

AGENDA

Planning Committee

Date: **Wednesday 6 April 2016**

Time: **10.00 am**

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

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

For any further information please contact:

Tim Brown, Democratic Services Officer

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

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.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 16 March, 2016.	7 - 16
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	17 - 20
7.	152578 LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG Proposed new dwelling.	21 - 32
8.	151755 - LAND AT DILWYN COMMON, DILWYN, HEREFORDSHIRE Proposed erection of 4 no. Dwellings and associated landscaping and infrastructure.	33 - 50
9.	DATE OF NEXT MEETING Date of next site inspection – Monday 25 April 2016 Date of next meeting – Tuesday 26 April 2016	

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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 March 2016 at 10.00 am

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

Councillors: PA Andrews, BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, JA Hyde, FM Norman, AJW Powers, A Seldon, NE Shaw, WC Skelton, D Summers and LC Tawn

In attendance: Councillor WLS Bowen

159. APOLOGIES FOR ABSENCE

Apologies were received from Councillors TM James, JLV Kenyon and EJ Swinglehurst.

160. NAMED SUBSTITUTES

Councillor PA Andrews substituted for Councillor TM James, Councillor NE Shaw for Councillor EJ Swinglehurst and Councillor D Summers for Councillor JLV Kenyon.

161. DECLARATIONS OF INTEREST

Agenda item 7: 151325 - Land Adjacent To Lustonbury, Luston, Leominster, Herefordshire

Councillor FM Norman declared a non-pecuniary interest because she knew some of the objectors.

Mr S Withers, Development Manager, declared a non-pecuniary interest because the applicant knew his father and he was therefore through that association aware of the applicant.

Agenda item 8: 151110 - Three Shires Nurseries, Canon Pyon, Hereford

Mr S Withers, Development Manager, declared a pecuniary interest as the applicant and left the meeting for the duration of this item.

162. MINUTES

RESOLVED: That the Minutes of the meeting held on 24 February, 2016 be approved as a correct record and signed by the Chairman.

163. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

164. APPEALS

A Member sought clarification on the implications of the Inspector's decision on the appeal against refusal of planning permission for application 142215: land off Rosemary Lane, Leintwardine, Herefordshire.

The Development Manager commented that a briefing note had been issued to all Members and a seminar was being arranged at which the implications could be explored.

The Planning Committee noted the report.

165. 151325 - LAND ADJACENT TO LUSTONBURY, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AP

(Proposed erection of three dwellings with associated landscaping and infrastructure at land.)

The Principal Planning Officer gave a presentation on the application.

(The committee update received following the publication of the agenda simply stated that "two photographs had been received from the detached property to north of site, providing southward views towards the application site and commenting on the lack of screening". The officer comments in response were: "This relationship was referred to at the site inspection. It is considered that there is sufficient distance between this property and unit 3 so as to safeguard residential amenity".)

In accordance with the criteria for public speaking, Mr K Meldrum, a local resident, spoke in objection to the application. Mr J Hicks, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site was of great historical significance and importance and should be preserved.
- The proposal would be detrimental to the setting of the listed buildings in the vicinity of the application site.
- Previous applications for planning permission to develop the site for housing had been refused and an appeal against refusal had been lost.
- The current application was an improvement on previous proposals. However he considered the design was still unsatisfactory for the setting. The provision of one high quality dwelling would represent a better proposal.
- The proposal that living accommodation would be on the first floor could be intrusive to neighbouring properties.
- The site was a dell, attracting water and wildlife.
- The entrance to the site was narrow and increased traffic would damage neighbouring properties.
- The Parish Council opposed the proposal and in a parish poll 80% had opposed development of Lustonbury.
- There were 15 houses for sale in the area so it did not appear that there was a need for additional houses.

- The economic benefit of the development identified at paragraph 6.14 of the report would be modest and short-lived.
- Pedestrian access to the village centre would be by the road. This was not satisfactory.

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

- The applicant's agent had suggested that the proposed design overcame the objections to previous applications. However, a number of Members considered that this was not the case. A contrary view was expressed by other Members that the design was satisfactory.
- The proposal met most of the criteria in policy RA2, although it could be questioned whether there was a local demand for housing.
- The implication of the Inspector's recent decision on the Council's five year housing land supply was noted. However, the position on the housing land supply was fluid and it was arguable that the application failed the test in paragraph 14 of the National Planning Policy Framework.
- The site had considerable historic value and importance.
- The listed buildings and their setting should be preserved.
- The site had conservation value with a range of species present on the site. The Conservation Manager (Ecology) had initially objected to the proposal.
- It was questioned whether the applicant had consulted appropriately with the local community.
- The exceptional nature of the site meant that it should be treated with the greatest care and sensitivity.
- It was possible that an application for a single well designed house would be acceptable.
- The Parish Council was opposed to the proposal.
- The responses of both Historic England and Natural England were disappointing, appearing to have been written as a desk-top exercise. An observation was made, however, that Historic England's comment on the proposal could be viewed as not positive.
- The access was off a busy road at a dangerous point. A pavement to the village would be required if the development were to proceed.
- The listed buildings were only grade 2 listed.
- The development of brownfield sites was encouraged.
- A Member requested that if the development proceeded the dwellings should be required to have bat slates.
- As a point of principle Members needed to be provided with more detail on proposed drainage plans for developments.
- In response to questions the Principal Planning Officer provided clarification on the footprint of the buildings, their dimensions and positioning within the site.

The local ward member was given the opportunity to close the debate. He again emphasised the historic importance of the site and the responsibility to preserve such locations.

The Development Manager commented that the acceptability of the design and its impact on the setting of the listed buildings was a subjective matter upon which the Committee was entitled to take a different view to that in the report informed by the site visit. The report to the Committee outlined the historic significance of the setting of the conservation area and the listed buildings within it but concluded that the development could be accommodated satisfactorily and that policies within the Core Strategy would support development. He cautioned that, in weighing the merits of the application, policy did not require exceptional design or prescribe a duty to enhance. The duty was to preserve or enhance.

A number of grounds for refusal were advanced. These included policy LD4 – Historic environment and heritage assets, policy SS1 – presumption in favour of sustainable development, the adverse impact on the amenity of existing residents of overlooking as a consequence of the proposed first floor living accommodation and relevant paragraphs of the National Planning Policy Framework (NPPF).

RESOLVED: That planning permission be refused and that officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee’s view that the application should be refused because it was contrary to policies which included LD4 – Historic environment and heritage assets, and SS1 - presumption in favour of sustainable development, the adverse impact on the amenity of existing residents of overlooking as a consequence of the proposed first floor living accommodation and relevant paragraphs of the NPPF.

166. 151110 - THREE SHIRES NURSERIES, CANON PYON, HEREFORD, HR4 8NL

(Proposed change of use to 2 no. Romany gypsy pitches and associated works including 2 no. Static caravans, 2 no. Day rooms, 2 nos. Touring caravans and associated works.)

The Acting Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs S Olver, a local resident, spoke in objection to the application. Mr S Rushton, the applicant’s agent, spoke in support.

Councillor WLS Bowen spoke on the application on behalf of the local ward member, Councillor PE Crockett, who had been unable to attend the meeting.

He made the following principal comments:

- The Needs Assessment identified a need for additional pitches to be provided. However, it was important that these were in safe and sustainable locations.
- There were a number of concerns about the proposal before the Committee:
 - Highway safety: the Transportation Manager had expressed concerns about visibility and the access in his response.
 - Flooding – although in flood zone 1 there was photographic evidence showing flooding on the site.
 - Waste water – the condition of the septic tank was a concern
 - Sustainability – the site was in a rural location. There was no footpath.
 - Planning history – An application on the site had been refused in 2012.
 - Local opinion – the Parish Council and local residents objected to the proposal.
- If the application were to be approved he requested that there should be conditions to ensure sewage disposal arrangements were satisfactory before development commenced, and that use of the eastern access should be prohibited.

- He noted that the lack of pitches could give weight to approving the application. However, only 2 pitches would be provided.

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

- The eastern entrance should be closed because of the poor visibility, and enhanced landscaping provided to close it off. Whilst a single central entrance and exit would be the preferred option a western entrance and exit would be acceptable. It was noted that the applicant had indicated that they would be willing to accept the sole use of the western access.
- There were letters of support as well as letters of objection.
- The site was a brownfield site.
- There was a shortage of pitches.
- The site was a small site and would not have a greater impact than the previous use.
- The drainage needed to be addressed.
- Paragraphs 6.5-6.7 of the report set out criteria to be considered in determining such applications and factors to which weight should be attached. The proposal fulfilled the criteria and factors to which weight should be attached were in its favour.
- A view was expressed that the site did not comply with policy H4.
- In response to questions the Acting Principal Planning Officer commented as follows;
 - She confirmed that the applicant was a local person, however Government guidance stated that this was not a material consideration.
 - It was typical for a day room to be provided as part of such a development.
 - A condition restricted occupancy of the second pitch, if it was not occupied by the applicant's brother, to a person who met the definition of a gypsy or traveller.
 - In relation to flooding she confirmed that photographs had been provided of a flooding event, thought to have been in the 1990s. However, the site had no history of flooding. In response to a technical question about the interpretation of the guidance on undertaking flood risk assessments she reiterated her view, supported by the Development Manager, that a flood risk assessment was not required for developments in flood zone 1 unless the site exceeded 1 hectare, which it did not in this case.
- The following additional conditions were proposed:
 - The eastern entrance should be closed and landscaped.
 - Drainage facilities should be approved and installed prior to occupation of the site.

