

AGENDA

Planning Committee

Date: **Wednesday 9 December 2015**

Time: **2.00 pm (or on conclusion of the meeting of the Planning Committee in the morning if later.)**

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:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>151354 - LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE</p> <p>Proposed archery course with 3d foam animal targets on a circuit through the woods. To include a reception area, off road parking and serviced portaloos toilet facilities.</p>	7 - 18
5.	<p>151248 - 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA</p> <p>Change of use to HMO and installation of fire alarm Grade A LD2, all bedrooms and kitchen doors to be replaced with fire doors, all walls repainted, carpets refitted, additional shower room and toilet, one internal stud wall added. (Retrospective).</p>	19 - 26
6.	<p>152475 - LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD</p> <p>Proposed cottage and garage.</p>	27 - 34
7.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 12 January 2016</p> <p>Date of next meeting – 13 January 2016</p>	

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MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	<p>151354 - PROPOSED ARCHERY COURSE WITH 3D FOAM ANIMAL TARGETS ON A CIRCUIT THROUGH THE WOODS. TO INCLUDE A RECEPTION AREA, OFF ROAD PARKING AND SERVICED PORTALOO TOILET FACILITIES AT LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE</p> <p>For: Mr F Buchanan, 27 Archenfield Estate, Madley, Hereford, Herefordshire HR2 9NS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151354&search=151354
Reason Application submitted to Committee – Re-direction	

Date Received: 5 May 2015

Wards: Old Gore & Penyard

Grid Ref: 365076,226201

Expiry Date: 13 July 2015

Local Members: Councillors BA Durkin and H Bramer

1. Site Description and Proposal

- 1.1 The application site comprises the southeasterly part of Lynders Wood, an Ancient Woodland, in Upton Bishop, which lies between the M50 and the B4221 Roads. The northern and western sections of the application site (including the access and cleared area) is described as replanted ancient woodland, whilst the central and southern sections are classed as ancient and semi-natural woodland. The majority of the site, and indeed Lynders Wood falls within Old Gore Ward, but the most southeasterly section is within the Penyard Ward. It is accessed from an unclassified road to Linton, some 60 metres to the southeast of its junction with the B4221. There is an existing gated vehicular access into the site, which is some 8 hectares in area. The site is predominantly woodland, with a cleared area at the section nearest to the road, which includes an existing area of hardstanding. Almost opposite the entrance there is a detached dwelling known as Hill Top and to the east of the site a dwelling known as Lynders Lodge. To the west of the application site lies the remainder of Lynders Wood and to the south a parcel of land used by PGL for recreation/leisure purposes with the M50 beyond.
- 1.2 It is proposed to use the site for an archery course. This would entail 3D foam animal targets being set out on a course within the woodland. An area next to the access would be used for parking, the provision of portaloo's, a reception area comprising a canopy attached to trees and picnic tables and a practise target. There is an existing track within the woods, which it is proposed to utilise in part, and a new track is also proposed.
- 1.3 During the consideration of the application further details have been submitted. In total an Ecological Assessment, a Business Model and document entitled 'Setting out Parameters',

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

along with a site plan, identifying the route through the woods and position of the targets, have been provided.

- 1.4 The applicant has advised that the nature of the business would be low key, chiefly set up to provide a facility that does not exist in Herefordshire, an archery course open to the public (by appointment), and to accommodate his and his partner's archery hobby. The land is rented and it is intended that the income will cover this cost along with the replacement of the targets as they age and wear. The course would only be open between April and the end of October, because the activity requires day light. No lighting is proposed and those wishing to use the facility would have to make a prior booking. It is proposed to be open at weekends and bank holidays only, between 9am and 6pm as a maximum and dependent upon the season. The number of archers on site will be limited to a maximum of eight at any one time, with the maximum number per group limited to four. A Director will escort those partaking in the archery around the course. The applicant has confirmed that a previously suggested 'national event' for a greater number of participants will now not take place and that the provision of barbed wire around the wood's perimeter was carried out by the landowner, and was not necessitated by this proposal.
- 1.5 The applicant has provided details of the methodology for setting out the course and the position of the targets. It is stated that these have been carefully planned, on the basis of experience and guidance set out in '3-D Archery, A Guide to Course Design' by Michael O'Leary. Due to this and the type of bows to be used it is asserted that it will not be possible for arrows to shoot out of the site. Cross bow and bows with any form of mechanical advantage will not be permitted. As set out earlier all participants will be under the supervision of one of the directors.
- 1.6 The use has already operated from the site, under the 'permitted development rights' afforded by Class B (Temporary use of land), Part 4 (Temporary buildings and uses), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This permits the use of land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total are for the holding of a market or motor car and motor cycle racing/trials and practising for these, and the provision on the land of any moveable structure for the purposes of the permitted use. Development is not permitted by this Class if, amongst other things, the land is a site of scientific interest and the temporary use is for motor car and motor cycle racing etc. clay pigeon shooting or war gaming. Lynders Wood is not a site of scientific interest. The applicant exceeded the permitted 28 days, because the portaloos (a moveable structure) remained on the land between its use for archery.
- 1.7 The Parish Councils and those who have submitted representation on the application have been notified of the submission of further information and plans. Any further comments received, which raise additional issues will be summarised in the Committee Update.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- MT1 - Traffic Management, highway safety and promoting active travel
- SC1 - Social and community facilities
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and geodiversity

2.2 Upton Bishop Parish Council has designated a Neighbourhood Plan Area but has not yet started drafting their Neighbourhood Plan. Linton Parish Council are not undertaking a Neighbourhood Plan. At this juncture no weight can be given to the Neighbourhood Plans.

2.3 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

Decision-taking

2.4 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 SH94/0374/FZ – New loading bay – no objection 15.4.1994.

4. Consultation Summary

Internal Council Consultees

4.1 Transportation Manager:

The application site has an existing gated access. Visibility from the existing access is reduced by railings to the left and right of the access. Whilst the road is subject to a national speed limit, due to the geometry of the road and width it is unlikely for this speed limit to be reached. Recommended conditions.

4.2 Public Rights of Way Manager: No objection.

4.3 Environmental Health Manager: I have no objections to this development. Informatives recommended in respect of drinking water and if food and drink production/sales are proposed.

