

# AGENDA

## Planning Committee

Date: **Wednesday 15 June 2016**

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Time: **10.00 am**

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

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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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Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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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](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# 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.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
5.	<p><b>APPEALS</b></p> <p>To be noted.</p>	7 - 12
6.	<p><b>152568 - THE PADDOCKS, ROMAN ROAD, HEREFORD, HR4 7SR</b></p> <p>Site for proposed residential development of up to 50 houses.</p>	13 - 30
7.	<p><b>152759 - LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE</b></p> <p>Proposed new build part earth-sheltered dwelling to include submerged integral garage.</p>	31 - 38
8.	<p><b>151438 - LAND AT FIR TREE COTTAGE, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HR8 1LR</b></p> <p>Proposed erection of 3 dwellinghouses.</p>	39 - 50
9.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 12 July 2016</p> <p>Date of next meeting – 13 July 2016</p>	



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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JUNE 2016</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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 153671

- The appeal was received on 13 May 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Kearley
- The site is located at Drovers Barn at Crookshill Farm, Acton Beauchamp, Worcestershire
- The development proposed is Proposal to convert an agricultural building into a dwellinghouse (C3)
- The appeal is to be heard by Written Representations

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

### Application 153625

- The appeal was received on 13 May 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 Barry Pimblett
- The site is located at Vine Tree Cottage, Bishopswood, Ross on Wye, Herefordshire, HR9 5RA
- The development proposed is Proposed erection of a timber cabin in association with existing self-catering unit
- The appeal is to be heard by Written Representations

**Case Officer: Mr C Brace on 01432 261947**

**Application 152634**

- The appeal was received on 12 May 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 John Bratton
- The site is located at The Old Granary, Upper Cwm Farm, Welsh Newton, Monmouth, Herefordshire, NP25 5RW
- The development proposed is Retention of barn conversion and repair outbuilding to provide garage and store
- The appeal is to be heard by Written Representations

**Case Officer: Mr C Brace on 01432 261947**

**Application 152547**

- The appeal was received on 13 May 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Miss Lucy Gardner
- The site is located at Woods Of Whitchurch, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6DJ
- The development proposed is Proposed change of use of part residential first floor flat to coffee shop and associated WC.
- The appeal is to be heard by Written Representations

**Case Officer: Mr C Brace on 01432 261947**

**Application 150053**

- The appeal was received on 13 May 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 And Mrs Preece
- The site is located at Land at, and West of West Winds, Cholstrey Road, Leominster, Herefordshire
- The development proposed is Proposed 25 dwellings with garages and car spaces.
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 143843**

- The appeal was received on 20 May 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 M Soble
- The site is located at Land At Whitethorn Farm, Carey, Hereford, HR2 6NG
- The development proposed is (Retrospective) Retention of temporary living accommodation.
- The appeal is to be heard by Hearing

**Case Officer: Mrs Charlotte Atkins on 01432 260536**



**Application 152188**

- The appeal was received on 31 May 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 Earthworm Energy PLC Ltd
- The site is located at Land opposite Aylus Cottages, Auberrow, Wellington, Herefordshire
- The development proposed is Proposed erection of a solar photovoltaic array, including metering and inverter kiosks, security cameras, fencing and gates and a temporary construction compound and access track.
- The appeal is to be heard by Written Representations

**Case Officer: Ms R Jenman on 01432 261961**

***APPEALS DETERMINED***

**Application 152174**

- The appeal was received on 16 March 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Ted St George
- The site is located at Rosemundy, Widgeon Hill Barns, Hamnish, Leominster, Herefordshire, HR6 0QN
- The development proposed was proposed conservatory.
- The main issue in this case is the effect of the proposal on the character and appearance of the host property and the surrounding area.

**Decision:**

- The application was Refused under Delegated Powers on 23 December 2015
- The appeal was Dismissed on 10 May 2016

**Case Officer: Mr A Prior on 01432 261932**

**Application 143769**

- The appeal was received on 5 February 2016
- 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 Upper House Farm Ltd
- The site is located at Upper House Farm, Moreton-On-Lugg, Hereford, HR4 8AH
- The development proposed was Proposed construction of six poultry houses and feed bins, ancillary
- The main issues are firstly, the effect of the scheme on the living conditions of nearby residents and visitors, having regard to odour emissions and noise, and secondly, the impact of the scheme on the landscape.

**Decision:**

- The application was Refused at Planning Committee on 5 August 2015
- The appeal was Allowed on 12 May 2016
- An Application for the award of Costs, made by the Appellant against the Council, was allowed in part.

**Case Officer: Mr R Close on 01432 261803**

**Application 141368**

- The appeal was received on 28 September 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 Bell Homes Ltd
- The site is located at Land at Castle End, Lea, Ross-on-Wye, Herefordshire
- The development proposed was proposed site for 14 new residential properties, vehicle turning and landscaping.
- The main issues are: Whether the setting of the listed building known as Castle End would be preserved; whether the proposed development would cause unacceptable risk to highway safety on the main A40 road; whether the proposal would represent a sustainable form of development having regard to local and national policies for the development of housing in rural settlements; and whether appropriate provision is made for contributions to infrastructure

**Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 21 April 2015
- The appeal was Dismissed on 12 May 2016
- An Application for the award of Costs, made by the Appellant against the Council, was allowed in part.

**Case Officer: Mr K Bishop on 01432 260756**

**Application 142175**

- The appeal was received on 8 October 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 Gladman Developments Ltd
- The site is located at Land off Pencombe Lane, Bromyard, Herefordshire
- The development proposed was Site for up to 120 dwellings with associated open space and landscaping.
- The main issues were:  
Having regard to the above, and from the evidence presented to the inquiry, the written representations and visits to the appeal site and surroundings, it follows that the main issues to be decided in this appeal are:-
  - a) whether the Council has a 5-year supply of deliverable housing land;
  - b) the effects on the character and appearance of the area, including the wider landscape and the setting of Bromyard;
  - c) whether satisfactory and safe access can be provided to serve the development; and
  - d) whether, in the planning balance, the proposed development can be considered sustainable the terms expressed in the Framework.

**Decision:**

- The application was Refused at Planning Committee on 4 March 2015
- The appeal was Dismissed on 19 May 2016

**Case Officer: Mr K Bishop on 01432 260756**

**Application 152211**

- The appeal was received on 3 December 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr Morris
- The site is located at Two buildings at Grantsfield Farm, Kimbolton, Leominster, Herefordshire
- The development proposed was Prior approval for a proposed change of use of two farm buildings into two dwellings (Use Class C3)
- The main issue in this case is whether the building operations necessary to convert Building 2 would take the proposed development beyond that which is permitted by Class Q.