The local ward member was given the opportunity to close the debate. He reiterated his support for the additional conditions.

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos: TJ15-SLP, TJ15-BLOCK revision B, TJ15-DAYROOMS) received by the local planning authority on 9th April 2015 and 15th March 2016, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure the development is carried out in accordance with the approved plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 Prior to the construction of the day rooms details (or samples) of the materials and finishes to be use externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

- 5 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Any material change to the position of the static caravans, or their replacement by other caravans in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to safeguard the character and amenity of the area, and the living conditions of neighbouring properties, in accordance with policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

8. The applicant's brother, William (known as Billy) Jones shall only occupy a pitch on the site whilst being a dependant relative of Mrs T Jones and his occupation shall cease if at any time Mrs T Jones ceases occupation of the site.

Reason: It would be contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for caravans/dayroom in this location except to meet the expressed personal circumstances of the applicant's brother or for a gypsy or traveller.

9. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a revised landscape design, to include the permanent closure and landscaping of the existing eastern vehicular access onto the C1109 and the eastern section of the site, has been submitted to and approved in writing by the Local Planning Authority. The details submitted should also include the landscaping shown on drawing TJ15-BLOCK revision B and as described in the Rushton Planning letter dated 9.4.2015 and shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which 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 plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Prior to the first use of the application site hereby approved the existing vehicular access at the eastern end of the road frontage of the site onto the adjoining highway (C1109) shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work, with the exception of any site clearance and groundwork (excluding any works to retained features), on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Before any other works hereby approved are commenced, with the exception of any site clearance and groundwork (excluding any works to retained features), details of improvements to the visibility splays to the retained vehicular access to the western part of the site onto the highway (C1109) shall be submitted to and approved in writing by the Local Planning Authority. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility shown on the approved drawing. The approved improvements to the access shall be carried out prior to the first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Prior to the first occupation of either of the gypsy and traveller pitches hereby approved details shall be submitted to the Local Planning Authority to either confirm that:

- the existing septic tank and soakaway system meets the requirements of British Standard BS 6297: 1983 and that there shall be no connection to any watercourse or land drainage system and no part of the soakaway system shall be situated within 10 metres of any ditch or watercourse.
- or
- provide details of a new proposed foul drainage system

15. Development shall be carried out in accordance with the approved details and shall be completed prior to first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: To prevent pollution of the water environment and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a scheme for the provision of surface water drainage works and details of the water supply to serve the site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and ensure satisfactory water supply to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 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, 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. The development may mean that non mains drinking water is necessary for the scheme. All new non-mains water supplies must be wholesome and comply with the standards set out in the Private Water Supplies Regulations 2009. Shared and commercial private water supplies must be risk assessed and sampled by the Environmental Health and Trading Standards Division in accordance with the Regulations.
3. The proposed caravan site may require a site licence issued by the Licensing section of the Council's Environmental Health and Trading Standards Division.

167. 160202 - 48 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NJ

(Proposed two storey side extension.)

(Mr S Withers, Development Manager, declared a pecuniary interest and left the meeting for the duration of this item.)

The Senior Planning Officer gave a presentation on the application.

RESOLVED: 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 (Drawing JS/161/15/2)
3. I16 - Restriction of hours during construction

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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.

168. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 12.12 pm

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	6 APRIL 2016
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 153344

- The appeal was received on 4 March 2016
- 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 Charles Cox
- The site is located at Land adjacent to Headlands Farm, Leominster, Herefordshire
- The development proposed is Proposed erection of bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 150182

- The appeal was received on 4 March 2016
- 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 N Rolinson
- The site is located at Land adjoining and immediately to the south of Fairview, Putley, Herefordshire, HR8 2RE
- The development proposed is Proposed erection of two holiday let units
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

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

Application 152534

- The appeal was received on 3 March 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mr Ivan Lucas
- The site is located at Orde House, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6DQ
- The development proposed is Proposed erection of stable block, including tack room and change of use of land to equine.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 143792

- The appeal was received on 4 March 2016
- 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 Mrs Myra Thomson
- The site is located at Kingcup Cottage, Wellington, Hereford, Herefordshire, HR4 8DT
- The development proposed is Proposed residential development and alteration for existing access.
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479

Enforcement Notice 160810

- The appeal was received on 8 March 2016
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The breach of planning control alleged in this notice is: Without planning permission the erection of a rear extension
- The requirements of the notice are:
 - Demolish the unauthorised extension as shown in the approximate location marked "A" on the plan marked "A" and edged blue on the plan marked "B".
 - Remove all resulting brickwork and waste materials from the site to a registered waste disposal site
- The appeal is to be heard by Written Representations

Case Officer: Miss Emily Reed on 01432 383894

Application 152572

- The appeal was received on 29 January 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The development proposed is Proposed single storey rear extension (Retrospective).
- The appeal is to be heard by Written Representations. This is a change in appeal procedure from Householder.

Case Officer: Miss Emily Reed on 01432 383894

Application 152174

- The appeal was received on 16 March 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr Ted St George
- The site is located at Rosemundy, Widgeon Hill Barns, Hamnish, Leominster, Herefordshire, HR6 0QN
- The development proposed is Proposed conservatory
- The appeal is to be heard by Householder Procedure

Case Officer: Mr A Prior on 01432 261932

APPEALS DETERMINED

Application 151596

- The appeal was received on 27 November 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 R Channon
- The site is located at Land adjacent Purland Chase, Coughton, Herefordshire, HR9 5RR
- The development proposed was Proposed two residential dwellings.
- The main issue(s) were:
 - 1) Whether the proposal is a sustainable form of development with particular reference to its location;
 - 2) The effect of the proposed development on the character and appearance of the Wye Valley Area of Outstanding Natural Beauty

Decision:

- The application was Refused under Delegated Powers on 10 July 2015
- The appeal was Dismissed on 7 March 2016

Case Officer: Mr C Brace on 01432 261947

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



MEETING:	PLANNING COMMITTEE
DATE:	6 APRIL 2016
TITLE OF REPORT:	152578 - PROPOSED NEW DWELLING AT LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG For: Mr Morel per Mr Mark Owen, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152578&search=152578
Reason Application submitted to Committee – Redirection	

Date Received: 27 August 2015

Ward: Golden Valley
South

Grid Ref: 329274,230523

Expiry Date: 27 October 2015

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 The application site is located on the north side of the Olchon Valley, 2.7km to the north west of Longtown, immediately beneath Red Daren on the eastern side of the Hatterrall ridge. The site is comprised of the ruinous remains of a stone cottage (the use of which is unequivocally abandoned) which occupies a clearing within a small glade of deciduous trees. The clearing is accessed off the Rhiw Road (U75000) by a winding gravelled track which, half way along, gives way to grass. The track skirts around the front (north) of the raised site of the ruined building. A stream flows down from Red Daren, dissecting the site in a north-easterly direction. The site has a gradual slope from its southern boundary down to the northern boundary with the highway, so that the clearing itself is significantly elevated above the highway. The surrounding land is principally agricultural farmlands –the closest buildings to the site are 290 metres to the south-east of the wider site (400 metres to the south-east of the clearing).
- 1.2 The proposed development is for a 132 square metre, single storey, 2-bedroom dwelling. The dwelling would be located within the existing clearing alongside the remains of the previous cottage. It would be constructed out of structural timber sections, with external timber cladding sitting atop columns driven into the ground. A walkway terrace would skirt the dwelling. The previous dwelling will remain, and will be used for storage, herb garden and terrace. Walls will be repaired where necessary, re-using stone from the site using lime based mortar. For drainage, a sewage treatment plant will be used with outfall to the north. Surface water will be collected and discharged by soakaways. Photovoltaic panels will be used on the roof to provide energy to the dwelling whilst a water turbine will generate power. The building envelope is anticipated to achieve the following elemental U-Values:

- Roof 0.14W/m²K

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

- Walls 0.25W/m2K
- Floors 0.15W/m2K.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy:-

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
H2	–	Rural Exception Sites
RA1	–	Housing in Settlements Outside Hereford and the Market Towns
RA2	–	Herefordshire's Villages
RA3	–	Herefordshire's Countryside
RA4	–	Agricultural, Forestry and Rural Enterprise Dwellings
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geo-Diversity
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources

2.2 The National Planning Policy Framework

2.3 The National Planning Policy Guidance

2.4 Longtown Group Parish Council are producing a Neighbourhood Plan which, at the time of writing this report, is at a drafting stage and therefore whilst a material consideration is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.5 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None applicable to this site

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water does not object.

4.2 Natural England does not object:

SSSI - No objection – with a condition requested

This application is in close proximity to Black Mountains Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted and the condition below, will not

damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Condition

To prevent damage to the special interest of the Black Mountains SSSI mentioned above, a condition requiring a construction management plan should be submitted and agreed with the council prior to the commencement of any works. The construction management plan should describe how construction works will avoid damage to the SSSI.

