanent devices. The Development Manager also confirmed that no condition could be imposed to extend double white lines to prevent overtaking at the location.
- The site had been proposed for development in the draft Eardisley Neighbourhood Plan.
- The hope was expressed that pedestrian access could be improved.
- It was requested that the quality of building and energy efficiency measures should be to the highest standard.
- A concern was expressed about drainage. In response the Senior Planning Officer commented that the site was not in the flood plain. There had been no objections from Welsh Water or the Land Drainage Manager and appropriate conditions were recommended.

The local ward member was given the opportunity to close the debate. He reiterated his comment about access to the site, noting that the majority of the road at the location already had double white line marking and that speed indicator devices were used.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
 - Amended block plan - drawing number 1412/S/1A**
 - Amended elevations and floor plans - Plots 1, 2 and 4 - drawing number 1412.12**
 - Amended elevations and floor plans - Plot 3 - drawing number 1412/14**
 - Amended elevations and floor plans - Plots 5 and 7 - drawing number 1412/15**
 - Amended elevations and floor plans - Plot 6 - drawing number 1412/1G**
 - Amended garage and elevations and floor plan - drawing number 1412/17**
3. **CAB Visibility splays, (access lane(2.4) (105) metres to the west, 85 metres to the east)**
- 4 **F14 Removal of permitted development rights**
- 5 **C01 Sample of external materials**
- 6 **D04 Details of window sections, eaves, verges and barge boards**
- 7 **D05 Details of external joinery finishes**
- 8 **D10 Specification of guttering and downpipes**
- 9 **G09 Details of boundary treatments (Detail will also be included with regards to boundary treatments between individual dwellings which will not be of close boarded fencing.**
- 10 **G10 Landscaping scheme**
- 11 **G11 Landscaping scheme implementation (11)**
- 12 **Prior to commencement of the development, a habitat enhancement plan integrated with any landscape proposals must be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006
- 13 **CCO Site Waste Management**

- 14 **CBK Restriction of hours during construction**
- 15 **CCK Details of slab levels**
- 16 **L04 - Comprehensive & Integrated drainage of site which must include reference to the location of any soakaways and demonstrate how the development will ensure no increased risk to people and property up to the 1 in 100 year event. The drainage strategy must demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties and Information regarding the proposed adoption and maintenance of the drainage systems.**
- 17. **No development shall commence on site until the developer has prepared a detailed surface water drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event. A detailed foul water drainage design, with supporting calculations, showing the location of the proposed package treatment plant and soakaway. Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice indicating the invert levels of soakaways are a minimum of 1m above the groundwater level.**

Reason: To ensure effective drainage facilities are provided for the development as indicated and to ensure that no adverse impacts occurs to the environment and to comply with Policies DR4 and CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 **N11A**
- 3 **N11C**
- 4 **The applicant is encouraged to work with the Parish Council to provide a traffic calming measure at the entrance to the village.**

200. 143683 THE OLDE SHOP, BISHOPS FROME, HEREFORDSHIRE, WR6 5BP

(Proposed erection of two dwellings with garages.)

The Acting Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Ms C Sincock, a local resident, spoke in objection to the application. Mr B Thomas, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor PM Morgan, spoke on the application.

She commented on a number of issues including:

- The Parish Council supported the application. The development was a small development in line with the Bishop's Frome Neighbourhood Plan.
- She acknowledged the concerns expressed that the development could set a precedent and lead to further applications for backfill and garden developments which would begin to have an adverse effect. However, the particular application had a relatively minor impact and privacy of neighbours was protected.
- She noted that the road was subject to flooding and urged that the conditions relating to drainage ensured an enhancement of the present situation.

In the Committee's discussion of the application the following principal points were made:

- The impact on the Grade II listed Broadfield Court was discussed. The Acting Principal Planning Officer confirmed that Broadfield Court was approximately 100 metres away and separated in part from the proposed development by another small residential development.
- The Parish Council supported the development which was consistent with the draft Neighbourhood Plan.
- Concern was expressed about the impact of garden developments on the character and setting of settlements and the loss of open green space within settlements. It was suggested that the Committee needed to bear this in mind when considering such applications.

The local ward member was given the opportunity to close the debate. She reiterated her request for enhancement of the drainage in the location and requested that landscaping also provided enhancement, ensuring privacy and preserving the character of the area.

The Development Manager commented that the development created no additional harm to the setting and represented the organic growth that the Committee had indicated it favoured. The protection of open space within settlements was an important consideration. Progressing the Neighbourhood Plan to Regulation 16 stage, at which point material weight could be given to the Plan, would be an important means of securing such protection.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1. C01 – Planning permission**
- 2. C06 – Development in accordance with approved plans**
- 3. C13 – Samples of external materials**

4. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
5. **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 and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
6. **Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Herefordshire Unitary Development Plan policies DR2, DR4, DR7 and CF1.
7. **C65 – Removal of Permitted Development Rights**
8. **C67 – No new windows**
9. **The recommendations of Swift Ecology’s Preliminary Ecological Report dated October 2014 and supplementary Great Crested Newt appraisal dated February 2015 should be followed. Prior to commencement of the development, a precautionary species mitigation and habitat enhancement 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 Conservation of Habitats and Species Regulations 2010, the NERC Act 2006 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.
10. **C95 – Details of Boundary treatments**
11. **C96 – Landscaping scheme**
12. **C97 – Landscaping scheme implementation**
13. **CAC – Visibility over frontage**
14. **CAL – Access, turning area and parking**
15. **CAZ – Parking for site operatives**
16. **CBO – Scheme of surface water drainage**
17. **CBP – Scheme of surface water regulation**

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. **N11A**
3. **N11C**

201. **143820 SEFTON COTTAGE, VOWCHURCH, HEREFORD, HR2 0RL**

(Proposed subservient single storey self contained annexe, ancillary to existing dwelling house.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr P Mason, of Vowchurch Parish Council, spoke in opposition to the Scheme. Mrs Prosser-Painting, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor GJ Powell, spoke on the application.

He commented on a number of issues including:

- He agreed with the Parish Council's view on the application. There would be no objection to an extension. However, what was proposed was not an extension but a new, self-contained, detached permanent dwelling in the open countryside.
- He referred to the description of the application at paragraph 1.3 of the report and the officer's appraisal at paragraph 6.1 of the report which considered the principle of the development to be broadly acceptable in the context of Policy H7 – housing in the countryside outside settlements, on the basis that the annexe represented ancillary accommodation not a new dwelling. He questioned that appraisal.
- The intention to use the building to provide accommodation for the applicant's mother to enable the family to provide her with care was not relevant to the application.
- He questioned how a proposed condition, requiring the functioning of the annexe to be ancillary to the use of the main dwelling to avoid the potential establishment of a new dwelling, could be enforced.
- There was concern that approval of the application could set a precedent encouraging further similar developments.

In the Committee's discussion of the application the following principal points were made:

- It was appropriate to give consideration to meeting social need and the applicant's wish to provide care to a relative. These were exceptional circumstances.
- The annexe was of good design and would not be intrusive.
- It was noted that circumstances could change and asked what options were available to ensure that the annexe remained tied to the main dwelling. It was also asked

whether permitted development rights could be removed. The Development Manager commented that a condition could be imposed or a section 106 agreement drawn up to tie the annexe to the dwelling. A condition could be imposed to remove permitted development rights.

- The objections to the development were overstated.
- It could be argued that the scheme represented new development and would set a precedent.
- There was a view that an engineering solution could be found permitting the provision of an extension to the existing property to which there would be no objection.

The local ward member was given the opportunity to close the debate. He reiterated that the proposal represented a new dwelling. No needs assessment had been produced providing evidence of social need. This should be provided in such cases if an application were to be supported on those grounds. The development would have a visible impact on the landscape.

The Development Manager commented that at 67sq metres the development was small and was correctly viewed as an annexe. It was only slightly larger than a building that could be constructed without planning permission. Providing support to a family member was a ground for granting planning permission. A section 106 agreement could be entered into, to tie the annexe to the house, and a condition imposed to remove permitted development rights.

RESOLVED: That subject to completion of a Section 106 Town and County Planning Act 1990 planning obligation agreement (to ensure the new annexe is tied to the existing dwelling) on terms to be agreed by officers named in the Scheme of Delegation to Officers, after consultation with the Chairman, officers are authorised to grant planning permission, subject to the conditions stated below, and any other further conditions considered necessary by officers, including a condition removing permitted development rights:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **F28 Occupation ancillary to existing dwelling only (granny annexes)**
4. **I16 Restriction of hours 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.**

202. P141368/O LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE

(Proposed site for 14 new residential properties to include 5 no. Affordable properties, vehicle turning and landscaping.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr P Fountain, Vice-Chairman of Lea Parish Council, spoke in opposition to the Scheme. Mr S Banner, Chairman of Lea Action Group and Mr M Lowe, a local resident, spoke in objection. Mr J Kendrick, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He commented on a number of issues including:

- On 11 February 2015 the Committee had refused an application for 38 dwellings on the grounds that this would represent overdevelopment. Planning permission had already been granted for 48 new dwellings in Lea village which consisted of 218 dwellings. This represented a 25% increase in the size of the village.
- He was concerned about highway safety. People using a proposed footpath alongside the A40 to the proposed pedestrian crossing would be very vulnerable, including Children who would have to use the crossing to get to school. He was also concerned about the safety of the access off the A40 itself. Traffic speeds exceeded the 30mph limit. The visibility splay to the north was insufficient.
- The development would have an adverse effect on the landscape.
- The footpath by which residents would have to access the village would not be pleasant to use because of its narrow width and proximity to the A40.
- The proposed site was the worst possible location in the village for new houses. It was not a sustainable development.

In the Committee's discussion of the application the following principal points were made:

- The development for which permission had already been granted in Lea exceeded the growth target over the period of the Core Strategy. The development was not sustainable.
- The Parish Council and Lea Action Group were opposed to the development. There had also been 57 letters of objection.
- There were considerable highway safety concerns presented by the A40. A driver would have great difficulty seeing pedestrians using the proposed pedestrian crossing unless a hedge including trees could be entirely removed. There was concern too about backing up of traffic towards a blind bend on the A40.
- The development would have an adverse impact on Castle End, a grade II* listed dwelling.
- There were landscaping issues. The Conservation Manager (Historic Buildings) had commented in the report that the retention of the rural landscape adjacent to Castle End Farm would be fundamentally preferred.
- The Council's lack of a five year housing land supply was the only reason the application had been brought forward.

The Development Manager commented that following the examination in public of the Core Strategy the indicative growth target was likely to increase as it would be based upon growth within Lea Parish not in Lea village. Growth targets across the County would likewise increase to enable the County to meet its housing targets. In addition there would be no cap on development. If an application were acceptable it would

proceed. It was for the Neighbourhood Plan to identify specific development sites within villages and that was why it was important that these plans were progressed to Regulation 16 stage. The proposed development was at the edge of the village and had access to its facilities. He cautioned against refusal on highway grounds.

The Transportation Manager stated that sight lines met the Manual for Streets 2 standards; the 85 percentile speed measurements were satisfactory; and the accident data that he had access to, which was prior to 2013, showed 2 accidents on the A40 in the locality but no accidents near the development site.

It was acknowledged that officer advice was that there was no objection on highway safety grounds and some Members suggested this should not be advanced as a ground for refusal. However, many Members, several of whom had attended a site inspection, remained concerned about safety and the risk of accidents.

It was proposed that the application should be refused on the grounds that the proposal would have an adverse impact on a Grade II* listed building (which is a significant heritage asset), highway safety concerns, landscaping concerns, and concerns about sustainability on the basis that the scheme would represent overdevelopment of Lea village.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the development.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal would have an adverse impact on a Grade II* listed building (which is a significant heritage asset), highway safety concerns, landscaping concerns, concerns regarding sustainability and on the basis that the scheme would represent overdevelopment of Lea village.

203. 150373 THE LAURELS, WELLINGTON, HEREFORD, HR4 8AT

(Proposed one and half storey extension (garden room reinstated after extension.)

The Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. She reported that Wellington Parish Council had confirmed that it had no objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw, spoke on the application.

He commented that the application was a straightforward application for an extension to a house in keeping with the property.

The Committee noted that the extension was subservient and that materials to be used were in keeping with the property and that there had been no objections to the proposal.

RESOLVED: That planning permission be granted subject to the following conditions:

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

3. **C01 Samples of external materials**
4. **D09 Details of rooflights**
5. **D05 Details of external joinery finishes**
6. **D10 Specification of guttering and downpipes**
- 7 **I16 Hours of construction**

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, 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.**

204. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1- Schedule of Updates

The meeting ended at 1.02 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 25 March 2015

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

143517 - PROPOSAL FOR 7 NO. DWELLINGS WITH GARAGES AND PARKING AT LAND ADJOINING COURTLANDS FARM, WINFORTON, HEREFORDSHIRE, HR3 6EA

For: Mr & Mrs Crump per John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

The applicants have recently submitted an ecology report which the Conservation Manager, (Ecology) has assessed and raises no objections subject to a condition to provide habitat enhancement.

CHANGE TO RECOMMENDATION

Replace condition number 12 as attached to the Committee report with the following condition:

Prior to commencement of the development, a habitat enhancement plan integrated with any landscape proposals must be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

143820 - PROPOSED SUBSERVIENT SINGLE STOREY SELF CONTAINED ANNEXE, ANCILLARY TO EXISTING DWELLING HOUSE AT SEFTON COTTAGE, VOWCHURCH, HEREFORD, HR2 0RL

For: Mr Painting per Mr Alex Coppock, Studio 1, The Grange, Shelwick, Hereford HR1 3AW

ADDITIONAL REPRESENTATIONS

An email clarifying the nature of the structural problems associated with the extension was received on 19 March. This reiterates the need to carry out structural work to protect the existing property and the inherent risk associated with extending the property.

