

AGENDA

Planning Committee

Date: **Wednesday 15 July 2015**

Time: **10.00 am**

Place: **Council Chamber, Shire Hall, St Peter's Square,
Hereford. HR1 2HY**

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

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
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 meeting held on 16 June 2015.</p>	7 - 30
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	31 - 34
7.	<p>151111 LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA</p> <p>Proposed construction of three self build family homes, alterations to existing access and associated landscaping and drainage.</p>	35 - 44
8.	<p>143787 - LAND AT QUEENSWOOD, CRADLEY, HEREFORDSHIRE.</p> <p>Proposed construction of three no. two storey dwellings with associated garages and landscaping.</p>	45 - 52
9.	<p>150526 BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HR4 7RQ</p> <p>Proposed agricultural machinery and implement storage building.</p>	53 - 64
10.	<p>150962 - LAND TO THE NORTH OF HOPE END FARM, RIDGEWAY CROSS, CRADLEY</p> <p>Proposed construction of a 3 bed single storey passivhaus, associated landscaping, bio-diversity enhancement, access and flood prevention for adjacent listed buildings.</p>	65 - 74
11.	<p>150717 LAND AT WRIGGLEBROOK LANE, MUCH BIRCH, HEREFORDSHIRE</p> <p>Proposed detached single storey bungalow with storage/garaging uxnder.</p>	75 - 86
12.	<p>143420 - LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE</p> <p>Proposed 3 no. new dwellings.</p>	87 - 94

13. DATE OF NEXT MEETING

Date of next site inspection – 4 August 2015

Date of next meeting – 5 August 2015



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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, Shire Hall, St Peter's Square, Hereford. HR1 2HY on Tuesday 16 June 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

In attendance: Councillors MD Lloyd-Hayes, PM Morgan, PD Newman OBE, RJ Phillips and NE Shaw

1. APOLOGIES FOR ABSENCE

None.

2. NAMED SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

Agenda Item 12: 150379 Land opposite Whitchurch Primary School, Whitchurch, Ross-on-Wye Herefordshire.

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

4. MINUTES

RESOLVED: That the Minutes of the meetings held on 15 April 2015 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

None.

6. APPEALS

The Planning Committee noted the report.

7. 151204 AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

(Proposed single storey 3 classroom extension with associated group rooms and staff area, a new multi-use games area and perimeter fencing is proposed. Also the enclosure of an existing external fire escape stair.)

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.

In accordance with the criteria for public speaking, Mr M Addison, a local resident, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor MD Lloyd-Hayes, spoke on the application.

She made the following principal comments:

- There had been only one objection and she acknowledged the objector's concern. However, she considered that the reopening of the pedestrian gate was appropriate and would not have the adverse consequences the objector feared. She noted there were several approach roads affording the opportunity to walk to the school and considered the proposal to be sustainable.
- She highlighted the officer's conclusion at paragraph 7.1 of the report.

In the Committee's discussion of the application the principal concern was highway safety, whether some measures could be taken to ensure this and whether use of the pedestrian gate on Broadlands lane would be monitored. The Principal Planning Officer commented that the proposed addition of a condition requiring a travel plan, as referred to in the committee update, would require monitoring to take place and if that identified a need for highway safety measures these could then be considered.

The local ward member was given the opportunity to close the debate and reiterated her support for the application.

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. **H13 Access, turning area and parking**
4. **H27 Parking for site operatives**
5. **H29 Secure covered cycle parking provision**
6. **I16 Restriction of hours during construction**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G09 Details of Boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme – implementation**
11. **H30 Travel Plans**

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**
 4. **HN01 Mud on highway**
 5. **HN05 Works within the highway**
8. **150727 LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE**

(Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access.)

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 explained that the application was a resubmission of an application refused by the Committee on 4 March 2015 with no material change. He referred to the officer comments in the update to the report that it was a judgment for a local planning authority to make as to whether it decided to decline an application. There was no suggestion that an application was not valid if it was not materially different from one which had been previously refused.

He added that officers remained concerned that the council was not meeting its five year housing land supply and it was primarily for this reason that the application had been brought before the Committee for its consideration. The proposed modifications to the Core Strategy were also pertinent to the re-submitted application as they acknowledged the fact that there was likely to be a need to find further sites beyond strategic allocations.

In accordance with the criteria for public speaking, Mr R Page of Bromyard and Winslow Town Council spoke in objection to the application as did Mrs G Churchill of Avenbury Parish Council. Mr T Watton spoke on behalf of Bovis Homes and Mosaic Estates in objection. Mr L Lane, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members, Councillors PM Morgan and A Seldon, spoke on the application.

Councillor Morgan made the following principal comments:

- Avenbury was a rural parish and had no housing allocation proposed within the Core Strategy. It should not have to accommodate the urban development proposed.
- The Conservation Manager (Landscape) objected to the proposal.
- The development was a significant one in the context of Bromyard and would be detrimental to future plans for the Town. The application was premature.

- The resubmitted application was identical to the one rejected by the Committee in March 2015. The grounds on which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.

Councillor Seldon made the following principal comments:

- He expressed his dissatisfaction that the application had not been refused by officers under delegated powers given that the application was identical to that refused by the Committee in March 2015.
- There was no housing land supply shortage in Bromyard. Land identified in the north west quadrant of the area could accommodate up to 600 houses and would represent organic growth in the Town's preferred location.
- The grounds on which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.
- In relation to the adverse effect on the landscape, a number of recent decisions by Planning Inspectors following appeals had stated that land did not have to have a designated status to be of value.

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

- Regard should be had to the views of the Town Council and the local population. The Town Council had not been opposed to all housing development. On the contrary it had identified a preferred location for development that would meet the area's housing need and had community support.
- The Council had on a number of occasions successfully defended refusal of planning permission at appeal when one of the recommended grounds for approval had been the absence of a five year housing land supply.
- The grounds upon which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.
- Although the application site was not designated, the Conservation Manager (Landscape) and the Town Council considered that the development was detrimental to the landscape.
- It should be acknowledged that the other identified development sites in the area had similar landscape constraints.
- The developer was not offering significant community benefit.
- It was suggested that the development was also contrary to paragraph 109 of the National Planning Policy Framework.
- It was requested that in preparing reports officers ensured there was a consistent approach to the weight given to relevant plans and policies. It was questioned in the case of this application whether it was appropriate for officers to give such weight to the modifications to the Core Strategy.

- Whilst Bromyard Town Council had decided not to produce a Bromyard Neighbourhood Plan proposals for Herefordshire Council to produce a Bromyard Development Plan were now included in revisions to the Local Development Scheme. It seemed sensible to allow that Plan a chance to set out the local vision.
- It was cautioned that the weight being given in the report to the change to the wording of Policy BY1, introducing the word “minimum” and requiring the provision of a minimum of 500 new homes in Bromyard, where previously the policy required approximately 500 new homes, could have significant implications if this interpretation was applied across the County. The report stated at paragraph 6.3 that “The Council’s justification for the proposed modifications is quite clear - to ensure that wording in the Core Strategy is in line with the NPPF by not restricting growth.” It was suggested that this was an incorrect approach because the NPPF contained many grounds on which growth could be restricted.

The local ward members were given the opportunity to close the debate.

Councillor Morgan had no additional comments.

Councillor Seldon commented that the Town Council had started to develop a Neighbourhood Plan but had stopped, deciding to restart work once the Core Strategy was in place and the framework within which the Neighbourhood Plan could be developed was established.

The Senior Litigator commented that ground 4 of the reasons for refusal advanced by the Committee in March 2015 was no longer applicable. It was open to the Committee to refuse the application on the other three grounds.

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

- 1. The site occupies a prominent position in an open countryside location on the western edge of Bromyard. It represents an important visual approach to the town and is visually prominent from a number of public vantage points, particularly further to the west from the A44 and from Panniers Lane and Pencombe Lane and is considered to be important to the towns landscape setting. The proposal would result in the introduction of a large suburban development on the edge of the town that lacks any visual link to it and would be of a scale, character and appearance that would have a significant and demonstrable adverse effect upon the landscape setting of Bromyard. The topography of the site is such that this cannot be readily mitigated through the implementation of a landscaping scheme to filter views of the development and it is therefore considered that the proposal is contrary to Policies LA2, LA3 and LA5 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. By virtue of its unacceptable landscape impacts the proposal fails to meet the environmental dimension towards sustainable development as described by paragraph 7 of the National Planning Policy Framework. The impacts of the development are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to the National Planning Policy Framework and Policy S1 of the Herefordshire Unitary Development Plan; and**

3. The development of the site would be premature and prejudicial to the delivery of the strategic housing land allocation at Hardwick Bank as defined by Policy BY2 of the emerging Herefordshire Local Plan – Core Strategy 2011 – 2031. It would undermine the plan-making process by predetermining decisions about the scale and phasing of new development on the strategic site and it would serve to pre-determine the provision of vehicular access via the A44. The emerging plan is considered to be at an advanced stage, having been subject to an Examination in Public in February 2015, and therefore the tests to justify grounds of prematurity as outlined by Paragraph: 014 Reference ID: 21b-014- 20140306 of the National Planning Practice Guidance are met.

(The meeting adjourned between 11.31 and 11.45 am)

9. **143830 - LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN**

(Proposed 3 no houses (4 bed)).

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 Avery of Lyonshall Parish Council spoke in support of the Scheme. Mr K Hern, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor RJ Phillips, spoke on the application.

He made the following principal comments:

- The applicant had discussed the proposal with the local community and there was considerable local support for it.
- He contrasted the development with the large scale developments that had been approved in other villages without local support. The developer could, for example, have submitted an application for some 40 standard houses but had chosen not to do so.
- The proposed houses were large. However, he observed that in May 2014 the Committee had approved a single very large dwelling at Eardisland in what were far less favourable planning circumstances.
- He questioned the criticism in the report of the proposed design and considered the development was in keeping with the village.
- The development was sustainable.
- He outlined a number of paragraphs within the National Planning Policy Framework and a range of policies that could be advanced in support of the application.

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

- The applicant was commended on the consultation undertaken with the local community.

- The development commanded local support including that of the Parish Council and was a good example of a village deciding how it should grow and survive.
- The developer had offered to provide community benefits. The hope was expressed that these might be increased given the profit the Scheme would generate.
- The Committee had granted permission for many developments adjoining a settlement boundary.
- The development was sustainable.
- Development on the edge of a settlement could have less impact on the amenity of existing residents than infill development.
- The hope was expressed that the grassed area between the village and the development could be retained.
- The area was not a conservation area. Quality of design was a subjective matter. It was questioned whether the design was inappropriate, and failed to reflect the surrounding local built character and environment as the report suggested. The Development Manager commented on the reasoning behind his view expressed in the report.
- It was noted that a development of 10 or more houses would have necessitated a S106 agreement guaranteeing community benefit.
- It was suggested that a better visibility splay to the west of the access was required.
- Some Members considered that the development was too far removed from the heart of the village.

The local ward member was given the opportunity to close the debate. He commented that the development was less than 500m from the pub. Affordable housing had already been provided within the village. He reiterated that the development was sustainable and preferable to a standard, larger development for which there was scope for an application to be made.

A motion that the application should be refused on the grounds that the development was too remote from the village was lost.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to conditions considered necessary after consultation with the Chairman and the local ward member on the grounds that the development was sustainable.

10. 143832 - LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE

(Proposed 6 no houses (3 no 4 bed, 2 no 3 bed and 1 no 2 bed.)

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 Avery of Lyonshall Parish Council spoke in support of the Scheme. Mr K Hern, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor RJ Phillips, spoke on the application.

- He observed that most of the principles discussed in relation to the previous application on the agenda (143830) applied equally to this application.
- He added that the site was one of the sites most favoured by the community for development with less impact on the landscape and the residential area than the previous application and the scheme comprised houses of a range of sizes. The application represented sustainable development and was supported by the range of policies to which he had referred in the previous application.
- No members objected to this application on the grounds that it was too removed from the settlement.
- There was a consensus that the arguments in favour of the previous application were relevant to this site, noting also that the scheme proposed a range of house sizes .
- An observation was made that a footpath diversion may be required to preserve a Public Right of Way.
- In response to a question the Development Manager commented that it was not possible to require garages to be built so invoking the need for S106 contributions because of the development's increased size..

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

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to conditions considered necessary after consultation with the Chairman and the local ward member on the grounds that the development was sustainable.

(The meeting adjourned between 12.52-12.57)

11. 151165 FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS

(Variation of condition to convert cottage annexe to provide one bedroom holiday cottage. Remove condition 4.)

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, Mrs M Williams of Whitbourne Parish Council spoke in opposition to the application. Mr P Wood, owner of the Olde Rectory, spoke in objection. Mrs G Poultney, the applicant, spoke in support. In accordance with the Council's Constitution, the local ward member, Councillor NE Shaw, spoke on the application.

He made the following principal comments:

- Nothing on site had changed since the Committee had rejected the previous application. The Committee had previously concluded that there would be inadequate private external space and that the proposed dwelling would adversely affect the privacy and amenity of those occupying the Olde Rectory.
- He expressed concern that no site visit has been offered to new members of the Committee; because the issues of privacy and amenity were subjective matters.
- He questioned some of the assumptions made in the report.
- The amenity area for the Fodder Store, currently enclosed by a wooden open lattice screen, was in the front of the property and open to the view of the neighbouring properties and their jointly used access. This was not private. The report only stated that the size of the area was commensurate with the property. He observed that the area did not appear on any plans.
- He drew attention to the presence of an open lattice trellis shielding the aspect of the medieval wall of the fodder store and a large green oil tank occupying part of the area which he considered the committee might object to, being so close to an historical structure. He considered these matters were material, incongruent with the setting and should in themselves be reasons for refusal under policy H14, “ in respect of the character and appearance of its location”.
- Page 101 of the agenda papers listed items that must be considered in the change of use of a listed building. Of these the second point was key: “The proposed use is compatible with the preservation of the existing building, its features and setting and where relevant those of any immediately adjacent listed buildings”. The effect of the change of use on the setting was material, contrary to the report.
- In respect of privacy, both windows from the lounge and the bedroom of the Fodder Store overlooked the front garden of the Olde Rectory, and the bathroom window overlooked the more private rear garden. The Olde Rectory occupants therefore suffered a loss of privacy from these outlooks – presumably enough to justify refusal if this was a fresh application for a new dwelling, possibly of less weight in considering a change of use.
- The change of use would increase the loss of privacy. A property limited to holiday accommodation was likely to be significantly less intrusive in terms of noise and privacy than one that was permanently occupied.
- He considered that greater weight should be given to the issue of privacy than was given in the report.
- He outlined a number of concerns relating to fire control measures and the safety of the Fodder Store as a dwelling.
- In conclusion, he supported the Parish Council’s view, particularly in relation to the issues concerning amenity and privacy and the application of policies H14, H17 and H18, particularly point 4 of H18 which stated that a proposal would be permitted “where a proposal would not be cramped on its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on

the privacy and amenity of occupiers of neighbouring residential property.” Accordingly he asked the Committee to reject the application.

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

- One view was that having someone permanently resident would be preferable to a variety of holidaying visitors. The contrary view was also expressed.
- The Parish Council had objected to the proposal.
- The situation had not changed significantly since the Committee’s previous consideration of the matter and the grounds on which the Committee had refused planning permission then remained valid.
- The Development Manager commented that the resolution of issues relating to alterations to the Fodder Store and the need for listed building consent did not significantly impact upon the use of the building as a dwelling and need not be an impediment to the determination of the application.

The local ward member was given the opportunity to close the debate. He suggested that if Members were unsure about whether to support the officer recommendation the Committee should adhere to its previous decision. He noted that the objectors had no rights of appeal and the applicants had lodged an appeal against the Committee’s previous decision.

A motion that planning permission be granted was lost.

RESOLVED: That planning permission be refused on the grounds advanced for refusal by the Committee on 4 March 2015: the proposal is contrary to Policies H17 and H18 of the Herefordshire Unitary Development Plan in that there is inadequate open amenity space available for the property and it would have an adverse impact upon the privacy and amenity of the occupiers of The Olde Rectory.

12. 150379 LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA

(Proposed erection of three dwellings and construction of associated works.)

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.