This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Black Mountains SSSI is notified. We also advise that works carried out as part of the proposal (if approved) should be guided by the Environment Agency guidelines on working and storage of materials near watercourses as a watercourse runs through the site.

If your Authority is minded to grant consent for this application without the condition recommended above, we refer you to Section 28l (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Green Roofs

We note the proposal includes a green roof and advise the following:

Research indicates that the benefits of green roofs include reducing run-off and thereby the risk of surface water flooding; reducing the requirement for heating and air-conditioning; and providing habitat for wildlife.

We would advise your council that some living roofs, such as sedum matting, can have limited biodiversity value in terms of the range of species that grow on them and habitats they provide. Natural England would encourage you to consider the use of bespoke solutions based on the needs of the wildlife specific to the site and adjacent area. I would refer you to <http://livingroofs.org/> for a range of innovative solutions.

Other Advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- Local sites (biodiversity and geodiversity)
- Local landscape character
- Local or national biodiversity priority habitats and species

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a

local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Internal Council Consultations

4.3 The Transportation Manager does not object:

The site is situated on a narrow unclassified highway, with sheep grazing around the area therefore the animals grazing and the very rural nature of this road means that speeds are very low. Parking, turning and site access gradient should meet HC design guidance.

4.4 The Conservation Manager (Ecology) does not object:

The site itself has no designation but is clearly within a very sensitive area regarding ecology which has been identified adequately in the ecological assessments carried out. In consideration of the ecological report and woodland report submitted, the proposals for mitigation, habitat protection and biodiversity enhancements need to be formalised in a full working method statement, a construction environmental management plan and an enhancement scheme respectively. I note that the woodland is under a Woodland Grant Scheme and so habitat enhancement should be commensurate with any management plan produced for the trees on this site. Please note that no works should take place within 10 metres of the surrounding Site of Special Scientific Interest / Special Wildlife Site, or if they are intended, a full and detailed description and mitigation for such works is required.

4.5 The Conservation Manager (Landscape) does not object:

Landscape Impact:

The site for the proposal is located off the Rhiw Road U75000 which follows the contours of the land along the lower slopes of the Black Mountains. Enclosed by deciduous woodland the site is approached by a gravel track with skirts around the front of the remnant building approaching from the former dwelling from the north.

Pre-war maps indicate the presence of a dwelling upon site currently however only partial walls remain indicating a split level stone dwelling reflecting the sloping nature of the site.

Given the heights of the landform the site boundary forms the landscape character type Highhills and Slopes. The site itself is retained within the Ancient Border Farmlands character type for which the settlement pattern is defined as sparsely scattered low density settlement pattern particularly vulnerable to change. New development should be discouraged and strictly controlled to prevent inappropriate clustering.

In this instance paragraph 55 of the NPPF is therefore applicable whereby the proposal would need to demonstrate exceptional quality or innovative nature of the design, as well as significantly enhancing its immediate setting.

I have a number of concerns which would need to be addressed as part of the application:

Having looked at the elevations and read the Design and Access Statement whilst I note the innovative design I am not convinced that it is reflective of or sympathetic to the existing character within the locality. The original building was in fact stone and appears to be split level nestled into the contours of the land rather than elevated above it.

No details are provided of any landscape proposals in order to demonstrate how the development would enhance its immediate setting. A landscape management plan is submitted indicating the retention of the woodland. No details of trees to be removed as part of the proposal are shown. The site is adjacent to the Black Mountains SSSI and Special Wildlife Site thus the retention of the woodland is desirable for biodiversity as well as minimising visual impact which would otherwise be potentially significant. Currently the access track appears to be stone no details are provided as to whether this will be upgraded; currently the track crosses a watercourse which may also need to be addressed.

Further Information:

Detailed landscape proposals indicating trees for retention and removal. As well as details of all soft and hard landscaping proposed.

5. Representations

5.1 Longtown Group Parish Council - It was initially reported by the Parish Clerk that Longtown Parish Council have no objection to the application. A subsequent email from the Parish Clerk clarified that the Parish Council in fact support the application.

5.2 19 letters of support have been received from third parties. In summary, these letters make the following points:

- The applicants are a large part of the community and it is important that they are helped to live therein;

- Colin Morel runs an important local business as a heating engineer and Christine Morel runs the local shop and post office;
- The village store in particular is an important local asset which supports local business;
- The applicants were both born and raised locally
- They have started a family and it is important that they have this house;
- There used to be a dwelling on site owned by Colin Morel's father;
- It is a unique opportunity to support a family in supporting and maintaining their local heritage;
- High prices in the area make it very difficult for young families to purchase houses;
- Enlightened planning is oft abused though this will not happen here;
- Whilst communities need a library of rules and guidance to keep it progressing fairly to all its members, this library can swamp common sense.
- There are no objections to the application from the nearest neighbour;
- The proposed development is sympathetic to the beautiful landscape and ecology and the proposal is sensitive to its surroundings;
- The proposed building is of an eco-friendly and sustainable design;
- This grand design is inspired and will not lead to an unwanted precedent being set; and;
- Any external lighting should be positioned to provide shaded downlighting so as not to cause light pollution in what is one of the "darkest" valleys in the UK

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152578&search=152578>

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

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

6. Officer's Appraisal

Principle of Development

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

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

6.2 Here, the Herefordshire Local Plan ('HLP' from hereon) is the development plan. The Core Strategy is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the Core Strategy shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the Core Strategy and by extension, any adopted or emerging NDPs out-of-date until they have passed Regulation 16. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the HLP cannot be inherently relied upon.

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

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

- 6.5 In terms of rural settlements, Core Strategy Policy RA2 firstly requires that that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Llanveynoe which is a part of Longtown Group Parish Council. Longtown Group Parish Council is presently drafting an NDP though this is not sufficiently advanced as to attract weight in the determination of this planning application. In such circumstances, Policy RA2 directs that housing growth will be supported in principle where it would be provided within or adjacent to settlements identified in Figures 4.14 and 4.15, to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire.
- 6.6 Longtown is the closest Core Strategy identified settlement to the site, some 2.7 km (measured as the crow flies) to the south-east of the site. The site cannot therefore be considered to be within or adjacent to an identified settlement and the proposal is fundamentally contrary to Policy RA2. Remembering that the Council cannot presently demonstrate an NPPF compliant supply of housing land, it is your officer's opinion that Longtown also represents the closest settlement to the site which could reasonably be described as 'sustainable' in terms of its ability to provide everyday facilities and services. Therefore and having regard the specific characteristics of this application, the housing supply dimension of the Core Strategy is considered to comply with the direction of the NPPF.
- 6.7 In rural locations outside of settlements such as this, Core Strategy Policy RA3 limits residential development to proposals which satisfy one or more of seven exceptional criteria. The proposal is offered as an affordable dwelling and as such, criterion 4 of Policy RA3 is most relevant, in allowing 'rural exception' housing which is otherwise accordance with Policy H2.
- 6.8 Policy H2 states that proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where they meet the following three criteria, which are assessed individually below:
1. the proposal could assist in meeting a proven local need for affordable housing; and
 2. the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and
 3. the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2.
- Members may wish to note that the conjunctive linking the above criteria is 'and'. All three criteria should therefore be fulfilled for development to comply with Policy H2.
- 6.9 At its last assessment in June 2014, the Local Housing Needs Survey for Longtown Group Parish found a need for 2 affordable homes, 1 mixed tenure home and 4 homes of undetermined need. Further, the Council's Housing Development Team support the planning application and confirm that the proposed initial occupants of the dwelling meet the criteria for local connection and affordability. Thus your officers consider a local need for affordable housing to be proven and, subject to an appropriately worded section 106 agreement, the development would assist in meeting that need in perpetuity. Therefore criteria 1 & 2 are satisfied.
- 6.10 Criterion 3 sets out a test for the appropriateness of a rural exception scheme and can be broken into two divisible sub-criteria for decision taking purposes: a) The ability of the development to demonstrate good design and to respect the characteristics of its surroundings ('Visual Impact'); and b) The ability of the site to offer reasonable access to a range of services and facilities normally in a settlement identified at Policy RA2 ('Accessibility'). Again, both parts of Criterion 3 should be fulfilled.