**Decision:**

- The application was Refused under Delegated Powers on 18 September 2015
- The appeal is dismissed insofar as it relates to Building 2 and allowed insofar as it relates to Building 1 on 2 June 2016

**Case Officer: Mr A Prior on 01432 261932**

**Application 153344**

- The appeal was received on 4 March 2016
- 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 Charles Cox
- The site is located at Land adjacent to Headlands Farm, Leominster, Herefordshire
- The development proposed was Proposed erection of bungalow.
- The main issues were:
  - i) whether the proposal would lead to a sustainable pattern of development and
  - ii) the significance of the appellant's personal

**Decision:**

- The application was Refused under Delegated Powers on 8 January 2016
- The appeal was Dismissed on 27 May 2016

**Case Officer: Mr M Tansley on 01432 261815**

**Application 151771**

- The appeal was received on 23 October 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by P J & Z S Davenport C/o Agent
- The site is located at Land at Hinton Manor, Eardisland, Herefordshire, HR6 9BG
- The development proposed was Proposed conversion of two grain silos to a single dwelling.
- The main issue was whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

**Decision:**

- The application was Refused under Delegated Powers on 11 August 2015
- The appeal was Dismissed on 1 June 2016

**Case Officer: Mr Mark Tansley on 01432 261815**

**Application 153205**

- The appeal was received on 11 April 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Paul Croucher
- The site is located at Edwyn Wood, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The development proposed was Proposed first floor extension and internal alterations.
  - The main issue was: The effect of the proposal on the character and appearance of the area.

**Decision:**

- The application was Refused under Delegated on 23 December 2015
- The appeal was Dismissed on 6 June 2016

**Case Officer: Hazel Nash on 01432 260000**

**Application 152353**

- The appeal was received on 24 March 2016
- 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 Miss Amy Marsland
- The site is located at Forge Cottage, Bridstow, Ross-on-Wye, Herefordshire, HR9 6QW
- The development was Proposed erection of blacksmiths forge and stables.

**Decision:**

- The application was Refused under Delegated Powers on 30 September 2015
- The appeal was Withdrawn on 7 June 2016

**Case Officer: Mr C Brace on 01432 261947**

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



<b>TING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JUNE 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>152568 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 50 HOUSES AT THE PADDOCKS, ROMAN ROAD, HEREFORD, HR4 7SR</b></p> <p><b>For: Mr Brailsford per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152568&amp;search=152568">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152568&amp;search=152568</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 27 August 2015**

**Ward: Kings Acre**

**Grid Ref: 348580,242271**

**Expiry Date: 30 June 2016**

Local Member: Councillor MN Mansell

## **1. Site Description and Proposal**

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 50 dwellings, including 35% affordable, on land at The Paddocks, Roman Road, Hereford. The site is accessed from Roman Road and comprises a detached dwelling with garden, two adjoining poultry units and an arable field, which extends to 1.4 hectares in total. 50 dwellings would equate to a density of 35.7 dwellings/hectare.
- 1.2 Roman Road, with its associated shared cycle/footway passes to the north, with part of the northern boundary and the remaining three boundaries bordered by agricultural land forming part of the allocated Three Elms Strategic Urban Extension (SUE). Further to the west is Bovingdon Park with its residential mobile homes and to the east, beyond the intervening agricultural land, is Beeches Business Park. The site is bounded by hedgerows with some trees lying in the garden of the existing dwelling.
- 1.3 To the south of the site levels descend towards Three Elms and the Huntington Conservation Area, which is 200m from the site's southern boundary. There are no designated or non-designated heritage assets on the site, although there are a number of listed buildings within the Conservation Area. Public Right of Way HER37 leaves Huntington Lane at Newcourt Farm to the south, extending northwards and running just outside the site's eastern boundary before opening onto Roman Road and terminating on Tillington Road.
- 1.4 Within the site there is a significant levels differential between the dwelling and poultry units and the agricultural land, which is between 1.5m and 2m higher. The effect of local topography is such that the feed bins associated with the poultry units are visible on the skyline from the south.

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- 1.5 Although made in outline, detailed proposals for access have been prepared and are for determination at this stage. The proposals involve taking access into the north-western corner of the site, which results in the formation of a T-junction with the Bovingdon Park access.
- 1.6 Otherwise the application is accompanied by a Development Framework plan which shows the basic approach to site layout and the retention of the mature oak, around which public open space is proposed and the enhancement of hedgerows and the formation of a link on the eastern boundary onto the public right of way.
- 1.7 The site falls within The Parish of Hereford. The Council will oversee production of a Hereford Area Plan to guide development at a more local level than the Core Strategy in due course.
- 1.8 Hereford's 'urban fringe' has also been subject to sensitivity analysis as part of the Core Strategy Evidence Base. It falls within zone 2c – Stretton Sugwas – Huntington – a zone of medium-low sensitivity. This contrasts with large tracts of the urban fringe, which are assessed as being more sensitive to development.
- 1.9 The site is entirely within Flood Zone 1, but accompanied by a Flood Risk Assessment on the basis that the site is more than 1 hectare in extent. Planning, Arboricultural, Transport and Ecological Statements have also been submitted; the Planning Statement having been updated in response to adoption of the Core Strategy.
- 1.10 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development requiring the submission of an Environmental Statement.

## 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
HD1	-	Hereford
HD3	-	Hereford movement
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
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 2012

Introduction	-	Achieving Sustainable Development
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

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.3 National Planning Practice Guidance 2014

2.4 Neighbourhood Planning

The Council will oversee production of a Hereford Area Plan, but work has not yet commenced on this.

2.5 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 None

### 4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection subject to conditions

#### **Sewerage**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

#### **Sewage treatment**

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

#### **Water supply**

No problems are envisaged with the provision of water supply for this development.

Internal Council Consultations

4.2 Transportation Manager: No objection subject to conditions

The proposal is for the erection of up to 50 dwellings with access via the A4103 Roman Road. As originally proposed the scheme envisaged a ghost right-turn lane for east-bound vehicles but this has since been revisited on the basis that trip generation would not warrant this level of intervention.

The revised proposal intends only modest alterations to the existing arrangement, with the access road extending into the north-west corner of the site with priority over the Bovingdon Park junction. The potential for vehicles queuing is addressed by the introduction of yellow box marking.

This scheme has been through an independent Phase 1 Road Safety Audit and I am satisfied that subject to conditions and detailed consideration via a S.278 agreement, the proposals represent an adequate basis upon which to grant outline planning permission.

In other respects the site offers good access onto the sustainable transport links and is within acceptable walking distance of bus stops within the vicinity.

#### 4.3 Conservation Manager (Landscape): No objection

The site is located on land at approximately 70m AOD indicated as medium low sensitivity within the Urban Fringe Sensitivity Analysis. The drawings indicate the removal of the existing dwelling as well as the associated agricultural units. The remaining characteristics within the site will therefore comprise essentially of vegetation. It is therefore recommended that an arboriculture survey be conducted to assess the existing trees and hedgerow on site. The PRow HER37 runs parallel with the eastern site boundary linking to Huntington Conservation Area and this route should, where possible, be enhanced. Given that the site lies immediately north of the Three Elms Strategic Urban Extension and the character of this landscape is subject to change it is recommended that any proposals relate to the planned built form and public open space proposed.