In accordance with the Council’s Constitution, the local ward member, Councillor PD Newman, spoke on the application.

He commented that whilst the Parish Council had initially had some concerns about the proposal these had now been overcome and the Parish Council had no objections.. He supported their view. Whilst technically outside the defined settlement boundary the development felt connected to the village.

In discussion of the application an observation was made on the importance of consistency in language used in reports and the interpretation and wording of policies. The reference to the site being “very close to the defined settlement boundary” and

being in a “relatively sustainable location.”, and the reference to design being of a high standard were highlighted.

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

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

1. The development shall not commence until approval of the following reserved matter has been obtained from the Local Planning Authority:-

- Appearance in the form of a written schedule and samples of all external materials.

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:-

- Application Site Plan (Scale 1:1250) received 6 February 2015
- Site Plan & Entrance Detail - Drawing number 772.03 Rev. C (Scale 1:500) received 6 May 2015
- Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014
- Dwelling 1 (4 bedroomed detached) - Drawing number 772.04 (Scale 1:100) received 6 February 2015
- Dwelling 2 (2 x 3 bedroomed semi-detached) - Drawing number 772.05 (Scale 1:100) received 6 February 2015 and
- Street Elevation – Proposed – Drawing number 772.06 (Scale 1:100) received 6 February 2015

except where stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework.

3. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of surface water drainage arrangements including supporting calculations and detailed drawings
- Full details of permeable materials to be used in relation to the driveway, vehicle parking areas and vehicle manoeuvring areas

- Full details of all external lighting (if any)
- Full details of all boundary treatments (i.e. gates, walls, fences or other means of enclosure).

The development shall not commence until the Local Planning authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such;

Reasons:

a) To ensure that there are adequate surface water drainage arrangements that do not result in the discharge of surface water arising from the development outside the confines of the development site, in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

b) To ensure that the landscape hereabouts is not adversely affected by light pollution, in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

c) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary Development Plan 2007.

4. The finished floor levels of the dwellinghouses hereby permitted shall be set no lower than 25.12 metres above ordnance datum (AOD), which is 600mm above the 1 in 100 year plus climate change River Wye flood level of 24.52m AOD as identified in Section 6 of the Hydro-Logic's FRA Revision 1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the dwellinghouses from flood risk for the lifetime of the development, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year plus climate change flood plain, has been submitted to and agreed in writing by the Local Planning Authority. The route must be in place before any occupancy of the dwellinghouses.

Reason: To prove safe access and egress during flood events and reduce reliance on emergency services, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2m x 50 m in a north-westerly direction and 2m x 90m in a south-easterly direction shall be provided and kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Prior to the first occupation of any of the dwellinghouses hereby permitted the garages and parking spaces together with the cycle link shown upon the approved plan shall be provided. Thereafter these garages and car

parking spaces shall be kept free of obstruction and available for use free from any obstruction.

Reason: To ensure adequate on-site parking / garaging is provided preventing on-street parking in the interests of highway safety and in accordance with Policies DR3 and T11 of the Herefordshire Unitary Development Plan 2007.

8. The recommendations for species and habitat enhancements set out in Section 4 of the ecologist's report from Wider Ecology dated July 2014 shall be followed unless otherwise agreed in writing by the Local Planning Authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation shall be made to the Local Planning Authority in writing together with photographic evidence of the measures implemented.

Reasons:

a) 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 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

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

Reasons:

a) 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 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

10. The initial 6 metres of the access shall not have a gradient exceeding 1 in 12. Thereafter the access shall not exceed 1 in 8.

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

11. No gates shall be erected within 6 metres of the public highway.

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To protect the integrity of the public sewage system.

13. No surface water shall be allowed to connect either directly or indirectly, to the public sewage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

14. 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 sewage system and pollution of the environment.

15. All planting, seeding and turfing in the approved details of landscaping (i.e. Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or on completion of the development (whichever is the sooner). Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

16. Other than any external lighting approved pursuant to condition 3) above, no external lighting shall be placed on-site or attached on any building without the express consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

17. Other than development permitted by this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of part 1 and Classes A and C of part 2 of schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reasons:

- a) To secure the integrity of this high quality design in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework; and
- b) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary development Plan 2007 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. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN10 No drainage to discharge to highway**

13. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.58 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 16 June 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

151204 - PROPOSED SINGLE STOREY 3 CLASSROOM EXTENSION WITH ASSOCIATED GROUP ROOMS AND STAFF AREA, A NEW MUGA AND PERIMETER FENCING AND ENCLOSURE OF AN EXISTING EXTERNAL FIRE ESCAPE STAIR AT AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HR1 1HY

For: Ms Davidson, Children's Wellbeing, Herefordshire Council per Mrs Sharon Bacha, Scape Group, 7th Floor City Gate East, Tollhouse Hill, Nottingham, Nottinghamshire, NG1 5FS

ADDITIONAL REPRESENTATIONS

Traffic Manager – Updated comments in response to the objection

Further to the recent objection received in respect of the above application I would comment as follows.

The pedestrian access to the west of the school onto Broadlands Lane is to be used for reception and pre-school access only. In view of the age of these children, they will need to be accompanied to the building and I would therefore consider it unlikely that indiscriminate double parking would therefore result due to use of that access as vehicles would need to be left unattended for some time. With the former use for Aylestone School and older pupils I can see that it may have presented a problem.

A letter could be sent to parents informing them of the available access points to the new school, their correct use and appropriate parking behaviour expected of parents. Also ongoing monitoring could be employed by the school, perhaps as part of the school Travel Plan, which will probably need to be updated in view of the relocation, and planning condition CB3 included on any permission granted.

Subject to the imposition of this additional condition my recommendation therefore remains unchanged.

OFFICER COMMENTS

Although the proposal will generate an increase in traffic relative to current levels, this will not equate to the level when pupil numbers at Aylestone were at their historic peak. The planned admission number for Aylestone is 100, limiting the total to 500 pupils in the high school and 210 in the primary school – 710 in total; compared to 1300 at Aylestone prior to 2008.

The school also intends opening the current staff car park to visitors and parents, which it is hoped will actually spread the load of parking to try to reduce congestion. It will be communicated to those parents with young children in particular who will be encouraged to use the visitor parking at the beginning and end of the day.

It is also likely that because of the good pedestrian accessibility, many parents will still choose to use the parking area outside the current primary school location and walk along the footpath.

CHANGE TO RECOMMENDATION

Add Travel Plan condition.

150727 - OUTLINE APPLICATION FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING WITH ALL OTHER MATTERS RESERVED, EXCEPT ACCESS AT LAND OFF, PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

For: The Gladman Developments Ltd., Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB

ADDITIONAL REPRESENTATIONS

One further letter of objection has been received from a local resident. In summary it considers that the current application is unsound as it is a re-submission with no material changes. On this basis it cannot be considered to be valid.

The author considers that the officer support for the application is also unsound as the report refers to the proposed modifications to the Core Strategy as justification. The correspondence questions the removal of references to a link road as it goes against the unanimous wishes of local councils and other local bodies. The Core Strategy is still in draft form, the modifications have not been subject to consultation and there is no reason to assume that they will be approved.

Finally, the statement made in the officers report about the viability of a link road is also questioned on the basis that Bovis Homes and Mosaic both attended the Core Strategy Examination in Public and stated that development at Hardwick Bank would fund a link road.

OFFICER COMMENTS

Section 70A of the Town and Country Planning Act relates to the powers local planning authorities to decline to determine applications and states that:

- (1) A local planning authority may decline to determine a relevant application if—
 - (a) any of the conditions in subsections (2) to (4) is satisfied, and;
 - (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

Subsections 2 to 4 refer to appeals that have been heard by the Secretary of State and therefore are not relevant to this application. However, the remainder of Section 70A is clear that it is a judgement for a local planning authority to make whether it decides to decline an

application. There is no suggestion that an application is not valid if it is not materially different from one which has been previously refused. In this case your officers remain concerned that the council is not meeting its five year housing land supply and it is primarily for this reason that the application is before committee for their consideration.

The proposed modifications to the Core Strategy are also pertinent to this re-submitted application as they acknowledge the fact that there is likely to be a need to find further sites beyond strategic allocations. Whilst the author of the further objection letter is correct that the proposed modifications to the Core Strategy have not been approved, they have been subject to further consultation, the period ending on 22 May.

NO CHANGE TO RECOMMENDATION

143830 - PROPOSED 3 NO. HOUSES (4 BED) AT LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN

For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire, HR5 3JN

ADDITIONAL REPRESENTATIONS

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

OFFICER COMMENTS

Members on site asked about plot sizes- the whole site (site A) inc the adj grassed area is 1.3 hec the plots are therefore approx. 0.2 hec.

Members asked about the Neighbourhood Plan. This has got to draft plan stage but has not been submitted under regulation 14 yet. It can be afforded no weight at this time.

Members asked about Strategic Housing Land Availability Assessment criteria.-

These came forward from land owners and to be considered had to be over 0.5 hec in extent or capable of accommodating at least 5 dwellings. Any sites which came forward, but were rejected during the UDP process were automatically reconsidered.

CHANGE TO RECOMMENDATION

In the second line of the recommendation there is a typographical error. Delete words: "in accordance with policy" from line 2.

143832 - PROPOSED 6 NO. HOUSES (3 NO. 4 BED, 2 NO. 3 BED AND 1 NO. 2 BED) AT LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE

For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire HR5 3JN

ADDITIONAL REPRESENTATIONS

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

OFFICER COMMENTS

Having checked the Strategic Housing Land Availability Assessment issue it appears that this site was not identified during this process, but lies adjacent to one which was.(the site immediately to the west, also accessed via the same access point).

Consequently the comment in paragraph 6.4 of the report is wrong. On that basis the site in policy terms is identical to the previous site, and the recommendation is amended accordingly.

CHANGE TO RECOMMENDATION

The proposal is not considered sustainable development in accordance with the three dimensions of sustainable development as set out in the National Planning Policy Framework. Furthermore the layout, scale and design of the development is not considered to be reflective of the surrounding built and rural character and therefore considered contrary to Policies S1, DR1, H7 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

151165 - VARIATION OF CONDITION TO CONVERT COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE. REMOVE CONDITION 4 USE OF FODDER STORE IS NO LONGER COMMERCIALY VIABLE AT FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS

For: Mr & Mrs Poultney per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

The parish council have submitted the following comments, those referred to in the report were submitted by the chairman.

Whitbourne Parish Council strongly objects to the application for the following reasons. Please note that numbers 1-5 formed the basis of the Parish Council's original objection on 3rd September 2014:

1. The Old Rectory is a Grade II listed building, which, if divided up in this way would be deemed as an inappropriate development impacting upon its historic heritage and the historic fabric should be preserved.
2. The impact of the application on the present occupants of the Rectory – with regard to overlooking both front and rear gardens, increased density – i.e. noise, cars, people, etc.
3. This would be providing residential accommodation for a separate family within what should be one residential unit – thus impacting detrimentally upon the occupants of the main dwelling.
4. Lack of amenity for the annex accommodation – as this is essentially ancillary accommodation to the Old Rectory and as such does not have a defined curtilage. This inadequacy renders the unit not capable of being practical or appropriate as a form of accommodation.
5. We consider this application contrary to policy guidance in the Herefordshire UDP and the NPPF. The separation of the property is unauthorised.
6. The application is contrary to paragraph 55 of the National Planning Policy Framework and policy H7 of the Unitary Development Plan, which prohibited development in the open Countryside.
7. The application is contrary to policies H17 and H18 which states that there has to be a satisfactory standard of accommodation including layout and private amenity space. The amenity space does not have planning permission nor listed building consent. The first floor “open plan” layout similarly doesn't have planning permission. In 2010 when permission had been given for change of use of the annex from holiday let to residential use the decision notice had stated that it would be contrary to policy H18 to grant planning permission for a new dwelling in this location.
8. The proposal is contrary to policies HBA3 and HBA4 because it is incompatible with important features, would adversely affect the setting of the Old Rectory and severely affect the residential amenity of its occupiers. Unauthorised changes have been made to the building in order to support and enable this application without listed building consent being obtained. The Council is requested to take enforcement action to require the blocking up of the new cellar entrance, removal of trellis fencing and the removal of the new oil tank.
9. It is considered that the residential annex permissions in 2010 and 2013 have been implemented. Condition 4 of the 2004 holiday let permission cannot be removed because that permission has been superseded.

The applicants' agent has submitted the following in respect of a listed building application received on 5 June;

I and my clients showed Ms Lowe the building and went through the issues. As the trellis is not attached to the building lbc is not required.

It was agreed that the following items needed to be included in any application for listed building works:

- The hatch underneath the stairwell;
- The boarding-up on the interior of the external door on the rear elevation (the external door and frame having been retained and;
- The removal of the plywood steps outside the door (see above) which stood on land now owned by the neighbours, Mr and Mrs Wood.

An application has now been submitted for these works. Mr and Mrs Wood have been formally notified of this application as it partly affects their property (the land on which the plywood steps once stood.)

OFFICER COMMENTS

Nothing further to add

NO CHANGE TO RECOMMENDATION

150379 - PROPOSED ERECTION OF THREE DWELLINGS AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA

For: Mr Gee per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

On 10 June 2015, the further views of Whitchurch and Ganarew Parish Council were received. They state that they have no objections to the proposal.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

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

CLASSIFICATION: Open

Wards Affected

County-wide

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

Application 142753

- The appeal was received on 4 June 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 & Mrs Lee
- The site is located at Fountain Inn, Lyston Lane, Orcop, Hereford, Herefordshire, HR2 8EP
- The development proposed is Change of use of a redundant public house into one residential dwelling
- The appeal is to be heard by Hearing

Case Officer: Mr Matt Tompkins on 01432 261795

Application 143116

- The appeal was received on 5 June 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 Jason Lewis
- The site is located at Land to the South of Leadon Way, Ledbury, Herefordshire
- The development proposed is Proposed outline planning permission for the erection of up to 321 residential dwellings (including up to 35% affordable housing, structural planting and landscaping, informal public open space, children's play area, surface water attenuation, vehicular access point from Leadon Way and associated ancillary works. All matters reserved with the exception of the main site access.
- The appeal is to be heard by Inquiry

Case Officer: Mr A Banks on 01432 383085

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

APPEALS DETERMINED

Application 142904

- The appeal was received on 15 January 2015
- 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 J Baker
- The site is located at Farmers Arms, Horse Road, Wellington Heath, Ledbury, HR8 1LS
- The development proposed was Proposed erection of single dwelling

The Main issue were:

- The main issues in this appeal are, firstly, whether the proposed development would conflict with the aims of Policy H6 of the Herefordshire Unitary Development Plan and, if it would, what weight should be given to that policy; the second main issue is whether the occupants of the proposed house would enjoy acceptable levels of residential amenity; the third main issue is the effect that the proposed house would have on the vitality and viability of the Farmers Arms.

Decision:

- The application was Refused under Delegated Powers on 15 December 2014
- The appeal was Dismissed on 19 June 2015

Case Officer: Mr C Brace on 01432 261947

Application 142803

- The appeal was received on 22 January 2015
- 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 Andrew Lunnon
- The site is located at Land at Rock Farm Caravan Park, Winslow, Bromyard, Herefordshire, HR7 4LP
- The development proposed was Change of use of land from agricultural to use for 40 no. static caravans

The Main issue was:

- The main issue in this appeal is the effect that the proposed extension to the caravan park would have on the character and appearance of the landscape.

Decision:

- The application was Refused under Delegated Powers on 18 December 2014
- The appeal was Dismissed on 19 June 2015

Case Officer: Mr A Prior on 01432 261932

Application 143128

- The appeal was received on 19 February 2015
- 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 Roger Sweetman
- The site is located at Land to the rear of, 31 Highmore Street, Hereford, HR4 9PG
- The development proposed was Proposed erection of a two bedroom bungalow.