6.11 *Visual Impact*

- 6.11.1 In terms of visual impact, Policies SD1 and LD1 are also relevant. Policy SD1 requires, amongst other things, that proposals: take into account the local context and site characteristics; are designed to maintain local distinctiveness; and make a positive contribution to the architectural diversity and character of the area including through innovative design. Policy LD1 requires that a development demonstrates that the character of the landscape has positively influenced its design and scale; that it conserves and enhances the natural, historic and scenic beauty of important landscapes; and that tree cover is maintained and extended where important to amenity.
- 6.11.2 The application site is a small opening within deciduous woodland and presently comprises the remains of a previous dwelling. It is accessed via a winding, partially unmade and grassed track. A stream flows through the site from the mountain towards the road. The site is enclosed by a dense belt of trees. Land slopes steeply from the road to the site such that the base of the dwelling would be significantly above the Above Ordnance Datum ('AOD') level of the road but would not be visible from it.
- 6.11.3 The site lies within an area of Ancient Border Farmlands landscape character for which the settlement pattern is defined as sparsely scattered and of low density, particularly vulnerable to change. The site's immediate vicinity is representative of this character type being comprised of open fields and deciduous woodland sloping down from the Black Mountains in the west to the Olchon Valley in the east with sinuous single track country lanes providing vehicular access. Very few buildings are provided and where they are, they are almost exclusively in agricultural use. The area is intrinsically beautiful and illustrative of its remote location within the foothills of the Black Mountains.
- 6.11.4 The proposed dwelling would be atop stilts, of a single storey and timber clad. The proposed dwelling draws its appearance from the surrounding landscape, with the buildings massing replicating that of the surrounding trees. The thin columns imitate the thin tree trunks with the larger mass of the dwelling itself sitting within canopies of the trees which merge with one another by virtue of their layering and density. The timber cladding together with the grass roof provides a sympathetic palette of materials to the foliage of its sylvan milieu. Being stilted, the design also obviates potential flooding concerns in relation to the stream which flows through the site. Given the dense woodland between the road (the closest and only realistic public vantage point) and the application site, the development would be almost entirely screened from public view. Little information has been provided with regards the treating of ancillary areas and as such, a condition requiring details of soft and hard landscaping should be appended to any permission given.
- 6.11.5 On the above basis, the proposed dwelling is considered to be of an innovative design, appropriately informed by the unique characteristics of the site and its surroundings. The resultant development is considered to represent good design, making a positive and appropriate contribution to the architectural diversity and character of the area whilst retaining the character and appearance of the intrinsically beautiful countryside.

6.12 *Accessibility*

- 6.12.1 In terms of accessibility, Policy H2 requires that *reasonable* access is afforded to services and facilities. A proposal's ability to meet this sub-criterion thus requires a judgement of what may be construed as reasonable in terms of offering access to facilities and services. This test is unlike the equivalent test of Policy RA2 which applies a quantifiable assessment of a proposal's relationship with a settlement – that it is within or adjacent to the main built up part of the settlement. This gives recognition to the fact that rural exception sites will, on occasion, come forward in locations that are removed

from the main built up part of a settlement, hence the term 'exception', though should still relate to that settlement.

6.12.2 Longtown, the nearest RA2 settlement, offers a range of community facilities including a primary school, nursery, public house, village stores and village hall. Given this level of service provision, the Policy RA3 requirement that exceptions sites should offer reasonable access to facilities found normally in an RA2 village is considered relevant.

6.12.3 The application site is 5.0km from Longtown – measured along the quickest route of travel - along a steeply undulating single track road. There is no public transport between the site and Longtown. Given there are 219 settlements at figures 4.14 and 4.15, such distance from the nearest such settlement is considered substantial and illustrative, in this case, of the site's remote location. The journey from the site to Longtown is one that could only reasonably be undertaken in the private motor vehicle, there being no pedestrian infrastructure. For these reasons, it is officer's opinion that the proposed development does not offer reasonable access to a range of services and facilities. Indeed the Berry's Valuation Report which accompanies the application (informing the open market value of the dwelling from which the discount rate would be calculated) acknowledges the site's remote location, suggesting that the proposed dwelling's open market value would be £50,000 less than the sale value of comparable dwellings identified *within* the settlement of Longtown for this reason.

6.13 To conclude on the principle of development, the scheme is considered to provide an affordable dwelling for which there is a need. The proposal represents good design and would uphold the character and appearance of the landscape. However, in being 5.1 km from the closest sustainable settlement, the site is not considered to provide reasonable access to a range of services and facilities. For this reason, officers consider that the development fails to meet the expressed requirements of Core Strategy Policies RA3 and H2 which are founded on the requirement to locate development in sustainable locations expressed by Core Strategy Policies SS4 and MT1 and the NPPF.

Other Matters

6.14 The site itself has no designation but is clearly within a very sensitive area regarding ecology which has been identified adequately in the ecological assessments carried out. The Council's Ecologist finds the submitted Ecology and Woodland reports to appropriately assess the impact of the development on its biodiversity context whilst Natural England does not object to the application for reasons expressed at paragraph 4.2 of this report. Should permission be granted, proposals for mitigation, habitat protection and biodiversity enhancements need to be formalised in a full working method statement, a construction environmental management plan and an enhancement scheme respectively. It should also be noted that works should not be undertaken within 10 metres of the surrounding Site of Special Scientific Interest / Special Wildlife Site, or if they are intended, a full and detailed description and mitigation for such works is required. Subject to these provisions, the proposal accords with the biodiversity aims and objectives of chapter 11 of the NPPF and Core Strategy Policy LD2.

6.15 The Council's Transportation Manager does not object to the development. Visibility at the site entrance on to the highway is acceptable. In reaching this conclusion, regard is had to the road class which is 'U', the relatively low volumes of traffic thereon and that the geometry of the highway network limits vehicular speeds. There is sufficient room within the site as to provide for the parking of vehicles whilst maintaining sufficient space for manoeuvring to enable vehicles to enter and leave the site in a forward gear. A severe impact on highway safety has not been found and the development is therefore acceptable in the context of chapter 4 of the NPPF and the elements of Core Strategy Policy MT1 that are relevant to this consideration. This does not override the fact that the proposal does not accord with the MT1 objective that is the promotion, through directing development to appropriate locations, of sustainable transport.

- 6.16 The proposed dwelling would occupy a remote and extensive site enclosed by dense woodland. For these reasons, the residential amenity of proposed and existing residents wouldn't be unduly affected and the scheme accords with NPPF guidance and Core Strategy Policy SD1 in this regard.
- 6.17 For the sake of clarity, officers do not consider the application to meet the tests of paragraph 55 of the NPPF which allows dwellings in unsustainable locations where the dwelling is of exceptional quality or an innovative nature and where that design:
- is truly outstanding or innovative, raising standards of design more in rural areas;
 - reflects the highest standards in architecture;
 - significantly enhances its immediate setting; and
 - is sensitive to the defining characteristics of the local area.
- 6.18 Whilst the proposed development is considered appropriate for its environment in the context of a rural exceptions dwelling, as laid out at paragraph 6.12 of this report, the proposed scheme is not considered to meet the amplified tests of paragraph 55. Specifically, officers do not consider the development to significantly enhance its setting, which is the test prescribed.
- 6.19 It is understood that the applicants provide a local service running the local shop and post office. Policy RA4 supports development in unsustainable locations in exceptional circumstances where "it can be demonstrated that there is a sustained essential functional need for the dwelling" in relation to a rural business. However, the provision of a dwelling on the application site some 6.1km from the shop is not considered to be directly "necessary to the establishment or growth of the rural enterprise".
- 6.20 In considering letters of representation, it is noted that the applicants are repeatedly referred to as 'important' and 'well respected' members of the local community. The National Planning Policy Guidance is clear, however, that personal circumstances should not be used to justify the granting of planning permission. NPPG paragraph 15 on the 'Use of Planning Conditions' confirms that, "A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building."

Conclusion

- 6.21 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within the 'Policy Context' section of this report, the Core Strategy is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the Core Strategy, Policy SS2 and the housing supply dimensions of Policies RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.22 As a 'rural exception' development, Policy RA3 expects that reasonable access should be provided to a range of services and facilities usually found in an identified settlement. The application site is located remotely from the closest 'service centre' at Longtown, approximately 5km by rural roads, failing to provide reasonable access thereto. For this reason, the proposed development would be contrary to the provisions of Policy RA3 of the Herefordshire Local Plan – Core Strategy and also the NPPF. Therefore, and despite the inherent economic and social benefits of providing an affordable dwelling, even having consideration for the Council's under supply of housing land, the proposed development is not considered to represent sustainable development. On this basis and as directed by Policy SS1 of the Core Strategy and the NPPF, planning permission should be refused.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application is contrary to Herefordshire Local Plan – Core Strategy Policies H2 and RA3 which seek to direct rural exception housing to locations that offer reasonable access to a range of services and facilities found normally in a settlement identified at Policy RA2. The site is 5km (3.1m) from the nearest settlement listed in Policy RA2, a journey that would place reliance on the private motor car. The Council considers the site is beyond what can be considered reasonable accessibility to the services and facilities offered and is thus in a location that is unsustainable and incapable of being made so, which is also contrary to Core Strategy Policies SS4, MT1 and RA3. This fundamental issue represents significant and demonstrable harm that must be weighed against the modest social and economic benefits which accrue from the provision of a single, affordable dwelling. In conducting the planning balance, the Council considers that the adverse impacts associated with the approval of an affordable dwelling in this remote, rural location, significantly and demonstrably outweigh the benefits such that planning permission should be refused.

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.