I note from the submitted landscape appraisal and arboriculture survey that all existing vegetation including trees and hedgerow will remain, thereby retaining the original field pattern as shown on pre-war maps. The proposal will necessitate the removal of the bungalow and agricultural buildings which will provide an opportunity for enhancement within the site.

Views are localised and in the main confined to the footpath network which runs in close proximity to the proposal. These views will be further contained by the strengthening of the landscaping at the perimeters of the site in line with management guidelines as proposed within the landscape appraisal.

As previously noted within my comments the land does lie adjacent to the planned urban extension and as such detailed landscaping plans submitted at the reserved matters stage should demonstrate how the proposal has taken into consideration any adjacent development; providing seamless links and connectivity across the site and beyond its boundaries.

#### 4.4 Conservation Manager (Ecology): No objection

The site development will be of low potential impact upon the biodiversity and I would accept the findings for enhancement set out in the report encompassed in a non-standard condition as follows:

The recommendations for ecological enhancement set out in Section 5 of the ecologist's report from Ecology Services dated February 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.



#### 4.5 Archaeological Advisor: No objection

The Paddocks site is very much smaller than the Three Elms site and not really comparable. Also, incoming results from the immediately adjacent Three Elms trenching and previous observations from the (also adjacent) Roman Road scheme allow a fair degree of confidence regarding what may be here. In my view, we already have a good level of understanding as regards the archaeological potential of the Paddocks site. I would assess this potential as being comparatively low. Any below ground remains that are present are likely to be of a significance that could appropriately be dealt with by condition (in this case standard E01 /C47 as per NPPF Para 141).

#### 4.6 Parks and Countryside Manager: No objection

This is an outline planning application with all matters reserved for future consideration.

UDP Policies H19 and RST3 POS Requirements: In respect of POS/Play the requirements set out at the pre-application stage remain largely the same and provision should be on site to meet both policy requirements and to be within acceptable access thresholds given the location. Existing play provision at both Moor Farm and Grandstand road although in residential areas are on the other side of the main access road into Hereford and are therefore unacceptable for children, particularly younger ones, to access safely. On-site provision particularly for younger children is therefore preferred to be set out as one centrally located space to provide both formal and informal recreation opportunities.

Therefore to meet policy requirements for 50 dwellings at 2.3 persons (total 115) as a minimum the developer should provide:

0.138 hectares (1,380sq m) of on-site green infrastructure comprising;  
0.046 (460sq m) hectares of Public Open Space (@ 0.4 ha per 1000 population)  
0.092hectares (920sq m) of Children's Play (0.8 ha per 1000 population of which 0.03 hectares (300sq m) should be formal play (@ 0.25ha per 1000 population in accordance with Fields in Trust Standards.

It is noted that in the Development Framework Plan and proposed landscape scheme for the site an area of open green space has now been included. This area is fairly central which is supported but it looks to include a number of existing trees which are to be retained. Given that play will require a formal element the final design will need to consider these. As this proposal develops more guidance can be given on the value and type of play equipment we would prefer to see.

#### 4.7 Land Drainage Manager: Qualified comment

The submitted Flood Risk Assessment discusses the current and proposed methods for managing surface water runoff. From the review of the Flood Risk Assessment there is uncertainty about how the site is currently drained, however an assumption is made that it drains via infiltration and/or connects into an offsite system in Roman Road.

The submitted Flood Risk Assessment states that all surface water runoff generated by the development will be infiltrated to ground. This is in accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy that state that the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible and that the use of infiltration features should be promoted in the first instance.

The Applicant's review of the Cranfield University Soilscales mapping indicates that the site is underlain by freely draining soils and is therefore likely to support infiltration measures. However, our review of the British Geological Survey maps show that the bedrock geology of the site is primarily siltstone and mudstone formation which may limit infiltration or surface water runoff, depending on the depth to bedrock. Prior to construction, further evidence will be

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

required to demonstrate that infiltration is a viable option for surface water discharge. The results of infiltration testing undertaken in accordance with BRE365 should be submitted for review. We also require the Applicant to demonstrate that the base of any infiltration features is a minimum of 1m above groundwater levels.

No further information regarding the proposed location of soakaways has been provided, although we believe that the intention is to locate soakaways within the curtilage of private dwellings. If this approach is proposed, the Applicant must demonstrate how maintenance access will be achieved. We note that the Applicant intends for the adoption and maintenance of all drainage systems, including those serving the proposed access road, will become the responsibility of the property owners.

If drainage cannot be achieved solely through infiltration due to site conditions, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should strive to provide betterment and be restricted to the pre-development Greenfield values. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating Greenfield runoff rates and volumes. We stress that the discharge rate from the site should be limited for a range of rates and volumes equal to the current greenfield runoff rates for all events between the 1 in 1 year event and up to and including the 1 in 100 year storm event with climate change allowance. Simply limiting discharge to the 1 in 100 year event will not be considered acceptable. This guidance is in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

During the development of the proposed drainage system, the Applicant must also consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or be directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant makes no reference to the treatment of surface water prior to discharge. During the development of the proposed drainage system, evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site. Given that the site lies within Zone 3 of a groundwater Source Protection Zone, the applicant may need to consult with the Environment Agency regarding the possible impact on groundwater quality. We advise that the use of deep soakaways is unlikely to be permitted.

### **Overall Comment**

In principle, for outline planning permission we do not object to the proposed development on flood risk and drainage grounds. However, we recommend that prior to granting permission the Council request clarification of the proposed method for managing foul water discharges from the site, especially given the sensitivity of the underlying aquifer.

Should the Council be minded to grant planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include the following:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365;

- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Demonstration that appropriate treatment of surface water will be provided;

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

#### 4.8 Public Rights of Way Officer: No objection

Public footpath HER37 has been included in plans, and would not appear to be adversely affected by the development. The link onto the footpath is acceptable.

#### 4.9 Housing Development Officer: No objection

The Housing team in principle support the above application for up to 50 dwellings of which 35% (17 dwellings) will be allocated as affordable housing. The tenure split is acceptable but discussions will need to take place with regards to bed sizes. The dwellings will be allocated to those in housing need within Hereford city in the first instance.

#### 4.10 Schools Capital and Investment Manager: Additional capacity will be required at both Trinity Primary School and Whitecross High School. S106 contributions will therefore be required in accordance with the Planning Obligations SPD.

#### 4.11 Environmental Health Officer: Qualified comment

The noise report identifies that in external areas, noise levels without mitigation are likely to exceed the desirable standard of 50dB or less LAeq to comply with the British Standard BS8233. Mitigation of an acoustic fence is proposed which would reduce sound levels but it is unclear from what is proposed whether the fence would run along the whole of the north side of the boundary of the development and it would be helpful to clarify this. Without mitigation, the noise report identifies unsatisfactory sound levels in the external amenity areas of the proposed development.

### 5. Representations

#### 5.1 Hereford City Council: Objection

We support the local representations that traffic implications have not been properly addressed and also feel this is premature given the proposals nearby for 1,000 homes under the Core Strategy. It may also be over development of the site.