The Main issue was:

- The effect of the proposed development on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 11 December 2014
- The appeal was Allowed on 25 June 2015

Case Officer: Mr Simon Withers on 01432 260612

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



MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	<p>151111 - PROPOSED CONSTRUCTION OF THREE SELF BUILD FAMILY HOMES, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED LANDSCAPING AND DRAINAGE. AT LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA</p> <p>For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151111&search=151111
Reason Application submitted to Committee – Re-direction	

Date Received: 13 April 2015

Ward: Castle

Grid Ref: 329401,246982

Expiry Date: 8 June 2015

Local Member: Councillor W C Skelton

1. Site Description and Proposal

- 1.1 The application site consists of part of a field laid down to grass and is located on the western fringe of the village alongside the A438 public highway. Access to the site is via the existing field entrance. To the east of the site is a small estate of detached two-storey dwellings. The roadside boundary consists of a tall mature hedgerow.
- 1.2 This is an outline application with appearance and scale reserved for future consideration subject to a reserved matters application. Access, landscaping and layout are subject to consideration at this time.
- 1.3 The application proposes three detached two-storey dwellings, 2 three bed and 1 four bed. The application is accompanied by a site plan indicating the layout of these dwellings. This also indicates hedgerow planting along the southern boundary of the site.
- 1.4 A public footpath crosses the site, with a stile adjacent to the field gate onto the A438, however the definitive route and that apparent within the field are not the same. The definitive route is further to the west than the position of the stiles suggests.
- 1.5 At this point along the A438 is a layby which runs along the front of The Poppins immediately the east of the site. On the west side lies the tea room, The Buttlely.
- 1.6 As well as the Design and Access statement, a Food Risk Assessment, Ecological Report and Drainage scheme have been submitted with the application.

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

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

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

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

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 Inspector found conflict between a number of Core Strategy policies and the NPPF. The Council have modified those policies to overcome the Inspector’s concerns. The report of the inspector is awaited.

2.6 Neighbourhood Plan

Winforton falls within the Group Parish of Eardisley. The Parish applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 10 April 2013. The plan has been submitted under Reg16 however objections have been received accordingly limited weight can be attributed at the present time.

3. Planning History

3.1 143841/O outline application for 5 houses refused on 5 March 2015, under delegated powers, for the following reasons;

1. It is considered that the proposed development will have an intrusive and detrimental impact on the setting and character of the rural location by means of urbanisation of open countryside in an inappropriate manner in relationship to mass and scale in relationship to the development as proposed. The proposal also fails to satisfy any of the exceptions identified in Policy H7. As such the proposal is considered contrary to Policies SI, S2, DRI, H7 LA2 and LA3 of the Herefordshire Unitary Development Plan and the general thrust of sustainable development as set out in the National Planning Policy Framework.
2. Insufficient information accompanies the application in order to assess the potential impact upon biodiversity interests. As such the proposed development is considered contrary to Policy NC2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework in relationship to biodiversity issues.
3. The site is located in flood zone 2 in accordance with the Environment Agency flood risk data maps and no flood risk assessment accompanies the application. As such the proposed development is considered contrary to Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework in relationship to flooding.
4. The proposal will have an impact on a registered public footpath that crosses the site for which no provision has been established with regards to its protection or a footpath diversion order and as such the proposed development is considered to be contrary to Policy T6 of the Herefordshire Unitary Development Plan.
5. The application proposes a designated open space/play area for which no provision has been established with regards to its future maintenance/management and as such the proposal is considered contrary to Policies SI, LA2 and DRI of the Herefordshire Unitary Development Plan and the National Planning Policy Framework on this matter.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objections.

Internal Consultees

- 4.2 Transportation Manager: The layout as shown does **not** conform to our Shared Surface or Shared Private Drive design, but should.

The turning head as shown is too small, and does not conform to our requirements shown in the Highways Design Guide.

Both deficiencies can be corrected, along with the imposition of appropriate conditions.

- 4.3 Public Rights Of Way Manager: No objection subject to diversion of path prior to commencement of development.

- 4.4 Drainage Manager: Overall comment:

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:

- Detailed topographic survey that confirms that the site is located in the low risk Flood Zone 1 and considering the potential effects of climate change.
- A detailed surface water drainage strategy that includes drawings and calculations that demonstrates there will be 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, including the proposed location of package wastewater treatment systems and drainage fields;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

5. Representations

- 5.1 Eardisley Group Parish Council - The application should be refused because: -

The proposed new access onto the busy A438 will create a staggered crossroads with the road into the Courtlands; the speed of the traffic and the limited visibility could cause accidents.

The site is outside the village settlement boundary.

It is contrary to the wishes of the residents as shown by the completed Neighbourhood Plan.

The positioning of the 3 houses at one side of the site - will this mean more development in the future?

- 5.2 Hereford Ramblers: Diversion order will be required.
- 5.3 Hay Walkers: Object to any movement of the right of way which must still be exited beside The Poppins where there is a small lay-by to shield walkers for traffic.
- 5.4 Objections have been received from 6 residences within Winforton, making the following points;

Twelve houses have already been approved which is the amount up to 2031 in the Neighbourhood Plan.

- Previous refusal and dismissed appeal.
- The site is outside the settlement boundary.
- If the path is diverted ensure sufficient width.
- Entrance is by the lay-by where vehicles at the adjoining property park.
- No facilities within the village, no shop, school, employment, nearest schools at or over capacity.
- If approved funding from scheme for traffic calming.
- Unrestricted speed limit at this point, highway safety issue.
- Drainage problems with effluent and flooding.
- What happened to Great Crested Newts on site?
- Is it an SSSI?
- More development to follow.

5.5 One letter (no address) advising that previous objections of scheme for 5 have been addressed.

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>

6. Officer's Appraisal

6.1 The application proposes construction of three (custom build), self build family houses on a plot of land located on the western fringe of Winforton. Winforton appears in Policy H6: Housing in smaller settlements, which allows infilling in open gaps of up to 30 metres frontages for small scaled dwellings up to 100 square metres. However, the site frontage is in excess of 50 metres and therefore Policy H7: Housing in the open countryside applies to this application.

6.2 Currently the Council does not have a 5-year housing land supply as required by the National Planning Policy Framework, para 47, (NPPF). Sites outside but adjacent to recognised development boundaries are presently being considered for housing development. Any sites suggested for such development are looked at on their own individual merits, being assessed against the NPPF and other relevant policies in the Herefordshire Unitary Development Plan. Given this shortfall the policies of the NPPF supersede housing land allocations in the Unitary Development Plan.

6.3 As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development 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 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. 'Sustainability is a key word with regards to residential development in the NPPF.

6.5 Paragraph 47 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.” The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.6 The Presumption in Favour of Sustainable Development

In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.

Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development 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 impact 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.’

6.7 Winforton has recently seen permissions for residential development, one for four dwellings to the rear of the Sun Inn and another for seven dwellings to the rear of The Courtlands. Therefore consideration has to be also given to the impacts of the developments as a whole on the overall character of the settlement and its landscape in relationship to all sustainability issues.

6.8 The Core Strategy refers to proportionate growth for Winforton, however, at this stage no weight can be afforded to this document.

6.9 Given these previous decisions Winforton can be considered to offer a sustainable location for development, even with its limited facilities. The question is therefore whether the previous reasons for refusal have been adequately addressed.

6.10 It is considered that the reduction in scale of development from 5 to 3 houses tips the balance in favour of development following previous concerns about impact on landscape character. The development is now wholly located behind the roadside hedgerow, the site does not extend beyond the line of the rear garden on The Poppins, and access is now via the A438 rather than the extension of a residential access road extending beyond the boundary of The Vineyards to the east.

6.11 The ecological and flood risk assessment issue have now been satisfactorily addressed and the public footpath matter can be resolved via diversion prior to commencement of development. The previous play area is no longer part of the application.

6.12 Recent changes to S106 policy mean that this application is now below the threshold and is thus not subject to requirements.

6.13 It is considered that this application complies with the sustainability requirements of the NPPF and there being no overriding material considerations Outline Planning Permission is recommended.

RECOMMENDATION

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. **H06 Vehicular access construction**
6. **H27 Parking for site operatives**
7. **H29 Secure covered cycle parking provision**
8. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with landscape plan proposals 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

9. **Prior to commencement of development the following details shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of any of the dwellings.**

Detailed topographic survey that confirms that the site is located in the low risk Flood Zone 1 and considering the potential effects of climate change.

- **A detailed surface water drainage strategy that includes drawings and calculations that demonstrates there will be 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, including the proposed location of package wastewater treatment systems and drainage fields;**
- **Proposals for the adoption and maintenance of the surface and foul water drainage systems.**

Reasons: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR7 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

10. H28 Public rights of way

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. HN04 Private apparatus within highway**
- 3. HN05 Works within the highway**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151111

SITE ADDRESS : LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA

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



MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	143787 - PROPOSED CONSTRUCTION OF THREE NO. TWO STOREY DWELLINGS WITH ASSOCIATED GARAGES AND LANDSCAPING AT LAND AT QUEENSWOOD, CRADLEY, HEREFORDSHIRE. For: Mr Darrall per Miss Heather Rees, 1A Colston Yard, Bristol, BS1 5BD
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143787&search=143787
Reason Application submitted to Committee – Contrary to policy	

Date Received: 19 December 2014 **Ward: Bishops Frome and Cradley** **Grid Ref: 373715,247436**

Expiry Date: 5 March 2015

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application is located outside but adjacent to the defined settlement boundary of Cradley. As such the site is in open countryside and is in the Malvern Hills Area of Outstanding Natural Beauty. Cradley is designated as a 'main village' in the Herefordshire Unitary Development Plan under policy H4. This settlement has a range of local services and facilities including primary school, Doctors, village hall, Church, shop, employment site and is served by public transport.
- 1.2 The site is around 0.2 hectares in extent and forms land associated with the property Queenswood located to the west comprising a paddock. Existing established residential development including the post War Buryfields estate and Grade II listed Buryfields Cottage are located to the north, opposite, on the far side of the C1162 from which access is gained. This road in turn links to the A4103 Worcester Road to the East. Open countryside adjoins south and east, where a Public Right of Way runs through the adjoining field adjacent to the application boundary.
- 1.3 The proposal is the erection of three detached dwellings, associated garages and landscaping.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- Section 6 - Delivering a wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- H4 - Main vilages
- T8 - Road Hierarchy
- HBA4 - Setting of Listed Buildings
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- LD5 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency

2.4 Neighbourhood Plan

Cradley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 7 August 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. The plan is presently being drafted therefore no weight can be attached in the decision making process.

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 None

4. Consultation Summary

Statutory Consultees

- 4.1 Seven Trent Water has no objection to the proposal subject to the inclusion of a planning condition to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Internal Consultees

- 4.2 Transportation Manager has no objection subject to conditions and informatives.
- 4.3 Conservation Manager (Ecology) confirms they have read the ecological report accompanying the proposal and accept that this is a site of poor biodiversity value but there is scope to take up the recommendations of the report and to seek enhancements for the development. A non-standard condition is recommended to be attached to any planning approval so to ensure recommendations set out in the ecologist's report accompanying the application are followed in relation to species mitigation and habitat enhancement. This includes An appropriately qualified and experienced ecological clerk of works is appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

5. Representations

- 5.1 Cradley Parish Council *strongly object* to this proposal. The land is within the AONB and within the conservation area. It is outside the settlement boundary. Following the inspector's report into the Herefordshire Core strategy, Cradley is earmarked for 102 new houses between 2011 and 2031. We already have 94 of these houses and "windfall" sites are likely to take us well beyond 102 houses by 2031. We are currently working on our NDP and Cradley Parish Council who represent the village, want to have a strong say in how our village is developed.

If a development of this size at an important gateway into our village is to be considered, then it should be decided by the planning committee rather than by a planning officer.

If these houses are to go ahead, then surely there should be a little more imagination rather than just placing three identical rather dull red brick houses onto the site, especially as it is within the AONB and immediately opposite black and white Grade II character listed properties.

- 5.2 Two letters of objection have been received from local residents. These comments are summarised as –
- These properties are outside the settlement boundary
 - They will adversely affect the rural environment
 - The proposal provides a precedent for further development of the village outskirts
 - The extension to the garden of the existing property also uses existing pasture which is outside the settlement boundary
 - The proposal does not fit in with the surrounding landscape and with the existing large Victorian gabled building at Queenswood. They will also be sited opposite a black and white half timbered Herefordshire cottage
 - The development will block the views towards the Church from Buryfields and vice versa. Part of the design statement for the village is to conserve these views, being graded as an example as one of the best. The development of this land would compromise these views
 - This is an overdevelopment of this site affecting the rural environment and the conservation area and AONB.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 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

- 6.1 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'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'*.
- 6.2 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.3 Paragraph 14 of the NPPF states that there *"is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning 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 NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.5 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.
- 6.6 The site clearly is located adjacent to the defined settlement boundary of Cradley, a designated main village identified under policy H4 of the UDP and thus in a sustainable location for new residential development. The site adjoins existing residential development associated with Cradley, including period detached properties and the post War Buryfields estate. The site is read as being related to part of the built form area of the village. The site is in close proximity to various local facilities, including Primary School opposite and bus stop adjacent. Other local facilities in walking distance include shop, Doctors and village hall. From a landscape and streetscape assessment, the plot represents a natural rounding off of linear development to the existing built form of the village that will not undermine the historic character and setting of Cradley hereabouts or the overall character and appearance of the wider landscape or countryside.
- 6.7 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good

Further information on the subject of this report is available from Mr C Brace on 01432 261947

planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.8 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of means whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA3 and HBA9.
- 6.9 Cradley has no dominant architectural vernacular and as a village comprises a significant mix of design types and styles, from large period dwellings, to post War and post 1970's estate development, to contemporary architecture.
- 6.10 The Cradley and Storridge Village Design Statement states *There are 2 broad categories of vernacular buildings in Cradley. The earlier vernacular style in Cradley is that of Timber framed buildings on a stone built base course with clay tiled roofs. The later vernacular style, still maintaining a rural scale, uses brick, local stone and roofs of clay tiles. Many of these are to be found in Westfields. Good examples are Stony Croft and Sundown Cottage on Chapel Lane with the mix of stone and brick and arched window lintels.*
- 6.11 The proposal is for three detached dwellings and their associated garages arranged in a linear arrangement following the C Class road, extending development of the village to the East. The dwellings are set behind the extensive, retained mature hedge and tree line that delineates the highway and access utilises an existing driveway serving Queenswood that is upgraded to serve the proposal. The dwellings measure 11.5 x 11.5 metres in plan at their greatest extent and have a height to ridge of 9.5 metres. The dwellings include a feature principle gable and ground floor bay window and open porch. The garages are positioned to the left of each dwelling and set behind the rear building line and measure 7.5 x 6.7 metres in plan with a height to ridge of 6 metres and eaves at 2.5 metres. This design, size and arrangement reduces the mass and bulk of the development as a whole when viewed from public vantage points through creating 'blue sky' gaps between buildings.
- 6.12 In design terms the scheme has been designed in a traditional style, with pitched tiled roofs and gable ends to reflect the local vernacular of the village. Design clues are taken from the neighbouring buildings, including materials and character details proposed for the dwellings such as red facing brickwork, brick corbelling, gable-end roofs, feature chimneys and plain tiled roofs.
- 6.13 New native species hedgerow is proposed to form the South and West boundaries. The small coppice and tree and hedge liner forming the East boundary is to be retained. The depth and width of this screening provides a substantial buffer between the proposal, open countryside and forms a distinct solid natural boundary to the extent of Cradley's 'natural' growth in this direction.
- 6.14 Having regard to the sustainability of the site, the immediate context and Council's housing land position it is considered the fact the site is within the AONB and the proposal is not major development, that the proposal along with having no significant adverse impact on the character and appearance of the AONB also does not conflict with UDP policy LA1 or the NPPF. The proposal represents a natural rounding off of the village's built form hereabouts and through the landscaping proposed provides a strong edge to this part of Cradley and the transition from/ to open countryside.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. C01 – Time limit
2. C07 – Development in accordance with approved plans
3. C13 – Samples of external materials
4. C59 – No conversion of garage to habitable accommodation
5. C65 – Removal of permitted development rights
6. C67 – No new windows in specified elevation
7. CAL – Access, parking, turning
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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.