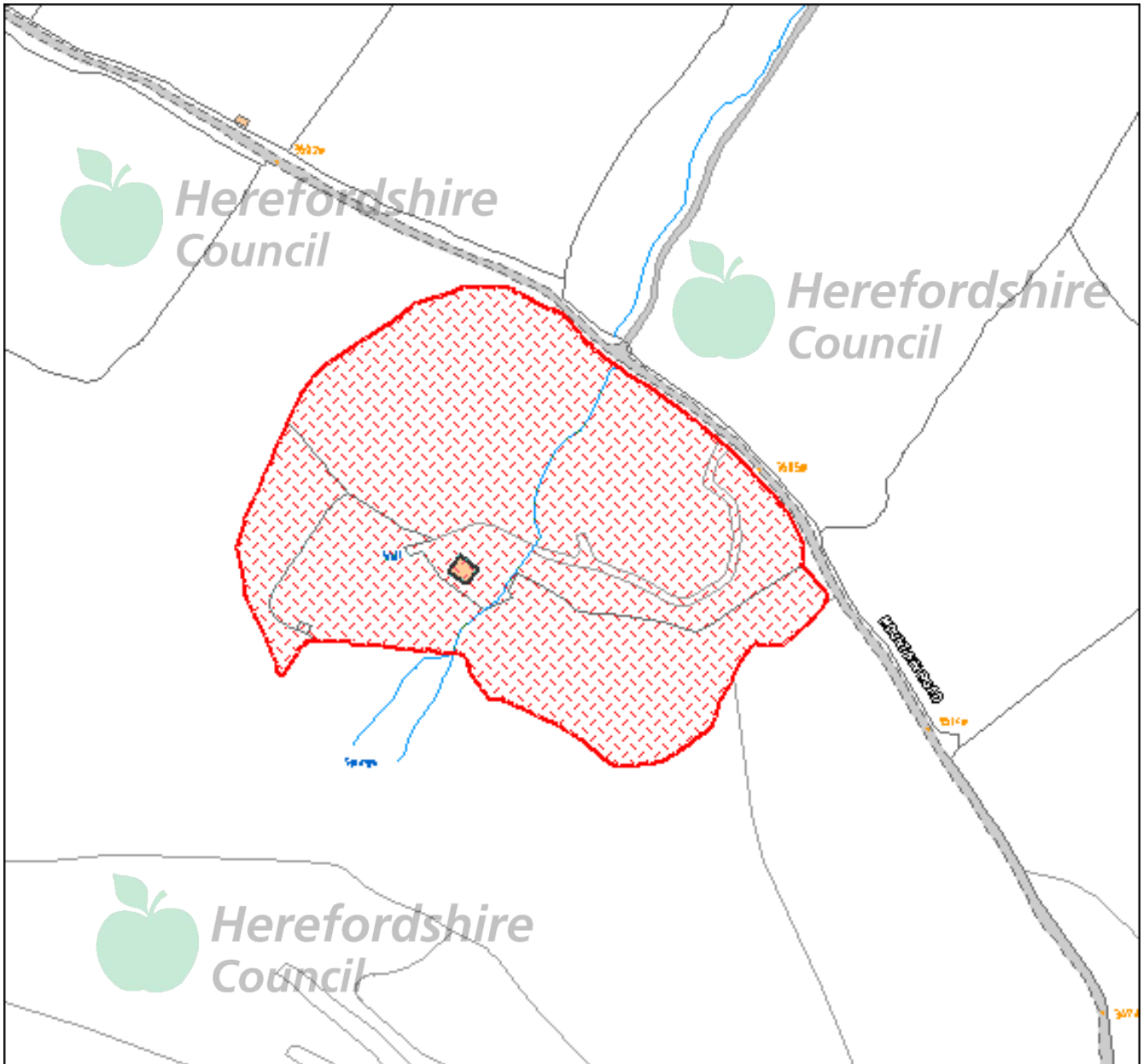
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152578

SITE ADDRESS : LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG

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



MEETING:	PLANNING COMMITTEE
DATE:	6 APRIL 2016
TITLE OF REPORT:	151755 - PROPOSED ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT LAND AT DILWYN COMMON, DILWYN, HEREFORDSHIRE For: Ms Powell per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151755&search=151755
Reason Application submitted to Committee – Redirection	

Date Received: 10 June 2015

Ward: Weobley

Grid Ref: 341897,254712

Expiry Date: 8 April 2016

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application site is located on the edge of Dilwyn approximately 9km to the south west of Leominster and 20km to the north west of Hereford.
- 1.2 The site is situated on the eastern edge of the village within short walking distance of a range of services and facilities, including a public house, church, primary school, village hall and tea room/craft centre. The village has a population of over 750 and includes more than 200 dwellings.
- 1.3 The village has many historic buildings and other interesting features, including the 12th Century Grade I St Mary's Church, the village school building, the Old Forge, Karen Court, Great House and the Village Green. Overall, the parish contains some 40 listed buildings, including a number of listed dwellings, barns and historic agricultural buildings.
- 1.4 The village forms part of a designated Conservation Area, which extends from the nucleated, historic village core to the eastern part of the village where the development pattern becomes more organic and dispersed. A more linear settlement pattern is present along Common Road (U93209), which provides a connection between the C1091 to the west, which runs through the village and joins to the A4112 to Leominster, and to residential development in Dilwyn Common and the A4110 to Hereford to the east.
- 1.5 Existing residential land uses are located to the east and west of the site. Opposite the site to the north is a traditional orchard and to the south is the remaining portion of grazing land with open farmland beyond.
- 1.6 The site itself comprises 0.79 hectares and is bounded by an existing 1.4 metre high native species hedge to the north, east and west. The foundations and part of two walls of a former

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

Methodist church are located in the north eastern corner of the site, which would be left intact. A minor watercourse is located approximately 20m to the north-east of the site.

- 1.7 It is proposed to construct four dwellings comprising two three and two four bedroomed properties with generous sized gardens. The layout of the scheme involves two detached pairs of dwellings that are set back from the highway and separated by an apple orchard to maintain the existing visual break between the settlement of Dilwyn and residential development in Dilwyn Common to the east. To reflect the scale of other buildings in the vicinity of the site, the dwellings are proposed to be 1.5 storeys in height.
- 1.8 Varying building footprints are proposed as an organic extension to the historic development pattern and would appear as a collection of vernacular buildings. Proposed external materials to be used to construct the dwellings would be hand made red brick and timber boarding under natural slate roofing.
- 1.9 Vehicular access would be via a new junction formed with Common Road to the north of the site, which would involve removing a short section of hedgerow. Two existing field gate access points would be retained to provide continued access into the adjoining fields. An access strip running along the side of the orchard area would provide continued access to the rear of the site for the annual Dilwyn Show. An existing public footpath runs along the eastern boundary of the site.
- 1.10 A new boundary hedgerow would be required to the south to provide separation between the proposed development and the undeveloped, remaining fields to the rear of the site. Existing mature hedgerow and trees running along the edges of the site would be retained and supplemented with additional planting.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental quality and local distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework

The following chapters are of particular relevance to this proposal:

Introduction - Achieving Sustainable Development

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

Section 4	-	Promoting Sustainable Communities
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 Historic Environment
Section 12	-	Conserving and Enhancing the Natural Environment

2.3 Neighbourhood Planning

Dilwyn Parish Council has opted not to prepare a Neighbourhood Development Plan at the present time.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 The site has no specific planning history.

4. Consultation Summary

Statutory Consultees

4.1 **Historic England** did not wish to offer any comments on the application but recommended that the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

4.2 **Welsh Water** had no objection to the application, subject to the inclusion of planning conditions to protect the integrity of the public sewerage system, prevent hydraulic overload of the public sewerage system and to minimise the risk of pollution. Welsh Water also envisaged that there would be no capacity issues with the provision of water supply to the proposed development.

Internal Council Consultations

4.3 **Transportation** originally objected to the application on the following basis:

The access visibility splays of 2.4m x 60m are acceptable though the application does not identify the impact on the hedge, a section of the hedge needs to be pulled back to prevent future growth impeding on the splays, this needs to be set out in a drawing.

The hedge will need to be maintained, how will this be managed for the whole site? This will need to be conditioned.

The main issue is with the u93209, this is a single width lane with a large number of properties being served, the additional traffic could make this development unacceptable. A proper assessment of the usage of the lane is required in terms of peds, cycles, equine and vehicles. The assessment needs to identify, what, if any, mitigation measures need to be implemented. Without this, the development could have an unacceptable level of impact.

However, following consideration of additional information, including a Transport Assessment, this submission was updated as follows:

The applicant and the local residents have provided information relevant to the application. The route appears to be well used by pedestrians and vehicles.

The development will impact on the location but the scale of impact is not deemed to be severe due to the number of trips and the existing road layout, the close proximity to the C1091, Dilwyn Village Road.

The footpath link would be beneficial as would the improved visibility with the hedge being pulled back.

Concern has been raised of further development in the same location, with the information provided, I could not support any further development in this location over and above what has been proposed.

The proposal as it is currently presented is not one I would or could recommend refusal, I believe the scheme would be better with the link.

4.4 Conservation Manager (Historic Buildings) had no objection to the amended scheme:

The proposed scheme for the residential development of the site has changed significantly since the submission of the first iteration. Comments made in relation to the original scheme were as follows:

The proposed development site is situated between the settled areas of Dilwyn and Dilwyn Common and is a key open space (together with the orchard opposite) within the Dilwyn Conservation Area. It traditionally separates the two areas of the settlement and conservation area and is an important feature of the local area. Together with the village's buildings and structures, the area's mature trees and hedgerows, walls, gardens, open spaces and views, contribute to the special architectural and historic character of Dilwyn Conservation Area.