#### 5.2 Burghill Parish Council (adjoining Parish): Qualified comment

Burghill Parish Council is concerned that the application does not appear to support adequate provision for access to public transport. Currently the 437 Tillington Bus also serves the Bovingdon Park community. It is intended that the proposed development and Bovingdon Park will now share the same access, involving a new road layout. However these plans seem to ignore any provision for bus travel, nor is there a bus stop or turning area included. We regard this as vitally important for the sustainability of rural bus services within our community.

5.3 27 letters of objection have been received. The content is summarised as follows:-

- The proposal will add to congestion already experienced on Roman Road and on the wider highway network.
- The entrance conflicts with Bovingdon Park and will alter the tranquillity of the area, which is why residents chose to live there.
- The problem of access to the development and sharing it with Bovingdon Park and its residents, vehicles will be turning in off the Roman Rd and across it, this very busy road is subject to the national speed limit so vehicles are travelling at high speed and would be an accident waiting to happen.
- The new development with a normal demographic will have a dramatic effect on traffic flows at peak times. This will be extremely dangerous as the Roman Road at this point is a 60 mph road with people accelerating hard after passing the 60 sign by Ravenhills. This piece of road also has no street lighting.
- The Core Strategy assumes that 500 houses can be built before any infrastructure improvements need to be done. This number will already be exceeded with the current number of applications that are being processed.
- Pedestrian connectivity is not good. The new development will exacerbate this serious problem, and with children resident on the proposed development, it will only be a matter of time before an accident occurs.
- The traffic congestion on Kings Acre Road and Roman Road should these developments go ahead would increase significantly leading to the health problems associated with air pollution.
- Hereford is a small market town and these large developments are turning it into a big city but without the necessary infrastructure; our roads and hospital are already struggling to cope and these plans will push them over the edge.
- Brownfield sites with less landscape impact and better connections to the city centre should be prioritised. Developing greenfield sites results in loss of agriculturally productive land and wildlife habitats.
- There are 610,000 empty homes in this country why do we need any more?
- The ecology report is inaccurate.
- Also the ground water report infers no risk of flooding on site this may be true, but surface water routed in soakaways can still pollute the ground water table.
- Bovingdon Park is a very pleasant place to live (at the moment). At this present time there is the very real threat of at least 1000 houses being built, either to the side of the Park, whereas this application compounds the issue by building on land which is the entrance to Bovingdon Park.
- The height of the houses will be much higher than the existing farm buildings and will sit on the horizon of the adjacent farming land and will be seen from all angles and views.
- Such level of development will not be in keeping with the area that stretches from the Hamlet of Huntington (a conservation area) up to the holiday/retirement homes at Bovingdon Park (which could become engulfed by housing development). If permitted to happen such urban expansion will result in a great loss to residents to the West of the City who make ample use of the rural amenities currently afforded us as walkers and cyclists, with the area becoming cramped, oppressive and over crowded.
- There could be an adverse effect in relation to flood risk on residents sited lower down in the Hamlet (Huntington) from increased water run off, and whilst it is claimed that this can be mitigated through soakaways, the effectiveness of these will rely on individual householders in maintaining them.
- A geotechnical assessment should be undertaken by a suitably qualified professional. Such an assessment should identify whether the site or surrounding area could become susceptible to inundation settlement, the effect of any ground slopes on downhill waterlogging, and, any other adverse impacts that could likely result from a proposed infiltration means of surface water disposal.

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

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 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 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.3, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.

6.5 Having regard to the above, I consider the main issues are as follows:-

- The impact of the development upon the character and appearance of the area;
- The impact of the development upon the local highway and pedestrian/cycling facilities;
- Whether, having regard to the Development Plan and material considerations, the development can be regarded as sustainable.

### *Housing Land Supply*

6.6 Despite relatively recent adoption of the CS, it is clear that the Housing Land Supply deficit persists. The Examination Inspector concluded that there was a marginal but realistic five-year housing land supply on the basis of the Core Strategy provisions. The supply was assessed at 5.24 years.

6.7 Housing land supply has been further examined in recent Inquiries in the County in respect of appeals for proposed housing developments at Leintwardine, Ledbury and Bromyard. The Inspectors have concluded in relation to all of these appeals that the Council is unable to demonstrate a robust five-year supply of deliverable housing sites sufficient to meet its identified needs. This view was reached on an assessment of the amount of housing reasonably likely to be delivered on the strategic sites allocated in the Core Strategy.

- 6.8 The Inspectors' conclusions as to the lack of a robust five-year housing land supply have also been accepted by the Council for the purposes of the most recent Public Inquiry at Bartestree (143771, May 2016) where it was agreed with the appellants that the supply stood at 3.63 years; this figure taking into account the contribution to supply arising from the allowed appeals at Leintwardine and Ledbury.
- 6.9 If the 3.63 years' worth of supply is accepted, the deficit is equivalent to 1,564 dwellings. In this context, CS policies that are relevant for the supply of housing are out-of-date and housing applications should be considered in the context of the presumption in favour of sustainable development. This presumption, as set out at paragraph 14 of the NPPF (and echoed by CS Policy SS1), requires that permission is granted unless any adverse impacts of doing so would "*significantly and demonstrably*" outweigh the benefits, when assessed against the policies of the Framework when read as a whole. In this case, the relevant policies are SS2, SS3 and HD1. However, there is no obvious tension between the application proposal and these policies in any event. CS Policy HD1 recognises that the residual housing requirement for Hereford (i.e. that not accounted for by the 4 strategic sites), will be provided through the implementation of existing commitments, windfall development and the development of non-strategic sites allocated through the production of the Hereford Area Plan. This site can be categorised as a windfall opportunity.
- 6.10 At the present, therefore, the contribution that the scheme would make towards the supply of housing, particularly in the context of close connection to the county's main focus for growth, is a significant material consideration telling in favour of the proposal. Moreover, development of this site for housing does not conflict with the spatial strategy as set out at CS policies SS2, SS3 and HD1.

*The supply of affordable housing*

- 6.11 The Local Housing Market Assessment (LHMA) provides an evidence-base for Core Strategy policies regarding housing need and demand for market and affordable housing within Herefordshire and the seven local housing market areas within the County.
- 6.12 The Assessment includes an estimate of housing need in the Hereford HMA for the period 2012-17 which takes account of the backlog of current housing need, future housing need and affordable housing supply.
- 6.13 At Examination, the Inspector accepted as realistic a position whereby affordable housing need is distributed over the Plan period rather than being met between 2012 and 2017. This conclusion reflected previous rates of affordable housing provision and viability. This approach requires the delivery of 369 affordable homes per annum (2012-2031). Although it increases the time over which the affordable housing need would be met it is a more realistic assumption of what could be achieved.
- 6.14 The LHMA thus confirms a position where there is a significant demonstrable need for affordable housing in the local housing market area within the immediate five-year period. Accordingly, the policy compliant contribution that the application scheme would make to the supply of affordable housing is also a significant material consideration telling in favour of the scheme.