9. The recommendations set out in the ecologist's report from Betts Ecology dated October 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a habitat enhancement plan integrated with any landscape proposals 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), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, relevant aims and objectives of the National Planning Policy Framework and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

10. 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), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, relevant aims and objectives of the National Planning Policy Framework and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

11. C97 – Landscaping scheme – implementation
12. C96 – Landscaping scheme
13. C95 - Boundary treatments and hedgerow planting

14. C90 – Protection of trees/hedgerows that are to be retained

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. I 09 - HN04 Private apparatus within highway**
- 3. I 35 - HN28 Highways Design Guide and Specification**
- 4. I 45 - HN05 Works within the highway**

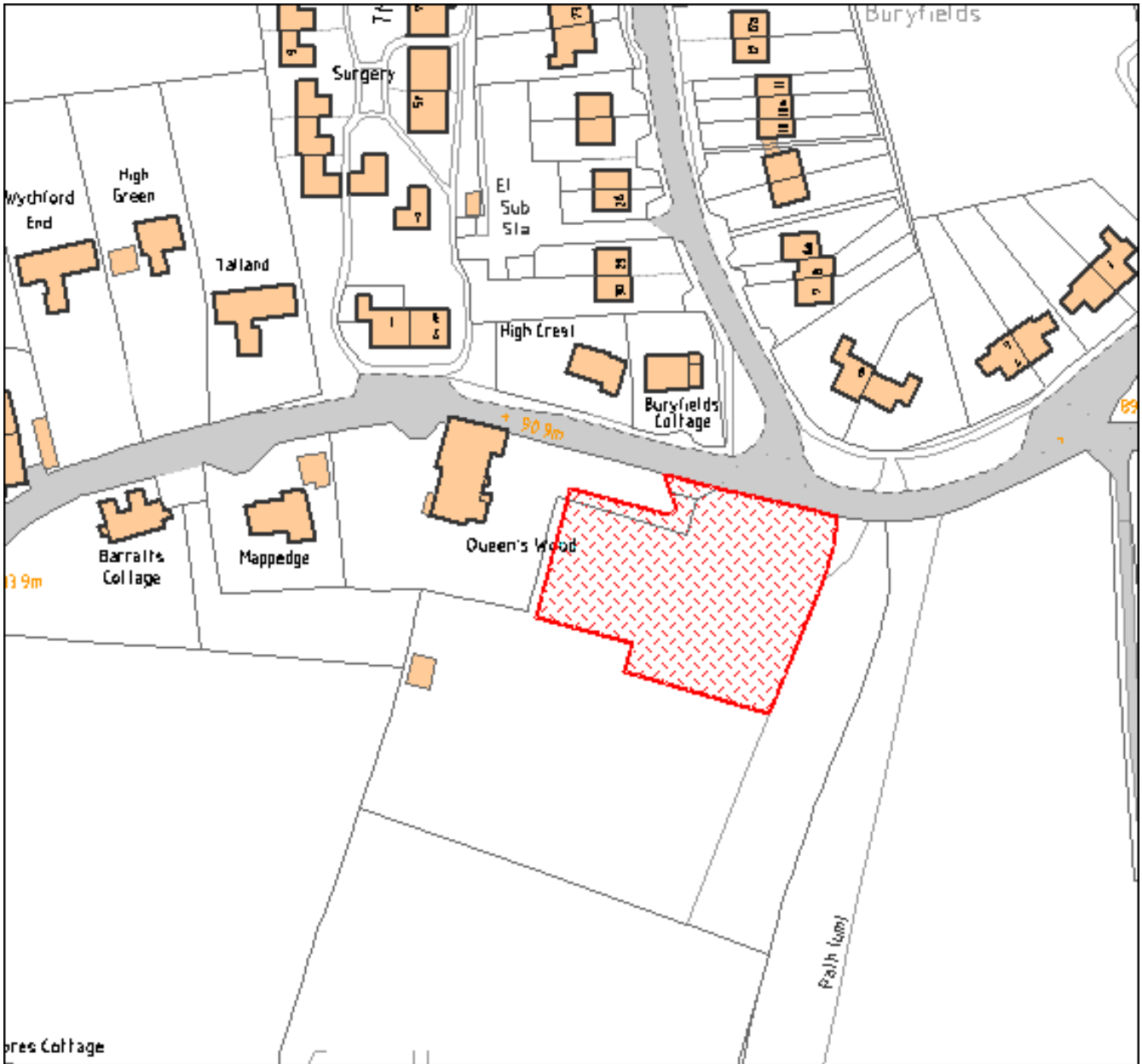
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143787

SITE ADDRESS : LAND AT QUEENSWOOD, CRADLEY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	150526 - PROPOSED AGRICULTURAL MACHINERY AND IMPLEMENT STORAGE BUILDING. AT BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HR4 7RQ For: Mr Mitchell per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150526&search=150526
Reason Application submitted to Committee – Redirection	

Date Received: 19 February 2015 Ward: Queenswood Grid Ref: 348759,243699

Expiry Date: 16 April 2015

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 The application site is located within the open countryside adjacent to a cluster of former agricultural buildings which have been converted to industrial use. Access to the site is gained from the east via an existing 400m driveway that links to the western side of the A4110, Canon Pyon Road. Broadly trapezium in shape, the site is bounded to the north by a narrow strip of woodland, to the west by a mature hedgerow and primarily comprises open arable land that extends beyond the site to the south and east. Topographically the site slopes gently to the south, rising to the east and north.
- 1.2 Planning permission is sought for a steel frame clad industrial storage building measuring 27.8m in length and with a depth of 6m. Featuring a simple gabled roof design the highest point of the structure would reach 6.6m high, reducing to an eaves height of 5.15m. Seven roller shutters doors and accompanying pedestrian doorways would provide the only egress to the structure and are proposed on the northern elevation orientated towards a new parking and manoeuvring area.
- 1.3 This element of the application would also serve to normalise alterations, including an additional spur and turning area, to the access track to the industrial estate which has currently not received planning permission.
- 1.4 In addition to the new structure, a planting belt comprising broadleaved native trees is proposed around the southern and western perimeter of the site. Immediately adjacent to these broadleaved trees in the south eastern corner of the site a small area of fruit trees is also proposed.

Further information on the subject of this report is available from Steffan Thomas on 01432 260627

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are pertinent to this application:

Introduction	-	Achieving Sustainable Development
Chapter 1	-	Building a Strong, Competitive Economy
Chapter 3	-	Supporting a Prosperous Rural Economy
Chapter 7	-	Requiring Good Design
Chapter 10	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR7	-	Flood risk
DR13	-	Noise
DR14	-	Lighting
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
E15	-	Protection of greenfield land
LA5	-	Protection of trees, woodlands and hedgerows
T9	-	Road freight
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development

2.3 Herefordshire Local Plan – Core Strategy

E1	-	Employment provision
HD5	-	Western Urban Expansion
RA6	-	Rural economy
LD1	-	Landscape and townscape
SD1	-	Sustainable design and energy efficiency

2.4 Neighbourhood Plan

Burghill designated a Neighbourhood Area on the 10th September 2013. This process has not yet reached Regulation 14 stage and as such contains no material weight in the determination of this application.

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 The neighbouring industrial estate has been converted from agricultural use in a piecemeal and often retrospective process. The relevant applications are detailed below.

S120528/S - Steel portal agricultural storage building. **Planning permission required** 09.03.12

DCC010688/F - Change of use of existing farm building to light industrial use. **Approved**
24.10.2001

DS000024/F - Renewal of SH961144/PF, retention of building for industrial use. **Approved**
14.08.2000

DCH962154/F - Use of existing agricultural building as implement store for general agricultural use. **Approved** 15.01.1997

DCH962116/F - Change of use of part of existing building to general industrial use with associated use of portaloo and portacabin. **Approved** 10.10.1997

DCH962194/F - Retention of use of existing building for industrial use. **Approved** 10.10.1997

DCH972700/F - New access road to existing buildings. **Approved** 10.10.1997

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Consultees

4.2 Transportation Manager: No objection

4.3 Economic Development Manager: Supports the proposal (revised from an initial objection)

4.4 Environmental Health Manager: No objection subject to condition

4.5 Conservation Manager (Ecology): No objection subject to condition

4.6 Drainage Consultant: Requested additional information detailing the surface water drainage strategy, calculations for the required attenuation measure and confirmation that the development would not generate foul water.

5. Representations

5.1 Burghill Parish Council has received representations from several local residents affected by the proposed 'agricultural machinery and implement storage building' and would like to object to the application for the following reasons:

- This application. is for a large building to be used for the commercial warehousing of Agricultural machinery. Further to the Design and Access Statement, it would extend the existing Lower Burlton Court Industrial Park further into open countryside.
- This would cause serious harm to the character and appearance of the rural area, which would not be mitigated by the proposed planting scheme. In the National Planning Policy Framework the intrinsic character and beauty of the countryside should be recognised and this project does not achieve this aim.
- Proposal may exacerbate an existing issue of flooding; from the direction of Burlton Court Farm to properties in St Mary's Lane, the garden of one property had to be

pumped to prevent the house from flooding. Concern that additional run off could aggravate this problem.

- Proposal is for an extremely large industrial building for commercial use, which will be in close proximity to properties in St Mary's Lane.
- The building will be clearly visible from several aspects in a rural area, affecting the character and appearance of the open countryside, and have a detrimental effect on the living conditions and enjoyment of properties in St Mary's Park.
- Design statement incorrectly states building will be 200m from nearest property, it will actually be approx. 100m from property at St Mary's Park.
- Local residents are concerned regarding noise and light pollution.
- Volume and weight of traffic to and from the site is also of concern locally.

5.2 31 letters of objection have been received. The various reasons that have been offered for objecting to this proposal can be summarised as follows:

- the availability of more suitable locations for this development;
- the adjacent employment site is kept in poor condition;
- the impact on the visual appearance and character of the countryside;
- the limitations of the screening potential of the landscaping scheme;
- the impact upon residential amenity;
- highway safety issues;
- the adverse impact upon the environment;
- the proposal is an industrial development not an agricultural one;
- the inability of the council to ensure compliance with a limit on hours of operation/deliveries;
- the promotion of unsustainable car use;
- the loss of agricultural land;
- the potential for further development creep;
- the increased risk of flooding to St Mary's Park;
- the inevitable pollutants from heavy machinery working their way into the water system;
- potential for noise and light pollution;
- inaccuracies in the applicant's Design & Access Statement; and
- If Ravenhill cannot afford commercial property at market rates then their business is not viable, they should not be subsidised by destroying green field sites against planning policy.

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>

Further information on the subject of this report is available from Steffan Thomas on 01432 260627

6. Officer's Appraisal

- 6.1 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the acceptability of development on greenfield land, the proposed location and design, the impacts upon neighbouring amenity, the road network and the landscape as well as the flooding and drainage implications and the contribution of this proposal to the local economy.

Development on Greenfield Land

- 6.2 Prior to evaluating the various other aspects of this proposal, it is worth considering whether the very principal of this development, of constructing a storage facility at this location within the open countryside, is permissible.
- 6.3 The construction of employment uses in the open countryside is restricted by HUDP policy E11 to locations within or adjoining smaller settlements and within established employment areas. Where these criteria are satisfied, new buildings are required to be sited unobtrusively and cause no adverse impact upon the local environment, the road network or amenity. This application is a slight departure from these criteria as it is located not within, but adjoining, an established employment area.
- 6.4 Policy E15 of the HUDP serves to protect greenfield land from development, unless there is a lack of development opportunities within existing urban areas or previously developed sites. The adjacent industrial estate is currently fully occupied and the applicant has indicated that this satellite site has been selected for development as a consequence of not being able to secure appropriate development opportunities at or near their headquarters within Hereford.
- 6.5 In this respect HUDP policy S4 and its supporting text, which is concerned with the provision of employment land, echoes the applicant's claims by identifying a lack of provision of employment land in both Hereford and Ross-on Wye. The subsequent allocations prescribed, however, are now considerably out of date and the emerging Core Strategy provides a more up-to-date insight into current employment land provision.
- 6.6 The emerging Core Strategy draws upon The Employment Land Study 2012 findings, which indicate a further 30ha of employment land will be required over the Core Strategy plan period. This equates to a further 1.875ha a year and is indicative of the constraints in existing employment land provision. The emerging Core Strategy policies E1 and RA6 go further, clearly supporting employment proposals such as this, which are outside of the identified strategic sites but would expand or strengthen an existing business, provided that they are appropriately located and meet various other criteria. These policies however can only be given limited weight prior to the formal adoption of the Core Strategy.
- 6.7 These constraints upon employment land provision do, however, appear to be anomalous in light of the initial comments from Economic Development and the detailed objections of neighbours who refer to sites at Three Elms Trading Estate and the new Livestock Market as possible alternative sites for this development. The Livestock Market in particular has the appearance of a more fitting location on account of its specification for agricultural related businesses, for which this proposal would qualify.
- 6.8 Both of these locations have been identified as suitable on account of the proposed B8 land use qualifying the proposal as an employment use, for which this land is allocated. This position is informed not by the specifics of the proposal but by its underlying use class. In discussion with the applicant, and the submission of additional details, a fundamental weakness in this approach has been acknowledged.

- 6.9 The applicant's requirements are for a secure storage unit with materials and construction akin to an agricultural building, with no additional services, toilets or other facilities. To build such a unit on either the Three Elms Trading Estate or on the Cattle Market sites, these basic operational requirements would be substantially exceeded by the design aspirations and standards expected by the council, the landowner of both sites. The additional costs incurred to meet such requirements would open the door to a viability challenge.
- 6.10 Whilst the applicant has not issued a full financial viability test, the £250,000-350,000 quoted in the letter dated 13 May 2015 is considered to be a fair estimation of land and build cost. In light of this additional information, the Economic Development team are now satisfied that the business's specific needs for the new unit cannot be met at either location as the viability issue is a genuine constraint.
- 6.11 This illustrates that these sites are not a suitable development opportunity for the proposed storage facility, fulfilling the requirement of part 1 of Policy E15 of the HUDP. A condition to ensure that this facility would not subsequently be converted to an alternative B8 use is, however, considered necessary.
- 6.12 Notwithstanding the above, in instances such as this whereby the underlying evidence base of the adopted development plan is severely out of date, the NPPF instructs decision takers to adopt a presumption in favour of sustainable development. This effectively serves to reframe the principle of development on greenfield land into a question of whether any policies within the NPPF indicate that the development should be restricted.
- 6.13 To this effect the NPPF does refer to safeguarding the countryside from encroachment, but only within the context of green-belt land. The application site is not within a green-belt and as there is no other specific policy within the NPPF which indicates this form of development should be restricted, the principle of development on this greenfield location is considered permissible, subject to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Location and Design

- 6.14 The proposed industrial storage facility serves as a significant extension of the existing industrial estate, increasing the industrial enclosure by approximately a third. This extension does not constitute a natural 'rounding off' of the existing industrial estate but rather an expansion of operations to the south into a wholly separate agricultural field.
- 6.15 The proposed structure is described by the applicant as having the appearance of a modern agricultural building. Such a structure could be constructed without requiring planning permission if it were to be used only for agricultural purposes, subject to various conditions detailed in Part 6, Class A of the Town & Country Planning (General Permitted Development) Order. This simple gable-ended form is comparable to the neighbouring structures within the industrial estate and whilst the proposed length of 55.8m would constitute a significantly longer facility than existing, its total floorspace is comparable. An additional structure of such a scale and massing is not considered to appear particularly out of place within this context, subject to a similar degree of landscaping as the existing employment site currently benefits from.
- 6.16 HUDP policy E8 details the design requirements specific to employment uses of which parts 1, 2, 3 and 4 are especially relevant to this proposal. The proposed design is considered to be broadly compliant with these as despite the location of the structure situated nearby to residential properties on the St Mary's housing estate, the orientation of all openings to the facility and location of the manoeuvring area is to the north. In addition, the proposed use is as a B8 storage use and the landscaping scheme which is proposed would provide a significant buffer between the proposal and the curtilage of these properties. The effectiveness of this buffer is however considered in further detail under the landscape heading.