4.4 Conservation Manager (Ecology):

I have reviewed the documentation for these proposals and would offer 'support in principle' to the enterprise. The two key aspects to the appraisal regarding the site sensitivity is the Ancient Woodland designation and the probable presence of hazel dormouse which has been recorded at the site. Excluding ground nesting birds (for which the report states that there is little habitat) there are two potential impacts from the activities proposed; trampling of pre-vernal and vernal flora already evident at the site together with the risk of disturbance to dormice during their active season for breeding and foraging. The latter may specially be the case during the latter end of the archery 'season' when autumnal foraging by the species is optimal. Trampling of flora is an especial consideration within the Ancient Woodland section of the prospective archery trail via the south-east loop of the path as it links back to the main entry point. This section appears not to follow an existing track as does much of the rest of the

trail as such, passing through the ancient woodland habitat increases the impact risks from the above.

In respect of dormice the report indicates that the “sparse scrub or bramble layer are not conducive to low nesting sites for birds or for dormice.” The photographic evidence certainly shows this and, on balance, I would agree that this aspect of disturbance to habitat could be minimal. In addition, the report states that “there will be no felling or surfacing in the wood.” I take this also to mean no clearance of vegetation and therefore no risk to dormice or their habitat. The vegetation impact is likely to be greater from deer activity than from the archery. However, no survey has been conducted which I would like to have seen, and it is my view that there is a possibility of dormice being present in coppice stools growing within the area of trail activity. Dormice are predominantly arboreal, nocturnal and hibernate during the winter months – this coincides with the lack of activity proposed by the archery trail and so minimal impact should be envisaged at these times. However, the requisite surveys should be carried out to ascertain dormice presence/absence within the woodland. No doubt there will be a need to establish the trail with some minor works during the winter and early spring months and the location of any dormice should be known in order to avoid them. In addition, the most propitious places for erection of dormice boxes can be identified.

With regard to trampling of flora, especially during the main crowd event planned, I would advise that this is best organised during the school holiday period which will avoid the early field layer bloom of the woodland and allow some respite for the flora to build resources in recovery each year. In all events, I would have thought that defining the trail or exclusion taping areas of botanical interest would be a best practice protocol to follow. I suggest that confirmation and mapped photographic evidence is provided for the route of the trail to demonstrate that it avoids the most botanically rich field and ground layer. I assume some mapping will be required anyway in order to issue brochure information.

I note that there is email confirmation that lighting will not be required at the site. This, I assume, will be the case into the late autumn short days and the activities will be entirely a dawn to dusk venture.

If approved I would suggest two conditions as follows:

Prior to the change of use, a dormouse survey should be conducted and the findings together with full working method statement and enhancement measures for dormice if necessary should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

Reasons:

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

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

A report evaluating the impact of the trail upon ground flora and field layer of the woodland should be submitted to the local planning authority. Confirmation of the trail route should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

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.

5. Representations

5.1 Linton Parish Council:

Unable to support this application. There is insufficient relevant information with regard to health and safety we have been informed by the adjacent landowner that the archery circuit as shown on the map is not the same as that on the ground. It comes within a few metres of his property, the grounds of which are used by adults and children who would be at risk of injury from stray arrows and the children running into the barbed wire fence now partially hidden by vegetation, therefore the healthy and safety aspect does not appear to have been addressed. What type of bow and arrow will be used? What training/qualifications will staff have? Will each group be personally supervised? How often will the portaloos be serviced? Access to the course is from a narrow country lane, is this considered adequate? The Highway Authority should be consulted. It is also stated that the course will only be used each weekend, at which time there will inevitably be disturbance to the very diverse flora and fauna, what conditions can be imposed to alleviate this problem. It seems unlikely that if used only two days per week that this venture would be financially viable, would it be possible for the applicant to extend the hours or instigate a 'change of use' without consultation or permission? It should also be noted that before this Planning Application was made the area was surrounded by a barbed wire fence, the targets (foam animals and birds) and the portaloos were installed, as though planning permission was a foregone conclusion! It was then very disturbing to learn from the Planning Officer that this was all regarded as 'Permitted Development' and was valid for at least 28 days, The Council would appreciate being advised of the precise legislation to which this circumstance refers. We have also been advised that there is a boundary dispute with regard to the position of the barbed wire fence, therefore it would seem unwise for planning permission to be given if the extent of the ownership of the site is not accurately known. We trust great care will be taken and more information will be sought from the applicant before any decision is made.

5.2 Upton Bishop Parish Council:

As far as we can see from the application, and have been informed by a neighbour, the activity is taking place in the Linton end of the land using about a third of it. The only concerns of the parish council are that of the extra traffic and access, also that the whole exercise needs to be organised in a safe manner not only for the participants, but also (and especially) taking into account the neighbours. Apart from the comments above, the Parish Council are not opposed to the idea.

5.3 Seven letters of objection have been received from local residents, the Preservation of Rural Beauty (PRuB) and the Woodlands Trust. The main points raised are summarised as follows:

- No justification for commercial use in a sensitive environment.
- Activity will displace wildlife.

- There has already been a loss of other woodlands (Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600).
- Natural England's standing advice for Ancient Woodland and Veteran Trees (published April 2014), paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside.'
- Intensification of the recreational activity of humans causes disturbance to the habitats of breeding birds, vegetation damage, removal of deadwood and litter.
- Implementation of structures and facilities in woodland leads to changes in soil conditions.
- Inevitable safety issues in respect of trees adjoining/overhanging the circuit and infrastructure, which will be threatening to the longer-term retention of such trees.
- As a result of changes in soil conditions there can be changes to the hydrology altering ground water and surface water quantities.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.
- Likely that noise pollution would have an adverse impact on sensitive woodland species.
- Could be an embryonic theme park business, activity is likely to increase and expand with the need for buildings etc.
- Not farm diversification, no custodial care of the woodland.
- Environmental statement is inadequate, does not account for nesting birds in April.
- Highway safety, booking not required so no control on numbers, traffic could back up onto the 'B' road.
- Lack of parking for large event planned.
- Route and targets are too close to properties and PGL site to the south, and are in fact closer than shown on the submitted maps, being within 12 metres of Lynders Lodge.
- Would be better sited within the central or western parts of the wood.
- Proposal for 'free range' archery by unskilled participants is not safe or appropriate in the forest.
- Dog walkers use the area, this is not a safe activity.
- Proposal would be harmful to the diversity of the wood, which provides a habitat for birds, deer, dormice, foxes, badgers, muntjac, polecats etc.
- Participants may shoot wildlife rather than targets.
- Barbed wire has been provided to fencing around the site, this is apparently required for the use and is dangerous.
- Additional planting required due to tree felling.
- Ecological Assessment is inadequate and Council's Ecologist assumes that archer will not go off the track – they are likely to do so to retrieve stray arrows.
- Health and safety issues - two members of staff is insufficient.
- Route/position of target does not appear to meet guidelines – National Archery Association.
- No details of the directors experience in setting out courses has been provided, nor how stray arrows will be dealt with
- PGL use lake and facilities at Drummonds Dub for holidays for children (aged 7-13 years)
- Proposed use is in the summer when we wish to enjoy our garden, noise disturbance could result from the proposal.
- If approved would devalue our property.
- Use has already commenced on the site, without permission.