*Character and appearance of the area*

- 6.15 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.

- 6.16 The site represents, in the Council's assessment, land of lesser environmental sensitivity that is, in effect, encompassed by the Three Elms Urban Extension. The illustrative layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Against its current agricultural use and as recognised by the Landscape Officer, the scheme is considered to represent an opportunity to enhance biodiversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.17 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance biodiversity and Green Infrastructure as per the requirements of Policy LD3.
- 6.18 Policy LD4 'Historic Environment and Heritage Assets', requires, *inter alia*, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct effect on any designated or non-designated heritage assets. The Huntington Conservation Area (a designated heritage asset) stands to the south at a distance of 200 metres. It comprises a number of historic buildings, including Grade II listed houses and the Grade II listed Church of St Mary Magdelene.
- 6.19 Given the intervening features, topography and self-contained nature of the application site, it is my view that the impact on designated and non-designated heritage assets will be negligible and that LD4 is not breached accordingly. In reaching this conclusion I have also had regard to the fact that the Three Elms SUE, whilst maintaining a buffer to the conservation area, proposes housing development on the land to the south of the current application site and thus in closer proximity to the conservation area.
- Highway matters*
- 6.20 Concerns have been expressed in relation to the off-site highway work necessary to facilitate access to the site, which involves the formation of a T-junction with the Bovingdon Park site. Further, the ability of the network to cope with additional demand has been questioned.
- 6.21 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters. NPPF paragraph 32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development (i.e. post-mitigation) are severe.
- 6.22 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.23 The proposed access design envisages no change to the existing Roman Road layout, but will give priority to the site over access and egress to Bovingdon Park. This is delivered by

amendments to line marking and will involve a yellow box junction to ensure that vehicles leaving the site to join the Roman Road do not queue across the Bovingdon Park junction. This arrangement has been through an independent Phase 1 Road Safety Audit, which has returned 'no problems' with this approach.

- 6.24 The scheme also promotes connection onto the existing public right of way which passes just beyond the site's eastern boundary. The Transportation Manager has no objection and is content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to conditions. The junction works will also be subject to detailed assessment via a S278 application and associated Phase 2 RSA. In conclusion on the second main issue, officers are content that the scheme accords with CS Policy MT1. He is also content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network.

*Other matters*

- 6.25 Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. Whilst there is not certainty as to the ability to deal with surface water via infiltration alone, the scheme is in outline and further assessment will be necessary in advance of Reserved Matters submissions. On this basis I am content that the scheme accords with CS Policies SD3 and SD4.

*Ecology*

- 6.26 The Council's Ecologist is content that the submitted assessment is an accurate reflection of the site's ecological interest and offers no objection subject to conditions.

*Noise*

- 6.27 A noise report has been prepared to address road traffic and potential for noise emanating from Beeches Business Park. The report concludes that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. This will be governed by a planning condition requiring the formulation and submission for agreement in writing of a noise attenuation scheme.

*S106*

- 6.28 The application is accompanied by a draft Heads of Terms that makes provision for contributions towards education, sustainable transport, on-site play equipment and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

*Commentary on objections received*

- 6.29 The city council considers the application premature and also potential over-development. The CS is adopted and a prematurity argument is not sustainable. The density of development assuming 50 dwellings is 35.7/hectare. CS Policy SS2 specifies a target net density of between 30 and 50 dwellings to the hectare. The proposal is consistent with this target.
- 6.30 Arguments that the county does not need housing are untenable when considered against the objectively assessed need of 16,500 houses and the more specific requirement that Hereford provides 6,500 over the plan period. Moreover, the fact that this site is embraced by the Three Elms SUE, is also relevant when considering the principle of development on this site; which it should be noted is part brownfield / part greenfield land.



6.31 Concerns are also raised in relation to the safe operation of the Bovingdon junction. As above, however, the proposed access arrangements have been through an independent Phase 1 Road Safety Audit which raises no objection and will be subject to further detailed design via the S278 application. Moreover there is no demonstrable evidence to support the argument that the scheme will result in residual cumulative impacts that are so severe as to warrant refusal.

## 7. The Planning Balance

7.1 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the NPPF when considered as a whole.

7.2 In the context of the applicable policies and having regard to the site's location and relative accessibility, the principle of development is acceptable. The Officer's Appraisal assesses the scheme against the principal relevant policies and concludes that the scheme is in accordance with them. There is an absence of demonstrable harm, the site is of low environmental sensitivity and there are no objections from statutory or internal consultees. Allied to this, weight should also be attributed to the demonstrable need for housing and the contribution that the proposal would make in fulfilling the need for affordable housing.

7.3 The NPPF describes the three dimensions of sustainable development as comprising the economic, social and environmental roles. These are to be pursued together as they are mutually dependent.

### Economic Role

7.4 The scheme would result in a positive benefits in economic terms. As well as providing for a development for which there is a demonstrable need, the economic benefits can be summarised as:

- Expenditure by the resident population;
- Expenditure arising through the construction phase itself, with attendant creation and support for construction jobs and those in related sectors.

### Social Role

7.5 The scheme gives rise to significant benefits in terms of the social role, again arising principally from the supply, in a sustainable location, of general needs and affordable housing.

### Environmental Role

7.6 The scheme is also considered to have negligible environmental impacts.

- The site utilises land of low environmental sensitivity;
- The Conservation Manager does not object to the landscape impact of the scheme;
- The Conservation Manager has no objection in relation to ecology or the setting of designated heritage assets within the locality;
- Mature hedgerows and key trees on site are maintained.

## Conclusion

- 7.7 Having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole. Moreover, and in the light of the lack of housing land supply and evidence of under-supply for market and affordable housing, officers consider that in light of the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for approval as per the NPPF test at paragraph 14. This is subject to completion of a legal agreement that fulfils the objectives described above, as per the attached draft Heads of Terms.

## RECOMMENDATION

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

1. **A02 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **H06 Vehicular access construction**
5. **H17 Junction improvement/off site works**
6. **H21 Wheel washing**
7. **H27 Parking for site operatives**
8. **H30 Travel Plans**
9. **E01 Site investigation – archaeology**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G09 Details of boundary treatments**
12. **Landscaping scheme**
13. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**
14. **The recommendations for ecological enhancement set out in Section 5 of the ecologist's report from Ecology Services dated February 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.