Neighbouring Amenity

- 6.17 The greatest impact of this proposal would be on the residents of properties of the St Mary's housing estate, particularly Nos. 17, 19 and 21 who are located nearest to the development site at a distance of 108m to the residential curtilage. This, it should be noted, is less than the 200m the applicant claims in the design and access statement.
- 6.18 As identified in the section above, the design of the proposal serves to limit the disturbance of these properties, but due to the nature of the proposed use there is still potential for noise and light issues to compromise neighbouring amenity.
- 6.19 The proposed three 30 watt LED floodlights that would adorn the proposed structure are all to be located on the northern elevation and orientated downwards and away from the residents to the south. The use of these lights would constitute a marked difference from the darkness that the open countryside provides and despite the screening capacity of the landscaping scheme, would generate a noticeable glow when viewed from properties on the St Mary's housing estate. Critically, however, this form of residual, indirect light emanating from the site, whilst noticeable, is not considered to be harmful to the amenity of these dwellinghouses.
- 6.20 It should also be noted that given the location of the proposed structure and the accompanying landscaping, this would serve to effectively screen the incidences of direct light shining from the existing industrial estate which have caused disturbances to the residents of the St Mary's housing estate.
- 6.21 An additional consideration is the light disturbance that could be generated by deliveries using the turning area and the access road, which as a consequence of its location sweeping down from the brow of the hill, would project headlights across the open field and directly towards the affected properties. Whilst this is an existing arrangement, acceptable for the adjacent industrial estate, consideration as to the impact of the additional traffic generated by this proposal needs to be taken into account. In this respect, a condition limiting these activities to within business hours would suitably address the issue.
- 6.22 Concerning the potential for noise disturbance, this is limited to that which is generated by the physical delivery and collection of the agricultural machinery which is to be stored in the facility. Any other use of this facility would require an additional planning permission as the proposed 660sqm floorspace exceeds that which can be altered under permitted development. The Environmental Health Officer has not objected to this proposal on account of noise disturbance, but has recommended that these deliveries are limited to business hours on account of the proximity of neighbouring residents on St Mary's Lane. The imposition of this condition would ensure that any impact upon neighbouring amenity would be within acceptable parameters.
- 6.23 The impact of this proposal on other neighbours is relatively limited. The impact upon the industrial units immediately adjacent to the application site is considered to be minimal on account of the proposed use complementing the industrial and storage uses within the existing compound.

Highways

- 6.24 The Transportation Manager has assessed the impact of this proposal upon the road network and raised no objection to this proposal. As such, notwithstanding the concerns of local residents, the traffic implications for the local road network are considered to be compliant with HUDP Policy T9 with regard to the impact on amenity, safety and the character of the area. Notwithstanding these comments, a condition ensuring that only the Canon Pyon Road access is used is considered necessary and would be in line with existing conditions required of the adjacent industrial uses.

Landscape

- 6.25 On account of its location and scale, when considered in isolation, the proposed structure would appear obtrusive and have a mildly detrimental impact upon the visual amenities of the landscape. However, should an identical structure be proposed at this location but for agricultural purposes, it could be erected without requiring planning permission and without including any remedial works. This application does incorporate an integral landscaping scheme which seeks to mitigate its impact. Policy LA6 of the HUDP is concerned with landscaping and part 3 of this policy requires schemes to ensure development integrates appropriately into its surroundings in terms of scale, enhances existing character and features and takes the opportunity to remove eyesores and improve disfigured or despoiled land.
- 6.26 The proposed use of a broadleaved woodland belt along the western and southern perimeter of the site would enhance the existing hedgerow and provide a significant physical barrier between the new structure and the residential properties on the St Mary's housing estate. The scale, orientation and choice of trees that comprise this woodland belt is considered sufficient to effectively screen the proposed structure. The existing landscaping scheme around the adjacent industrial units provides a clear indication of how this would appear. Similar strips of woodland are a common feature within the wider landscape and as such the scale and form of this soft landscaping scheme is appropriate within this context. The varying depth in the proposed woodland belt corresponds to the proximity of residential dwellings with the greatest depth screening the existing turning area. This would serve to effectively screen the spill of light from vehicles using this access to the industrial estate.
- 6.27 To the east of the broadleaved woodland belt an orchard area is proposed comprising smaller fruit trees. These would provide additional screening such that the storage facility would not be seen directly from the principal access and public viewpoint off Canon Pyon Road. The addition of these fruit trees also serves to boost the biodiversity credentials of the proposal which would provide a broader range of habitats than that of the existing arable field.
- 6.28 When viewed from the north, the impact of the proposal is considered to be relatively limited on account of woodlands in the foreground, the existing industrial estate beyond and the nature of the topography of the site which drops away to the south.
- 6.29 In light of the above, the planting scheme is considered to accord with HUDP policies LA5 and LA6 to successfully integrate the proposal within the landscape, effectively mitigating the detriment to visual amenity that the structure itself would create.

Flooding & Drainage

- 6.30 The proposed development has the potential to have a localised impact upon the flow of surface water in the area. Given the 1 in 30 year risk of a surface water flood event that affects those properties further down the hillside on the St Mary's housing estate, this is a significant consideration in the determination of this application.
- 6.31 Policy DR7 of the HUDP specifies that in cases of flood risk, development will only be permitted where the applicant has demonstrated that the proposal would not increase flood risk elsewhere. The drainage consultant has assessed the proposal and found that there was insufficient information provided to demonstrably ensure compliance with this policy. To this effect, the applicant was requested to carry out and provide details of hydraulic investigations and a drainage scheme to demonstrate that the proposal would not exceed the 'greenfield' run-off rate. Whilst a technical solution to the flooding issue is considered to be deliverable at this site, this report has not been forthcoming.

- 6.32 To ensure compliance with HUDP policy DR7 and paragraph 99 of the NPPF it is expedient to attach a condition ensuring that no development shall occur on site until a surface water drainage strategy which addresses the concerns identified in the consultants report and ensures that the proposal would not exceed the existing 'greenfield' run-off rate has been agreed in writing with the Local Planning Authority.

Local Economy

- 6.33 The proposed development features employment generating potential, albeit only two new jobs, one of which has been specified will be an apprenticeship. Whilst the proposed new unit will not directly be the location for any new jobs, it is realised that the application will facilitate additional space at the applicant's current Beech Business Park base to increase its business operations. In light of this, the Economic Development team have revised their initial response and now support the proposal.
- 6.34 This aspect of the proposal fully accords with the guiding principles that inform HUDP Policy S4, strengthening the County's employment base through new development of economic activities appropriate to the County's character and indigenous resources.

Ecology

- 6.35 This application has been considered by the council's ecologist who raised concerns that the submission does not include an ecological appraisal of the site or of the impact on protected species. Although this site appears to have little scope for biodiversity, a survey report is normally expected where there is a large pond/lake within 250 metres, as there is in this case.
- 6.36 The imposition of a pre-commencement ecological condition which requires the assessment of the pond to the east of the site, determining the presence/absence of amphibians and great crested newts, including any subsequent mitigation measures would suitably address this issue.

Conclusion

- 6.37 The determination of this application essentially comes down to the relative weight that is attributed to HUDP policy E11 concerning the siting of this proposal within the open countryside. The proposal is not within an established employment area but adjacent to one. In all other aspects the proposal is compliant with planning policy, including E15 which relates to development upon greenfield land. Notwithstanding the opposition from local residents, the scheme would not have any substantiated detrimental impact and the benefits of the scheme in supporting a growing local business are clearly apparent.
- 6.38 In light of the clear guidance given in the NPPF with regard to the weight which should be attributed to support economic growth through the planning system, and the fact that this proposal would satisfy all the other requirements of HUDP policy E11, it is considered that this proposal should be supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. **F05 Restriction on hours of use (industrial)**
4. **F06 Restriction on Use**
5. **M01 Surface water drainage works to be agreed**
6. **The means of vehicular access to serve the permitted building shall be from Canon Pyon Road (A4110) only.**

Reason: In the interest of general highway safety and in the interests of the amenity of local residents.

7. **All tree planting shall be carried out in accordance with the planting schedule (detailed on the approved plan no. PP005). These trees shall be maintained for a period of 5 years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

8. **Prior to commencement of the development, an preliminary ecological appraisal should be carried out and the results with any mitigation required 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

9. **I16 Restriction of hours during construction**

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

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.

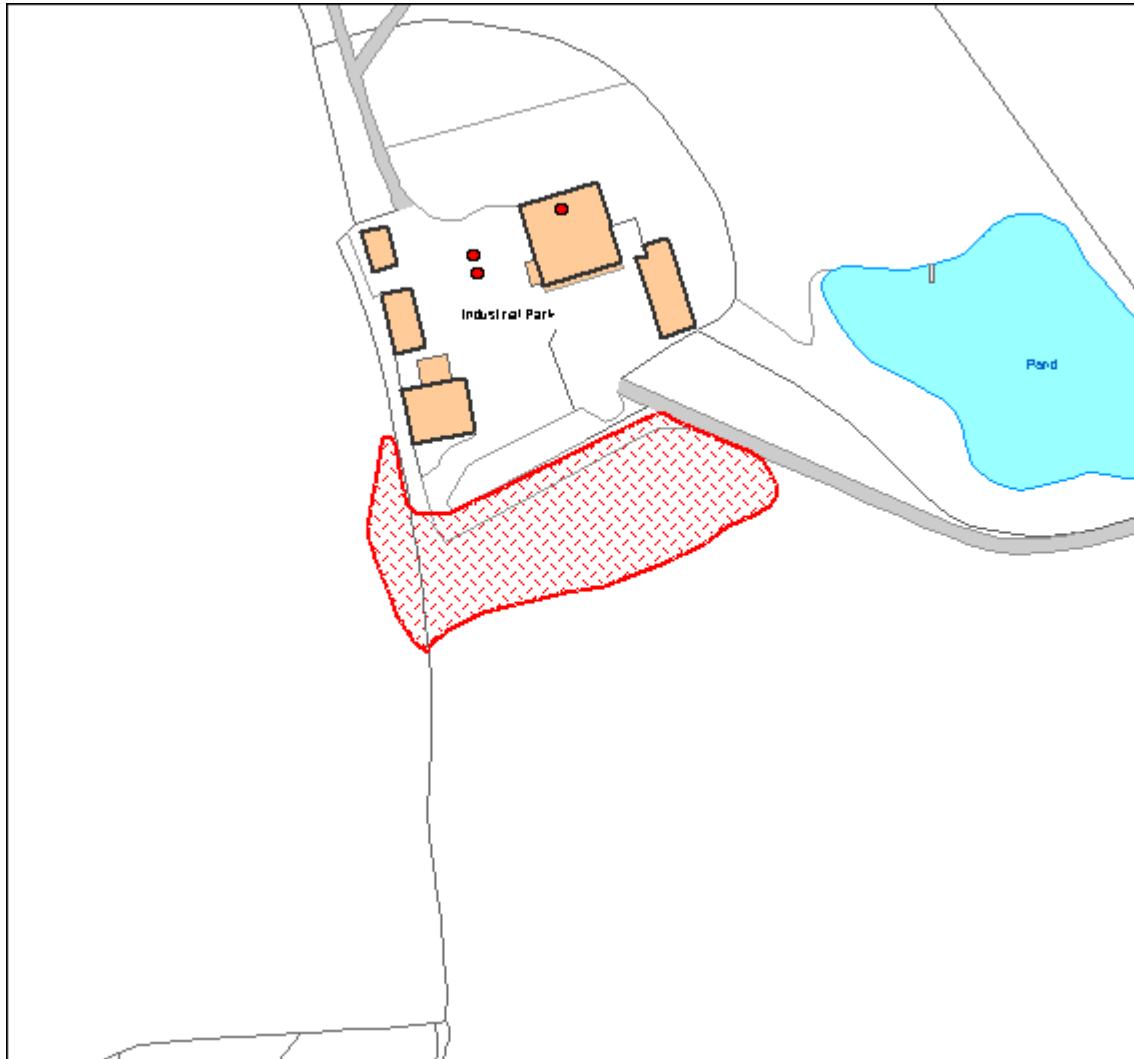
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150526

SITE ADDRESS : BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RQ

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MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	<p>150962 - PROPOSED CONSTRUCTION OF A 3 BED SINGLE STOREY PASSIVHAUS, ASSOCIATED LANDSCAPING, BIO-DIVERSITY ENHANCEMENT, ACCESS AND FLOOD PREVENTION FOR ADJACENT LISTED BUILDINGS AT LAND TO THE NORTH OF HOPE END FARM, RIDGEWAY CROSS, CRADLEY</p> <p>For: Mr and Mrs Iwanczuk per Mr Dean Benbow, 21-22 Mill Street, Kington, Herefordshire, HR5 3AL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150962&search=150962
Reason Application submitted to Committee – Contrary to policy	

Date Received: 30 March 2015

Ward: Bishops Frome and Cradley **Grid Ref: 371981,247171**

Expiry Date: 26 May 2015

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site is physically divorced from and has no such spatial, architectural or visible relationship with the defined settlement area comprising Cradley, rather it is one of a number of isolated dwellings in a sporadic pattern of development north of Cradley village and around the Ridgeway Cross area.
- 1.2 Hope End Farm is a Grade II Listed former farmhouse. The farm complex has been subdivided into 5 separate residences through a number of conversions. Two residences use the original driveway and three residences, including Hope End Farm, use a driveway that was newly created in 2008. The Farmhouse itself no longer has any attached farmland apart from a steeply sloping area of rough grassland to the north of the property which extends to some 5.8 acres. Divorced from any working agricultural unit this land currently has no purpose apart from a small area at the base of the slope that is currently used for vegetables and fruit growing. This land forms the application site and associated land that will provide landscape planting.
- 1.3 The steep slope combined with the open character of the field has created flooding problems in the past for the residences at the base of the field.
- 1.4 The field is completely enclosed by mature hawthorn hedgerow interspersed with mature trees around the site boundaries. The site itself is completely open rough grassland and featureless

Further information on the subject of this report is available from Mr C Brace on 01432 261947

apart from two lines of telephone poles that cross the site and the small area of fruit frames in the southwest corner. The site is elevated with a south facing aspect.

- 1.5 The application proposes a 3 bed single storey Passivhaus, associated landscaping, biodiversity enhancement, access and flood prevention for adjacent listed buildings.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
H6	-	Housing in the smaller settlements
H7	-	Housing in the open countryside outside settlements
LA2	-	Landscape character and areas least resilient to change
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora

2.3 Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
RA3	-	Herefordshire Countryside
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources

2.4 Neighbourhood Plan

Cradley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 7 August 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for

proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. The plan is presently being drafted therefore no weight can be attached in the decision making process.

- 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

None

4. Consultation Summary

Statutory Consultees

- 4.1 Severn Trent Water has no objection, subject to conditions.

Internal Consultees

- 4.2 Transportation Manager has no objection.

- 4.3 Conservation Manager (Historic Buildings) It is rare and inspiring to see a scheme of the highest "production values" being evolved by client and architect. Clearly, every effort has been made to take account of the landscape and the setting of the listed building, and there will be, paradoxically, little effect on the immediate surroundings of the listed group because of the particular land form and planting there. The listed building setting experienced when close to or in the buildings themselves will not be harmed.

I must however raise a concern about views of the listed complex in the landscape. These are readily obtainable views from Tanhouse Lane and the footpaths to the north of it. Hope Ends stands quite magnificently against the open hillside as seen in the public view from Tanhouse Lane.

The proposed range of terraces, walls and glass façade, and the inevitable paraphernalia of domestic life which, in the above view, would extend across the whole width of the listed group, will have a profound impact on this aspect of the setting of the building, and that must, unfortunately be considered a harmful effect.

I understand that this scheme is being put forward under "Clause 55". Whilst this scheme is head and shoulders above the majority of applications that come before us, it does not, as you note in your pre-application advice, meet the very exceptional demands of Clause 55 in terms of innovation and specialness.

In this case, when the many complex issues are balanced, you may consider that setting is the more weighty matter.

- 4.4 Conservation Manager (Ecology) has no objection confirming following further information provided and exchanged emails with the applicant's ecologist, he is happy to accept their perspective on protected species provided a requested condition is attached to any approval.

- 4.5 Public Rights of Way Manager has no objection.