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

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

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

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

6. Officer's Appraisal

- 6.1 The Development Plan now consists of the recently adopted Herefordshire Local Plan –Core Strategy (CS) and in accordance with the legal requirements set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration.
- 6.2 Both the CS and NPPF promote sustainable development, which encompasses three dimensions, namely social, economic and environmental roles. These are stated to be mutually dependent and to achieve gains in all three roles they must be sought jointly and simultaneously.
- 6.3 There are no policies within the CS which are directly relevant to this proposal. CS policy SC1 is relatable in respect of the proposed provision of a recreational facility. The preamble to policy SC1 states that social and community facilities can be defined as facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. They offer services for education, health and well-being; and support community cohesion and benefit the general quality of life of residents. This confirms that even a private facility is classed as a social and community facility and therefore it can positively contribute to the social role of sustainable development objectives. The NPPF takes a very similar stance in chapters 3 (Supporting a prosperous rural economy) and 8 (Promoting healthy communities). At paragraph 73 it states that opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 6.4 Turning to the environmental role CS policies LD1 and LD2 are relevant along with NPPF chapter 11 and the core planning principles with regards the provision of proposals achieving good standards of amenity. These CS policies require, in summary, that proposals conserve and enhance the natural and scenic beauty of important landscapes and by enabling appropriate uses and management ensure development integrates appropriately into its surroundings. Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on biodiversity, providing net gains where possible, amongst other things. At paragraph 113 it advises that local plan policies for proposals affecting protected wildlife or geodiversity sites should be criteria based and distinction drawn between the hierarchy of international, national and locally designated sites, such that protection is commensurate with their status. Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodlands, unless the need for and the benefits of the development in that location clearly outweigh the loss.
- 6.5 The main issues in the consideration of this application are:
- 1) The impact arising from the use on the ancient woodland and protected species, namely dormice.
 - 2) The impact of the development upon the living conditions of nearby residential property and amenities of the area.
 - 3) The impact of the development on highway safety.
- 6.6 Firstly it should be noted than when assessing the impact of the proposal, the fall back position of the rights for temporary uses afforded by the 'General Permitted Development Order' should be borne in mind. This allows the land to be used for 28 days in any one calendar year for not only the used proposed here, but also for other, more potentially intrusive, uses and up to 14

days for motor racing. These rights do not afford any control over the hours of operation on each of the permitted days, the number of participants or protection of wildlife.

- 6.7 On the basis of the submitted information and plans the Council's Ecologist has no objection in principle, but seeks to secure conditions to require further surveys to be carried out to assess the impact on flora, the field layer of the woodland and dormice and set out mitigation measures where necessary. The Ecologist considers the use to have a relatively light touch on the existing woodland during a defined period of the year. The Woodlands Trust's comments are noted, but it is considered that these do not take account of the nature of this specific use, and as clarified by the additional information. Nor does it assess the proposal against the impacts that would be derived from the use of the site under permitted development rights or the existing woodland use. As noted by the Ecologist, deer are likely to have a greater impact on the woodland. It is considered that the proposal would not result in the loss or deterioration of an irreplaceable habitat and the assumption to refuse permission, as set out in paragraph 118 of the NPPF is not engaged. Rather the use can be satisfactorily controlled by conditions.
- 6.8 With regards the impact of the proposal on the living conditions of neighbouring properties and the wider community, these will be derived from the comings and goings to site and the activity of archery within the site. The initial concerns of local residents are appreciated, but the additional information received clarifies the nature of the proposal. It is considered that due to the limited number of participants, the proposed days and times of operation and the nature of the use, which is not inherently noisy, the proposal would not have an adverse impact on living conditions. In accordance with CS policy SD1 and the fourth core planning principle of the NPPF good standards of amenity would be provided for occupants of local dwellings. To ensure that a more intensive use could not result without further consideration of the impacts it is considered reasonable and necessary to impose conditions limiting the times when the activity can take place and the number of participants. Whilst the health and safety concerns raised pertaining to both participants and neighbouring residences are appreciated these do not fall within the planning remit.
- 6.9 No permanent buildings are proposed and the use would utilise the woodland such that the appearance of the site would not materially change. Portalooos are proposed to be sited to the south of the access and would not be unduly obtrusive. The canopy would also be unobtrusive due to its non-permanent appearance, size and siting. Overall the ancillary non-permanent/moveable structures, associated with the proposed use are considered not to be visually intrusive and in any event can be removed easily if the use ceases and when the use is not operating between the end of October and the beginning of April each year.
- 6.10 Turning to highway safety issues, the applicant has now confirmed that the maximum number of participants per day would be sixteen. In addition to the two directors who would be on site this would be a maximum of eighteen vehicles per day, with a likelihood that some of the participants would car share, given that group bookings are probable. Only eight participants would be on site at any one time, provided that the first group departs before the next group arrives. On this basis the number of car parking spaces required would be ten at any one time. The applicant has stated that fifteen can be provided, and the size of the hardstanding adjacent to the access could accommodate this. The visibility at the existing access is limited to a degree by the fencing. However, on the basis of the likely speeds on this stretch of the lane, near to the junction with the B4221 the Transportation Manager has no objections. Furthermore, the existing use of the site for forestry and the potential for larger vehicles accessing and egressing from the site could also give rise to greater impacts. In light of this it is considered that the nature of the use proposed would not result in highway safety issues. The conditions recommended by the Transportation Manager are noted, but given the nature of the use it is not considered necessary to require consolidation, surfacing and drainage of the parking area, as the hard standing exists and the nature of the use proposed does not necessitate such a formal parking area.