Reference is again made to the need for providing care for the applicant's elderly mother.

NO CHANGE TO RECOMMENDATION

P141368/O - PROPOSED SITE FOR 14 NEW RESIDENTIAL PROPERTIES TO INCLUDE 5 NO. AFFORDABLE PROPERTIES, VEHICLE TURNING AND LANDSCAPING AT LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE

For: Bell Homes Ltd per Procuo Planning Services, St Owens Cross, Ross-on-Wye, Herefordshire, HR9 9EF

ADDITIONAL REPRESENTATIONS

Further letter of objection raising concerns over highway matters including road safety audit.

OFFICER COMMENTS

The further representation has been reviewed by the Transportation Manager who has undertaken further discussions with the applicant Transport Planner. The Transportation Manager is still satisfied that a safe access and pedestrian crossing can be achieved, with appropriate conditions and section 278 Agreement, in accordance with safety standards.

NO CHANGE TO RECOMMENDATION

150373 - PROPOSED ONE AND HALF STOREY EXTENSION (GARDEN ROOM REINSTATED AFTER EXTENSION) AT THE LAURELS, WELLINGTON, HEREFORD, HR4 8AT

For: Mr Willimont per Border Oak Design & Constuction Ltd., Kingsland Sawmills, Kingsland, Leominster, Herefordshire HR6 9SF

OFFICER COMMENTS

Correction to report the dwelling is detached and not semi detached

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision.

Recommendation

That the report be noted.

APPEALS RECEIVED

Enforcement Notice 150746

- The appeal was received on 5 March 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Kenneth Williams
- The site is located at Wyeside, Outfall Works Road, Hereford, Herefordshire, HR1 1XY
- The breach of planning control alleged in this notice is:
 - Without planning permission, the erection of a fence in excess of 1 metre in height (being a form of operational development) adjacent to a highway.
- The requirements of the notice are:
 - Permanently reduce the height of the boundary fence, between points X and Y adjacent to the highway as shown on the attached plan, to a height not to exceed one (1) metre along its whole length.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 140965 – Transfer from Householder Appeal to Written Representations Procedure

- The amended appeal was received on 17 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr A Burton

Further information on the subject of this report is available from the relevant case officer

- The site is located at Land off Lower Cross Lane, off High Street, Kington, Hereford, HR5 3AX
- The development proposed is Proposed vehicular access and erection of a garage.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

Enforcement Notice 150833

- The appeal was received on 13 March 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
Without planning permission the construction of a pole barn (marked 'B'), the construction of a brick and block building (marked 'C'), the construction of a wooden garage/store (marked 'D') and a wooden garden shed (marked 'E') which is unauthorised operational development.
- The requirements of the notice are:
 - Demolish the Pole Barn, the brick and block building, the garage/store and wooden garden shed at the site and permanently remove all resulting material from the land.
- The appeal is to be heard by Inquiry

Case Officer: Mrs Debbie Crowley on 01432 260485

Enforcement Notice 150844

- The appeal was received on 13 March 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
Without planning permission the unauthorized creation of a single dwelling house on the land by substantial alteration of a former mobile home which created a building which is unauthorized operational development
- The requirements of the notice are:
 1. Disconnect and make safe all utilities and the septic tank from the dwelling house.
 2. Demolish the unauthorised dwelling house located at the site and permanently remove all resulting material from the land.
- The appeal is to be heard by Inquiry

Case Officer: Mrs Debbie Crowley on 01432 260485

Application 142090

- The appeal was received on 30 March 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Paul Colley-Davies
- The site is located at The Barn, Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed is Change of use from a barn to a permanent dwelling.
- The appeal is to be heard by Hearing
-

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 150671

- The appeal was received on 20 March 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr K Lewis
- The site is located at Land at Middle Common Piggeries, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:
Without planning permission the unauthorised material change of use for agricultural purpose to land for a mixed use of land for agricultural use and to site a caravan for residential purposes.
- The requirements of the notice are:
Permanently remove the mobile home from the land thereby causing the cessation of its residential use on the land.
- The appeal is to be heard by Hearing

Case Officer: Mr Matt Tompkins on 01432 261795

APPEALS DETERMINED

Application 140382

- The appeal was received on 18 August 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Ms Fran Hedges
- The site is located at 5 Penbailey, Longtown, Hereford, Herefordshire, HR2 0LF
- The development proposed was Insertion of first floor window in flank wall of rear projection.
- The main issue was:
 - whether the disputed condition is necessary and reasonable, having regard to the living conditions of the occupants of no. 6 Penbailey in relation to the privacy of the garden.

Decision:

- The application was Approved under Delegated Powers on 26 March 2014
- The appeal was Dismissed on 16 March 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Application 140547

- The appeal was received on 29 May 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed was Installation of solar panels on garage roof.
- The main issue was:
Barn House is a listed building and there are other listed buildings around it, notably the Homestead and its attached stable block. All sit within the Colwall Conservation Area. In that context, the main issue in this case is the effect of the solar panels proposed on the settings of the adjacent listed buildings and, linked to that, the character and appearance of the conservation area.

Decision:

- The application was Refused under Delegated Powers on 7 May 2014
- The appeal was Dismissed on 18 March 2015

Case Officer: Mr Andrew Stock on 01432 383093

Application 140911

- The appeal was received on 29 May 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed was Installation of solar panels on garage roof.
- The main issue was:
Barn House is a listed building and there are other listed buildings around it, notably the Homestead and its attached stable block. All sit within the Colwall Conservation Area. In that context, the main issue in this case is the effect of the solar panels proposed on the settings of the adjacent listed buildings and, linked to that, the character and appearance of the conservation area.

Decision:

- The application was Refused under Delegated Powers on 7 May 2014
- The appeal decision dated 18 March 2015 stated '*On the basis of my conclusions above, no further action will be taken in connection with this appeal.*'

Case Officer: Mr Andrew Stock on 01432 383093

Application 140750

- The appeal was received on 10 November 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs Melanie McGee
- The site is located at Land at Bank House, Kingsthorpe, Herefordshire, HR2 8AH
- The development proposed was Site for one new dwelling and replacement garage
- The main issues were:
 - Whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan; and the effect of the proposed development on the character and appearance of the wider area.

Decision:

- The application was Refused under Delegated Powers on 19 May 2014
- The appeal was Dismissed on 19 March 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Application 133174

- The appeal was received on 18 June 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Donald McIntyre
- The site is located at Burnt Barn, Green Lane, Titley, Kington, Herefordshire, HR5 3RW
- The development proposed was Conversion of stone barn to form residential and home office accommodation
- The main issue was:
 - Whether the development is acceptable having regard to sustainability principles.

Decision:

- The application was Refused under Delegated Powers on 8 January 2014
- The appeal was Dismissed on 19 March 2015

Case Officer: Mr Philip Mullineux on 01432 261808

Application 131369

- The appeal was received on 26 March 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Peacock
- The site is located at The Stawne, Kington Road, Weobley, Hereford, Herefordshire, HR4 8SF
- The development proposed was the demolition of existing single storey porch and construction of a new porch extension.
- The main issues (were):
 - i) whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses and
 - ii) whether the proposal would preserve or enhance the character or appearance of the Weobley Conservation Area.

Decision:

- The application was Refused under Delegated Powers on 17 September 2013
- The appeal was Dismissed on 20 March 2015

Case Officer: Mr A Banks on 01432 383085

Application 131370/L

- The appeal was received on 26 March 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mr Peacock
- The site is located at The Stawne, Kington Road, Weobley, Hereford, Herefordshire, HR4 8SF
- The development proposed was demolition of existing single-storey porch and construction of new porch extension. Internal works to remove one section of frame and wall panel to provide access to proposed first floor bedroom; removal and replacement of existing modern staircase and balustrade and alteration to landing.
- The main issues (were):
 - i) whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses and
 - ii) whether the proposal would preserve or enhance the character or appearance of the Weobley Conservation Area.

Decision:

- The application was Refused under Delegated Powers on 17 September 2013
- The appeal was Dismissed on 20 March 2015

Case Officer: Mr A Banks on 01432 383085

Application 141209

- The appeal was received on 30 July 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr J Udall
- The site is located at Yewtree Cottage, Bringsty Common, Bringsty, Worcester, Herefordshire, WR6 5UJ
- The development proposed was Proposed two storey extension to front and pitched roof to existing rear elevation
- The main issue is the effect of the proposal on the character and appearance of the host property and area.

Decision:

- The application was Refused under Delegated Powers on 20 June 2014
- The appeal was Dismissed on 13 March 2015

Case Officer: Mr C Brace on 01432 261947

Application 132536

- The appeal was received on 17 September 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by David Wilson Homes (Mercia) Ltd
- The site is located at Land on Ledbury Road West of Williams Mead, Bartestree, Herefordshire
- The development proposed was Development of 50 new dwellings of which 18 will be affordable.
- The main issues were:
- The issues in this appeal are the suitability of the site with reference to the separation of Bartestree and Lugwardine; the effect of the proposed development on the setting of a listed building; and, whether the proposal represents sustainable development to which the National Planning Policy Framework's (the Framework) presumption in favour should apply.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 12 March 2014
- The appeal was Dismissed on 31 March 2015

Case Officer: Mr Edward Thomas on 01432 260479

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	140554 - OUTLINE PLANNING APPLICATION FOR 5 NO. DETACHED DWELLINGS AND GARAGES AND ACCESS ONTO A49 AT LAND AT FORMER MUSHROOM FARM, MUCH BIRCH, HEREFORD, HR2 8HY For: Mr Thorne per Mr J Murphy, 25 The Shires, Lower Bullingham, Hereford, Herefordshire HR2 6EY
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140554&search=140554
Reason Application Submitted to Committee – Contrary to Policy	

Date Received: 20 February 2014

Ward: Pontrilas

Grid Ref: 351402,229720

Expiry Date: 14 May 2014

Local Member: Councillor J Norris

1. Site Description and Proposal

- 1.1 Much Birch is a settlement comprised of four distinct clusters of development which all centre on the A49 Trunk Road. The application site is in the southernmost cluster, behind three dwellings to the east of the A49. Access to the site is directly from and to the A49 and runs along the southern boundary of 'Baron's Rest', the southernmost of the three dwellings, opposite Much Birch car sales garage.
- 1.2 The 0.53 hectare site was formerly a mushroom farm and the buildings and infrastructure of this former use are still very much evident though now in a dilapidated state. The site is bounded on all sides by hedgerow and hedgerow trees. Five dwellings border the site's north and west boundaries, whilst open agricultural fields are to the south and east. Site levels are fairly consistent, with negligible internal undulations.
- 1.3 This application seeks outline permission for the erection of five dwellings. All matters are reserved for later consideration save for access. An indicative plan has been submitted showing five dwellings in a linear fashion, running on a north-south axis all served by the singular access road.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction - Achieving Sustainable Development

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

Chapter 4	-	Promoting sustainable Transport
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 The Unitary Development Plan 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/unitary-development-plan>

2.4 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	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety, Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The majority of Core Strategy Policies were subject to objection and will likely be subject to modification, particularly the Rural Housing Policies which are most pertinent to this application. Therefore, the CS can only be attributed minimal weight in determining this application.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2.6 Neighbourhood Plan

Much Birch has resolved not to produce a Neighbourhood Plan.

3. Planning History

3.1 SH911020PO Residential development for four dwellings: Approved 2 March 1992.

The application was approved by virtue of its location within the settlement boundary of Much Birch as designated with the local plan in place at that time. The scheme was never implemented and, as such, the permission lapsed.

3.2 DCSW2005/2843/O Outline residential application for four dwellings: Refused 25 October 2005. Appeal Dismissed 17 May 2006.

This application was all but a resubmission of the above approved scheme. It was however refused for the reason that the site now fell outside of areas deemed suitable for residential development in the incumbent development plans, the Hereford and Worcester County Structure Plan (1993) and the South Herefordshire District Local Plan (1999), in so much that Much Birch was not an identified settlement and the site was therefore in open countryside. Weight was also attached to the then emerging policies of the Herefordshire Unitary Development Plan by virtue of the plan's advanced stage of preparation. However, the emerging UDP limited residential development in this location to the infilling of single dwellings. The provision of five dwellings fell foul of this requirement. The inspector concluded that with regard to the tangible detriment of the scheme that the development would extend residential land uses further into the open countryside than is presently the case, notwithstanding the provision of agricultural buildings on the site. The refusal was upheld at appeal on grounds of being contrary to the development plan and the resultant impact on landscape character and appearance. The inspector did, however, find the site to be sustainably located.

4. Consultation Summary

Statutory Consultees

4.1 The Highways Agency does not object to the application.

Initially, four holding objections were made by the Highways Agency, by virtue of the application's failure to demonstrate acceptable access onto and off the A49 trunk road. Upon providing detailed drawings specifying improvement works to the site access and after its engineers had conducted a site visit, the Highways Agency removed their objection commenting as follows: The applicant has submitted further design information in support of the proposals at Mushroom Farm. This has been submitted to our design standards team who have responded positively to this and the access improvements already made. Given the above and the previous planning history of the site, the existing access is now deemed to be of a sufficient standard to accommodate the five dwelling proposal. Accordingly, I am content that the outstanding access issues have been satisfied. Please find a revised TR110 form confirming our position as one of no objection.