5. Representations

- 5.1 Cradley Parish Council objects to the proposal commenting we cannot support the precedent of development in rural areas outside the settlement boundary and do not consider that this proposal satisfies the requirements as set out by Para 55 of the NPPF to allow the exception of development in open countryside. We acknowledge the positive elements of woodland planting and the proposed orchard but do not consider this sufficient to offset the potential impacts of development ie the property is visible from the AONB and footpath No. CD14 passes across the valley field where the development is proposed.
- 5.2 Thirty-six letters of support have been received, comments are summarised as –
- The proposal is of a high/ the highest design standard
 - The proposal enhances the landscape
 - The proposal is environmentally sensitive and considerate
 - The proposal reflects the local landscape character
 - Biodiversity enhancements
 - The flood mitigation is welcomed
 - This sets very high standards for future development in the countryside
 - this proposal for a zero-carbon house is exciting and should be of interest to the wider public
 - If possible, the owners should be 'forced' to share their experience with experts
 - The proposal will not add load on to the existing sewerage infrastructure
 - The impact of the building will be negligible on neighbours
 - The proposal is entirely in line with the village plan
 - The proposal enhances the setting of Cradley
 - Herefordshire is leading the way in 'eco homes'
 - This is the most researched, well-thought out and sensitive application
 - The knowledge and experience should be shared with any other local builders; this might help to reduce the impact of any further developments.
- 5.3 Three letters of objection have been received, comments are summarised as –
- the applicant should rethink the design and density of this development
 - This type of triple level contiguous housing is more suited to cities
 - These properties will have very little recreational space for children and are not in keeping with the rest of the village
 - The large windows are only required due to the developer choosing a north orientation
 - Four properties would allow for alternative orientation and more green space, around two story housing in keeping with the rest of the village housing stock.
 - It looks odd that most of those in favour don't even live next to the proposal
 - It's a pity that support seems to be driven by a friendship motive rather than out of consideration for the application
 - Other schemes have been opposed and rejected due to lack of amenities
 - The Red Lion is the village pub not the British Legion as the map suggests

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- The village shop closed. The shop on the map is a butchers.

5.4 The Campaign to Protect Rural England (CPRE) object to the proposal, commenting the site is in the open countryside some 300 metres from Westfield village. A public footpath runs through it roughly south-north, ending at the crossroads where the A4103 is crossed by the B4220, Council policy rules out residential development in the open countryside and none of the exceptions to this rule appear to apply in this case. To make an exception would, in our view, create an undesirable precedent for any future applications to build outside the Westfields settlement area.

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

6.1 The application site is considered to be unsustainably located away from facilities and services contrary to the NPPF and as such it is not suitable for residential development. In order to reach services and facilities necessary for most day to day living, there would therefore be a strong likelihood of a significant reliance on the use of the car. Numerous appeals in comparable locations have been dismissed at appeal on this basis.

6.2 Notwithstanding the unsustainability of the site, NPPF Paragraph 55 permits dwellings in the open countryside where the proposal is of exceptional quality or the design of the dwelling is of an innovative nature. Such a design is required to:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

6.3 Inextricably linked into the concept of accounting for the locality is the landscape design. This must not and cannot be landscaping as an afterthought, rather landscape design is a fundamental aspect of the whole scheme. It is considered such a proposal should be presented on the basis of the whole site and its context rather than just the house. Not every plot of land is suitable for a paragraph 55 dwelling, and as an example of the incredibly high threshold applied to such proposals, these should be for a house that can only be achieved on that particular site. It is on this basis that so many such applications are unsuccessful and it is upon this reason and approach taken that having regard to the proposal, approval is recommended. In this application, landscape consideration, context and understanding has underpinned and influenced the design and resultant proposal as a whole.

6.4 Furthermore, the Innovation requirement requires a constant raising of the bar, whether in respect of design, construction techniques, materials or functionality. Done once, by definition, it cannot be replicated. As such a Paragraph 55 dwelling is a 'one off' and should be considered in terms of being a 'landmark building'.

6.5 The proposal was on Officers' advice submitted to MADE for their panel's review. A positive response received on 29th January 2015 stated –

The woodland is a very important part of the concept, and whilst an overall natural character is appropriate, this should not exclude some imaginative planting arrangements; pathways through the woods and blocks of different tree species could create areas of distinctive character within the woods. Extending part of the woodland down one side of the site would also contribute to the control of water run-off.

The panel suggested that more detail would be required for Planning Committee members to appreciate the concept and subtleties of this scheme, including the quality of materials that are proposed to be used. A model would also be beneficial to help appreciate how it sits within its wider setting. A clear presentation should emphasise that the woodland, the house and its walls, and the meadow are integral elements of a comprehensive design concept.

In conclusion, the panel concluded that this project, with its high architectural standards and sensitivity to its context, is on its way to meeting the criteria in paragraph 55, subject to a more developed approach to the landscape design to further enhance the setting.

- 6.6 Following this, a scale model was created and, with Officers, the landscape design reconsidered and evaluated to the proposal now considered. It is Officers' opinion the proposal satisfies the exacting standards of Paragraph 55. This exception clause follows in the similar manner to that that was in PPG7 and its successor PPS7. The uniqueness of such approvals and the recommendation is demonstrated in that less than 100 dwellings have been reported to have been built in 15 years or so since the exemption was introduced.
- 6.7 The proposal divides the site into three areas, although this is done in a seamless way. The upper part of the site is to be planted with indigenous species of deciduous trees, whilst the lower part of the site will be replanted as wildflower meadow and orchard. This creates the new context within which the single storey dwelling will occupy the margin between the two landscapes. The building will have an elongated linear appearance so it resembles a landscape feature such as a boundary wall and in doing so integrate into the new landscape. The proposed solution is generated from an understanding and appreciation of both the immediate and wider landscape context and built form heritage hereabouts. Stone walls both as a means of enclosure or as part of structures around the site are the defining built form feature.
- 6.8 Over 50% of the site is allocated to woodland tree planting. The purpose of this is fourfold:
- To provide a landscaping context that ensures the proposed dwelling will integrate successfully into the site and the surrounding area
 - To alleviate flood risk to the properties at the base of the slope by reducing the volume and slowing the rate of run off
 - To increase the bio-diversity of the site by providing a wider range of habitats
 - To create a sound barrier to the traffic noise from the A4103 that passes north of the site.
- 6.9 Whilst the comments of MADE were noted, the applicant and Officers agreed that the landscaping and planting should not itself create a feature or landscape pattern that was pronounced or not in keeping with the wider setting. An agreed enhancement proposal that has a neutral/ natural appearance was formulated and is as now presented. The wildflower meadow is fronted by a stone terrace that further integrates and ties the stone wall of the dwelling to the existing stone walls of the listed farmhouse and its enclosure. This reoccurring linear stone wall helps anchor the proposal to the existing built form repeating and building on the relationship between these existing stones structures. This is helpful in the overall proposal immersing into the existing and proposed context when viewed from public vantage points.
- 6.10 The design concept utilised is to construct a simple form structure that is a single storey, single aspect dwelling designed and constructed to the Passivhaus standard. A pre construction Passivhaus verification assessment has been undertaken by a suitably qualified professional

and demonstrates the Passivhaus standard can/ will be achieved. It should be noted this in itself does not result in a dwelling being paragraph 55 compliant as Passivhaus is not new or in this instance unique to this proposal.

- 6.11 The habitable space is contained in a simple rectangle to achieve the most thermally efficient building envelope. This space is built into the bank to minimise its impact and a wildflower planted roof will further integrate the proposal into its context. Stone terracing below the building will create a visual link between the proposals and the existing complex of stone buildings further down the slope.
- 6.12 The building is laid out so the principal habitable spaces (kitchen/dining/living, bedroom, office) and therefore the majority of the glazing faces due south to maximise passive heat gains and maximise light. To prevent overheating and to minimise the impact of the glazing within the landscape the facade is set back behind a colonnade supporting a large framed opening punched through a stone wall which extends the length of the proposed building and beyond. The main visible element of the building will be the stone wall and this stone will be sourced from the site itself further emphasising the link between the development and its location and reinforces the sustainability of the development in terms of 'resource mileage' as it will be built, literally, from the landscape in which it will sit. This also ensures the stone is the same and therefore does not clash with or detract from the listed stone farmhouse and barns when viewed in the wider landscape creating a uniform, harmonious natural material palette over the site.
- 6.13 The extended wall masks the separate timber clad garage/workshop block, vehicle parking area and an area for ground array photovoltaic panels from wider public views and in particular the setting of the listed farmhouse and its complex. This unifying element creates a strong visual identity for the property whilst simultaneously suppressing the domestic paraphernalia that accompanies a dwelling. The concept of the stone wall is based on the characteristics of the adjoining listed building and its surrounding setting.
- 6.14 In addition to and over the Passivhaus qualities of the proposal the dwelling will also include the installation of ground array photovoltaic panels, and rainwater harvesting and aims to attain a "zero carbon" rating alongside the Passivhaus standard. The building will feature over 300mm of insulation to walls, floors and roof together with triple glazed windows and doors, Mechanical Ventilation Heat Recovery and very high standards of build quality to achieve the standard of airtightness required.
- 6.15 There is a record of surface water flooding at Hope End Farm as a result of runoff from the site of the proposed development. In addition to the significant planting and soft landscaping which will help address this existing issue, a surface water management plan has been devised, which recommends measures to ensure that runoff can be managed on site and does not increase flood risk elsewhere. The runoff from the new residence and any hardstanding are routed into an attenuation pond, limiting runoff from the site to a rate no greater than the 1:100 year Greenfield runoff rate of 12.144 l/s/ha. The attenuation pond then will discharge through an orifice at a controlled rate, to an existing drainage pond which will ultimately outflow to the Cradley Brook, south east of the proposed pond.
- 6.16 In conclusion, with regard to the requirements of paragraph 55 it is considered Innovation can be interpreted in a design context. Innovation is in general something that fits in more naturally with contemporary schemes but it doesn't mean that traditional schemes can't be used. This proposal has a contemporary form, however, it utilises a nod to tradition, replicating and utilising the concept of a stone wall as the 'dominant visible feature' of the dwelling and shows how a design concept has evolved through a contemporary style utilising a particular innovation in a design feature, in this instance through use of perspective, materials and layout. Innovation can also be interpreted in terms of the home's engineering – 'the house as

machine', and this proposal, as described, in terms of functionality and efficiency has been designed with this and the landscape context as the main emphasis. It is considered the proposal fulfils the innovation requirement.

- 6.17 The significant point about this development is the opportunities it provides for an integrated approach to a sustainable, low energy, environmentally-friendly style of living. The house is designed as part of a wider sustainable and mutually dependent system involving home and landscape using best environmental practices and technologies. The concept is linked to a hillside rural open countryside setting and landscaping scheme designed to provide for the needs of the local environment and occupants. The proposal is considered innovative in the way it marries heritage, landscape, living and working aspects, existing and integrated in the proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C01 – Time limit for commencement**
 - 2. C07 – Development in accordance with approved plans and details**
 - 3. C13 – Samples of external materials**
 - 4. Details of windows, doors and other external details and finishes**
 - 5. C61 – No balconies/roof amenity area**
 - 6. C65 – Removal of permitted development rights**
 - 7. C67 – No new windows in specified elevation**
 - 8. C97 – Landscaping scheme – implementation**
 - 9. C98 – Hedgerow, tree and landscape planting**
 - 10. CA1 – Landscape management plan**
 - 11. CC2 – External lighting**
 - 12. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 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 and to comply with Herefordshire Unitary Development Plan policies DR2 and DR7.**
- 13. The recommendations set out in of the ecologist's report should 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 proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved. Any further information on protected species gathered from the site together with any proposed mitigation should also be submitted.**

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

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

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

- 15. C89 – Retention of existing trees/hedgerows/ development in accordance with Tree Survey & Arboricultural Impact Assessment
- 16. Hard landscaping details and implementation

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.

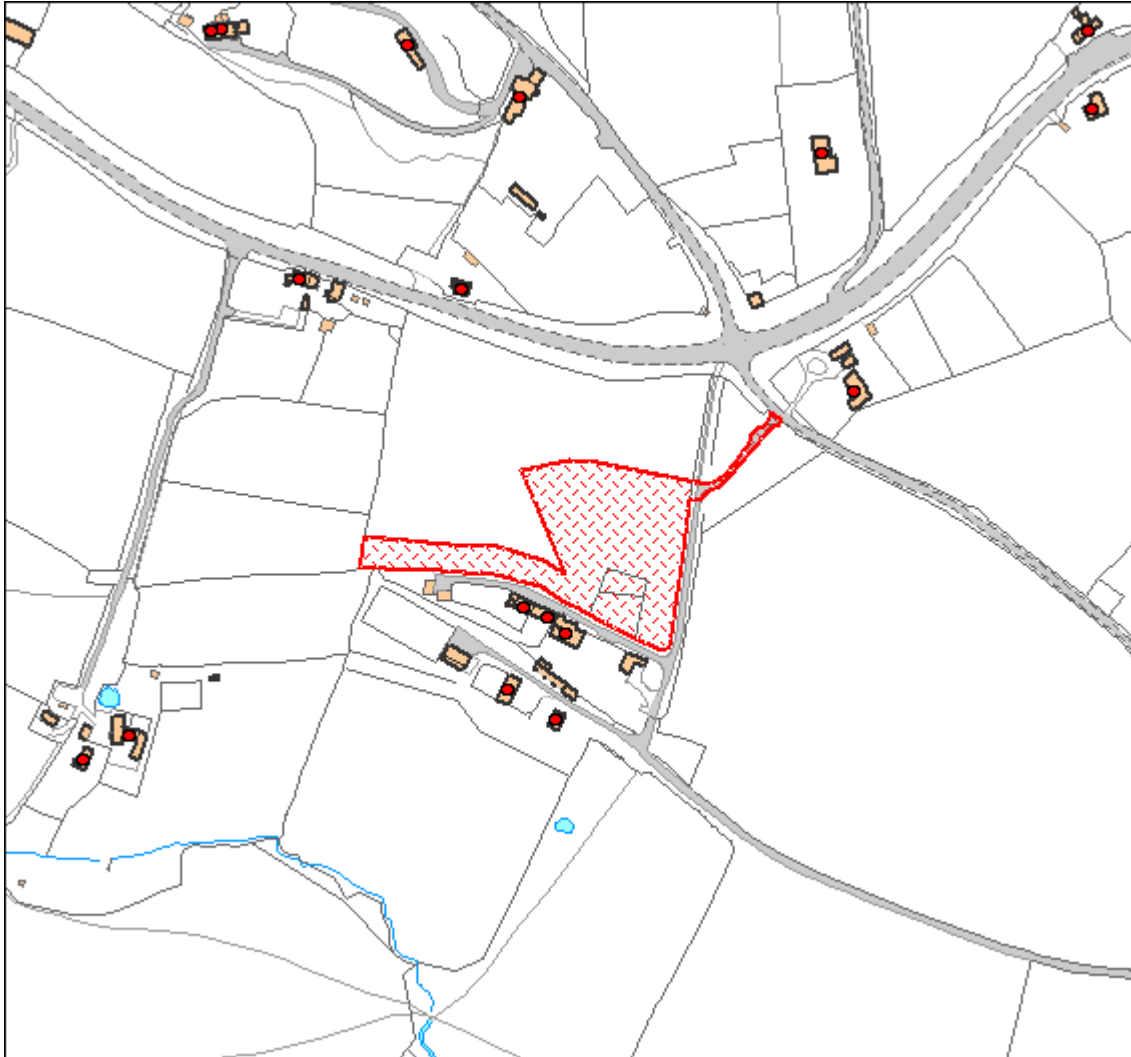
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150962

SITE ADDRESS : LAND TO THE NORTH OF HOPE END FARM, RIDGEWAY CROSS, CRADLEY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	150717 - PROPOSED DETACHED SINGLE STOREY BUNGALOW WITH STORAGE/GARAGING UNDER. AT LAND AT WRIGGLEBROOK LANE, MUCH BIRCH, HEREFORDSHIRE, For: Mr & Mrs Davies per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150717&search=150717
Reason Application submitted to Committee – Re-direction	

Date Received: 11 March 2015

Ward: Birch

Grid Ref: 350470,230856

Expiry Date: 6 May 2015

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site is located to the north of the village of Much Birch, approximately 280 metres along Wrigglebrook Lane. The site at present is a large open field which is bound on all sides by native species hedgerow. The ground level of the field drops steadily from the roadside down to a valley before adjoining fields start to rise again approximately 300 metres to the north. At present, the site does not accommodate any buildings.
- 1.2 The application proposes the provision of a dwelling which is single storey at the front (south), but two-storey at the rear. The second storey (lower ground floor) is afforded by falling site levels and an increasing mono-pitched roof gradient. The lower ground floor would be used for the storage of agricultural and domestic vehicles being accessed from the rear. The building would measure approximately 16 x 14 metres in plan form with a 7.2 metre eaves height at the rear and 2.5 metre eaves height at the front. The proposed dwelling is of a contemporary design with the higher storey recessed from the lower storey when viewed from the north. The 'ledge' created by this effect would accommodate an outdoor terraced area and a projecting feature which would utilise a mono-pitched roof albeit running perpendicular to that of the main mass of the dwelling. Solar panels would be provided on the roof of this projecting feature. The dwelling would be afforded two large windows on this elevation, either side of this feature. Otherwise, the dwelling would be clad in timber and render under a zinc standing seam roof.
- 1.3 The site is accessed off Wrigglebrook Lane which is unclassified. Two tracks would be provided, one to the front of the proposed dwelling which would run around the west elevation of the building before leading to an agricultural building in an adjacent field to the north of this site. The other track would run immediately to the east of the proposed dwelling and would serve the garaging accessed at the rear of the site. A large hard surface apron measuring 16 x 10 metres would be provided beyond the garages.