- 6.11 Due to its location the site is most likely to be accessed by motorised vehicles. There is a bus stop nearby on the B4221, which depending upon the service offered at the time could enable participants to arrive and leave by public transport. Overall the site cannot be considered to be sustainably located, but given its rural location this is not to be unexpected.
- 6.12 In conclusion it is considered that the proposal would provide social benefits, in the form of the provision of a public recreational/sporting facility. The objectors' concerns are noted, but it is considered that with the protection afforded by the conditions recommended by the Ecologist this relatively low key activity would not result in the deterioration of the ancient woodland or harm to protected species. On this point it is considered that there would not be a negative impact on the environmental role of sustainable development. Weighing up the considerations, under the three roles, it is considered that overall the proposal represents sustainable development and it is recommended that permission is granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans – received 16.11.2015**
- 3. Prior to the implementation of the change of use hereby permitted, a dormouse survey should be conducted and the findings together with full working method statement and enhancement measures for dormice if necessary should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

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

- 4. Prior to the implementation of the change of use hereby permitted a report evaluating the impact of the trail upon ground flora and field layer of the woodland should be submitted to the local planning authority. Confirmation of the trail route should be made to the local planning authority in writing together with photographic evidence of the measures implemented.**

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

- 5. The use hereby permitted shall only be carried out in accordance with the following:**
 - 1. Participants shall only be allowed on site between the hours of 9am and 6pm on Saturdays, Sundays and bank holidays.**
 - 2. At any one time there shall be no more than 8 participants on the site, in addition to the 2 directors.**

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Upon cessation of the use hereby permitted the portaloos, canopy and targets shall be permanently removed from the site. Between the 1 November and 31 March each year that the use operates the canopy shall be taken down, the target practice area dismantled and the portaloos removed from the site, unless alternative details have first been submitted to and agreed in writing by the Local Planning Authority.

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

Informatives:

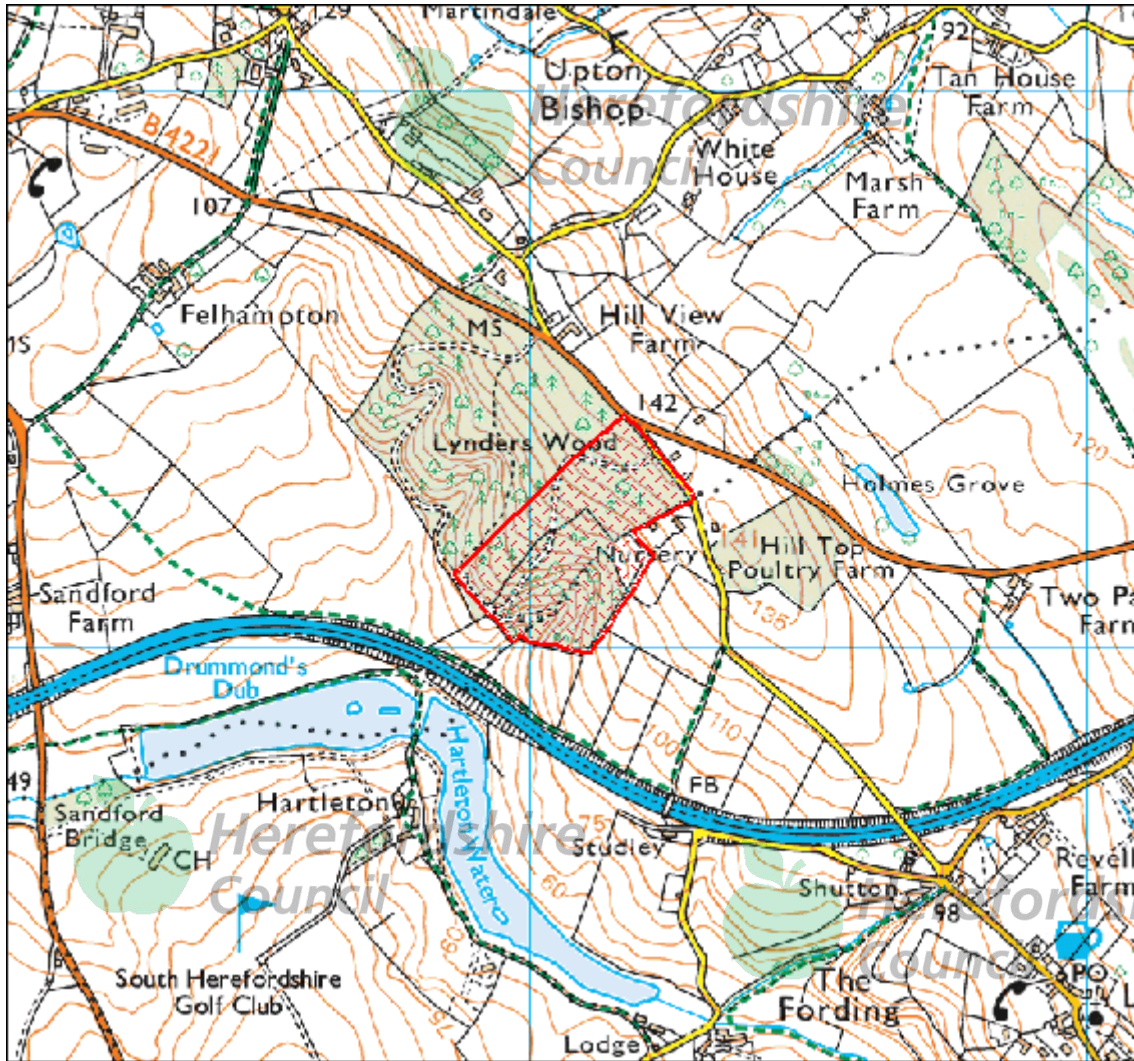
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Drinking water - 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.
3. Food and drink - Please note that if the proposal includes the use of the premises for the production and/or sale of food and drink, in accordance with Article 6 EU Regulation 852:2004 on the Hygiene of Foodstuffs, the business will be required to be registered as a food with business with the Commercial team in Environmental Health and Trading Standards.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151354

SITE ADDRESS : LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	<p>151248 - CHANGE OF USE TO HMO AND INSTALLATION OF FIRE ALARM GRADE A LD2, ALL BEDROOMS AND KITCHEN DOORS TO BE REPLACED WITH FIRE DOORS, ALL WALLS REPAINTED, CARPETS REFITTED, ADDITIONAL SHOWER ROOM AND TOILET, ONE INTERNAL STUD WALL ADDED. (RETROSPECTIVE) AT 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA</p> <p>For: Mr Robert Stuliglowa, NLP UK Ltd., Office 2, Wilson Chambers, Commercial Street, Hereford, HR1 2DB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151248&search=151248
Reason Application submitted to Committee – Re-direction	