The proposed development would join the two settled areas and while an open field would remain behind the proposed houses, my concern is that the character and appearance of the traditional and historic break within the conservation area would be diminished as a result of the proposals and through the discordant character of the proposed houses. As noted above, the hedgerows and fields around and between pockets of settlement contribute significantly to Dilwyn's character and appearance. The development of four houses with associated driveways, garages and other domestic features would have a profound impact on that character.

I think in its current form, the proposed development is out of character with the conservation area as a whole.

It was recommended that the applicant consider ways of keeping a visual break at the centre of the site, review the general architectural character of the proposed buildings and consider ways in which a more vernacular treatment could be applied to the new houses while working with local character.

The amended scheme now proposed does address these points and I would consider the form and site layout to be appropriate. The proposed architectural form, materials, detailing and landscape treatment are considered to be an improvement on the previous scheme and the variety across the site will generate buildings of more distinctive character as seen in other parts of the village. I therefore raise no objection to the proposed scheme.

Conditions to relate to materials and detailed drawings of doors and windows.

4.5 **Conservation Manager (Ecology)** had no objection to the application subject to the following condition being imposed:

Thank you for consulting me on the above application. The ecological report finds this a low biodiversity site with which I would agree. The important aspects of the site are focussed upon the hedgerows which should be retained and protected. I would suggest that the recommendations of the ecological report are taken up and that a non-standard condition is attached as follows:

The recommendations set out in the ecologist's report from Star Ecology dated May 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 the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

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

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

4.6 **Conservation Manager (Archaeology)** had no objection to the application:

P151755/F, Land at Dilwyn common Dilwyn: proposed erection of 4 no. dwellings etc. Further to our discussions about this case, I am providing the following comments as confirmation:

- At pre application stage [P150215/CE] I advised Mr Hicks that although in general I regarded the site as being of low sensitivity archaeologically, I was concerned that there should be no direct impact on the (largely subterranean) remains of the former Methodist chapel present in the far north eastern corner of the site. This concern was based on the desirability of preserving any surviving building fabric, and in lessening potential risks to any buried human remains that potentially might be present here.*
- At the time, I explained to Mr Hicks that with such chapels, human remains were either likely to be present in very close association to the chapel building itself, or not present at all. There was as far as I was aware no evidence of any human remains being present at all, even adjacent to or under the chapel. I also explained to Mr Hicks that were any human remains present, they would not necessarily be regarded as an archaeological issue per se. This is principally because of their likely date. Human remains would in any case be dealt with via the Burial Acts.*
- With reference to the communication subsequently received from Mr Brown, I am interested in the views expressed, but I'm afraid I do not agree with them. The historic configuration and naming of the fields in question does not in my view suggest an earlier / more extensive burial ground, nor indeed any greater archaeological potential generally.*
- Given that the layout now proposed by Mr Hicks does - as advised - achieve a 'standoff' and avoids direct impact, I have no objection to it.*

4.7 **Public Rights of Way Manager** had no objection to the application on the basis that the proposal would not appear to affect public footpath DW9.

4.8 **Land Drainage Manager** had no objection to the development on drainage and flood risk grounds provided the following additional information is provided to the Council prior to construction as part of a suitably worded planning condition:

- *a detailed surface water drainage strategy, with supporting calculations, showing how surface water from the development will be disposed of. The drainage strategy should demonstrate that surface water runoff from the site will be restricted to no greater than pre-developed greenfield runoff rates (with climate change allowance), that no flooding from the drainage system will occur up to the 1 in 30 year event and that flooding arising from extreme rainfall events (up to the 1 in 100 year event) can be managed without placing people and property at risk;*
- *evidence of infiltration testing in accordance with BRE365 to support the design of infiltration systems, and evidence of groundwater levels to demonstrate that the invert levels of any proposed soakaways are a minimum of 1m above the groundwater level;*
- *a drawing showing details of the foul water drainage system. The Applicant should also submit a confirmation from Welsh Water that the foul water from the development can be discharged to the public sewers, or if it is not feasible, details of the proposed package treatment plant with associated outfall arrangements. If the treated water from the package treatment plant is discharged to the ground, the Applicant should submit calculation of infiltration rate undertaken in accordance with Part H Building Regulations; and*
- *confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.*

4.9 **Parks and Countryside, Education and Housing** were consulted on the application and provided advice on the application, including the financial contributions required to be levied in this case. However, Section 106 contributions are not required for a residential scheme of this size provided that the applicant agrees to a one-year commencement, such as in this case.

5. Representations

5.1 **Dilwyn Parish Council** objected to the original application for the following reasons:

- *the style of housing is not in accordance with Dilwyn Parish Plan;*
- *the visual impact of the proposed development would have more than a moderate impact on surrounding residential properties, particularly Hazelwood and Woodstock;*
- *the site's location within the conservation area should be considered;*
- *additional vehicles entering/exiting the lane on a bend increases the danger of traffic hazard. The road is regularly used by children, walkers, horse riders, cyclists and agricultural/local building firm vehicles, as well as already existing domestic traffic;*
- *If there is any issue concerning the road (pot holes, water pipes, broadband, flooding, etc.), the narrowness of the road almost inevitably means it has to be shut;*
- *Dilwyn's sewage system in the past is said to be at capacity;*
- *the road along the development also suffers from flooding during heavy rain, which can be several times a year and to depths over 2 feet (most notably in 2007). The Parish Council previously has had to acquire and keep sandbags for the residents in the vicinity already affected. The access will inevitably be blocked on these occasions;*
- *the Parish Council are pleased that the remains of the Methodist chapel (built in 1835 and an important part of our parish social history) have been retained (on the advice of the County Archaeologist) and can hopefully be consolidated/preserved in the future. However, it was brought to Council's attention that the county archaeologist may have been unaware of the 1837 Title Map which indicates that the current Development site (including the Chapel) was at that time part of a strip of land separated from 'Chapel field', called 'Chapel Sling'. This may possibly have been an area designated for burial ground and further investigation may well be needed to establish if this was the case before any development were to take place; and*

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- *consideration should be given if there are any issues with electricity pylons being added or moved; and*
- *over 20 residents in attending at the recent Parish Council meeting expressed concerns over the possibility of further, future development on the Chapel Field site if permission was granted for this application.*

5.2 There were 41 objections to the application, which cited similar issues to those that were raised by the Parish Council. In addition, a number of submissions also objected to the principle of redeveloping the site for residential purposes, that the style of housing goes against what the community needs and that some affordable housing should be provided for local families.

5.3 There were also a series of objections to the amended application, including the following further submission from Dilwyn Parish Council:

- *That Dilwyn Parish Council objected to this application as the amended has now changed from a ribbon development which is not in keeping with the area.*

5.4 A further 11 objections to the amended plans were submitted and the following supplementary additional issues were raised:

- the development is not in keeping with existing ribbon development along the road;
- Plot 2 is too close to the existing lane, would be a dominant visual feature and alter the character of the lane;
- the development would be more visible to pedestrians on footpaths along the lane as it is no longer shielded by the orchard behind;
- the submitted Transport Assessment does not address the highway authority's concerns;
- the chapel site has been incorporated into the Plot 2 garden and should be removed from the scope of the development;
- the houses are unattractive and not in keeping with the style of other properties in Dilwyn; and
- none of the representations made by the community were taken into account.

5.5 The Council also received 1 representation from a local resident who expressed support for the application. This view was made on the basis that the site itself is appropriate for residential development, the road is quiet and the site does not flood and the road only floods rarely during extreme weather conditions. The submission also stated that the demographics of the village that is ageing needs to be adjusted and that local infrastructure needs to be sustained. Concern was raised however over whether the dwellings are of the right type for the village's needs as identified in the Parish Plan.

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

5.7

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151755&search=151755>

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 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 The Development Plan for this area is the Herefordshire Local Plan – Core Strategy, which includes policies that establish the County’s housing land supply and distribution over the plan period, in particular Policies SS2, SS3 and, for rural areas, Policy RA1.
- 6.3 Paragraphs 47-49 of the NPPF state that to significantly boost the supply of housing, local planning authorities should identify and annually update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional contingency buffer.
- 6.4 Further, it states that applications should be considered in the context of a presumption in favour of sustainable development and 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.
- 6.5 A recent appeal decision for development at Rosemary Lane, Leintwardine confirms that, at this point, the Council is unable to demonstrate a five-year supply of housing land. As a result, the Core Strategy Policies relevant to the supply of housing, as referred to in Section 6.2 of this report, cannot be given any weight and instead, Paragraph 14 of the NPPF is engaged:

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:

- *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 as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

- 6.6 Core Strategy Policies may be attributed weight according to their consistency with the NPPF: the greater the consistency, the greater the weight that may be afforded. As the Core Strategy was adopted only recently, the Policies contained in the Core Strategy can be attributed considerable weight given their consistency with the NPPF (with the exception of those related to housing land supply for the reasons outlined above).
- 6.7 Enshrined in Paragraph 14 and throughout the NPPF, as well as Policy SS1 of the Core Strategy, is a presumption of favour of sustainable development, which meets the three indivisible dimensions of this concept.
- 6.8 In summary, where proposals can be shown to be sustainable, there should be a presumption in their favour, unless material considerations (including up to date Core Strategy and NPPF Policies) indicate otherwise.