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

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

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

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

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 Inspector found conflict between a number of Core Strategy policies and the NPPF. The Council have modified those policies to overcome the Inspector’s concerns. The report of the inspector is awaited.

2.6 Neighbourhood Plan

Much Birch Parish Council are not producing a neighbourhood plan.

3. Planning History

3.1 None applicable to this application

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water no objection as the applicant intends to use a private treatment plant.

Internal Consultees

4.2 Transportation Manager - objects to the application. Following a speed survey visibility is now considered acceptable, though concern remains over the connectivity of the site to the village and the facilities therein:

4.3 Drainage Manager - comments awaited

5. Representations

5.1 Much Birch Parish Council no objections

5.2 12 letters of support have been received and can be summarised as follows:

- A one level home would be of help to Mrs Davies given her health problems;
- Mr Davies has lived and worked around Little Birch all his life;
- The Davies’ are a well deserved couple; and
- The Davies’ are active members of the local community, supporting the many functions that are organised locally; and
- The dwelling is of an appropriate design.

5.3 2 letters of objection have been received and can be summarised as follows:

- The site is agricultural and the development is incongruous and possibly inappropriate for the setting;
- The site is a field does not differ in any meaningful way from the other fields in the area. The various plots of land in the very short distance between the A49 and the application site belong to 5 or 6 different people and the granting of consent in this case might lead to a flood of applications which might be granted, precedent having been established;

- The land surrounding our property is designated 'open countryside', being outside the village boundaries, and also an 'area of outstanding landscape value';
- The proposed development runs contrary to several of the planning policies which are set out very clearly within Herefordshire Council's existing UDP and also those within the Rural Housing Strategy of the Core Strategy which is due to replace the UDP;
- This type of build does not fit with the above policies, does not help meet local needs and will not help provide affordable homes locally for them and others of their generation;
- The 'linear' approach to Kingsthorpe along and down Wrigglebrook Lane is at present very attractive and affords wonderful views across the surrounding countryside. This build would certainly 'adversely damage the character and setting of a village and its local environment'; and
- There is no shortage of Bungalows available locally.

5.4 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:

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 local development plan. The Council's current development plan is the Herefordshire Unitary Development Plan 2007 (UDP). 'Saved' Policy H6 of the UDP is relevant to the principle of providing housing in small settlements, of which Much Birch is one, resisting residential development comprising anything other than one 'infill' dwelling. In being remote from the settlement, this proposal would not represent 'infill' and is contrary to UDP Policy H6. Resultantly the application site is in open countryside where UDP Policy H7 seeks to resist unexceptional residential development. In meeting none of the listed exceptions under UDP Policy H7, the application is therefore contrary to the development plan. It should be noted that the applicant's spouse's degenerative lower lumbar disease is not considered to be an exceptional circumstance which would advocate the setting aside of the overarching policy position.

6.3 Notwithstanding that the proposal is contrary to the development plan, the two-stage process set out at S38 (6) also requires an assessment of other material considerations. In this instance, and in the context of the housing land supply deficit reported in greater detail below, the NPPF is the most significant material consideration to the determining of this application.

6.4 At paragraph 14, the NPPF sets out its requirements of decision makers:

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:

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

- *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 making, 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 considered obsolete merely by virtue of its plan period having lapsed.

6.7 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. If the UDP's policies comply with the aims and objectives of the NPPF then an application must be determined against the UDP as laid out at paragraph 6.2 of this report. Alternatively, if the UDP's policies conflict with the NPPF then the application must be determined favourably if it is found to be representative of sustainable development.

6.8 Chapter 6 of the NPPF is relevant to Council's supply of housing land and consequently the weight which may be apportioned to the housing policies of the UDP. 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.

6.9 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, the Council's housing policies cannot be relied upon to determine the location of housing. 'Saved' UDP Policies H6 and H7 are not therefore up-to-date policies in the context of this planning application.

6.10 Turning to the emerging Herefordshire Local Plan Core Strategy (CS), the NPPF requires, at paragraph 216, that decision-takers give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.11 The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The Inspector found conflict between a number of Core Strategy policies and the NPPF. The Council have modified those policies to overcome the Inspector's concerns. Public consultation has now concluded for the amended policies. The CS is not yet at a stage of preparation whereby it can be attributed significant weight in the determination process.

6.12 Given that insufficient weight can be apportioned to policies of the UDP and CS to determine the principle of development in this instance, the second limb of paragraph 14 becomes the test of the development's acceptability. Essentially the NPPF supersedes the UDP given the inconsistency in approach and objectives. Therefore, and having failed to identify specific policies of the NPPF which individually would indicate that development should be restricted, 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.

Locational sustainability having regard for the site's proximity to services and facilities

6.13 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 are that planning 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.”

6.14 The NPPF expands on this core principle at paragraphs 29 and 32 requiring development proposals to afford people a real choice about how they travel, having particular regard for public transport provision, and providing safe and suitable access for all. Moreover, paragraph 55 requires development to be sited so as to enhance or maintain the vitality of rural communities and paragraph 69 requires development to be safe and accessible, containing clear and legible pedestrian routes.

- 6.15 Although based on now superseded 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 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 DR2 continue to attract significant weight.
- 6.16 In determining the application site's ability to represent a 'sustainable location' within the context of the aforementioned, the following are relevant considerations:
- The level of amenities within a walking distance of the site;
 - The availability of truly usable public transport; and
 - The nature of the route between services and facilities and its ability to provide safe and convenient access thereto.

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

- 6.17 Residential development at this part of Much Birch is largely contained to the south of the A49. The application site is approximately 280 metres to the north of the A49 along Wrigglebrook Lane. The following facilities and services are reasonably proximal to the application site. The distance to the facilities from the site is in brackets, measured approximately and as one would walk rather than as the crow flies:
- Doctors Surgery (350 metres);
 - Parish Church (365 metres);
 - Community Centre (380 metres);
 - Primary school (760 metres);
 - The Pilgrim Hotel (830 metres); and
 - Axe and Cleaver Public House (1,550 metres).
- 6.18 Two bus stops, one on either side of the road, are located at the end of Wrigglebrook Lane from where the number 33 bus 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.
- 6.19 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 Axe and Cleaver is towards the extremity of such as distance. The frequency and journey times of buses to the largest serviced settlement in the County represents a truly usable service.
- 6.20 Turning to the nature of the route between the site and the above listed facilities, the first 300 metres of ones journey would likely be along Wrigglebrook Lane before utilising the footpath which flanks the northern side of the A49. Being located to the south of the A49, all facilities other than the Primary School would require one to cross the trunk road. Access to the school would require one to cross the C1142 which, at peak times, is narrowed by cars parking along the side of the road.
- 6.21 Wrigglebrook Lane is an unclassified road of a narrow width with limited forward visibility, no pavement or street lighting and a lack of informal pedestrian refuge. Reference is made within the applicant's submission to a track which leads from a point 80 metres to the north of the site to the pavement at the junction of the C1142 and A49. However, this is not a public right of way and perpetual use of the track cannot be guaranteed. Furthermore, other than for the primary school and hotel, one would be unlikely to use the track to access services and facilities given its indirect route.

- 6.22 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. Crossing points which benefit from dropped kerbs are provided and the road is, at these points, relatively straight providing good visibility in either direction. On this basis, I do not consider the A49 to individually represent a barrier to safe and convenient pedestrian movement.
- 6.23 To conclude on this point, it is officer opinion that the restrictive characteristics of Wrigglebrook Lane render it uncondusive to safe or convenient pedestrian movement. The development would not therefore provide access for all to the services and facilities at Much Birch. Potential occupants of the site would not be offered a genuine choice as to how they may wish to travel and would be overly reliant on the private motor vehicle giving rise to undue carbon emissions. Whilst not considered to be of sufficient magnitude to individually undermine the site's sustainability, the requirement for one to cross the A49 without the benefit of a designated pedestrian crossing point compounds the overall concern for the ability of the development to offer safe and convenient access to facilities within Much Birch. The application is therefore contrary to 'saved' UPD Policies S1 and DR2 and the NPPF even recognising that sustainable transport solutions will vary from urban to rural areas.

Landscape impact, character and appearance

- 6.24 The second pertinent 'core planning principle' of the NPPF cited at paragraph 17 is that decision taking should:
- "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."*
- 6.25 In more detail, paragraph 55 of the NPPF seeks to direct development towards existing settlements so as to avoid isolated dwellings in the countryside. Paragraph 58 requires that development responds to local character and history, and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. 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.
- 6.26 Locally, UDP Policy S1 seeks to ensure that development proposals respect patterns of local distinctiveness and landscape character in both town and country. UDP Policy H13, supported by UDP Policy DR1, similarly requires that development should promote or reinforce the distinctive character of the locality particularly in terms of settlement pattern, layout, orientation, density, scale, massing, detailed design and material use. UDP Policy LA2 seeks to protect and uphold the character and appearance of the County's landscape types as defined by the Herefordshire Council Landscape Character Assessment (LCA). These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 7) and so continue to attract considerable weight.
- 6.27 The application site and its context has a particularly rural character afforded by the narrow width of Wrigglebrook Lane, the consistent mature hedgerow boundaries which flank the lane and the predominantly agricultural use of land – consistent with the Principal Settled Farmlands landscape character type as defined by the LCA. The site is located approximately 280 metres along the lane from the A49 and is clearly distinct from the more urban environment of Much Birch. The surrounding land remains largely undeveloped save for small clusters of agricultural buildings, though two dwellings are provided 40 and 120 metres respectively to the north. Where dwellings are provided they are individually accessed, of historic provision, often linked (historically or through current use) to the agricultural use of surrounding land and cumulatively comprise a dispersed pattern of development of a low density.

- 6.28 The site sits prominently above land to the north and north-east of the site. Reciprocal views of the proposed development would be available from the network of public footpaths and roads, particularly Mense Lane, to the north and north-east of the site. The dwelling would sit on the skyline by virtue of its comparatively higher ground level to surrounding land. Although the application site is within 50 metres of another dwelling, the proposed residential development of this site would be discernibly isolated from the nucleated settlement of Much Birch giving rise to an unfocussed pattern of development which would be seen against a rural backcloth. The provision of a further dwelling along this side of Wrigglebrook Lane would therefore serve to erode the rural character of the countryside. The proposed dwelling would also obscure vistas from Wrigglebrook Lane to the rolling landscape beyond.
- 6.29 Turning to the detailed design of the proposed dwelling, a single storey frontage would be presented to Wrigglebrook Lane before a drop in sight levels affords an under-croft to the rear (north). The contemporary approach to design works well within the site and is not one which is inherently out of keeping within the site's rural context. The dwelling's form is influenced by the character of the landscape, utilising the site's sloping gradient to provide an undercroft at the rear. However, the large massing and scale of the proposed dwelling, which is 16 x 14.2 metres in plan form with a maximum eaves height of 7.2 metres, is of concern particularly given the site's prominence to public view. The asymmetry of the mono-pitched projection to the rear elevation is also of concern, detracting from the otherwise symmetrical form of the building. The amount of hardstanding, particularly the apron to the rear of the dwelling which provides 160 square metres of hardstanding (16 x 10 metres), would further erode the character of the countryside. The amount of hardstanding is disproportionate to that which is necessary for parking and turning.
- 6.30 To conclude on this matter, there is significant and overriding concern for the principle of developing this site for residential purposes by virtue of its prominent, open countryside location. This is further compounded by the scale and massing of the proposed building. Therefore, in the officer's opinion, the proposed dwelling in this location would unduly erode the rural character of the countryside failing to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside, as required by paragraph 17 of the NPPF. Development would also conflict with the UDP Policies S1, DR1 and LA2.

Other matters

- 6.31 A 24/7 vehicle speed survey has been provided showing traffic speeds and volume at a point adjacent to the site access on Wrigglebrook Lane. It is on this basis and in consulting Manual for Streets and Manual for Streets 2 that the Transportation Manager recommends that, in order to minimise safety risk to existing highway users and proposed occupiers of the site, minimum visibility at the site entrance should be at least 44 metres in both directions. The applicant, by virtue of submitting diagrammatical drawings, has shown that the requisite visibility can be provided without requiring the removal of hedgerow other than to create the access itself. Parking and turning within the site is sufficient to allow one to enter and leave the site in a forward gear. Therefore and in failing to identify severe harm to the safety of the highway, the application complies with the NPPF, where paragraph 32 is most pertinent, and UDP Policy DR3 in terms of highway safety.
- 6.32 The development, by virtue of its isolation, would not give rise to an undue reduction of privacy or amenity of neighbouring dwellings, the closest of which is Trewenn, 50 metres north of the site.

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 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.
- 6.34 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'.
- 6.35 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. To a lesser extent businesses further afield would also benefit. In a social context, the scheme would make a modest provision to the Council's supply of land for housing and the dwelling would be sited as to contribute to the community of Much Birch. In terms of its environmental dimension, the unconducive nature of Wrigglebrook Lane to pedestrian movement makes it unlikely that one would access the limited services and facilities of Much Birch, or more extensive provisions at Hereford and Ross, on foot or by public transport. Potential occupiers of the proposed dwelling would therefore have little option but to use the private motor vehicle in order to undertake everyday activities. Furthermore, the proposed development would give rise to an unfocussed pattern of development, failing to respect the character and role of the open countryside and eroding its intrinsic beauty.
- 6.36 On this basis, it is officer's opinion that the modest social and economic benefits attributed to the development are significantly and demonstrably outweighed by the environmental harm identified above. The scheme is not therefore representative of sustainable development and is contrary to the provisions of paragraph 14 of the NPPF and it is recommended that planning permission be refused.
- 6.37 Notwithstanding the lack of weight which can be apportioned to the Core Strategy at this present time as reported at paragraph 6.11 above, the officer's recommendation provided at the conclusion of this report would be unlikely to differ should members find the Core Strategy to be at a stage of preparation whereby it was apportioned significant weight in the decision making process by virtue of the application site's isolation from the nucleated clusters of development which comprise Much Birch.
- 6.38 Members may also wish to note that whilst each application must be determined on its own merits, the proposed development could, if found to be acceptable, be repeated in many locations along Wrigglebrook Lane which would give rise to ribbon development extending away from Much Birch and into the countryside beyond. Development in this manner, along a prominent ridge, would have a substantial landscape impact resulting in a pattern of development which could not be considered sustainable.