Date Received: 24 April 2015

Ward: Greyfriars

Grid Ref: 349997,239925

Expiry Date: 2 July 2015

Local Member: Councillor AJW Powers

1. Site Description and Proposal

- 1.1 The application site is located on the southeastern side of Stanhope Street, to the west of Hereford City Centre and within an established suburban residential area. Number 61 Stanhope Street is a period, mid-terraced, three storey dwelling. It has a small fore garden, set behind a low wall and a long narrow rear garden. Similarly to other properties in the vicinity it has no off road parking.
- 1.2 Retrospective planning permission is sought for the change of use from a single dwellinghouse to a House in Multiple Occupation (HMO) for up to ten persons. The use commenced in March of this year. The property provides accommodation over three floors, comprising four double bedrooms (two each on the ground and first floors), two single bedrooms (on the second floor), a shared kitchen (ground floor) and two bathrooms (first floor). Under the requirements of the Licence an additional W.C must be provided. Despite the submitted ground floor plan indicating this, it has to date not been provided.
- 1.3 The applicant has submitted a Planning Statement, which sets out the nature of the use and confirms the work carried out. This includes the provision of an internal stud wall, refurbishment incorporating sound and thermal insulation to reduce both noise and heat loss. It is stated that the applicant is a member of the Residential Landlords' Association and provides accommodation for key workers and professionals. It has been confirmed that prospective tenants are carefully screened, the Tenancy agreement includes a 'no parking policy' and tenants must show proof of purchase of an annual season ticket for a local car park

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

if they have a car and that the property is cleaned weekly and a gardener is also employed. The full contents of the statement can be viewed on the website.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
H3	-	Ensuring an appropriate range and mix of housing
MT1	-	Traffic Management, highway safety and promoting active travel
SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and Townscape
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy

2.2 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a Wide Choice of High Quality Homes

Section 7 - Requiring Good Design

Section 8 - Promoting healthy communities

Decision-taking

2.3 Other Relevant National and Local Guidance/Material Considerations:

Guidance notes for developers and landlords on the storage & collection of domestic general rubbish and recycling (November 2014).

2.4 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

4. Consultation Summary

Statutory Consultations:

4.1 Welsh Water:

SEWERAGE

Dwr Cymru Welsh Water has no objection to the proposed development.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

We have no further comments with respect to this application.

Internal Council Consultees:

4.2 Transportation Manager:

It is noted that the proposals is for four double and two single rooms, a total occupancy of up to ten persons. This is significantly more than the previous use as a family residence and as previously no off-street parking is provided. Stanhope Street and the neighbouring streets already suffer from heavy on street parking and the very limited opportunity for parking may well deter car owners from considering the property. The streets are also narrow residential streets and, with two sided parking restricting available width to single vehicle width, resultant vehicle speeds are low.

I am concerned that no cycle storage or bin stores are included in the proposals, and need consideration.

Whilst I am concerned at the intensification of use of the property in conjunction with the lack of off street parking, I do not consider this would likely to be detrimental to highway safety and in view of the sustainable location to not be stand alone grounds for refusal. I have therefore raised no objections.

4.3 Environmental Health Manager: With regards noise issues only, no objection.

4.4 Private Sector Housing:

A licence has now been granted for 6 bedrooms and up to 10 people, with the requirement that another WC and WHB is installed, therefore the plans that have been submitted to you are now not completely accurate. Fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m² and be at least 450mm high and 450mm wide; the bottom of the openable area should be no more that 1100mm above the floor level.

There is enough bedroom space for 10 tenants.

5. Representations

5.1 Hereford City Council: Objection.

We strongly object to any proposal to give retrospective permission. This development has already caused problems with sewerage in neighbouring properties and no account has been taken of parking or the impact on the amenities of surrounding properties. It is inappropriate to the site and constitutes over development. Robust enforcement action should be taken.

5.2 Seventeen letters of objection have been received from local residents and the Ward Member for the adjacent Ward. The main issues raised are summarised as follows:

Highways and Waste

- Insufficient parking (3 extra cars already, could be 10).
- Busy road, used as a rat run at school times, additional parking will made this worse and would be dangerous.

- Refuse – too many residents will lead to overflowing rubbish (already experienced in the front garden) and will attract vermin.
- Transportation Manager's comments that occupants are unlikely to have cars is subjective.
- Parking will be forced onto Westfaling Street, on a junction and this will be dangerous.

Sewerage

- Victorian sewerage system is unable to cope with increase number of residents.

Residential amenity

- The property is not large enough for up to 10 residents, resulting in poor living conditions for occupants.
- Due to minimum space inside, residents sit outside to socialise leading to antisocial behaviour – noise etc.
- Terraced property, increased number of residents will lead to more noise and disturbance to neighbours.
- Locality comprises family homes, so an HMO is out of character.
- Properties either side of the site have already been put on the market, proposal will dilute the existing community.
- We are used to change, living in a mixed community, but this is not appropriate.
- No means of fire escape.

Other issues:

- Retrospective application – as an experienced developer the applicant should have known planning permission was required, but hoped to make changes without applying.
- Proposal exceeds the permitted change from a dwelling to an HMO (up to 6).
- Proposal is for landlord's profiteering.
- Council have previously prevented/removed HMOs from the area (Ryelands Street).
- Cellar could be converted at a later date, increasing occupancy numbers further.

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

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

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

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

6. Officer's Appraisal

6.1 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan now consists of the recently adopted Herefordshire Local Plan –Core Strategy (CS).

6.2 Both the CS and the National Planning Policy Framework (NPPF) promote sustainable development, this means growth, including housing a rising population, whilst ensuring that better lives for ourselves do not mean worse lives for future generations. The three dimensions to this comprise social, economic and environmental roles, which are to be sought jointly and simultaneously because they are mutually dependent. Paragraph 9 of the NPPF states that pursuing sustainable development includes, amongst other things, widening the choice of high quality homes and improving the conditions in which people live, work, travel and take leisure. Chapter 8 of the NPPF – Promoting healthy communities states that the

planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

- 6.3 The site is located in an established residential area, with primarily terraced dwellings but includes a mix of properties, including some detached and semi-detached dwellings. Whilst there is no specific policy for proposals for a change of use to an HMO, Policy H3 of the CS states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The pre-amble to this policy acknowledges the housing affordability issues in the county. Furthermore, policy SD1 of the CS and the NPPF require proposals to safeguard and provide a good standard of residential amenity for existing and proposed residents and policy MT1 states that proposals should not adversely affect the safe and efficient flow of traffic on the network and should encourage active travel behaviour. Within chapter 4 of the NPPF it is advised that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 6.4 The site is considered to be sustainably located, with residents having a real choice about how they travel. There is good access to services, employment, leisure facilities etc. and the provision of a shed to store bicycles securely within the site will facilitate residents' use of alternative means of transport to the private car. This weighs positively in terms of the environmental role.
- 6.5 The sub-division of dwellings in urban areas can increase the supply of affordable lower cost housing, represents a more efficient use of the existing housing stock and in a location that is sustainable. In principle, such development is supported provided that adequate residential amenities can be achieved. However, the conversion of single family dwellings into an HMO can increase noise levels, disturbance and demand for car parking, and lead to an over intensification of use. Such adverse impacts can occur either through single proposals or through the cumulative impact of a proliferation of schemes.
- 6.6 The site is already operating as an HMO. It is clear from the objections received that on road parking is considered to be a significant issue locally. The Transportation Manager acknowledges this as well. By virtue of the increased number of residents occupying the premises compared to a single dwellinghouse it is likely that there would be an increased demand for on road parking. However, it is difficult to quantify this as it would fluctuate depending upon the resident's circumstances. I concur with the Transportation Manager's comment that due to the limited availability for on road parking this may deter some prospective tenants. In addition, the landlord has stated that prospective tenants are advised that no parking is available at the premises and that evidence of the purchase of an annual car park season ticket must be produced at the time of signing the tenancy agreement. Although this could not be conditioned and enforced in planning terms it nevertheless demonstrates that efforts are being made to minimise this issue. Furthermore, a secure and covered bicycle store has been provided. When comparing the potential uplift in the number of cars likely to be associated with the occupation of the property it should be noted that as a single dwelling it had four bedrooms and under permitted development rights it could be used as an HMO for up to 6 residents without the Local Planning Authority having control. In conclusion, on this issue it is considered that the change of use would not result in a severe impact and as the Transportation Manager has advised refusal could not be defended on this reason alone.
- 6.7 Turning to the appraisal of both the residential amenity of residents of the HMO and neighbours, under policy SD1 of the CS and the NPPF a good standard of amenity is required. The Private Sector Housing Manager has advised that the proposal provides satisfactory accommodation in terms of room sizes and shared facilities. Externally some replacement windows would be required to meet Building Regulations, but these would constitute permitted development in any event and are controlled by other legislation. Objectors have raised concern regarding the adequacy of the storage of waste and recycling within the small fore

garden. One complaint was received in the summer from a neighbour regarding waste. The Waste Manager has confirmed that the receptacles, one 240 litre black wheeled bin for general waste and one green 360 litre wheeled bin for recycling, are acceptable and adequate for an HMO of the number of residents proposed. Due to the number of rooms the general waste bin could be increased to two 180 litre bins. Whilst the receptacles are relatively prominent in the modest front garden it is not dissimilar to the situation for neighbouring properties and does not fundamentally change the character and appearance of the area. The concerns of neighbours in respect of the impact on amenity are appreciated. The occupation of the property by up to ten unrelated individuals, all adults, would be different to that of a single nucleus family. The lack of a shared living area could give rise to greater use of the garden, though this is most likely to be during ambient weather when families would also be utilising their gardens as well. It should be noted, however that despite the HMO operating from the premises since March this year, no further complaints to the initial enforcement complaint have been received regarding noise or other nuisances. Again, the fall back position, of a HMO of up to 6 residents being permitted development, should be borne in mind when assessing this impact. Similarly to any anti-social disturbance this would be controlled by other legislation and/or authorities. The Council's HMO licensing team will regulate the property, which will include standards and overcrowding. It is recognised that the character of the area generally comprises single dwellings, rather than more intensive occupation, such as flats, bedsits etc. Externally the increased occupation of the property would not be readily discernible. Taking these factors into account, it is considered that whilst accepting that the HMO use differs to the prevailing type of housing occupation locally the resulting impacts would not be such that they would adversely affect amenity. In coming to this conclusion weight has been afforded to the need to increase housing, particularly in sustainable locations, and provide a mix to facilitate healthy and inclusive communities.

- 6.8 The local concerns regarding sewerage are noted, however Welsh Water have raised no objections. Although regrettable that the use has already commenced, the retrospective nature of the application is not a material planning consideration and does not weigh against the scheme.
- 6.9 In conclusion, the provision of an HMO for up to 10 residents is considered to be a sustainable form of development in this location, as it positively contributes to growth and social interaction, whilst not resulting in demonstrable adverse impacts that would outweigh these benefits. The proposal is therefore considered to accord with the relevant policies of the CS and the requirements of the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. No more than 10 residents shall occupy the premises.**

Reason: In order to ensure that satisfactory living accommodation is provided and to protect the living conditions of local residents in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

- 2. The secure and covered bicycle store shall be retained and made available for all residents of the use hereby approved.**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

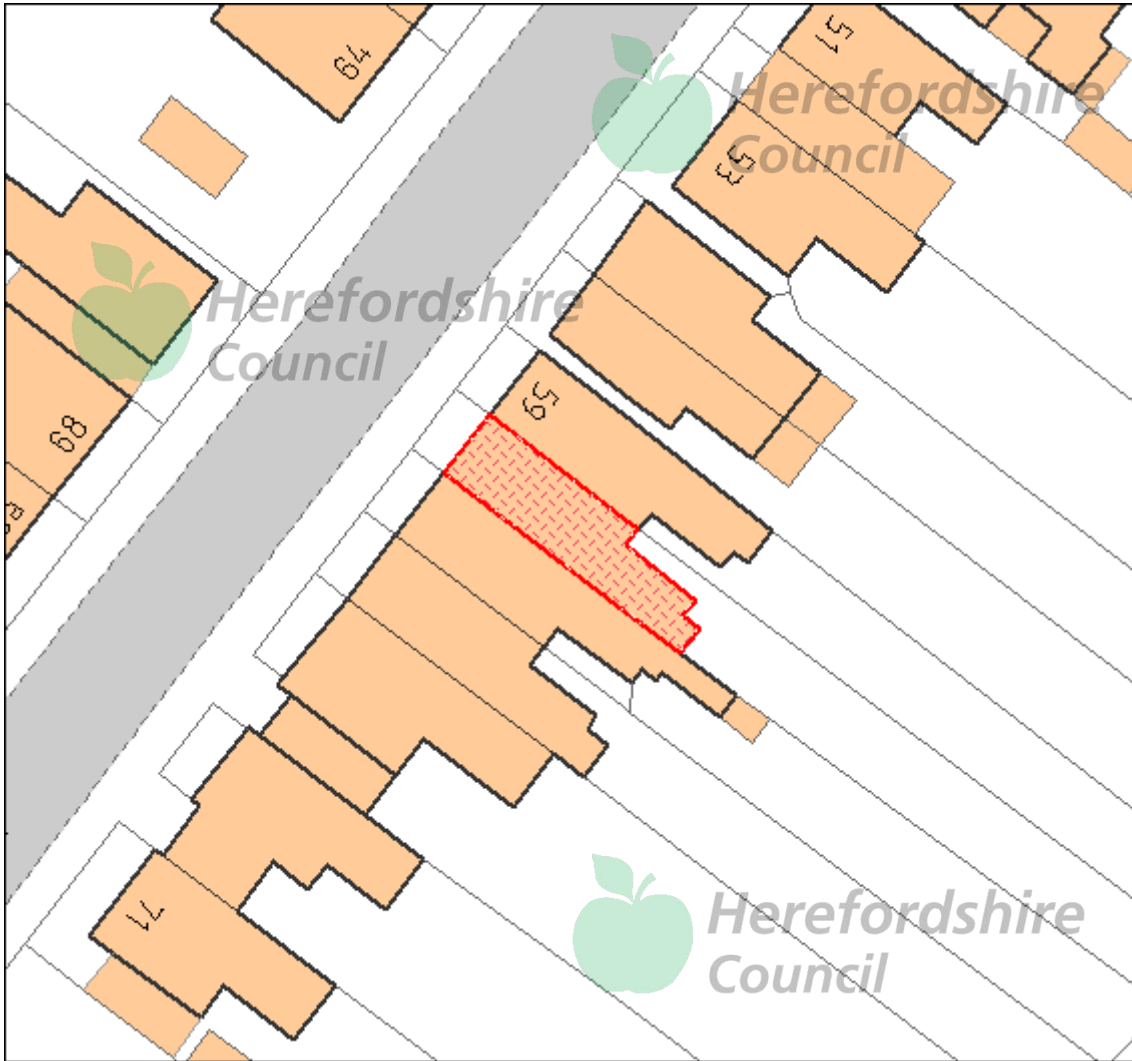
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151248