Internal Council Advice

4.2 Transportation Manager comments that: The access onto the A49 is being dealt with by the HA. The internal layout for RM will need to accommodate turning for service vehicles to prevent reversing and suitable parking. If garages are to be used, 6x3m internal dimension is required.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

4.3 Environmental Health Manager does not object to the application but recommends the appending of conditions to any permission given which are discussed within the officer appraisal.

5. Representations

5.1 The Parish Council objected to the initial application. Whilst the Council would like to encourage development of the site, there are concerns as to access to and from the A49 given that the developer does not own the land on either side of the access/exit point. The Council are minded to object to the application on the grounds of unsafe access and egress from the proposed site.

Upon being notified of the receipt of amended plans showing improvements to the highways access, the Parish Council maintained their objection adding the further comment that: It is believed that the A49 speed limit from the "Axe and Cleaver" and past the site (currently 50mph in part) should be lowered to a uniform 40mph along the entire stretch of the A49 in this vicinity. The transition from 50mph to 40mph is believed to be unsatisfactory as it is likely that cars will continue to travel at the higher speed.

5.2 Two letters of objection were received raising the following concerns:

- The land is level over a considerable area and as such drainage will not be able to cope with the demands of a number of houses.
- Foul water could contaminate a nearby borehole.
- Surface water could 'water -log' fields. Water-logging has already happened on part of the neighbouring field.
- The applicants have suggested that there is adequate access to the site from the A49 though the hedge and verge to the south are not under their ownership.
- A considerable amount of asbestos sheeting is located on the mushroom farm which will need to be removed by a specialist firm. We are worried that the removal will not be managed properly and that air contamination of crops will take place.
- The amount of vehicles that would access the proposed site would constitute a high safety risk for vehicles and pedestrians entering and exiting the shared access lane. At this present time have difficulty exiting the lane with our vehicle due to the volume of traffic and the lack of visibility to the North due to the dip in the road. With a lot of vehicles entering and exiting particularly at the same time this could cause severe congestion on the main A49 road in both directions.
- There is no space in the lane for two vehicles to pass each other travelling in different directions. There is a lack of visibility from the proposed site to the main entrance to the lane. There are no lights on the lane at this present time and this alone will cause safety issues particularly with pedestrians, children and animals.
- On the proposed plan it states that the hedge to the east is to be cut to 2 metres though the hedge is not under their ownership.
- If the hedge were trimmed, the privacy afforded would be eroded. This also includes the hedge and trees to the west (front) of the house.
- Some of the land included within the application site is not within the applicant's ownership.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Policy Context

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 (PCP) 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 Therefore, the first consideration is for the proposal's compliance with the development plan. The Council's current development plan is the Herefordshire Unitary Development Plan 2007 (UDP). UDP Policy H6 is a saved policy and is relevant to the principle of providing housing in this location, the application site being within the small settlement of Much Birch. UDP Policy H6 resists residential development comprising anything other than one 'infill' dwelling. The provision of five dwellings as per this proposal would therefore be contrary to the development plan.

6.3 The two-stage process set out at S38 (6) necessitates an assessment of other material considerations. In this instance, and in the context of the housing land supply deficit discussed below, the NPPF is the most significant material consideration for the purpose of decision-taking. It should be noted however that the NPPF does not override the legislative requirements of PCP. Indeed the NPPF at paragraph 210 reinforces the supremacy of S38 (6) of PCP for decision taking requirements:

Paragraph 210: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.4 At paragraph 14, the NPPF sets out its relevance to and requirements of decision takers:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking 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:*
 - *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.*

6.5 Therefore the first question is whether or not the development plan is absent or silent or its policies are out-of-date. In this regard and in the context of decision taking, paragraphs 211, 212, 214 and 215 of the NPPF are relevant – 213 relates to plan making only.

211. For the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 6.6 The UDP has a plan period of 2007-2011. However and as per the guidance of paragraph 211, the UDP and its policies are not rendered obsolete merely by virtue of its plan period having lapsed. The NPPF was published in March 2012 and its 12 month adoption period has expired. As such, the test of paragraph 215 is applicable and the UDPs policies must be appraised for their degree of consistency with the NPPF. Therefore and in the context of paragraph 14 of the NPPF, should the UDPs policies be found to comply with the NPPF then the application must be considered against the UDP. Alternatively, should the UDPs policies be found to be in conflict with the NPPF then the second bullet point of the decision taking part of paragraph 14 becomes the relevant method of determination.
- 6.7 Paragraphs 47 & 49 of the NPPF are relevant to a Council's supply of housing land and subsequently the applicability of the UDPs housing policies. Paragraph 47 requires that Local Planning Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the 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.
- 6.8 Herefordshire Council cannot currently demonstrate a five year housing supply neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal – triggering the requirement for a 20% buffer. The Council's housing policies therefore conflict with the provisions of paragraphs 47 & 49 of the NPPF. On this basis, and as per the compliance tests of paragraphs 215 and 49 of the NPPF, UDP Policy H6 cannot be relied upon to determine the location of housing.
- 6.9 Having established that the Council's housing supply policies are out-of-date, including UDP Policy H6, the second limb of paragraph 14 is the pertinent test of a development's acceptability and permission must be granted 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.*
- 6.10 It is officer opinion that there are no specific policies of the NPPF which individually would indicate that development should be restricted. The first bullet point above is thus the applicable method of determining this application and permission must be granted unless harm arising from the proposal can be demonstrated to significantly outweigh the benefits of the scheme in the context of the NPPF as a whole.

Principle of Development

- 6.11 Within the foreword to the NPPF the purpose of planning is described as being to help achieve sustainable development. The Government's definition of Sustainable Development is

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles, and crucial to the determination of this application, are that decision taking should:

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable; and
- take 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.

6.12 Leading on from the first 'core principle' highlighted in the preceding paragraph, Chapter 4 of the NPPF represents the government's more detailed guidance on movement. Of particular relevance to this application are paragraph 32, which advises that safe and suitable access to a site should be achieved for all people, and paragraph 29, which advises that people should be given a real choice about how they travel. Moreover paragraph 55 of Chapter 6, requires that development be sited as to enhance or maintain the vitality of rural communities and paragraph 69 of Chapter 8 requires development to be safe and accessible, containing clear and legible pedestrian routes.

6.13 Although based on expired government policy, similar aims to those of the NPPF are manifested in UDP Policies S1 and DR2 which require, amongst other things, that development proposals should be directed to locations which reduce the need to travel, securing safe and convenient accessibility between land uses by modes other than personal motor transport. Given their level of consistency with the NPPF, UDP Policies S1 and DR1 continue to attract considerable weight in this regard.

6.14 In determining the application site's ability to represent a 'sustainable location' within the context of the above two paragraphs, the following are relevant considerations:

- The level of amenities within a walking distance of the site;
- The nature of the route and its ability to provide safe and convenient access to those amenities; and
- The availability of truly usable public transport.

It should however be noted that the NPPF concedes that some use of the private motor vehicle is likely to be necessary in rural localities.

6.15 The application site is located within the southernmost cluster of development centred on the A49 which together with the three clusters of development to the north-west are known as 'Much Birch'. The following facilities and services are within reasonable proximity of the application site with the distance to the facilities from the site in brackets, measured approximately and as one would walk rather than as the crow flies:

- Axe and Cleaver Public House (150 metres);
- Parish Church (1,300 metres);
- Community Centre (1,300 metres);
- Doctors Surgery (1,300 metres).
- Primary school (1,750 metres); and
- The Pilgrim Hotel (1,800 metres).

6.16 Two bus stops, one on either side of the road, providing access to the number 33 bus service are located 150 metres to the north of the site at and opposite the junction of Hollybush Lane with the A49. The number 33 bus service provides approximately 12 half hour trips a day to

and from the more extensive facilities of Hereford and the same number of similarly timed trips to Ross.

- 6.17 It is considered that the above represents a good level of facilities for a village in a rural location and that these facilities are within a distance which one could regularly walk to although the school and hotel are at the extreme of such a distance. The frequency and journey times of buses to the largest serviced settlement in the County represents a truly usable service. The most part of one's journey between the application site and the aforementioned amenities would benefit from a designated pedestrian footpath which is however unlit. In having to cross the A49 to access a large proportion of the village's facilities, one would have to negotiate a large volume and disparate type of vehicular traffic within 40mph and 50mph limited zones. However the A49 is not considered to be an undue barrier to safe and convenient pedestrian flow throughout the village by virtue of the straightness of the road, the good visibility in each direction and designated, dropped kerb crossing points.
- 6.18 Recognising that sustainable transport solutions will vary from urban to rural areas as highlighted by paragraph 29 of the NPPF it is considered that the application site offers reasonable opportunity to utilise a good level of local facilities along a safe pedestrian route as well as being well connected to the County's major service centres. It is officer opinion that occupiers of the proposed dwellings would feel as though they had a genuine choice about how they may travel. For these reasons the site is considered to be sustainably located.
- 6.19 For the sake of clarity, the provision of a pedestrian crossing on the A49 is not considered integral to the application's acceptability in terms of the site's location nor would the works required to provide a crossing be of a scale commensurate to the proposed development. Such a provision by way of a 278 agreement would not therefore be reasonable.
- 6.20 The second core principle cited in the paragraph 6.11 of this report requires decision taking to take 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. Paragraph 55 expands on this seeking to resist new isolated homes in the countryside other than in special circumstances. Paragraph 58 of the NPPF requires development to respond to local character and history and paragraph 61 requires development to integrate with the existing natural, built and historic environment. Paragraph 111 encourages the reuse of Brownfield land over greenfield sites.
- 6.21 These national requirements are reflected locally in UDP Policies S1, DR1 and H13 which require development to protect and enhance the natural environment, to safeguard the quality and character of the landscape and to promote or reinforce the distinctive character of the locality respecting the context of the site. UDP Policies S1, DR1 and H13 are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight for this purpose.
- 6.22 The application is for outline permission only with matters of landscaping, scale, layout and appearance, reserved for later consideration. It must therefore be considered whether the site offers *potential* for an appropriate layout; scale and design of building; and landscaping scheme to be forthcoming having regard to the distinctiveness and history of the locality and the appearance and character of the landscape.
- 6.23 The application site is within the cluster of built development which, although undefined, is tangibly a part of Much Birch. When viewed in plan form and from the A49, the site relates to the existing settlement, being surrounded on two sides by residential development. Furthermore, the site itself is comprised of built form, albeit of an agricultural appearance. The site would be reasonably prominent to views from the south as one approaches Much Birch on the A49 and from the east across agricultural fields though existing trees bounding the site's north-east and south-east edges do filter views of the existing buildings. However on balance

and by virtue of the brownfield nature of the site and the removal of existing buildings of a large scale and dilapidated state which the site's development would require, there is potential for a well designed scheme to have no measurable negative impact on the appearance of the landscape.

- 6.24 The site is of a size which affords opportunity for dwellings of an appropriate design and scale to be forthcoming. The site's location within the wider settlement does, however, to a certain extent, dictate its ability to provide development which would acquiesce with the existing pattern of built form. Development within this part of Much Birch and throughout other parts of the village does tend to be of a linear nature, flanking the sides of the A49 or roads and bridleways which fork off from the A49. However, by virtue of the number of such roads and their proximity to one another, the resultant form of development, particularly within this part of Much Birch appears as a deeper, clustered pattern of development rather than a truly linear pattern. Therefore, this development, although located away from the road's edge, would not in my opinion be inherently contrary to the perceivable pattern of development and there is potential for an appropriate layout to be provided.

Highways Safety

- 6.25 Access is a matter for which approval is now sought. The site is accessed immediately off the A49(T) which is the major north-south thoroughfare of Herefordshire and, in being a trunk road, the Highways Agency are the relevant authority on the acceptability of the site access and its potential intensification of use.
- 6.26 The site's former use was as a mushroom farm. No substantiated figures have been provided, though anecdotally the applicant has suggested that vehicle movements would equate to 200 lorries per week plus staff vehicles with morning and afternoon peaks. The Highways Agency agrees that these figures tally with what one would expect to associate with a mushroom farm of this size.
- 6.27 At the site's access, the road's speed limit is 50mph. Visibility to the nearside edge of the carriageway looking south (the 'Y distance'), from a point 2.4 metres back from the carriageway edge is c.425 metres until the road bends in a westerly direction obscuring visibility beyond. The Y distance to the north, from a point 2.4 metres back from the carriageway edge is 143 metres until changes to the road's elevation forms a hump in the road, thereby unduly obscuring visibility beyond this point – a driver's eye height of 1.05m has been assumed for this measurement. The relevant document to setting visibility splays onto trunk roads is 'Vehicular Access to All Purpose Trunk Roads – TD 41/95'. At 2.22, the minimum Y distance for a trunk road of this design is stated as being 160 metres. The available Y distance is therefore 17 metres short of the required distance.
- 6.28 Alterations have already been undertaken to the access including the cutting back of a hedgerow and the provision of a close boarded fence. This has resulted in the first 6 metres of the access road being of a width which would allow two cars to pass.
- 6.29 In removing their objection to the application, the Highways Agency has found the improvements to the existing access and the change in type and volume of traffic using the site access to outweigh the deficiency of the northern visibility splay, particularly in the context of the previous 'no objection' to a scheme for 4 dwellings. On this basis, and in the context of paragraph 32 of the NPPF, the proposal is not considered to give rise to severe impacts on transportation.
- 6.30 The applicant also proposed to increase the northern radius of the access to 6 metres so as to allow vehicles to turn off the A49 with greater ease. However, the Highways Agency states that these works should not be undertaken as they would not meet their minimum standards.

No conditions are therefore requested by the Highways Agency should this application be approved.