Principle of Development

- 6.9 National planning policy supports a sustainable approach to development in rural areas which is locally responsive, reflecting local housing needs with an emphasis on supporting services, employment and facilities in villages, and avoiding new homes in open countryside.
- 6.10 Policy RA2 deals with housing in settlements outside Hereford and the market towns and states that sustainable housing growth in each Rural Housing Market Area (HMA) will be supported in and adjacent to those settlements identified in Figures 4.14 and 4.15 of the Core

Strategy. Dilwyn is a settlement that has been identified in Figure 4.14 in the higher of the two settlement tiers as one that will be the primary focus of proportionate housing development.

- 6.11 Neighbourhood Development Plans (NDP's) will be the principal mechanisms by which new rural housing will be allocated and settlement boundaries established. Dilwyn Parish Council has opted not to prepare a NDP at the present time. Until such time as a settlement boundary is defined through a NDP, the Council will assess any applications for residential development against their relationship to the main built up form of the settlement with a presumption in favour of sustainable development and provided it meets the criteria in Policy RA2 of the Core Strategy.
- 6.12 It is the view of Council officers that the proposal complies with these criteria on the basis that:
- the application site immediately abuts the built up form of Dilwyn and is adjacent to existing residential development in Dilwyn Common to the east;
 - the site is located in a sustainable location within easy walking distance of a range of local services and facilities;
 - this is a modest housing development which is proportionate to the size, role and function of the settlement;
 - the proposal would result in the development of a high quality, sustainable scheme which has been designed to be appropriate to its rural agricultural context and makes a positive contribution to the surrounding environment and its landscape setting; and
 - based on the Herefordshire Local Housing Market Assessment (November 2013), the proposal would result in the delivery of a scheme that would generate the size, type, tenure and range of housing that is required in this HMA, reflecting local demand.

Design and Layout

- 6.13 The application site is positioned between the settled areas of Dilwyn and Dilwyn Common and is a key open space (along with the orchard opposite) within Dilwyn Conservation Area. It traditionally separates the two areas of the settlement and conservation area and is an important feature in the local area.
- 6.14 Together with the buildings and structures in the village, the area's mature trees and hedgerows, walls, gardens, open spaces and views, contribute to the special architectural and historic character and appearance of Dilwyn Conservation Area, a designated heritage asset.
- 6.15 Whilst the existing residential development is aligned along a short stretch of the highway near to the site and the original proposal would have continued this form of ribbon development, it would also have resulted in the two settled areas being joined. Whilst an open field would have remained behind this frontage development, Council officers had concerns that the character and appearance of the traditional and historic break within the conservation area would be diminished as a result of the original proposal and through the discordant design character of the proposed houses. The development of four houses with associated driveways, garages and other domestic features would have had a profound impact on that character.
- 6.16 It was recommended by Council officers that the Applicant consider ways of keeping a visual break at the centre of the site, review the general architectural character of the proposed buildings and consider ways in which a more vernacular treatment could be applied to the new houses while working with local character.
- 6.17 The proposed architectural form, materials, detailing and landscape treatment are considered to be an improvement on the previous scheme and the variety across the site would generate buildings of more distinctive character as seen in other parts of the village and the wider area.

- 6.18 The amended scheme addresses the points raised and Council officers are satisfied that the design and layout is appropriate in this locality.

Transportation

- 6.19 In response to the original objection to the application by the Council's highways manager, the Applicant commissioned Cotswold Transport Planning (CTP) to consider the appropriateness of the junction visibility splays at the proposed site access and to assess the capacity and suitability of the road to accommodate the additional traffic associated with the proposed development.

Suitability of junction visibility splays

- 6.20 The road consists of a single track lane although there are several locations where the carriageway widens (or where a grass verge is present) to more than 4.5 metres which is wide enough for two cars to pass. The geometry of the highway in the vicinity of the site and the presence of high boundary hedgerows which restrict forward visibility mean actual vehicle speeds are below the 30mph speed limit.
- 6.21 CTP carried out surveys of vehicle speeds and flows in the vicinity of the site access, which recorded 85th percentile speeds of 21.7mph eastbound and 20.6mph westbound. Based on the survey results, and having regard to relevant highway design guidance, 2.4m x 43m junction visibility splays are considered appropriate to enable safe and appropriate access to be provided. The existing roadside hedgerow is in the ownership of the Applicant and will be trimmed back and managed as necessary to enable the appropriate junction visibility to be provided and maintained in perpetuity.
- 6.22 The area within the necessary junction visibility splay to the west of the proposed site access currently occupied by hedgerow and verge would be surfaced with tarmac to enable a passing place to be provided. This would result in the overall width of this section of carriageway being widened to 5.5 metres to enable a car and a large vehicle to pass one another.
- 6.23 An additional passing place would also be provided on the northern side of the highway by resurfacing and extending the length of another existing verge which is currently informally used for parking and as a passing place.

Capacity and suitability of the highway to accommodate additional trips

- 6.24 The survey of the highway confirmed 7-day average two-way vehicle flows of 193 vehicles per day, with an average of 18 to 20 vehicles (two-way) during the weekday AM and PM peak hours.
- 6.25 Based on relevant industry standards, the proposal would generate between 20 and 28 daily vehicle trips and around 4 vehicle trips during AM and PM peak hours respectively.
- 6.26 This equates to an increase in daily traffic flows on this road of between 10% and 15% and an increase of 20% in vehicular traffic flows during peak hours.
- 6.27 The proposal is also forecast to generate 4 additional pedestrian trips and 1 cycle trip per day and 1 pedestrian trip during peak times.
- 6.28 The CTP Report also included a review of the Crash Map database which confirms that there have been no recorded personal injury accidents involving vehicles, bikes, pedestrians or equestrians in the vicinity of the site in the preceding 10 year period to 2014.

6.29 Overall, Council officers are generally satisfied with the findings of the Transport Assessment. It is acknowledged that the development proposal would increase traffic flows along this stretch of the highway, however, the scale of this impact is not deemed to be severe due to the relatively low number of trips that would be generated by the proposal, the geometry of the existing highway and the close proximity of the site to the C1091.

Landscape and Visual

6.30 The application was accompanied by a Landscape and Visual Impact Assessment by John Challoner Associates, which considered the likely landscape and visual effects of the proposal.

6.31 The assessment found that due to the character of the surrounding landscape, existing topography and the extensive coverage of mixed tall hedgerows, orchard trees and other vegetation in the vicinity of the site, the zone of visual influence is comparatively small.

6.32 The proposal would add a relatively small amount of built development to the fringes of Dilwyn and the layout has been designed to reduce any adverse impacts to neighbouring properties. The scheme is comprised of detached houses set in generous gardens, enclosed with hedges and scattered trees.

6.33 The visual impacts of the proposal from a range of viewpoints are summarised below:

Viewpoint	Viewpoint Location	Level of Impact
1	Site frontage along the lane (road level)	Low, increasing to moderate where new access formed
2	Site frontage along the lane (on site)	Low, increasing to moderate where new access formed
3	South west to west of the site	Very low
4	Public footpath east of the site	Very low
5	Footpath at the top of Highlow Field	Very low
6	Public footpath running south (boundary hedge)	Moderate
7	Public footpath running south	Moderate
8	Across valley towards the skyline ridge and woodland of Henwood	Moderate seasonal impact
9	Across valley towards the skyline ridge and woodland of Henwood (further west)	Low to moderate
10	East from the footpath along Hill Top	Very low
11	South east from the public footpath that crosses the parkland at Henwood Farm	Very low
12	Off public road skirting Henwood	Low
13	Zoomed in lay-by on A4112 roadside verge	Low
14	West across the site towards Dilwyn:	
	Woodstock Cottage, Hazelwood and Brooklyn	Moderate
	The Bramlings, Sunnyside, Red Rowans and Brookside	Low
	No. 11 and 12 The Glebelands	Very low

6.34 The introduction of new built form would inevitably result in some visual intrusion of specific viewpoints in the area. To the south and south east of the site, the overall impact is assessed as being low to moderate and there would be little or no change to views along public viewpoints west and north of the site. However, it is acknowledged that neighbouring properties would experience a moderate impact in terms of physical intrusion and partial loss of views, particularly during the construction phase and as new planting and landscaping becomes established.

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- 6.35 However, the dwellings would be set back from the road and be low density, which would help the development to integrate into the environment. The planting of trees and hedges in the form proposed, including the planting of an orchard, would soften and filter views of the houses, and help retain the green character of the village, where the abundance of mature trees is a characteristic feature.
- 6.36 Aside from a section of hedgerow that would need to be removed to accommodate the proposed access, existing hedgerows and trees along the site boundary, would be retained and enhanced through a robust landscaping scheme, including some landscaping aimed at reducing the visual impact of the proposal from nearby properties, including Hazelwood and Woodstock. The Applicant has set this out conceptually in the submitted Landscape Strategy, which would be developed further and formalised and implemented by planning conditions.
- 6.37 With this landscaping in place Council officers are satisfied that this issue can be mitigated and managed to within an acceptable level.