- 15. H29 Secure covered cycle parking provision
- 16. I51 Details of slab levels
- 17. I16 Restriction of hours during construction
- 18. I01 Scheme of noise attenuating measures

**INFORMATIVES:**

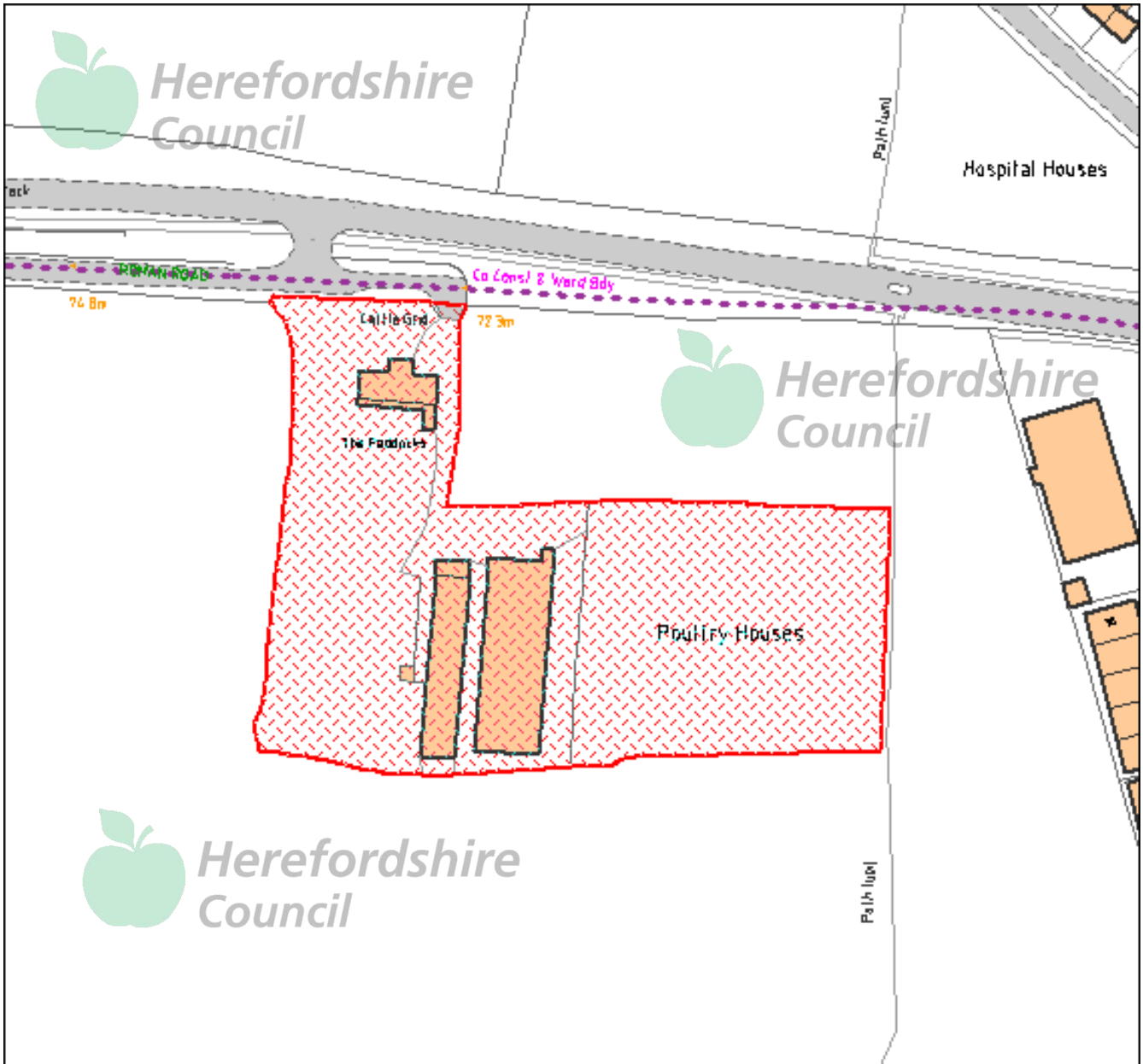
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application have resulted in amendments to the proposal. 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 in the National Planning Policy Framework.
- 2. HN01 Mud on highway
- 3. HN02 Public rights of way
- 4. HN04 Private apparatus within highway
- 5. HN05 Works within the highway
- 6. HN07 Section 278 Agreement
- 7. HN10 No drainage to discharge to highway
- 8. HN25 Travel Plans
- 9. N02 Section 106 obligation

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 152568

**SITE ADDRESS :** THE PADDOCKS, ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7SR

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

## **Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990**

### **Planning Application: Residential development of up to 50 houses at The Paddocks, Roman Road, Hereford.**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

*£3,106.00 (index linked) for a 2/3 bedroom open market unit*  
*£ 5,273.00 (index linked) for a 4+ bedroom open market unit*

The contributions will provide for enhanced educational infrastructure, youth service Infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

*£ 1966.00 (index linked) for a 2 bedroom open market unit*  
*£ 2949.00 (Index linked) for a 3 bedroom open market unit*  
*£ 3932.00 (Index linked) for a 4+ bedroom open market unit*

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes within the locality:-

Safe Routes for Schools  
Improvements to sustainable transport facilities  
Traffic Calming  
Cycling and walking routes

3. The developer covenants with Herefordshire Council to provide a minimum of 0.12 hectares of on-site green infrastructure comprising 0.004 hectares of public open space and 0.08 hectares of childrens play of which 0.03 hectares should be formal play.

4. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of Herefordshire Local Plan – Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. Of those Affordable Housing units 50 % shall be for social rent and 50% for discounted market housing.

5. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

6. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

7.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

7.2 satisfy the requirements of paragraph 12 of this schedule

7.3 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-

- a local connection with Hereford
- Cascading to the adjoining parishes

7. In the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 84 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 6.3 above

8. For the purposes of sub-paragraph 6.3 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- is or in the past was normally resident there; or
- is employed there; or
- has a family association there; or
- a proven need to give support to or receive support from family members; or
- because of special circumstances

9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, and 3 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

10. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

11. The developer covenants with Herefordshire Council to pay a surcharge of 1% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

12. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JUNE 2016</b>
<b>TITLE OF REPORT:</b>	<b>152759 - PROPOSED NEW BUILD PART EARTH-SHELTERED DWELLING TO INCLUDE SUBMERGED INTEGRAL GARAGE AT LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE</b>  <b>For: Mr &amp; Mrs White per Mr Oliver Steels, RRA Architects Ltd., The Watershed, Wye Street, Hereford, HR2 7RB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152759&amp;search=152759">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152759&amp;search=152759</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 10 September 2015    Ward: Three Crosses    Grid Ref: 362538,250568**

**Expiry Date: 17 June 2016**

Local Member: Councillor JG Lester

## **1. Site Description and Proposal**

- 1.1 The application site comprises agricultural land east of the C1116 road on land falling in a northerly direction from the A465 (Hereford-Bromyard) road to the general south. There is an earth bund (motte) in the field covered with trees. To the east lies Cuckhorn Farm (220 metres) while The Oast House lies to the north-west (140metres) on the opposite side of the lane along with Hall Place Farm. This site lies approximately 4.5 km south-west of Bromyard town.
- 1.2 The 'undefined 'edge' of Stoke Lacy settlement lies approximately 90 metres to the south-west.
- 1.3 Amended plans show a relocated position for the dwelling along with an Archaeological Assessment and revised Design and Access Statement.
- 1.4 The proposal is for a single dwelling (4 bedrooms) with six parking spaces. This is L shaped in floor plan and has a north-west aspect (described by the applicants as part earth sheltered dwelling with submerged integral garage in a NPPF Paragraph 55 design).
- 1.5 A new access is proposed off the C1116 road at the point of an existing field entrance.
- 1.6 A sedum/ wildflower roof is detailed, with buff bricks/ steel panels to elevations, and black brick to garage undercroft. Resin bonded gravel is specified for the access and hardstanding areas.