Other Matters

- 6.31 Layout is not a matter before the Council and, as such, it is not possible to ascertain exact distances between the proposed dwellings and neighbouring dwellings to ensure that privacy and amenity are definitively acceptable. However, the dwelling closest to the edge of the application site is 20.5 metres and the application site's size is large enough to ensure that a scheme can be provided which would allow the privacy, daylight and outlook levels of occupiers of external dwellings to be maintained at an acceptable level. Similarly the size of the site allows for a scheme which is devoid of internal conflict. The indicative layout which accompanies this application would provide satisfactory levels of amenity and privacy for all.
- 6.32 The application site is 'brownfield' and the applicant mentions within the covering letter to this application that it is 'industrial' in nature. The presence of 'hazardous materials' is also mentioned. There also appears to be asbestos sheeting on site which would require removal. The Council's Environmental Health Manager recommends that more information is required with regard to the exact nature of the hazardous materials on site and how such materials would be dealt with. It must subsequently be demonstrated that the site is both safe and suitable for its intended use. Conditions should be appended to any permission given requiring this detail and potential mitigation.
- 6.33 It is mentioned within a letter of objection that the application site may not be entirely within the applicant's ownership. However, there is no evidence before the Council which confirms this to be the case. The applicant has completed certificate 'A' to confirm his ownership within the red line boundary as submitted with the application.

Conclusion

- 6.34 Given the Council's lack of a published five-year housing land supply, the housing policies of the UDP are considered out of date. The appropriate method of determining this application must therefore be the 'planning balance' required by the first limb of the second bullet point of the decision taking part of paragraph 14. Unless it can be demonstrated that the harm associated with the scheme would substantially outweigh its benefits, then the development must be considered sustainable and the positive presumption engaged.
- 6.35 The NPPF, at paragraph 7, offers a framework within which the potential benefits and harm of development should be assessed. Development must essentially fulfil the three dimensions of sustainable development: Social, Economic and Environmental. It is important to note that whilst this framework is provided, in weighing up the scheme the three dimensions of sustainable development should not be considered in isolation. Indeed, paragraph 8 requires that gains in all three dimensions should be jointly sought meaning that a scheme which robustly fulfils two dimensions may be unacceptable for its failure to fulfil the outstanding dimension – thus the planning balance.
- 6.36 The scheme's economic benefits include short term job creation in the construction sector during the building phase and the long term support for local businesses. Likewise the new homes bonus afforded to the Council should be regarded as a material consideration. In providing a greater supply of housing in a location which offers the opportunity to contribute to the community of Much Birch, the scheme also fulfils the social dimension of sustainable development. In terms of its environmental role, the proposal is not considered to represent development which would unduly harm the appearance or character of the landscape or the village's setting. Furthermore, the site's location provides potential occupiers of the proposed dwellings with genuine alternative methods of transport to the private motor vehicle, thus helping to minimise the carbon output of the development. Therefore, in failing to identify

demonstrable harm, it is officers' opinion that the application is representative of sustainable development and that outline planning permission should be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 - Time limit for submission of reserved matters (outline permission)**
- 2. A03 - Time limit for commencement (outline permission)**
- 3. A04 - Approval of reserved matters**
- 4. A05 - Plans and particulars of reserved matters**
- 5. B01 – Development in accordance with the approved plans**
- 6. G02 – Retention of trees and hedgerows**
- 7. H03 - Visibility splays**
- 8. H06 - Vehicular access construction**
- 9. H11 - Parking - estate development (more than one house)**
- 10. H17 - Junction improvement/off site works**
- 11. H20 - Road completion in 2 years**
- 12. H21 - Wheel washing**
- 13. H27 - Parking for site operatives**
- 14. H29 - Covered and secure cycle parking provision**
- 15. I18 – Scheme of foul drainage disposal**
- 16. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations**

where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

17. The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

19. C01 Samples of external materials
20. G10 – Landscaping scheme
21. G11 – Landscaping scheme – implementation
22. I16 – Restriction of hours 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11C – General

3. **The contaminated land assessment pursuant to conditions 14, 15 & 16 is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.**

4. **All investigations of potentially contaminated sites will be required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

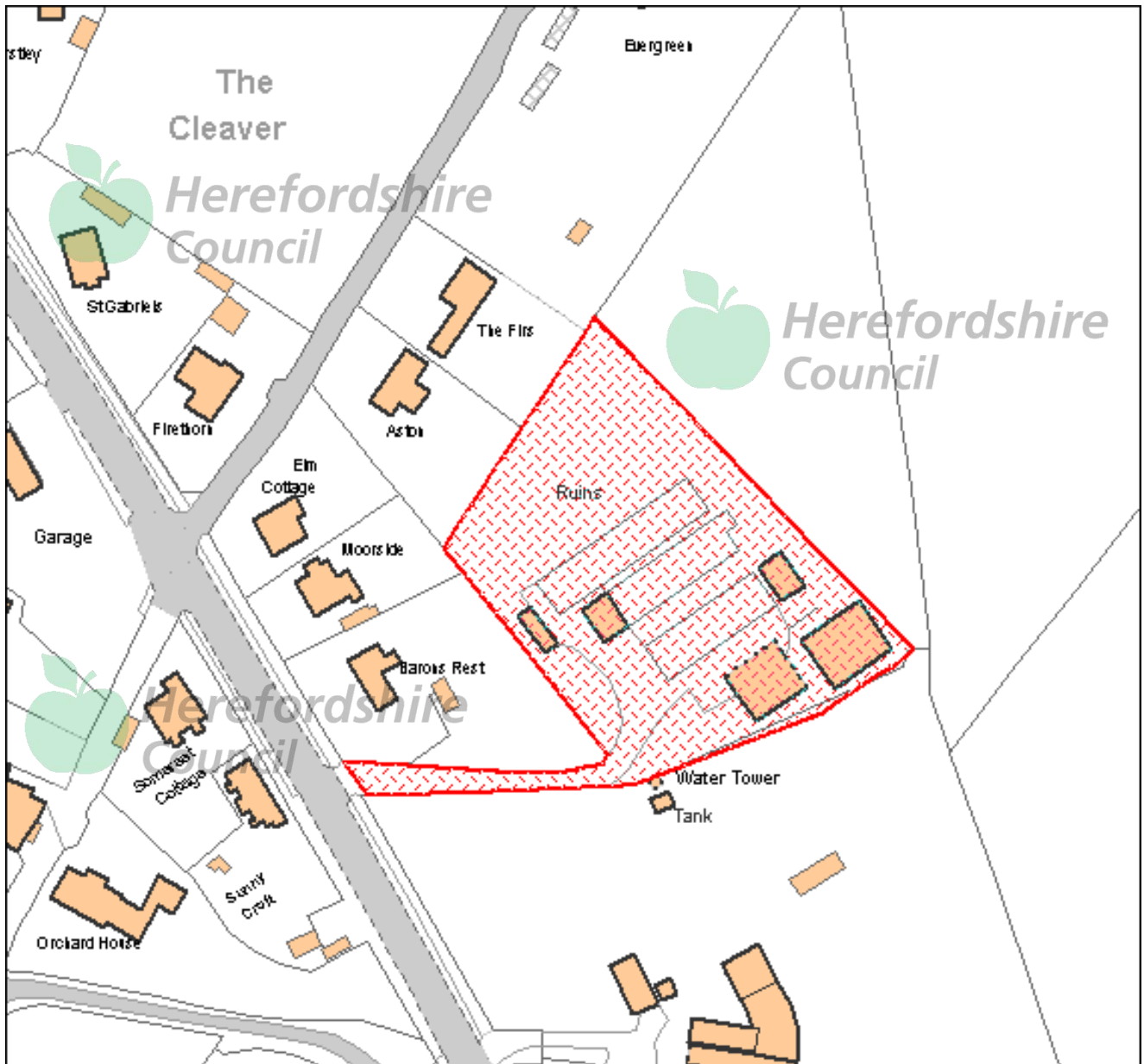
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140554

SITE ADDRESS : LAND AT FORMER MUSHROOM FARM, MUCH BIRCH, HEREFORD, HR2 8HY

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MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	142443 - OUTLINE PERMISSION FOR THE ERECTION OF THREE DWELLINGS AT LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY For: Mr & Mrs Lewis per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142443&search=142443
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 8 August 2014

Ward: Stoney Street

Grid Ref: 345131,237146

Expiry Date: 9 October 2014

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The application site is presently a paddock to the west of Garnom Bungalow which is located at the south-eastern extremity of Clehonger accessed off Poplar Road (U73412). The site sits between the bungalow and the UDP defined boundary of the village of Clehonger. The site is bound by hedgerow to the west, south and north and fencing to the east. Garnom Bungalow is to the east of the site; dwellings fronting onto Birch Hill Road are to the west; Garfield Cottage is to the south; and agricultural fields are to the north.
- 1.2 The application seeks outline planning permission for the three dwellings with all matters save for access reserved for future consideration. An indicative layout has been provided showing three dwellings in a linear pattern on an east – west axis. The application has been amended changing the treatment of foul sewerage from the main sewer to a pack treatment plant.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

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

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 The Unitary Development Plan 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/unitary-development-plan>

2.4 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	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety, Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The majority of Core Strategy Policies were subject to objection and will likely be subject to modification, particularly the Rural Housing Policies which are most pertinent to this application. Therefore, the CS can only be attributed minimal weight in determining this application.

Neighbourhood Plan

- 2.6 Clehonger has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 21 November 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

3. Planning History

- 3.1 SH850447PO (Outline) & SH851033PM (Reserved Matters) Erection of one dwelling house (Now Garnom Bungalow): Approved 14 October 1985.
- 3.2 SH891037/PF Garage and conservatory: Approved 28 July 1989.
- 3.3 DCSW2001/0237F Proposed extension to Garnom Bungalow: Approved 11 April 2001.
- 3.4 DCSW2007/3863/F Conversion of existing garage to form new lounge and change of use of strip of land from agricultural to residential: Refused 5 February 2008.
- 3.5 DCSW2008/0764/F Conversion of existing garage to form new lounge and change of use of strip of land from agricultural to residential: Approved 12 May 2008.
- 3.6 DCSW2009/0216/F Proposed conversion of garage to self contained accommodation: Refused 6 April 2009.
- 3.7 DCSW0009/1401/F Conversion of ground floor part of garage to form annexe to existing dwelling: Approved 19 August 2009.
- 3.8 S122641/FH Erection of a domestic garage with loft storage above: Refused 16 November 2012.
- 3.9 141572/FH Proposed erection of garage: Approved 20 August 2014.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water objected to the initial application stating: The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore OBJECT to the development."

Upon receiving the amended drainage details Welsh Water's further comments were sought though none have been forthcoming.

Internal Consultees

- 4.2 Transportation Manager does not object, recommending that any permission which this Authority may wish to give includes conditions:

The proposal will add traffic onto the u 73412 though the impact will be small with access a short distance away to Clehonger, this is not deemed to severe though anymore than the proposed would have too much of an impact. To mitigate this development the following must be conditioned or adhered to in the RM application if you are minded to approve:

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- Access visibility splays to be 2.4m x 70m to the west and 2.4m clear frontage to the east;
- Access to be clear and constructed to 5.5m wide and to highways specification to be able to be over run and passing place.
- Parking to be to highways design guide, if garages are to be used, they will need to have an internal dimension of 3m x 6m.

The internal layout must provide a turning facility as per HC design guide to enable vehicles to turn and not reverse out onto the lane.

4.3 Conservation Manager (Ecology) raises no objection subject to appropriate conditions.

Upon receiving amended drainage details, these comments were updated as follows: In addition to my comments relating to the ecology, thank you for providing me with the details of the sewage management for this proposal. I have read the documentation regarding percolation testing and the package treatment plant installation. It appears that there is to be more than adequate capacity for the soak-away system to accommodate the treated outfall from this package treatment plant for 24 people. I note that the 7200 litres discharge is approximately double the normal calculation of 150 litres per day per person and I have no concerns that there will be any resulting impacts upon the R. Wye SAC from the development residual phosphate.

4.4 The Council's Drainage consultants do not object to the application stating that: We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application or discharge of conditions:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy; and
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

Prior to construction we would also require the following information to be provided:

- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level."

5. Representations

5.1 Clehonger Parish Council raise the following concerns: The Parish Council are not opposed to the actual building of three houses as the house design fits in neatly with the adjacent built up area but they are large dwellings and we are mindful that there is a housing need in the village for smaller dwellings. Our objection is regards the access to Birch Hill where there are serious visibility issues on an ever busier road. Concerns over vehicular access is referred to in the application but it proposes to take out existing hedgerows as a means of improving visibility which is not popular. On a more general note, the sewage system is at full capacity within the village and any such development increases the pressure on the system".

Upon receiving amended drainage details, the Parish Council updated their comments: As acknowledged by the Water Authority, the present sewage system is at capacity. With the intention to install a sewage plant, neighbouring residents whose properties lie downhill from the proposed plant are concerned over any management problems which could occur, may

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cause nuisance to them. As in the Parish Council's comments dating back to Summer 2014, the safety on Birch Hill Road remains a concern with regard to access. The PC acknowledge that the actual houses will not be particularly obtrusive and will fit into the built up area.

5.2 4 letters of objection were received. Their content is summarised as follows:

- There is a covenant which restricts development of the land for housing;
- It is disappointing that all open space is disappearing;
- Traffic along the lane would be hazardous given the narrowness of the lane and the sharp corner which creates a blind spot. It would also create a danger to dog walkers and families who use the lane;
- The field has an abundance of wild life including Hedgehogs and mice of all species. Adders and Grass snakes have been seen. Bats fly over the field on a regular basis. Birds of prey and Kestrels we have seen feeding on their prey in the field, also a large variety of Birds who come to feed at the bird boxes we provide;
- The design of the buildings would tower over other local dwellings;
- Privacy of neighbouring dwellings will be compromised; and
- If this application is approved, others will follow suit.