RECOMMENDATION

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

That planning permission be refused as follows:

In view of the significant and demonstrable harm identified, the Council considers the proposal not to be representative of sustainable development and that the positive presumption enshrined in the NPPF is not applicable for the following reasons:

- 1. The proposed development fails to offer safe or sustainable means of accessing local facilities and services by virtue of the uncondusive nature of Wrigglebrook Lane to regular pedestrian use, thereby severely limiting opportunity for one to undertake everyday activities by means other than the private motor vehicle. The proposal is therefore contrary to the requirements of policies S1 and DR1 of the Herefordshire Unitary Development Plan and the NPPF, particularly paragraphs 17, 29, 32, 55 and 69.**
- 2. The erection of a dwelling in this open field, along with the provision of associated hardstanding and residential paraphernalia, would give rise to an unsustainable pattern of development serving to erode the well preserved rural character of the locality. This would represent a failure to take account of the different roles and character of different areas, and to recognise the intrinsic character and beauty of the countryside contrary to the requirements of UDP Policies S1, DR1 and LA2 and the NPPF, particularly paragraphs 17 and 55.**

INFORMATIVE

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

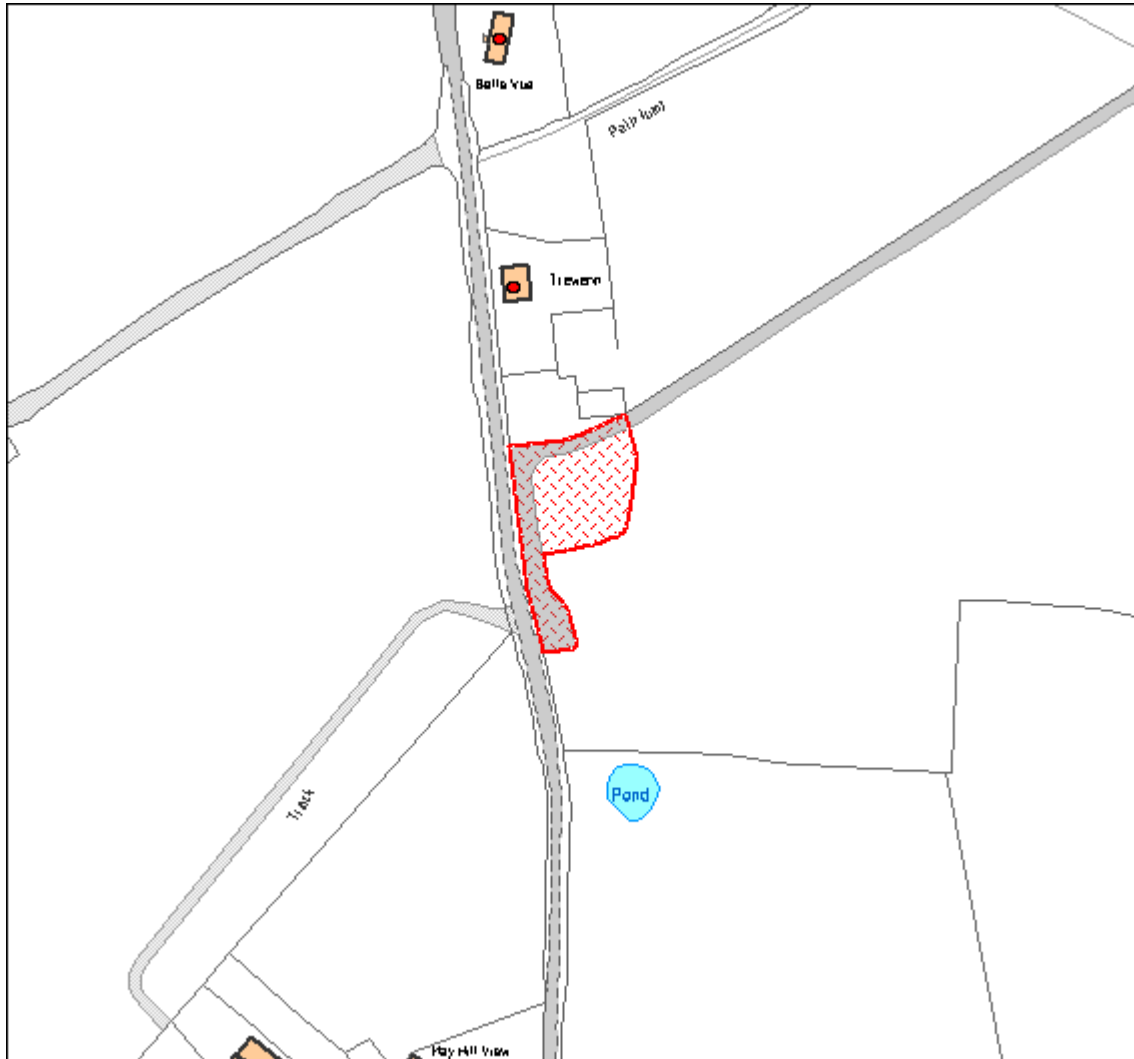
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150717

SITE ADDRESS : LAND AT WRIGGLEBROOK LANE, MUCH BIRCH, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	15 JULY 2015
TITLE OF REPORT:	143420 - PROPOSED 3 NO. NEW DWELLINGS AT LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE For: Mr & Mrs Barnes per Mr Nigel Teale, Bramble Farm, Naunton, Upton Upon Severn, Worcestershire, WR8 0PZ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143420&search=143420
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 14 November 2014 Ward: Three Crosses Grid Ref: 364278,241902

Expiry Date: 9 January 2015

Local Member: Councillor JG Lester

1. Site Description and Proposal

- 1.1 The application features an agricultural field adjoining the A417 and located between existing residential development associated with the main built core of Ashperton, a village identified in the Herefordshire Unitary Development Plan as a 'smaller settlement' under policy H6. The proposal is not located within a statutory designated landscape area and is not within a conservation area, however, a Grade II listed building, 'Chandlers' 45-46 Ashperton Road, adjoins to the South.
- 1.2 The application site covers 0.5 hectares, and is currently used as agricultural land with a northern and eastern (roadside) boundary formed from an established hedgerow. The south eastern boundary is delineated by the access track that serves a property to the south. A continuation of the field continues to the western of the site. The site slopes from the south corner to the north of the site with an elevation change of approximately 5m.
- 1.3 The proposal seeks planning permission for three dwellings and has been amended during its consideration to address matters regarding heritage, highway safety and design.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 12	-	Conserving and Enhancing the Historic Environment

Further information on the subject of this report is available from Mr C Brace on 01432 261947

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H6	-	Smaller settlements
T8	-	Road Hierarchy
HBA4	-	Setting of Listed Buildings
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

2.4 Neighbourhood Plan

Ashperton has not applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012.

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

None

4. Consultation Summary

Statutory Consultee

4.1 Welsh Water raise no objection

Internal Consultees

4.2 Transportation Manager has no objection to the proposal on the basis of amended plans and a traffic and speed survey assessment since received.

5. Representations

5.1 Ashperton Parish Council responded as follows –

Due to the number of declarations of pecuniary interests and having not received any applications for dispensation the Parish Council were inquorate so were not able to formulate a response in this case.

5.2 Three letters of support have been received in respect of this application. Comments are summarised as follows –

- This is a pleasing and well balanced infill development
- This is the first such development for over 20 years in the Village.
- It is noted two detached houses were built near this proposal and they have blended in well
- An opportunity to infill with 3 houses is very limited within Ashperton, which has housing needs. This proposal fits the purpose.
- This site could accommodate far more housing of standard design, the low density well designed proposal is welcomed
- The houses will blend into the area
- The proposal will benefit local services and facilities
- No objection in principle to development here.

5.3 Three letters of objection have been received. Comments are summarised as follows –

- The proposed development is on prime, agricultural food producing land with no history of previous development.
- Whilst the design of the properties themselves is in keeping with nearby properties, the visual impact will be significant and detrimental to the rural environment.
- Users of Public Right of Way will not be able to enjoy the currently unimpeded view of the rural landscape.
- Concern over highway safety, including the nature and speed of vehicles along this stretch of the A417
- The footpath to the school is narrow and unlit
- There is no evidence of housing need in Ashperton
- The proposal does not deliver affordable homes
- Concerns regarding drainage and surface water
- The proposal is at odds with the prevailing building line hereabouts
- Impact of the development on the skyline

5.4 Two further letters were received making the following summarised comments –

- Requests assurances that any damage to existing septic tanks would be made good by the contractors
- Questions locating Oak trees adjacent to a paved area as this would restrict the light on the footpath which runs alongside the A417

- Requests the small upper bathroom window on the side elevation on plot 3 be moved to the rear elevation.
- Reference is made to a potential development opposite
- Consideration to the setting of adjoining listed building

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

- 6.1 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'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'*.
- 6.2 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.3 Paragraph 14 of the NPPF states that there *"is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning 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 NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.5 The site clearly is located adjacent to the main core of Ashperton, a designated smaller settlement identified under policy H6 of the UDP and thus in a sustainable location for new residential development. The site is surrounded by and inbetween existing residential development associated with Ashperton. The site is read as being within part of the built form area of the village. The site is within walking distance to various local facilities to the south and south east, including Primary School, Village Hall and bus stop. From a landscape and streetscape assessment, the plot represents a natural infill of linear development to the existing built form of the village that will not undermine the historic character and setting of Ashperton hereabouts or the overall character and appearance of the wider landscape or countryside.
- 6.6 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.7 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of means whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA3 and HBA9.
- 6.8 The proposed development has a layout for three dwellings that has evolved in order to secure optimum visibility at the access onto the A Class road and respect the prevailing adjoining development pattern and existing residential amenity. Each plot features a dwelling of a different design. This reflects the architecture and nature of the local vernacular where there is no single dominant or prevailing style, design or materials used. Notwithstanding that, the dwellings feature designs, details and materials aimed to reflect the local context and vernacular. Elements of half timbering and weatherboarding have been introduced along with dormer windows and exposed rafter feet which are all characteristic of local dwellings. The proposed scale and design of housing is considered to be in general, informed by and in keeping with the existing residential development in Ashperton. In addition the density and plot arrangement respects and is influenced by the immediate context.
- 6.9 The dwellings have the following forms and maximum dimension –
- Plot 1, rectangular plan with 2 storey rear gable protrusion, 11.1 x 96 metres, height to ridge 7.4 metres
 - Plot 2, L shape plan with mix of single and two storey gable protrusions, 13.7 x 10 metres, height to ridge 6.9 metres
 - Plot 3, H shape in plan with various protrusions including asymmetrical rear roofs, 17.3 x 10.4 metres, height to ridge 7.8 metres
- 6.10 The adjoining properties and a number of other dwellings within Ashperton are two storey dwellings. The height of housing is also proposed to remain consistent with the scale of local development. A street scene accompanying the application demonstrates how the new dwellings relate to the adjoining properties. The ridge heights are similar to the neighbouring dwellings and ensure the dwellings do not detrimentally affect the street scene and local landscape.
- 6.11 Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.12 In respect of the adjoining listed building, 45 – 46 Ashperton Road, the proposed development is separated by some 23.5 metres including intervening landscaping and existing and proposed ancillary structures. Furthermore the proposed location of the dwellings is behind the building line of the listed property (and in line with the outbuilding serving the listed dwelling). The nearest proposed dwelling is also the smallest in terms of width and mass and its single garage respects the building line of the listed dwelling. As such having regard to this and all of the above it is considered there is no significant adverse impact on the setting of the listed building.
- 6.13 The proposal includes a comprehensive landscaping and planting strategy. This includes a new native hedgerow along the roadside boundary, western and south eastern boundaries and a new boundary separating the houses of native hedge planting alongside post and wire fencing. The planting includes a mix of Hawthorn, Hazel, Blackthorn, Field Maple and Holly. A tree planting scheme is also included to enhance biodiversity along with enhancing and mitigating landscape impact.

- 6.14 Foul drainage from each dwelling is to be directed to a septic tank with spreader drains located within the adjoining field, it is proposed for surface water drainage to be taken to soakaways positioned at least 5m from a dwelling.
- 6.15 On the basis the highways issues have been addressed to the satisfaction of the Transportation Manager following appropriate surveying and in respect of all of the above approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **C01 – Time limit**
- 2. **C07 – Development in accordance with approved plans**
- 3. **C13 – Samples of external materials**
- 4. **C26 – Details of window sections, eaves, verges and barge boards**
- 5. **C27 – Details of external joinery finishes**
- 6. **C58 – Domestic use only of garage and no conversion to accommodation**
- 7. **C65 – Removal of permitted development rights**
- 8. **C95 – Boundary treatments in accordance with approved plans**
- 9. **C97 – Landscaping scheme - implementation**
- 10. **C98 – Hedgerow planting**
- 11. **CAL – Access, turning area and parking**
- 12. **CAC – Visibility over frontage**
- 13. **CBO – Scheme of surface water drainage**
- 14. **CBQ – No surface water to public sewer**

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**

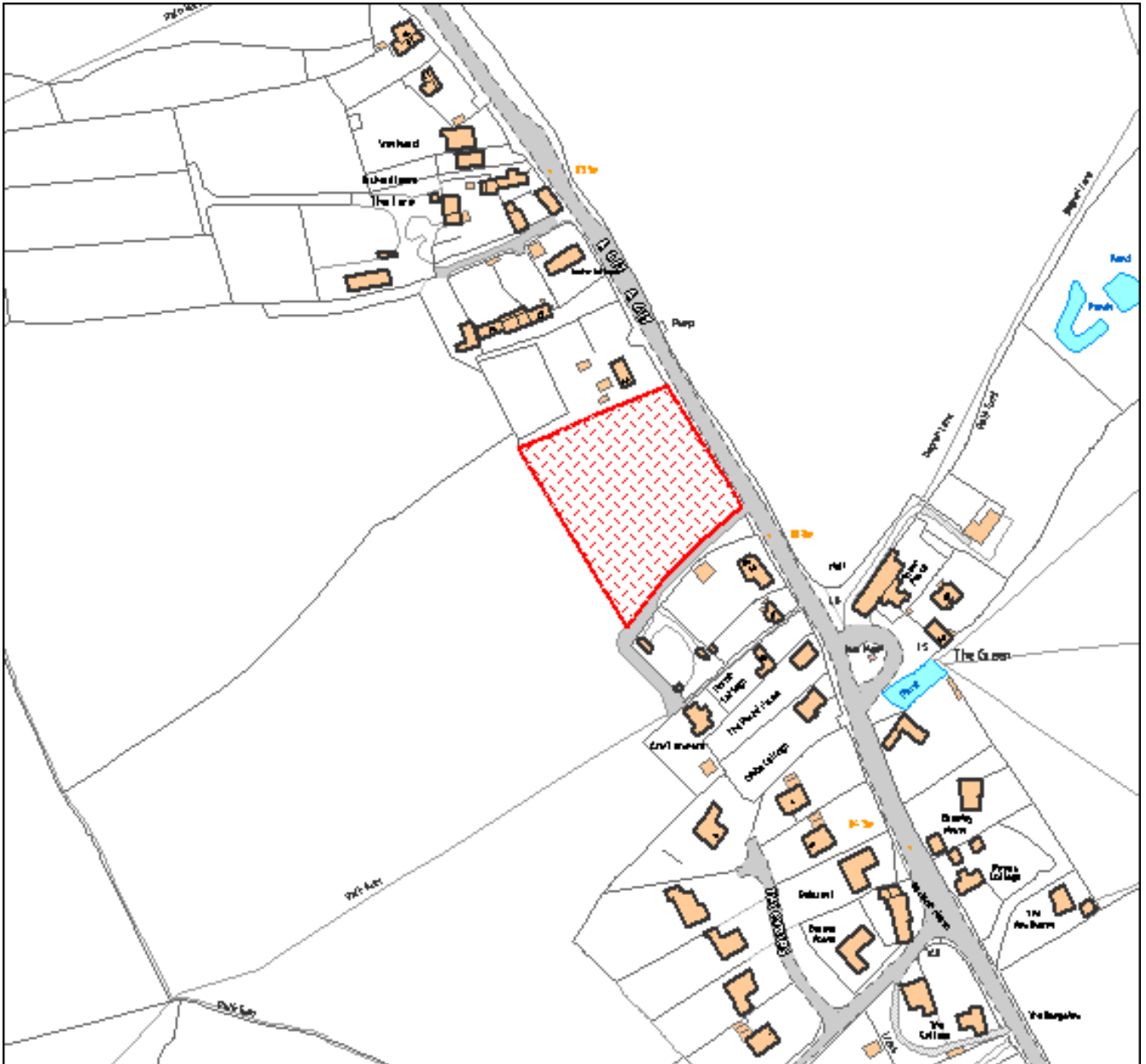
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr C Brace on 01432 261947



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APPLICATION NO: 143420

SITE ADDRESS : LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE

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