- 1.7 SUDS drainage and a package sewage treatment system is being proposed.
- 1.8 A Grade II listed building (named Hall Place Farm) lies to the north west, on lower ground, on the opposite side of the C1116 road.

## **2. Policies**

### 2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;
- LD2 - Biodiversity and Geodiversity;
- LD4 - Historic Environment and Heritage Assets;
- SD1 - Sustainable Design and Energy Efficiency;
- SD4 - Waste Water Treatment and River Water Quality;

### 2.2 National Planning Policy Guidance:

- Chapter 6: Delivering a Wide Choice of High Quality Homes;
- Chapter 7: Requiring Good Design;
- Paragraph 14: Presumption in Favour of Sustainable Development;
- Paragraph 49: 5 Year Housing Land Supply;
- Paragraph 55: New Housing in the Countryside.

### 2.3 National Planning Practice Guidance:

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

### 2.4 Neighbourhood Plan

No Neighbourhood Development Plan for Stoke Lacy is in preparation

### 2.5 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 None.

## **4. Consultation Summary**

### 4.1 Statutory Consultations

None.



## 4.2 Internal Council Consultations

Transportation Manager: No response.

Conservation Manager (Ecology): Thank you for consulting me on the above application. I have read the ecological report submitted in support of the application and generally agree with its findings. I believe there will be a minimal risk to any protected species provided any clearance of vegetation and excavations are carried out judiciously and at the correct time of year. I would note that the proposal encroaches upon a feature of archaeological interest which does not appear to be notified on the Sites and Monuments Record (SMR). I have notified the LPA's archaeological adviser. I would advise attaching the following non-standard compliance condition to any approval (see online for text).

Conservation Manager (Historic Buildings): The application site lies to the south of Hall Place, a grade II listed farmhouse dating from about 1600. The farm complex consists of several barns, a hop kiln and a curved enclosing wall, all of which are individually listed grade II. In addition the mound within the application site appears to be a motte, according to the SMR, though I will leave consideration of this element to my archaeology colleagues.

Hall Place sits to the west of a country lane whilst the application site sits to the east. The two sites are on the north-facing slope of a relatively steep valley with the application site at the higher level of the two.

There is likely to be inter-visibility between the sites however not to the extent that would be considered detrimental to the enjoyment of the historic buildings from within the curtilage. However the application site would be within the setting of the listed buildings and, it is considered, would adversely impact on this aspect of the historic environment.

The proposed dwelling takes the form of a "v" on plan which is set into the motte. This allows the views of the building to be minimal from the south, the motte hiding the sunken courtyard and a green roof flowing on from the surrounding field. The north-facing elevations however are prominent, even though only single storey, and would be particularly so when internal lights were in use due to the large window expanse.

The neighbouring properties are largely painted brick or render in a light colour and therefore the proposed light brick seems a reasonable suggestion, but the existing properties all have traditional features of pitched roofs and small windows which serve to soften the harshness of the walling material. The proposed dwelling has a green roof but this will not be seen from most viewpoints.

As it stands I am unable to support the scheme however I believe that there could be a successful scheme to be had here, as far as the historic environment is concerned

Archaeological Officer: No objection to revised proposal.

- The application as originally submitted raised significant concerns, involving as it did a direct and unwarranted impact on a feature of potential archaeological interest (a recorded 'motte' of likely medieval origin, ref HER 6664).
- Since the making of the application, an archaeological assessment and evaluation of the site and its environs has taken place. Whilst this has to some extent confirmed the interest of the motte, it has also indicated that interest to be confined to the evident mound and ditch of this feature, no remains being indicated further out.
- Also, a subsequent re-design has resulted in the location of the proposed house being moved off the motte site altogether.

- As a consequence of these things, I now regard the proposal as acceptable, and am withdrawing my former objection.

Planning Obligations Manager: No response.

## 5. Representations

- 5.1 Re-consultations on the revised footprint took place on 1/4/2016.
- 5.2 Stoke Lacy Parish Council: No objection. Bricks should match those found in the locality. No objection to revised scheme.
- 5.3 To date 6 representations have been received, of which 5 are in support and 1 raises an objection. The points raised are as follows:
- Oast House would be visually affected/ extra traffic;
  - Eco friendly design, well thought out design and sits well in landscape;
  - Does not impact on Local Area;
  - Local Family.

- 5.4 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=152759&search=152759>

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

General Principles

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

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

- 6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported. Stoke Lacy is one of those settlements.

- 6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Stoke Lacy who are not producing a neighbourhood plan, and consequently there is no settlement boundary as such.
- 6.6 The site is not immediately adjacent to the settlement of Stoke Lacy, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy.
- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 This is following recent appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and rural settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. While the proposal is not locally distinctive it is a subjective consideration as to whether the proposed design is 'exceptional or innovative'. The proposal does not fully satisfy any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets and agricultural or forestry need or farm diversification enterprise;
  - Is for a rural enterprise;
  - Is a replacement dwelling;
  - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
  - Is rural exception housing (Policy H2);
  - Exceptional or innovative design;
  - Site for Needs of gypsies or travellers.
- 6.10 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:
- This assists in meeting a proven local need;
  - Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
  - The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.
- 6.11 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental role) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.

- 6.12 This is in an open countryside location and on balance not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development, or that defined in Paragraph 55 of the NPPF.

#### Accessibility

- 6.13 The C1116 is a single width lane at this point with no pedestrian path, and at the point of access into the field there appears to be a relatively straight section of road. An existing field access will be upgraded for this proposal. This is considered acceptable in terms of highway safety.

#### Ecology

- 6.14 As the proposal is a green field, there are no adverse ecological implications from the siting and construction of the dwelling and access road.

#### Historic Environment/ Heritage Assets

- 6.15 The separation distance from Hall Place Farm is such that the immediate setting of that building would be preserved. The impact on the adjacent motte (earth mound) raises no objection with this Council's Conservation Manager.

#### Waste Water

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

#### Conclusion

- 6.17 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 this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular here, are considered to retain significant weight.
- 6.18 The site is located in a rural location - sufficiently separate from Stoke Lacy settlement so as not to be Policy RA2 compliant.
- 6.19 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive, and it is a subjective judgment as to whether the proposal is in fact innovative or of exceptional design, which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3.