5.3 5 letters of support were received. Their content is summarised as follows:

- New housing is needed in the village;
- Small developments like this are subtle;
- Local facilities would benefit from the influx of development;
- Change and modernisation are essential and this type of small development is preferential to larger applications;
- The village needs 8 or 9 small developments like this sprinkled around the village ensuring good community and social integration;
- The available housing stock in Clehonger is virtually non-existent;
- The village offers good services; and
- The development would fit in well with the surrounding residential development.

5.4 A further letter of representation was received, its content is summarised as follows:

- Owners of Garfield Cottage do not trim back their hedgerow which narrows the road thus compounding the restricted visibility of those turning left from Birch Hill Road up Birch Hill. The proposal would make this situation worse. Garfield Cottage should therefore be purchased and demolished to improve highways safety.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Policy Context

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 (PCP) 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 Therefore, the first consideration is for the proposal's compliance with the development plan. The Council's current development plan is the Herefordshire Unitary Development Plan 2007 (UDP). UDP Policy H4 is a saved policy and is relevant to the principle of providing housing in main settlements of which Clehonger is one. UDP Policy H4 supports the principle of providing dwellings within the defined settlement boundary. However, in falling outside of the settlement boundary for Clehonger, albeit adjacent, the application falls to be considered against UDP Policy H7 which resists residential development in the open countryside and outside of settlements. The provision of three dwellings as per this proposal would therefore be contrary to the development plan.

6.3 The two-stage process set out at S38 (6) necessitates an assessment of other material considerations to see if they would lead to the making of an alternative decision. In this instance, and in the context of the housing land supply deficit discussed below, the NPPF is the most significant material consideration for the purpose of decision-taking. It should be noted however that the NPPF does not override the legislative requirements of PCP. Indeed the NPPF at paragraph 210 reinforces the supremacy of S38 (6) of PCP for decision taking requirements:

Paragraph 210: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.4 At paragraph 14, the NPPF sets out its relevance to and requirements of decision takers:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking 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:*
 - *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.*

6.5 Therefore the first question is whether or not the development plan is absent or silent or its policies out-of-date. In this regard and in the context of decision taking, paragraphs 211, 212, 214 and 215 of the NPPF are relevant – 213 relates to plan making only.

211. For the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 6.6 The UDP has a plan period of 2007-2011. However and as per the guidance of paragraph 211, the UDP and its policies are not rendered obsolete merely by virtue of its plan period having lapsed. The NPPF was published in March 2012 and its 12 month adoption period has expired. As such, the test of paragraph 215 is applicable and the UDP's policies must be appraised for their degree of consistency with the NPPF. Therefore and in the context of paragraph 14 of the NPPF, should the UDP's policies be found to comply with the NPPF then the application must be considered against the UDP. Alternatively, should the UDP's policies be found to be in conflict with the NPPF then the second bullet point of the decision taking part of paragraph 14 becomes the relevant method of determination.
- 6.7 Paragraphs 47 & 49 of the NPPF relate to a Council's supply of housing land and subsequently the soundness of the UDPs housing policies. Paragraph 47 requires that Local Planning Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the 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.
- 6.8 Herefordshire Council cannot currently demonstrate a five year housing supply, neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal – triggering the requirement for a 20% buffer. The Council's housing policies therefore conflict with the provisions of paragraphs 47 & 49 of the NPPF. On this basis, and as per the compliance tests of paragraphs 215 and 49 of the NPPF, UDP Policies H4 and H7 cannot be relied upon to determine the suitability of a location for housing in this instance.
- 6.9 Having established that the Council's housing supply policies are out-of-date, including UDP Policies H4 and H7, the second limb of paragraph 14 represents the pertinent test of a development's acceptability and permission must be granted 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.*
- 6.10 It is officer opinion that there are no specific policies of the NPPF which individually would indicate that development should be restricted. The first bullet point above is thus the applicable method of determining this application and permission must be granted unless harm arising from the proposal can be demonstrated to significantly outweigh the benefits of the scheme in the context of the NPPF as a whole.

Principle of Development

- 6.11 Within the foreword to the NPPF the purpose of planning is described as being to help achieve sustainable development. The Government's definition of Sustainable Development is considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles, and crucial to the determination of this application, are that decision taking should:
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable; and

- take 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.

6.12 Leading on from the first ‘core principle’ highlighted in paragraph 6.11 of this report, Chapter 4 of the NPPF represents the government’s more detailed guidance on movement. Of particular relevance to this application are paragraph 32, which advises that safe and suitable access to a site should be achieved for all people, and paragraph 29, which advises that people should be given a real choice about how they travel. Moreover, paragraph 55 of Chapter 6, requires that development be sited so as to enhance or maintain the vitality of rural communities and paragraph 69 of Chapter 8 requires development to be safe and accessible, containing clear and legible pedestrian routes.

6.13 Although based on expired government policy, similar aims to those of the NPPF are manifested in UDP Policies S1 and DR2 which require, amongst other things, that development proposals should be directed to locations which reduce the need to travel, securing safe and convenient accessibility between land uses by modes other than personal motor transport. Given their level of consistency with the NPPF, UDP Policies S1 and DR1 continue to attract considerable weight in this regard.

6.14 In determining the application site’s ability to represent a ‘sustainable location’ within the context of the above two paragraphs, the following are relevant considerations:

- The level of amenities within a walking distance of the site;
- The nature of the route and its ability to provide safe and convenient access to those amenities; and
- The availability of truly usable public transport.

It should however be noted that the NPPF concedes that some use of the private motor vehicle is likely to be necessary in rural localities.

6.15 The application site is at the south-eastern extent of the nucleated settlement of Clehonger. The following facilities and services are within reasonable proximity of the application site with the distance to the facilities from the site in brackets, measured approximately and as one would walk rather than as the crow flies:

- Newsagents and post office (400 metres);
- Primary school (600 metres);
- Village Hall (700 metres); and
- Seven Stars Public House (750 metres)

6.16 A number of bus stops are provided along the B4349 Hay-on-Wye to Hereford Road, the closest of which is 700 metres from the site. The number 39 and 449 bus services provide, cumulatively, approximately 19 no 20 minute trips a day to and from the more extensive facilities found at the county’s major serviced settlement of Hereford. It is officer opinion that the above represents a good level of facilities for a rural village and that these facilities are within a distance which one could regularly walk. The frequency and journey times of buses to the largest serviced settlement in the County represents a truly usable alternative to the private motor vehicle.

6.17 The most part of one’s journey between the application site and the aforementioned amenities would not benefit from a designated pedestrian footpath, neither is the route lit. However, Birch Hill Road, of which the majority of one’s journey would be along, is of a residential character, subject to relatively low volumes of traffic, good forward visibility with many pedestrian refuge points in the form of flat grass verges and private drives. To reach Birch Hill

Road from the application site, one would be required to walk a 100 metre stretch of Poplar Road. Poplar Road is narrower and without verges, though not unduly restrictive to pedestrian movement by virtue of the wide private drives and the short distance of road along which one would be required to travel and the low numbers of vehicles using the road.

- 6.18 Recognising that sustainable transport solutions will vary from urban to rural areas as highlighted by paragraph 29 of the NPPF the application site is considered to offer reasonable opportunity to utilise a good level of local facilities along a safe pedestrian route as well as being well connected to the County's major service centres. It is officer opinion that occupiers of the proposed dwellings would be given a genuine choice about how they may travel. For these reasons the proposal is considered to fulfil the NPPF's locational sustainability requirement of development.
- 6.19 The second core principle cited in the paragraph 6.11 of this report requires decision taking to take 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. Paragraph 55 expands on this seeking to resist new isolated homes in the countryside other than in special circumstances. Paragraph 58 of the NPPF requires development to respond to local character and history and paragraph 61 requires development to integrate with the existing natural, built and historic environment.
- 6.20 These national requirements are reflected locally in UDP Policies S1, DR1 and H13 which require development to protect and enhance the natural environment, to safeguard the quality and character of the landscape and to promote or reinforce the distinctive character of the locality respecting the context of the site. UDP Policies S1, DR1 and H13 are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight for this purpose.
- 6.21 The application is for outline permission and details of access. Matters of landscaping, scale, layout and appearance are reserved for later consideration. It must therefore be considered whether the site offers *potential* for an appropriate layout; scale and design of building; and landscaping scheme to be forthcoming having regard for the distinctiveness and history of the locality and the appearance and character of the landscape.
- 6.22 The application site is immediately adjacent to the settlement boundary of Clehonger. Three sides of the site are bound by residential development with an open field to the north. When viewed in plan form and from local public rights of way, particularly Poplar Road, the site relates well to the existing settlement. The site itself, whilst undeveloped, is both in location and nature clearly distinct from the matrix of fields to the north of the site and as such, I do not find it to be an integral part of the character of the surrounding open countryside. Views of the site from the west, particularly from Birch Hill Road, would be screened by existing development. Views from the south along Poplar Road would be well filtered by vegetation between the site and the carriageway, though as one approaches the site and the village along Poplar Road from the east, the development would be visible over the low hedgerows and through the wide, open access to Garnom Bungalow. When viewed from the fields in proximity to the site, development would be seen against the existing residential backcloth of this part of Clehonger. It should be noted that there are no public rights of way located through these fields. It is officer opinion therefore that there is potential for a well designed scheme not to have an undue negative impact on the appearance of the landscape or the setting of the settlement.
- 6.23 The above notwithstanding, the development will act as a gateway to the village having potential to affect its setting. Therefore when the application is made for the outstanding reserved matters, the design of the dwellings will be of amplified importance.

- 6.24 The site is of a size which affords opportunity for dwellings of an appropriate design and scale to be forthcoming as illustrated on the indicative layout provided with this application. It's location within the wider settlement does however, to a certain extent, dictate its ability to provide development which would acquiesce with the existing pattern of built form. Clehonger is a nucleated village with the sites immediate context being of a character of a typical residential estate. This development has potential to be in keeping with the perceivable pattern of the settlement and provides organic growth.

Highways Safety

- 6.25 The Transportation Manager does not find the proposal to pose an undue risk to highways safety. Three dwellings is considered to equate to the maximum number of vehicle movements which Poplar Road should be subjected too. Acceptable visibility can be provided in both directions through the translocation of a hedgerow to the east of the site along the frontage of the applicants land. Visibility along the entire length of the land under the applicant's ownership in an easterly direction and a 70 metre splay in a westerly direction shall be provided. A condition should be appended to any permission given to ensure that this visibility is retained in perpetuity. Conditions should also be appended to a permission to ensure that the internal layout and parking arrangements which comes forward as part of a reserved matters application is appropriate from a Highways perspective.

Residential Amenity

- 6.26 Layout is not a matter before the Council and as such, it is not possible to ascertain exact distances between the proposed dwellings and neighbouring dwellings to ensure that privacy and amenity are definitively acceptable. The three closest dwellings to the application site are no. 61 Birch Hill Road, no. 63 Birch Hill Road and Garfield Cottage. The indicative layout illustrates that the dwellings would be circa 19, 16 and 18.5 metres from the closest proposed dwelling respectively. It is officer opinion that these indicative distances allied with an orientation perpendicular to the dwelling fronting Birch Hill Road are sufficient to preclude undue reduction to daylight and outlook from the aforementioned dwellings, subject to appropriate design.

Drainage

- 6.27 UDP Policy DR7 requires that development does not pose a flood risk to potential occupants of the site or increase risk to others located downstream of the site. Being located in Flood zone 1, the scheme is not considered to increase fluvial flood risk.
- 6.28 In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the scheme's drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. The applicant intends to dispose of surface water via a sustainable drainage system, the principle of which is in accordance with the aforementioned drainage requirements. A detailed surface water drainage strategy shall be provided with the reserved matters submission including to ensure that the SUDS is capable of ensuring the development causes no surface water flooding up to the 1 in 30 year event; no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change.
- 6.29 The scheme initially intended to dispose of foul water to the mains sewer. However upon Welsh Water objecting to the application on the grounds that the local Waste Water Treatment Works does not have sufficient capacity for the development, the scheme was amended to show foul water being discharged to ground through a soakaway. This method of disposal is considered acceptable, though infiltration testing, in accordance with BRE 365, should be undertaken at the location of the proposed foul soakaways and the results submitted to the Council for approval as part of the reserved matters application. It should be noted that whilst

Welsh Water have failed to respond to a request for their updated comments on the amended method of foul water drainage, in precluding foul water discharge to the mains sewer, Welsh Water's initial concerns are inherently overcome.

Ecology

- 6.30 The Conservation Manager (Ecology) does not object to the proposal. The site has a low biodiversity value though some precautionary suggestions regarding site checks prior to clearance and development are required. Checking the site by an ecological clerk of works will be necessary and a condition will be needed to ensure this is undertaken. In addition, habitat and species enhancements including retention of, and improvements for, hedgerows will be necessary.
- 6.31 The second ecological issue relates to Habitat Regulation Assessments which have become particularly pertinent upon the change from mains drainage to a private treatment works. The soak-away system would provide more than adequate capacity for the soak-away system to accommodate the treated outfall from this package treatment plant for 24 people. The 7200 litres discharge is approximately double the normal calculation of 150 litres per day per person and there are no ecological concerns for resultant impacts upon the R. Wye SAC from the developments residual phosphate output.