SITE ADDRESS : 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA

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MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	152475 - PROPOSED COTTAGE AND GARAGE AT LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD For: Mr Nenadich per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152475&search=152475
Reason Application submitted to Committee - Redirection	

Date Received: 18 August 2015

Ward: Sutton Walls

Grid Ref: 354189,246852

Expiry Date: 13 October 2015

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The site lies to the south of the curtilage associated with the existing dwelling at Sutton Lakes Farm which is all within the applicant's ownership. The site has clearly been used in connection with the farm previously due to a field access gate egressing from the site onto the C1129 and there being access into the farm to the north of the site.
- 1.2 The site boundaries include hedging and vegetation to the north and south and a post fence to the west with the adjacent agricultural field.
- 1.3 The site is located in open countryside away from both the nearest identified settlements of Sutton St Nicholas and Marden. The periphery of the built up part of Sutton St Nicholas lies approximately 1.2km to the south west with Marden being approximately 1.5km to the north west.
- 1.4 There are two grade II listed buildings, Little Durance and Ivy Cottage approximately 100m to the north of the site on the T junction of the unclassified lane Sutton Lakes and the C1129 Road.
- 1.5 The application seeks full planning permission for the erection of a single detached dwelling, associated access and turning, a double garage and domestic curtilage. The dwelling proposed is two storey with four dormer windows in total and a projecting gable on the front elevation. The dwelling would measure approximately 14m in length and 6.5m in width on the main part. The height would be approximately 3.5m to the eaves and 7.6m to the ridge. The single storey element located off the south elevation would measure 2.3m to the eaves and 5.4m to the ridge. The proposed materials for the dwelling are red facing brick on the elevations and clay tiles on the roof.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2. Policies

2.1 Herefordshire Core Strategy (HCS)

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS6	-	Environmental Quality and Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
RA1	-	Rural Housing Strategy
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Design and Energy Efficiency
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

2.2 National Planning Policy Framework (NPPF)

The following sections are of particular relevance

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design

2.3 Marden Parish Council recently submitted their Regulation 16 Neighbourhood Development Plan to Herefordshire Council for consultation. However, the plan cannot be afforded any weight until the six week consultation period has expired.

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 SH950323PO – Application for erection of retirement dwelling. Refused 1995.
This application was for a previous occupier of Sutton Lakes but in a similar position to the proposal.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objections to the proposal given that the development intends to utilise a septic tank facility.

Internal Consultees

4.2 Transportation Manager comments awaited

4.3 Conservation Manager (Historic Buildings) comments awaited

5 Representations

- 5.1 Marden Parish Council supports the development for one property with the access as shown.
- 5.2 A petition containing 22 signatures of support has been received for the application as well as four individual letters of support. Their comments are summarised as below:
- The applicant has always been a concerned member of the community and should be rewarded
 - The proposal would be beneficial as the applicant would remain in the district and it is imperative, given his ill health, that he moves out of the farm environment
 - A single dwelling will not have a detrimental effect on any neighbours or affect the surrounding area
 - Situation is in the public interest as the applicant will not depend on the Council or the State

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

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

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

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

6. Officer's Appraisal

Principle of Development

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.
- 6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. HCS Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) specific elements of national policy indicate that development should be restricted*

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- 6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.4 With the site being located outside of Hereford and the Market Towns, policy RA2 of the HCS must be considered. This policy states that to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified within Figures 4.14 (Main Settlements) and 4.15 (Smaller Settlements). The preamble to RA2 also states that where a Neighbourhood Plan is not sufficiently advanced as to define a settlement boundary or where a Rural Areas Site Allocation DPD does not exist, that applications are determined “*against their relationship to the main built up form of the settlement*”.
- 6.5 While the site lies within the parish of Marden, Sutton St Nicholas is the closest settlement that features within figure 4.14. However, the site does not lie within or adjacent to the main or built up area of the settlement. The main part of the settlement lies to the south west of the site primarily along the C1125 which runs through the village. Given the distance from the built up area of the village the application is not compliant with Policy RA2.
- 6.6 Since the site lies within open countryside, the principle of development must also be assessed against HCS Policy RA3. This policy includes a list of exceptions where residential development may be permitted. While some additional information accompanies the application, see other matters below, the application is not considered to be compliant with the exceptions stated within Policy RA3.
- 6.7 Given the above, with being contrary to policies RA2 and RA3, the Core Strategy does not support residential development of the site.

Design & Impact on Amenity

- 6.8 Notwithstanding the above, the proposed three bedroom dwelling would sit to the north west of the site with the detached double garage to the south east. The existing access would lie within the centre of the eastern boundary with hardstanding into the site leading to the garage and dwelling.
- 6.9 The dwelling is considered to be of a scale that is acceptable on the site, and retains adequate private amenity space.
- 6.10 The dwellings within the neighbouring vicinity are largely of traditional cottage design often gable end onto the road. While the proposed dwelling would not follow this orientation, it is not considered that this proposal would be out of keeping with the surrounding area so as to warrant refusal, particularly given it would be set back from the road.
- 6.11 Sutton Lakes Farm and Farmhouse lie to the north of the site and are within the applicant’s ownership, and neighbouring dwelling Sunnyside Cottage lies to the south. On the side elevations and ones that would face the neighbouring dwellings, there are a total of 4 windows and a door. With the neighbouring property to the north being approximately 22m away, and the relationship with the application site, and the neighbouring dwelling to the south being approximately 50m away, issues impacting upon their amenity is unlikely in respect of overlooking, loss of light or overshadowing.