Flooding and Drainage

- 6.38 The Environment Agency Flood Map for Planning (Rivers and Sea) indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial flood sources is less than 0.1% or 1 in 1,000 (essentially all land outside Flood Zones 2 and 3).
- 6.39 Residential development is classified in Planning Practice Guidance (Flood risk vulnerability and flood zone compatibility) as appropriate development in Flood Zone 1.
- 6.40 Surface water runoff generated by each dwelling is proposed to be discharged to individual SUD's designed soakaway trenches and the access road within the site boundary would be constructed of permeable paving.
- 6.41 The Applicant would also be required to consider the management of surface water during extreme events that overwhelm the existing drainage system and/or occur as a result of blockage. Whilst the drainage system may be designed for the 1 in 30 year or 1 in 100 year event, the features that convey water to the drainage system are often not capable of managing intense rainfall events and temporary storage of water within the development is required in this case.
- 6.42 Foul water would be either discharged to the public sewer, or if this is found to not be feasible, the foul water from individual dwellings can be discharged to private water treatment and outfall arrangements dealt with on site.
- 6.43 Following the provision of additional information, Council officers have no objection to the application on drainage and flood risk grounds subject to recommended conditions being imposed, including the provision of a detailed drainage strategy being developed and implemented on the site, which incorporates the above.

Ecology

- 6.44 The application was accompanied by an Ecological Assessment of the site by Star Ecology, which found that the habitat of the site (being intensively managed improved grassland agricultural field) is of very low ecological value, and that the development of the site would not adversely affect the status of protected species in the locality.
- 6.45 The native hedgerows bounding the site provide a valuable local resource for small breeding birds and possibly for foraging bats. To mitigate the impact of hedge removal required for the

proposed site access, this activity would only take place when no nesting birds are present (i.e. between October and March) or following a survey by a qualified ecologist.

- 6.46 A series of biodiversity and enhancement measures are also proposed on site, including the provision of bat boxes on site and the planting of wildlife hedge, shrubs and trees. This would include the planting of around 50 new fruit trees which would help integrate the new built form into its conservation area setting and provide for biodiversity enhancement.
- 6.47 It is considered that implementation of these management and mitigation measures in conjunction with the landscaping scheme would adequately address the ecological impacts of the proposed development.

Archaeology

- 6.48 The foundations and part of two walls of a former Methodist chapel are located in the north eastern corner of the site, which is archeologically of low sensitivity.
- 6.49 The layout of the proposal has been designed such that any potential impact on the chapel remains would be avoided.

Conclusion

- 6.50 Currently, where proposals can be shown to be sustainable, there should be a presumption in their favour, unless material considerations indicate otherwise.
- 6.51 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.52 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.53 The site immediately adjoins the settlement of Dilwyn. Also, based upon the Inspector's finding in a recent appeal in Leintwardine, since there is not a 5 year housing land supply at the present time, it is concluded that, as Dilwyn has been identified as a settlement to be the main focus for growth, this proposal is not only environmentally acceptable in relation to this part of the settlement but it would also make a modest contribution to the dwellings required given the stated shortfall in housing land supply. It is considered to be a sustainable location with good access to a wide variety of services and facilities. In this respect, the proposal is in broad accordance with the requirements of Chapter 4 of the NPPF.
- 6.54 Further, the layout of the proposed development would ensure that the historic break and open space between Dilwyn Village and the hamlet of Dilwyn Common is retained and the special character and appearance of the conservation area of the area is maintained. The architectural form, materials, detailing and landscape treatment would add variety across the site resulting in distinctive built form as seen in other parts of the village and the wider area.
- 6.55 The contribution the development would make in terms of jobs and associated activity in the construction sector and in generating local business turnover should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.56 Whilst the development proposal would inevitably result in some residual adverse impacts, it is considered that these impacts are able to be avoided, mitigated, managed and compensated for.
- 6.57 Officers conclude that there are no overriding landscape and highways, visual, flooding and drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits in accordance with the provisions of the NPPF.
- 6.58 It is therefore recommended that planning permission be granted subject to the following planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (one year commencement)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. D04 Details of window sections, eaves, verges and barge boards**
- 5. F08 No conversion of garages to habitable accommodation**
- 6. G02 Retention of existing trees/hedgerows**
- 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. H03 Visibility splays**
- 12. H06 Vehicular access construction**
- 13. H09 Driveway gradient**
- 14. H13 Access, turning area and parking**
- 15. H17 Junction improvement/off site works**
- 16. H20 Road completion in 2 years**
- 17. H27 Parking for site operatives**
- 18. H29 Covered and secure cycle parking provision**

19. The recommendations set out in the ecologist's report from Star Ecology dated May 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 the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

20. CD3 Foul/surface water drainage

21. CD5 No drainage runoff to public system

22. I20 Scheme of surface drainage

23. I21 Scheme of surface water regulation

24. I18 Scheme of foul drainage disposal

25. I16 Restriction of hours during construction

26. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Hereford Local Plan – Core Strategy

27. I32 Details of external lighting

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 highway

- 5. **HN07 Section 278 Agreement**
- 6. **HN08 Section 38 Agreement & drainage details**
- 7. **HN21 Extraordinary maintenance**
- 8. **HN24 Drainage other than via highway system**
- 9. **HN28 Highways design guide and specification**
- 10. **N16 Welsh Water informative**

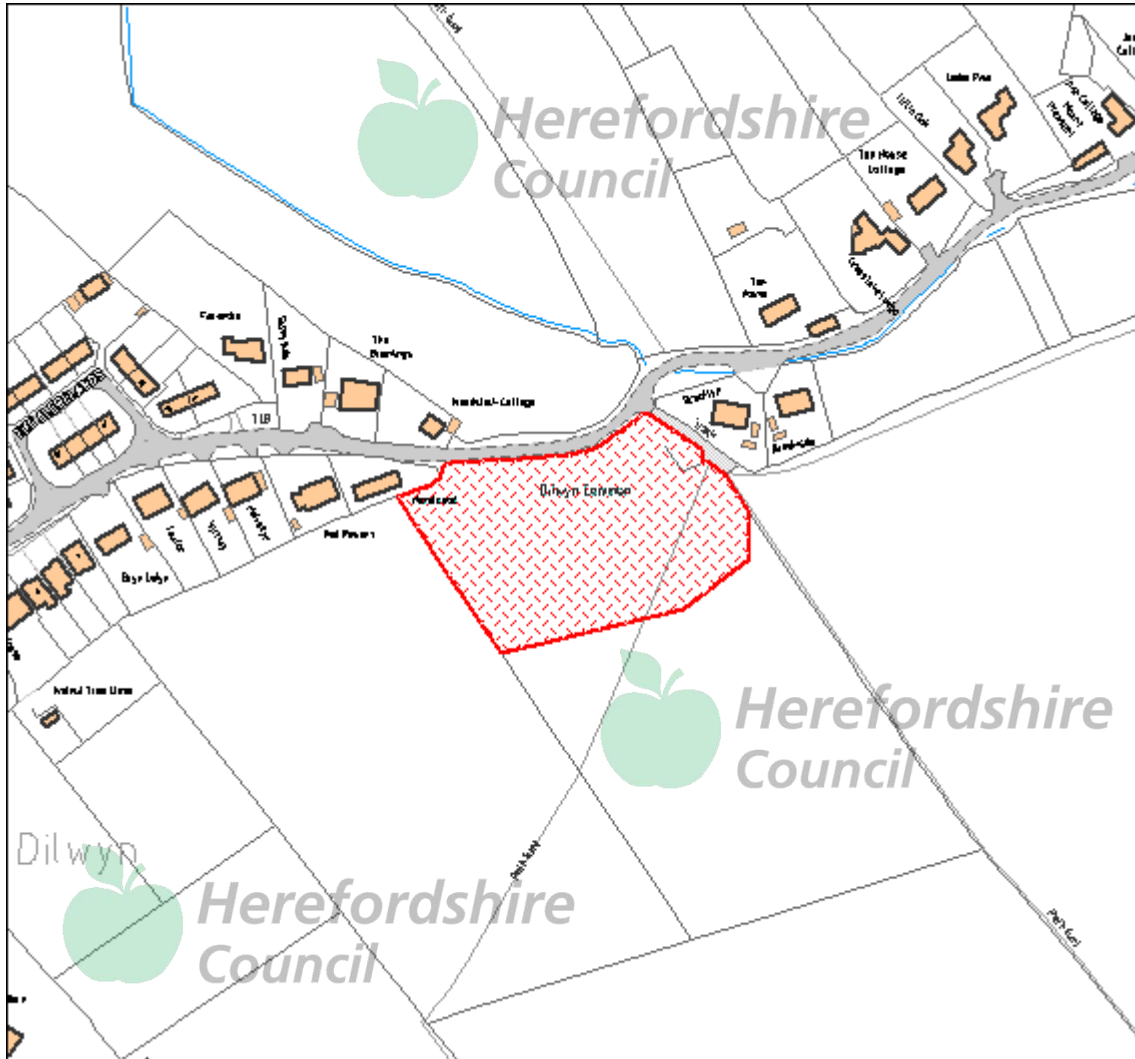
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151755

SITE ADDRESS : LAND AT DILWYN COMMON, DILWYN, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