Other Matters

- 6.32 It is mentioned in two letters of objection that the application site is part of a parcel of land on which a covenant restricts development. This is not a material planning consideration but a civil matter and does not preclude the determination of this planning application.

Conclusion

- 6.33 Given the Council's lack of a published five-year housing land supply, the housing policies of the UDP are considered out of date. The appropriate method of determining this application is therefore the 'planning balance' required by the first limb of the second bullet point of the decision taking part of paragraph 14. Unless it can be demonstrated that the harm associated with the scheme would substantially outweigh its benefits, then the development must be considered sustainable and the positive presumption engaged.
- 6.34 The NPPF, at paragraph 7, offers a structure within which the potential benefits and harm of development should be assessed. Development must essentially fulfil the three dimensions of sustainable development: Social, Economic and Environmental. It is important to note that whilst this framework is provided, in weighing up the scheme the three dimensions of sustainable development should not be considered in isolation. Indeed paragraph 8 requires that gains in all three dimensions should be jointly sought meaning that a scheme which robustly fulfils two dimensions may be unacceptable for its failure to fulfil the outstanding dimension – thus the planning balance.
- 6.35 The scheme's economic benefits include short term job creation in the construction industry during the building phase and the long term support for local businesses. Likewise the new homes bonus afforded to the Council should be regarded as a material consideration. In providing a greater supply of housing in a location which offers the opportunity to contribute to the community of Clehonger, the scheme also fulfils the social dimension of sustainable development. In terms of its environmental role, the proposal is not considered to represent development which would unduly harm the appearance or character of the landscape or the village's setting. Furthermore, the site's location provides potential occupiers of the proposed dwellings with genuine alternative methods of transport to the private motor vehicle, thus helping to minimise the carbon output of the development. Therefore, in failing to identify

demonstrable harm, it is officers' opinion that the application is representative of sustainable development and that outline planning permission should be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site at an appropriate time of year and ensure there is no impact upon protected species during vegetation clearance of the area. The results and actions from the inspection shall be relayed to the local planning authority upon completion.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

- 7. The recommendations set out in the ecologist's evaluation from the ecology practice dated July 2014 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 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 8. H04 Visibility over frontage
- 9. H06 Vehicular access construction
- 10. H13 Access, turning area and parking
- 11. H17 Junction improvement/off site works
- 12. H27 Parking for site operatives
- 13. H29 Covered and secure cycle parking provision
- 14. I18 Scheme of foul drainage disposal
- 15. I20 Scheme of surface water drainage
- 16. Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.
- 17. C01 Samples of external materials
- 18. G10 Landscaping scheme
- 19. G11 Landscaping scheme – implementation
- 20. I51 Details of slab levels
- 21. I16 Restriction of hours 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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. HN08 Section 38 Agreement & Drainage details

Decision:

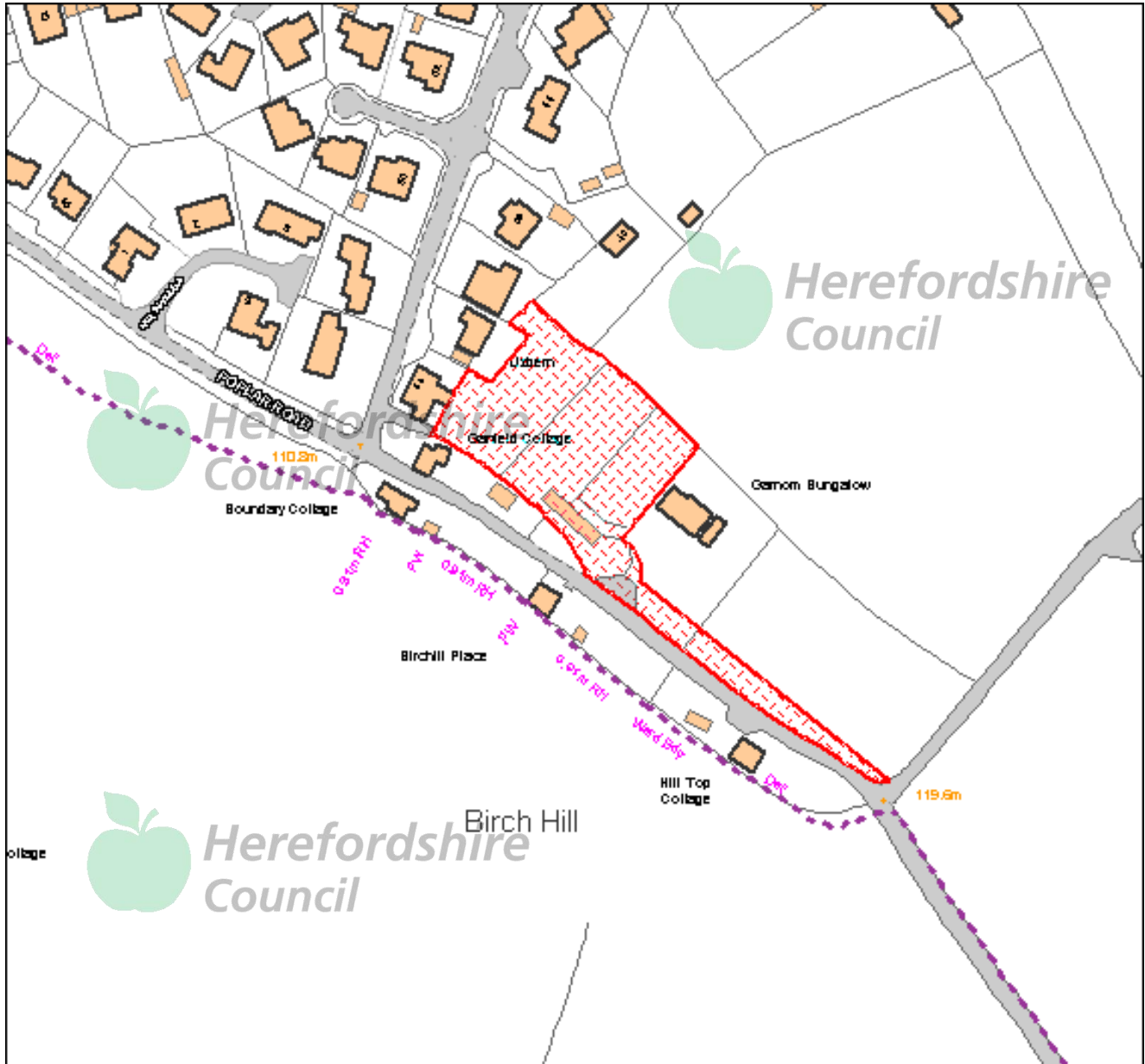
Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



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APPLICATION NO: 142443

SITE ADDRESS : LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	141905 - PROPOSED ERECTION OF FOUR DWELLINGS AND CONSTRUCTION OF VEHICULAR ACCESS AT LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORD, HR2 9SL For: Mr Haines per Bernard Eacock Ltd, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141905&search=141905
Reason Application Submitted to Committee – Contrary to policy	

Date Received: 24 June 2014

Ward: Stoney Street

Grid Ref: 345260,237714

Expiry Date: 22 August 2014

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The application site comprises a 0.25ha (0.61acre) area of pasture land located to the south of the B4349 and to the east of Glasnant House. The site lies on the eastern side of the village of Clehonger. The site is slightly elevated above the adjacent main road, but is relatively level. It is bounded on all sides by mature native hedges. Access to the site is currently a field gate, located to the east of the site, but this is largely overgrown.
- 1.2 The application seeks outline planning permission for the erection of four dwellings and the construction of a vehicular access. Approval of matters of 'access' and 'layout' are being sought in this application, with matters of appearance, landscaping and scale being reserved for future consideration.
- 1.3 Access to the site would be sited in a position offset slightly east of the centre, and would incorporate a turning head and access to the parking and turning areas to the rear of the dwellings. The existing hedge would be retained as this lies behind the visibility splay.
- 1.4 The submitted plans outline the siting of four dwellings that front the highway, behind the hedge. One dwelling would be sited to the east of the access and the other three to the west.
- 1.5 The application submission has been amended during the process to address objections received. It is now proposed to install a package treatment plant that disposes of treated effluent on-site (if achievable) or through the installation of a storage tank (with maintenance contract to ensure the tank is emptied on a regular agreed basis). There is no longer a proposal to connect to the public sewerage system.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

2. Policies

2.1 National Planning Policy Framework

Achieving sustainable development – Paragraphs 7, 8, 14, 17
Chapter 1 – Delivering Sustainable Development
Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 10 – Conserving and enhancing the natural environment

2.2 National Planning Practice Guidance (Companion guidance to the NPPF)

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable Residential Design
T6	-	Walking
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

These Unitary Development Plan 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/unitary-development-plan>

2.4 Herefordshire Core Strategy

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July 2014. At the time of writing an Independent Inspector has concluded their examination in public and is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-diversity
- SD1 - Sustainable Design and Energy Efficiency

These Herefordshire Local Plan (Pre-submission publication) 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>

Neighbourhood Plan

- 2.5 Clehonger has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 21 November 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

3. Planning History

- 3.1 SH882081/PF – One dwelling – Refused 15 February 1989.
 SH891979/PO – One Bungalow – Refused 21 February 1990.
 SH910718/PO – Proposed dwelling and garage – Refused 25 September 1991.
 SH911334PO – Proposed dwelling and garage – Refused 23 October 1991.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water commented as follows on the originally submitted plans:

Upon initial consultation (including at this time a connection to the Public Sewerage system) Welsh Water made the following comments:

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore object to the development.

Following receipt of an amended drainage strategy and discussion with officers they subsequently agreed that they were happy to proceed on the suggested basis if the LPA accept a suitable condition in order to prevent detriment to the public sewerage system (i.e a condition prohibiting connection to the mains).

Internal consultees

- 4.2 Transportation Manager made the following comments on the originally submitted plans:

The proposed development is acceptable in principle but changes to the layout are required for safety, the scheme may also compromise a proposed development to the south and east

as no details have come forward in relation to specific detail relating to location and visibility splays.

The proposed access point is acceptable, the visibility is achievable though 43m is very tight for the requirement here, the splays achievable are suitable for the speed of the road.

The access proposed is for a junction, this must be changed to a crossover to give priority to pedestrians.

The internal access and turning layout is acceptable, there is no requirement for a footpath as this is for 4 houses only. Parking, if garages are to form part of the numbers, the internal dimensions need to be 6m x 3m per space.

The accesses to the north of the properties need to be removed and access off the internal road layout. I am very concerned that the proposed will result in on street parking which will impede on visibility in this location.

Following receipt of amended plans, the Transportation Manager made the following comments:

The crossover is acceptable, the only issue remains is the properties having pedestrian access onto the main road, this needs to be removed to minimise the risk of parking on the road, blocking visibility, this needs to be amended, as per my original comments.

4.3 The Conservation Manager (Ecology) made the following comments:

I have read the ecological report by Phil Quinn dated May 2014 and I am happy that it covers the requisite ecological aspects. There are some recommendations regarding mitigation and habitat enhancement in relation to birds, hedgerows and trees which I would like enshrined in a condition if approved.

4.4 The Land Drainage Engineer has confirmed the amended drainage strategy and, following discussions, that a Grampian condition could be used to secure the surface water drainage details prior to commencement.

5. Representations

5.1 Clehonger Parish Council have made the following comments:

The Parish Council of Clehonger wish to make the following comments regarding the application: The proposed development is acceptable in both size and its location, however it is difficult to support because it will inevitably become part of the proposed larger development. Access is an issue, there would be two accesses onto the main road linked internally within the development which is potentially hazardous. If the driveway is going to be used as the second entrance it is not wide enough.

5.2 Following receipt of the amended plans (detailing changes to the layout, access and drainage) the Parish Council made the following comments:

The Parish Council note the option to install the preferred option of a storage tank to hold the sewerage which would need to have a maintenance contract for emptying depending on use. The situation regards the waste water treatment works being at capacity makes any connection to existing sewerage systems not feasible.

To agree to such an option may set a precedent for other potential developments of which there are currently several outline applications for the village of Clehonger, on a much larger scale than this one in question.

5.3 A letter of representation has been received from C and W Hemley, Glasnant House whose concerns can be summarised as follows:

- raises concerns about the following services available (sewerage and utilities)
- Site location is not viable, not connected to the core of settlement
- The site lies outside of the settlement boundary
- Lack of community support for development
- How can this be considered sustainable economic growth?

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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 The application site lies outside of, but immediately adjacent to the settlement boundary of Clehonger, a village that is defined as a main settlement within policy H4 of the Unitary Development Plan. Because of this, the site is considered to be within open countryside and its development would be contrary to currently adopted Unitary Development Plan (UDP) policies. However, the National Planning Policy Framework (NPPF) has been in force for more than 12 months and paragraph 215 of this document is relevant. It states:

'In other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies of the framework, the greater the weight that may be given).'

6.2 As such the Council must consider the degree of consistency of the Unitary Development Plan (UDP) Policies with the NPPF. The Council accepts that it cannot demonstrate a 5 year supply of housing land as confirmed in the most recent figures published in October 2014. As the Council does not have a five year supply, then paragraph 49 of the NPPF thus comes into effect. This states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. 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'

6.3 Paragraph 49 of the NPPF states that developments should be considered in the context of the presumption in favour of sustainable development. This is set out within paragraph 14 of the framework:

14. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking 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:*
 - *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.*

6.4 The Council is required to assess the proposals in relation to the core principles of sustainable development (Paragraphs 7 and 8 of the NPPF) and have regard to the other policies of the UDP and the compliance of proposals with these.