- 6.12 While comments have not been received from the Historic Buildings Officer at the time of writing, given the distance and the nature of the proposal, the setting of the two nearby listed buildings are not considered to be impacted upon as a result.

Parking and Access

- 6.13 While no comments have been received from the Transportation Manager at the time of writing, the proposed dwelling utilises an existing access off the west of the C1129 which egresses onto a country lane. With the boundary hedge being within the applicant's ownership, the splay could be widened if necessary. As details of the visibility splay would be conditioned if the application were approved and given the nature of the road, the proposal is not considered to be detrimental to highways safety. Furthermore adequate parking provision is provided on site

Drainage

- 6.14 The application form states that foul sewerage from the site will be treated through a septic tank with surface water being disposed through a soakaway. While this may be acceptable, no details of the location of the soakaway have been included with the application. This matter could be conditioned.

Other Matters

- 6.15 While no address for the applicant has been supplied within the application, having spoken to the agent it is clear that the applicant currently resides at Sutton Lakes Farm and wishes to downsize due to ill health. Whilst some documents accompany the application to indicate the applicant's ill health in the form of a letter from his doctor and letters of support, no information with regard to how the design of the building has been reached in order to accommodate the applicant's ill health has been submitted.
- 6.16 With all planning applications being assessed on their individual merits, in exceptional cases personal circumstances can be afforded some weight as a material planning consideration. However, it is very rarely the case that personal circumstances will carry sufficient weight to override policy. The information supplied with the application is not considered to outweigh the failure to comply with local and national policy in terms of this poorly located new dwelling.
- 6.17 Given the above, whilst the design of the building is acceptable, it is not representative of sustainable development and given the non compliance with Core Strategy Policies RA2 and RA3, the principle of residential development is unacceptable on the site.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The application site is not within or adjacent to the main built up part of a rural settlement identified for proportionate growth in the Herefordshire Local Plan – Core Strategy, the closest of which is Sutton St Nicholas. For this reason the application site is considered to be in open countryside without overriding exceptional circumstances. The proposal is therefore not representative of sustainable development, contrary to the provision of the Herefordshire Local Plan – Core Strategy policies RA2 and RA3 and the National Planning Policy Framework.**

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 has been clearly identified within the reason for the refusal, approval has not been possible.

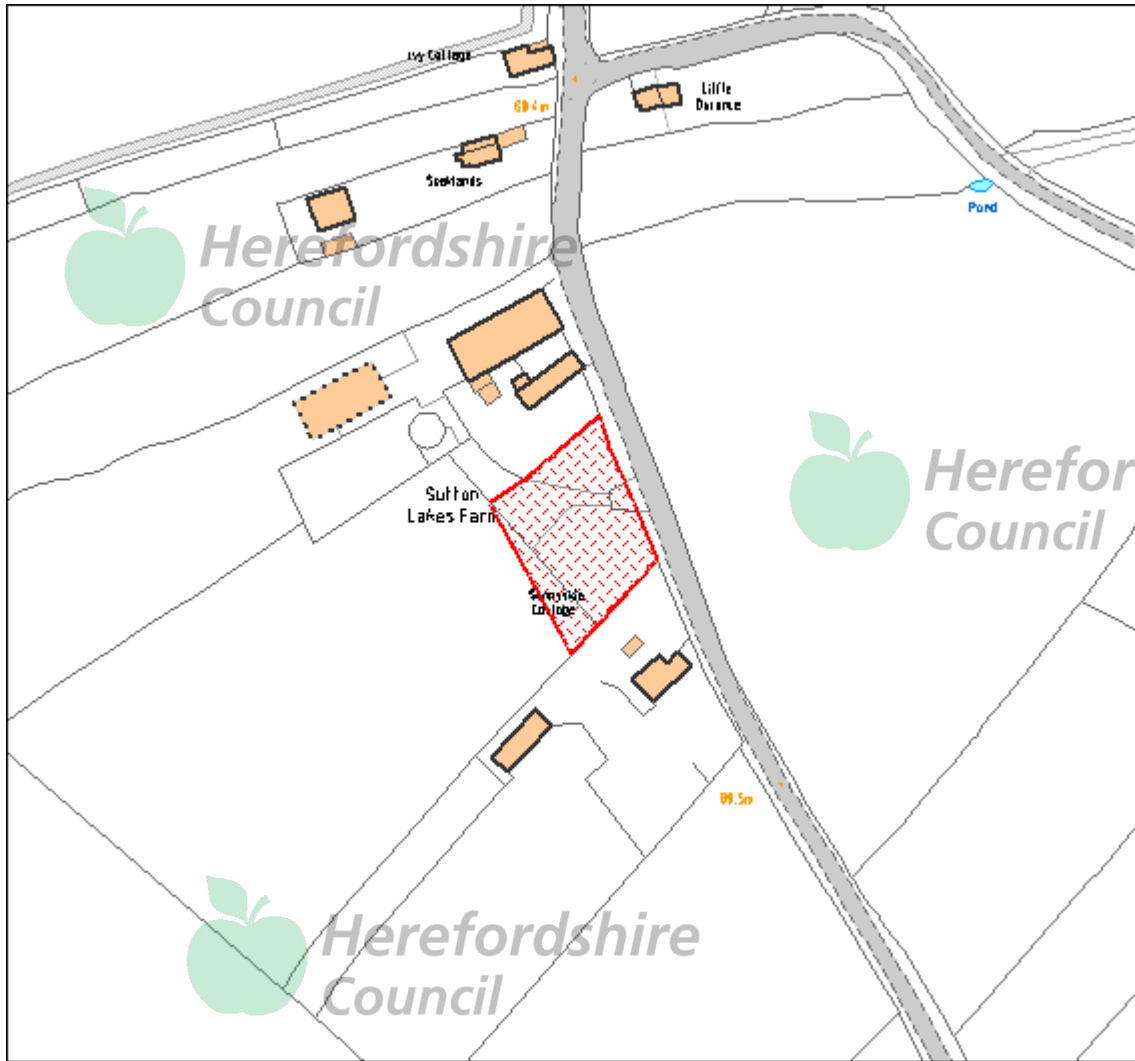
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152475

SITE ADDRESS : LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD

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