6.5 The site lies immediately adjacent to the settlement boundary for Clehonger, a village that has good access to services such as the school, shop, village hall etc. and good public transport links to the wider area. The site also benefits from an existing public footpath across its frontage that leads to the village. The site is considered to be sustainably located.

6.6 The site has been assessed as having low or minor constraints as part of the Strategic Housing Land Availability Assessment (HLAA/041/001/Adj Glasnant) but is only part of a much wider area that is subject to a separate planning application (142349) that is currently being considered.

Impact upon the character of the area

6.7 Despite being assessed as part of a much wider SHLAA site, the application site is a distinct parcel of land that is defined by mature native hedges on all sides. The site lies on the edge of the village settlement, and its development would appear as a natural progression of the built form of the development. It is possible to develop the site and retain the majority of the mature boundary, with the exception of forming the new access. This site will assimilate itself well with the village, and the retention of the mature landscaping offers a solution to providing a transition from the rural character to the east on the approach to the village. A detailed landscaping scheme will need to be secured through the consideration of the reserved matters submission, but the retention of the boundary hedges will be expected. Having considered the proposal in the context of policies LA2 and LA3 of the Unitary Development Plan and guidance contained within the National Planning Policy Framework, the proposal would represent a low density, small scale development that would protect the visual approach to the village and the valued open countryside.

6.8 The site is relatively level and unconstrained. There are no Listed Buildings, Conservation Area or other landscape or nature conservation designations that could be affected by this development. An ecological report has been undertaken to support this development on a greenfield site and the Conservation Manager is satisfied that the proposed development would comply with the relevant policies of the UDP and with the guidance contained within the National Planning Policy Framework subject to the imposition of a suitable condition.

Highway Safety

6.9 The submission includes access as a matter for consideration. Following receipt of the comments from the highway officer, amended plans were sought. There are no objections in principle to the amended access, which is considered adequate to serve the proposed development. The comments of the Parish Council are noted but this development does not make provision for/or intend provision to be made to access the site to the south. If this was to be the case in the future, a new application would be required that would need to be

considered on its own merits. Engineering details/specifications for the proposed access would need to be agreed by way of a suitably worded condition as suggested below.

- 6.10 The only outstanding matter relates to the inclusion of the pedestrian access points from the dwellings onto the footway. Visually we would encourage dwellings to front the highway giving a more traditional street scene. The inclusion of the access directly to the footpath that leads to the village would also encourage occupants to walk to these facilities. Directing them to the rear of their properties (past their cars) and along a driveway to get to these facilities is not considered to be convenient and may discourage walking.
- 6.11 The comments of the Transportation Manager are noted but the applicant has also made provision for a shared parking bay adjacent to the access along with individual parking spaces for each dwelling and a significant amount of shared driveway and parking to the rear. There is, therefore, ample opportunity for off road parking and the highway safety implications and possibility for encouraging indiscriminate parking along this road is not considered to outweigh the benefits of providing direct pedestrian links to the village.
- 6.12 The proposed small scale development would provide safe, convenient vehicular and pedestrian access to the site without detriment to the local highway network. Therefore, subject to the requirements of the conditions suggested below, the proposal would comply with the requirement of policies DR3 and H13 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

Drainage

- 6.13 Following an objection from Welsh Water in relation to a connection to the public sewerage system, the applicant amended the proposals to include a non-mains solution. Whilst this is not generally encouraged or supported by Building Regulations where there is public sewerage infrastructure in the immediate locality, in this instance Welsh Water have objected to a connection at this time and this proposal would appear to offer a suitable and manageable alternative. Welsh Water has confirmed that they are happy with this approach subject to a condition that prohibits connection. Should the upgrade works be undertaken, then it would be possible to apply to remove the condition that prohibits connection, and at this time Welsh Water would be re-consulted. This non-mains solution is considered to be a suitable option given the small scale nature of the development.
- 6.14 Surface water drainage of the site would also need to be managed within the site, as no surface water can be connected to the public system. This is not an unusual situation, and a comprehensive scheme for the drainage of the site showing how the foul, surface and land drainage will be dealt with can be agreed by condition. Having regard to the above, the proposal would comply with the requirements of policy DR4 of the Unitary Development Plan.

Other matters

- 6.15 It is officers opinion that the development of this site can be successfully achieved without detrimental impact upon the amenities of the nearby residents, in particular Glasnant House. The detailed design of the properties will need to consider the relationship further in the Reserved Matters Application. Boundary treatments and tree/hedge protection during construction will also be of relevance in the detailed design and construction phases. In order to consider amenity during construction, conditions relating to hours of work and details of site parking for operatives are also requested by way of a suitably worded condition.
- 6.16 Following the changes to the National Planning Practice Guidance introduced in November 2014 there is no longer a requirement to provide affordable housing or contributions (Section 106 agreement) subject to ensuring that the maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm. A condition attached to the

Outline Planning Permission will ensure that this limit is not exceeded and that the proposal is policy compliant.

- 6.17 The application site's location is considered to be sustainable, and the development has been considered having regard to the roles of sustainable development that are identified in the NPPF. Acknowledging that the Council does not have a five year Housing Land Supply, the proposal falls to be considered in respect of paragraph 14 of the NPPF.
- 6.18 There are clear benefits that would assist in addressing the shortfall in housing supply within Herefordshire and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given significant weight in determining this application.
- 6.19 These significant benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers are of the opinion that the proposal would comply with the relevant UDP policies and in respect of landscape impact and highway safety and that all potential impacts can be successfully mitigated, resolved and solutions secured through conditions or through a carefully considered Reserved Matters application. As such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework. The proposal is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to the National Planning Practice Guidance revisions dated 28 November 2014, there is no requirement for contributions and affordable housing subject to compliance with this criteria.

- 8. G11 Landscaping scheme - implementation**
- 9. H06 Vehicular access construction**
- 10. H13 Access, turning area and parking**
- 11. H27 Parking for site operatives**

- 12. **I16 Restriction of hours during construction**
- 13. **H29 Secure covered cycle parking provision**
- 14. **No foul or surface water discharges from the site shall connect either directly or indirectly at any time to the public sewerage system**
- 15. **L04 Comprehensive & Integrated draining of site**
- 16. **The recommendations set out in Section 8 of the ecologist's report from Paul Quinn dated May 2014 should be followed in relation to mitigation and habitat enhancement. Prior to commencement of the development, habitat protection and enhancement plan integrated with the landscape scheme should be submitted to, and be approved in writing by, the local planning authority, and the work 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 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**
- 2. **HN05 Works within the highway**

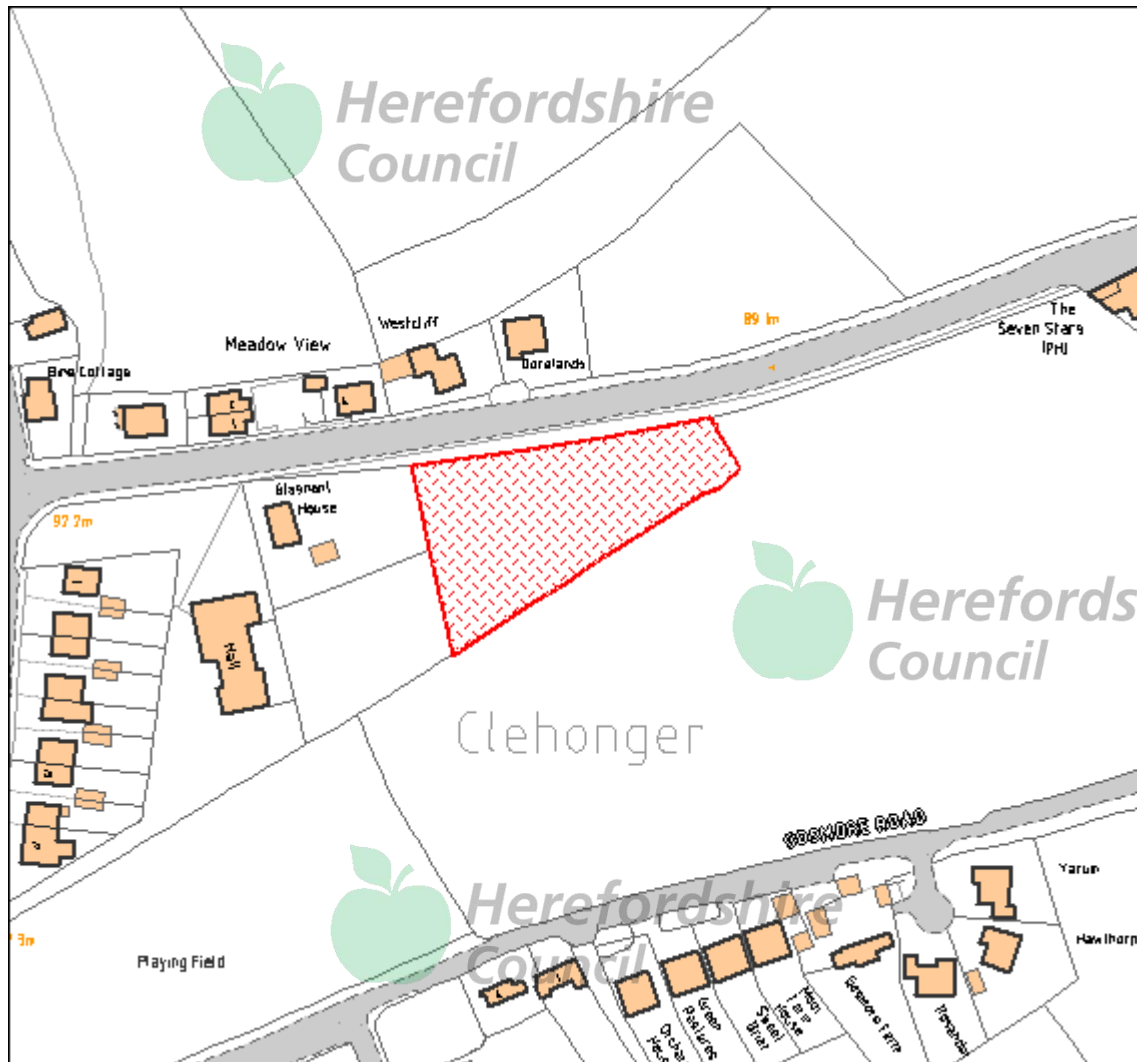
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141905

SITE ADDRESS : LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORDSHIRE, HR2 9SL

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MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	<p>143833 - PROPOSED NEW DOUBLE GARAGE INCLUDING GARDEN STORE, LEAN-TO FIREWOOD STORE AND HOME OFFICE ABOVE; TO INCLUDE CHANGE OF USE OF LAND FROM ORCHARD TO RESIDENTIAL AT LAVENDER COTTAGE, COMMON HILL, FOWNHOPE, HEREFORD, HR1 4QA</p> <p>For: Mrs Alice Hayter, Lavender Cottage, Fownhope, Hereford, HR1 4QA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143833&search=143833
Reason Application Submitted to Committee - Redirection	

Date Received: 23 December 2014 **Ward: Backbury** **Grid Ref: 358935,234657**
Expiry Date: 17 February 2015
Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 Lavender Cottage, a detached two storey, altered and extended property, is located on a sloping site at Common Hill, Fownhope within the Wye Valley Area of Outstanding Natural Beauty. Presently there is a parking area adjacent to the vehicular access off the unclassified lane with a small raised garden between it and the principal elevation of the cottage. The rear garden is located to the north of the cottage and slopes upwardly.
- 1.2 This application has two components, firstly it seeks planning permission to change the use of a section of land to the south of the property to residential curtilage, and secondly to erect an outbuilding on part of that land. The area of land subject to the proposed change of use is approximately 20 metres by between 18 and 26 metres and slopes upwardly from the lane to the west. The outbuilding would comprise a double garage with a lean-to store and is proposed to be sited towards the rear (westerly part) of the area of land subject to the change of use proposal. The submitted plans indicate that a home office would be provided within the roof void of the garage. A driveway and parking area is proposed between the existing access and the proposed garage, which would be a consolidated, permeable aggregate bonded surface. To create a level slab for the siting of the garage on this sloping site, it is proposed to cut the rear of the building into the hillside. As a consequence the height of the hillside at the rear of the building would be at eaves level height.
- 1.3 The proposed garage would be 5.2 metres to the ridge and 2.2 metres to the eaves. It would have a depth of 5.5 metres and length of 7.3 metres. To the left hand side there would be an attached lean-to wood store (5.5 metres by 2.1 metres), which would have a mono-pitched

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

roof with a maximum height of 2.2 metres. To the rear of the store there would be a stone retaining wall of 2.2 metres in height, with an overall length of the garage, store and retaining wall of 10.65 metres.

- 1.4 As proposed the oak framed, open fronted garage would have a 45 degree roof pitch with natural slates. External and visible internal elevations would be clad in timber. A staircase is proposed internally, between the two bays, to provide access to the first floor office. Windows are proposed in each of the side gables and three rooflights to the rear elevation.
- 1.5 A Design and Access Statement was submitted with the application. This sets out the nature of the proposal and details the proposed landscaping to supplement the existing on site, mitigate the impact of the garage and promote biodiversity on site. A subsequent letter has been received from the applicants confirming that there is an error in the Design and Access Statement, in respect of the stated date for the photograph showing part of the land subject to this application being used as garden by the previous owner. They have confirmed that the photograph dates from 2009 and not 2002 as stated.
- 1.6 Procedurally it is acceptable to submit a single application for change of use of land and to site an outbuilding on that land. This application does not seek to establish that the recent use of the land to the south of the parking area as part of the garden is lawful, rather it seeks planning permission for this, which in part is retrospective.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 7 - Requiring Good Design

Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1 - Sustainable Development

S2 - Development Requirements

DR1 - Design

DR2 - Land-use and Activity

H7 - Housing in the Countryside Outside of Settlements

H18 - Alterations and Extensions

HBA4 - Setting of Listed Buildings

LA1 - Areas of Outstanding Natural Beauty

NC1 - Biodiversity and development

2.3 Herefordshire Local Plan - Draft Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. The examination of the Core Strategy by an independent government inspector has recently concluded. Until the outcome is published the policies can be afforded only limited weight for the purposes of decision making.

SS1 - Presumption in Favour of Sustainable Development

RA3 - Herefordshire's Countryside

LD1 - Landscape and Townscape

LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
E3	-	Homeworking

2.4 Fownhope Neighbourhood Plan Area was designated on 23 January 2014 and is in the drafting stage. Accordingly it cannot be afforded any weight at this juncture.

2.5 The Unitary Development Plan 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/unitary-development-plan>

3. Planning History

3.1 DCCE20073040/F - Proposed two storey extensions and alterations to front and rear. Approved 29.10.2007.

3.2 140052/FH – Construction of new garage with office above – Invalid application.

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Consultees

4.2 Conservation Manager (Ecology): The proposal for a garage/office is not within the confines of the traditional orchard; nor is it impinging upon the SSSI to the west of the site. I do not have an objection to its construction.

4.3 Transportation Manager: No objection.

5. Representations

5.1 Fownhope Parish Council objects to the application to build a new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from Orchard to residential on the grounds that the proposed structure would be too dominant a feature in this location. If Herefordshire Council is to grant permission for the development as proposed the Parish Council requests that the permission is subject to a condition that the building is only to be used as ancillary accommodation to Lavender Cottage.

5.2 Twenty three representations have been received, mainly from local residents. Of these fourteen make objections, eight support and one is none committal. The main points raised in objection and support are summarised below:

5.3 Objections (14):

- Factual inaccuracies in the submission, the change of use of part of the land took place in 2008/2009 and not 2002 as stated by the applicant.
- Change of use should be considered first, under a separate application with the correct fee, and then permission for a garage applied for after.
- The revised proposal is only modestly different to previous withdrawn scheme, it does not go far enough.
- Proposed garage would be too big (roof would be excessive) and would dominate the cottage.

- Inclusion of internal staircase to first floor results in a larger building and is unnecessary.
- Harmful to the AONB, too tall and would face Common Hill Lane.
- Garage, associated excavation and hardstanding would be prominent and spoil the landscape.
- Elevated position would exacerbate impact.
- Harmful to Common Hill which is a Conservation Area, SSSI, AONB and regularly visited by walkers.
- Harmful to setting of Grade II listed building (Little Bryalls).
- Multi-use building would be inconsistent with planning policies.
- Could be converted to either living accommodation or a separate dwelling in the future, as it is not adjacent to the cottage and could share the access
- Vehicles can park and turn within the site, lane is not so busy that reversing out of the site is dangerous (similar situation to many properties locally).
- If granted would set a precedent and delivery and construction vehicles would cause nuisance and damage to the lanes.
- View of hillside would be spoilt.
- Single storey garage and revised siting would be preferred.
- The previously attached garage should be converted back to a garage if one is needed.
- Extension to cottage could provide an office.
- Ecology report should have been provided.
- There is an existing access to the neighbouring property across the site which should not be restricted.
- Trees and hedgerows have been removed already on site, resulting in an eyesore.

5.4 Support (8)

- Proposal is similar to many such developments locally, objections come from residents who have benefitted from such themselves.
- Objections reflect a 'NIMBY' attitude.
- Reduced size building from previous scheme, outdoor storage is required.
- Two bay garage, with store and office in the roof void is in keeping with the local area.
- Scheme is to upgrade accommodation and supports young family living in the village.
- Proposed garage is in keeping with the area, due to scale and use of timber and stone.
- Utilising roof void accords with home working policies, reduces vehicular movements and is an efficient use of space.
- Impact of garage is reduced as it would be seen against the hillside behind.
- Site was previously neglected, proposal upgrades it and includes landscaping to support wildlife.
- Would enable vehicles to enter and exit site in a forward gear.
- Applicants have high standards, have already undertaken new planting on the site and support rural and village life.
- Proposal does not take over orchard, but uses part of old curtilage.

5.5 A letter from the previous owner of Lavender Cottage advises that the additional area of garden was created in 2008/2009, when scrub was cleared for a washing line and a lawn was laid.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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>

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

6. Officer's Appraisal

- 6.1 In determining the application the starting point is the Development Plan, in this case the Herefordshire Unitary Development Plan (HUDP). In planning policy terms the site lies in open countryside, where there is a presumption against new residential development, as set out in policy H7. Exceptions to this strict presumption include the provision of an outbuilding to serve an existing dwelling. Proposals for such development must comply with detailed policy requirements, as set out in Policy H18. This requires proposals to ensure that the original dwelling remains the dominant feature in the resulting scheme and that the proposal would be in keeping with the character and appearance of the existing in terms of scale, mass, siting, detailed design and materials. Paragraph 17 of the National Planning Policy Framework (NPPF) advises that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that Policy H18 of the HUDP is in general conformity with the NPPF and accordingly can be afforded weight (paragraph 215 - NPPF).
- 6.2 In addition the site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB). Policy LA1 of the HUDP stipulates that development will only be permitted where it is small scale, would not affect the intrinsic natural beauty of the landscape, and is necessary to facilitate economic and social well being of the area and community. In terms of applying the guidance set out in the NPPF the proposal is not considered to be 'major', so the presumption to refuse is not engaged. Paragraph 115 is applicable, which confirms that great weight should be given to conserving landscape and scenic beauty.
- 6.3 The area of land subject to the change of use proposed is sited next to the existing parking area and already includes the underground sewerage biodisc tank and a smaller area changed to garden by the previous owner. The proposed hedgerow planting and post and rail fencing would define the south and west boundaries from the remainder of the land that is also in the applicants' ownership. Trees and vegetation have already been removed from the site and this has altered its appearance. However this did not require planning permission. The siting of an area of garden to the front of a property is not uncommon in rural locations and by virtue of the existing hedgerow views from the lane alongside the proposed garden area would be filtered. Views from the east would be greater, but it would be seen in conjunction with the existing parking area and cottage and in its context, and subject to the appropriate boundary landscaping, it is considered to be acceptable.
- 6.4 As proposed the garage would be some 8.8 metres from the cottage and, similarly to it, it would occupy elevated ground compared to the lane. The principal elevation would face the lane, but would be set back some 11 metres from it. The rear section of the garage would be dug into the hillside, with the rear elevation comprising a retaining wall. The proposed garage structure would not be unduly large for a double garage, given that standard parking spaces are 2.4 metres by 4.8 metres and the lean-to would be a subservient component with a lower roof height. The overall bulk would be moderately increased by the retaining wall to the rear of the lean-to and extending 1.2 metres beyond. However, this would be set back from the front elevation, however, and would be read against the sloping land behind. The depth of the garage (5.5 metres) is dictated by its functional requirements and given the narrow span of vernacular cottages this proportion can often be regarded as rivalling that of the principal building. In this case this would not be unduly evident, given the orientation and siting of the buildings. At 5.2 metres in height the garage would be moderately taller than a standard double garage. Nevertheless, the height is not considered to be excessive and the first floor office accommodation is contained wholly within the roof void, without the inclusion of dormer windows, which would conflict with the building's correct hierarchy with the principal building on the site, Lavender Cottage. In addition, due to the low eaves height, which would sit immediately over the two bay openings in a traditional manner, the structure would read as a single storey outbuilding.

- 6.5 The overall design approach and materials are also typical and appropriate for an outbuilding, in contrast to the previous scheme which incorporated dormer windows to the front elevation. The set back siting, whilst resulting in relatively significant engineering operations, would ensure that from both the east and the south from Common Hill Lane, the cottage would not be obscured. In addition, due to the distance separation between the dwelling and the proposed outbuilding and their orientation the proposal would be subservient to the cottage.
- 6.6 Turning to the proposed use of the upper floor within the roof void for a home office, it should be noted that such use is usually considered to be ancillary to the use of the dwelling where it occurs in existing buildings. Home working is supported in principle by policy E3 of the Herefordshire Local Plan – Core Strategy, provided that it would not result in adverse impacts. Moreover, the NPPF supports a move to a low carbon future and home working, with the associated reduction in travel, would help to facilitate this.
- 6.7 In terms of the impact of the proposal on the AONB, the garage would be of domestic proportions and would be seen in the context of a residential curtilage near to existing dwellings. It would be set back from the lane, against the backdrop of steeply sloping hillside, which would reduce the impact such that it would not be intrusive. Supplementary planting would, over time, enhance the existing appearance of the site and provide biodiversity enhancement. On this basis it is considered that the proposal would not adversely affect the scenic qualities of the AONB.
- 6.8 It is considered to be reasonable and necessary to limit use of the garage/office to uses ancillary to the dwelling, by way of condition.
- 6.9 In conclusion the proposed change of use and outbuilding would be satisfactorily assimilated into the landscape and the building would not dominate the original dwelling and would be in keeping with it. As such the scheme accords with Policies LA1, H18 and DR1 of the HUDP and the requirements of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials (Location Plan and Block Plan (Promap), 11/14/01 (Elevations and Plans), rear and end elevations and ground floor plan, and sections and first floor plan received 23 December 2014)**
- 3. C01 Samples of external materials and colour of the aggregate bonded surface to the parking area**
- 4. F07 Domestic use only of garage**
- 5. G11 Landscaping scheme – implementation (landscaping shown on the Block Plan and detailed in the Design and Access Statement)**
- 6. I16 Restriction of hours during construction**

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

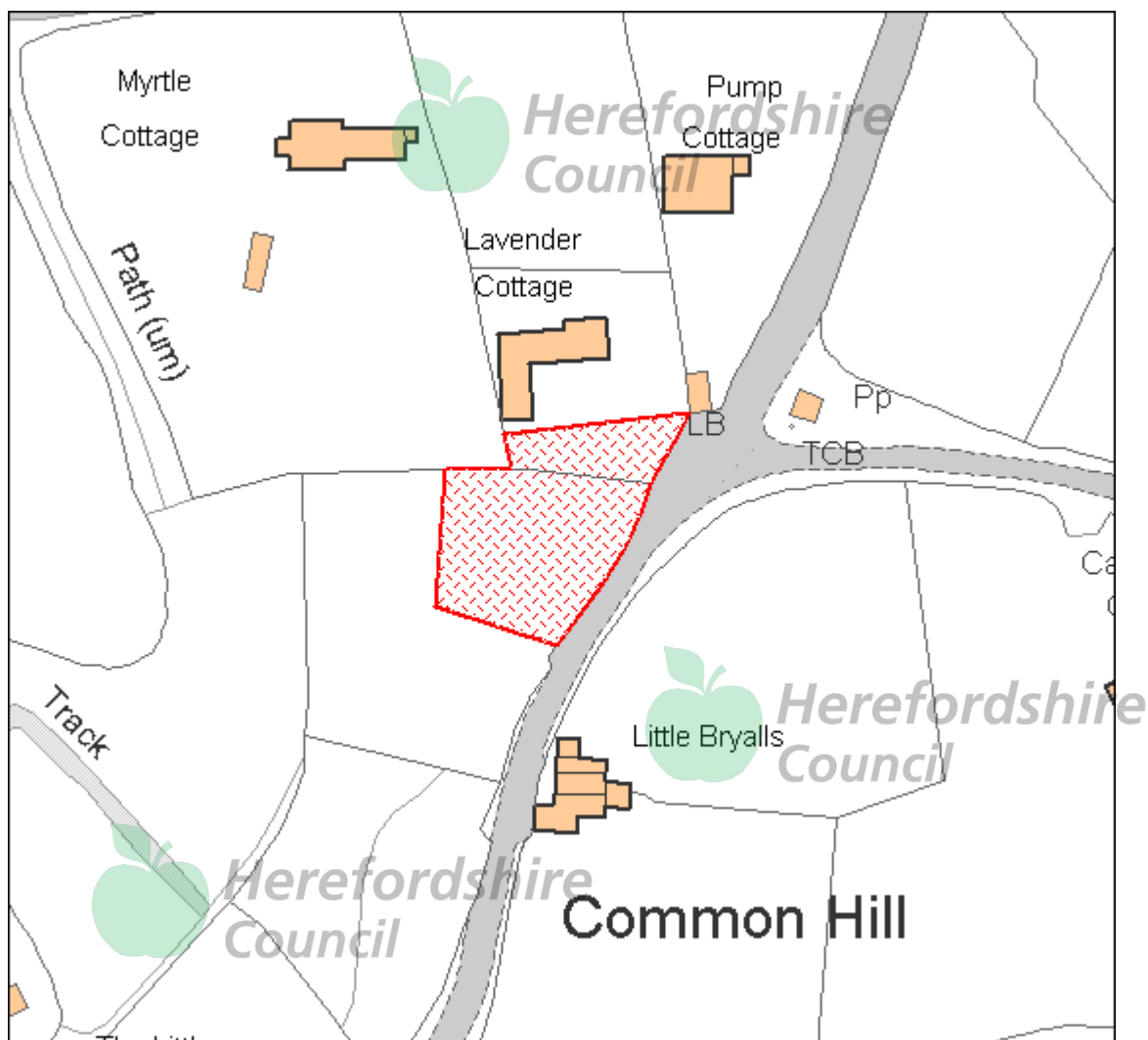
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143833

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536