## RECOMMENDATION

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

- 1. The proposal would be contrary to Policy SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2016) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.**

**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 by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

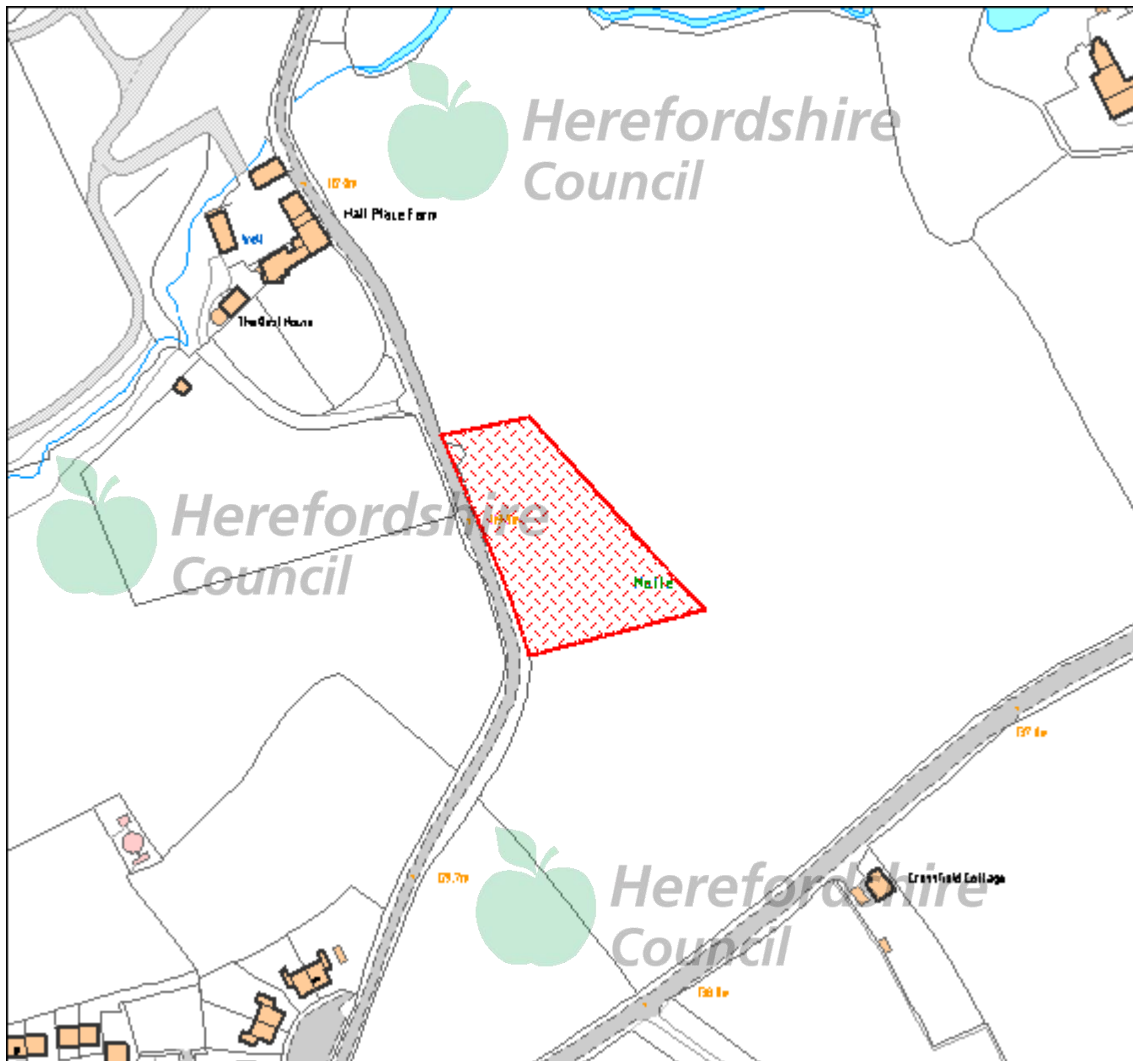
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 152759

**SITE ADDRESS :** LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JUNE 2016</b>
<b>TITLE OF REPORT:</b>	<b>151438 - PROPOSED ERECTION OF 3 DWELLINGHOUSES AT LAND AT FIR TREE COTTAGE, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HR8 1LR</b>  <b>For: Mrs Morris per Mr R Jolly, EJ Planning Limited, P O Box 310, Malvern, Worcestershire, WR14 9FF</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151438&amp;search=151438">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151438&amp;search=151438</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 11 May 2015**      **Ward: Ledbury North**      **Grid Ref: 371113,240079**  
**Expiry Date: 17 July 2015**  
 Local Member: Councillor EPJ Harvey

**1. Site Description and Proposal**

- 1.1 The site is within Wellington Heath an identified settlement in the Core Strategy. It constitutes the garden area of a two-storey red brick dwelling (Fir Tree Cottage). There is an entrance on the southern side of this detached property. The main vehicular access serving Fir Tree Cottage though is down slope and to the east and taken from an unclassified Horse Road that also serves Stone Cottage. The site which constitutes a mature garden slopes southwards from Fir Tree Cottage.
- 1.2 It was originally proposed that the existing access point from Horse Road, that serves Fir Tree Cottage, would also provide the means of access for two of the proposed three dwellings. The remaining plot between Fir Tree Cottage and Jay House, would gain access off Floyd Lane, an unclassified road. This has been altered during the course of this application following a speed survey on Floyds Lane requested by the Transportation Manager. The revised access will now be onto Floyds Lane for the two plots to the south and down slope from Fir Tree Cottage. Therefore, all three dwellings will have access off an access point onto Floyds Lane.
- 1.3 An illustrative layout provides details of a managed wildlife site on land between the three plots and Fir Tree Cottage and three properties that gain access onto Horse Road. and which are down slope from the proposal site. The plan also provides details for parking arrangements for Fir Tree Cottage which will continue to gain access onto Horse Road.
- 1.4 The site is wholly with the Malvern Hills Area of Outstanding Natural Beauty.
- 1.5 This is an outline proposal for three dwellings with only the principle and means of access to be determined at this stage; the remaining reserved matters being the subject of future approval in the event that planning approval is granted.

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

## 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 Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
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 NPPF

The following chapters are of particular relevance to this proposal:  
Introduction - Achieving sustainable development

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 10 - Conserving and enhancing the historic environment

Section 11 - Conserving and enhancing the natural environment

### 2.3 Neighbourhood Planning

The Neighbourhood Plan Area for Wellington Heath was designated on 26 January 2015. Whilst it is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

### 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 None



#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Welsh Water has no comment.
- 4.2 Severn Trent - response awaited.

##### Internal Council Consultations

- 4.3 Transportation Manager conditional support subject to condition relating to the onsite turning and parking area.
- 4.4 Conservation Manager (Ecology) has no objections following the receipt of further details relating in particular to removal of hedgerow.

#### **5. Representations**

- 5.1 Wellington Heath Parish Council object:

In respect of the above planning application Wellington Heath Parish Councillors have carried out a site inspection and spoken to some owners of neighbouring properties Unanimously, the Parish Council does not support this application as currently proposed

In particular the proposed access onto Horse Road is unsuitable, especially for 7 parking spaces The access onto Horse Road is very close to a blind corner and has very restricted vision from the existing narrow driveway which also serves Stone Cottage Horse Road is a narrow single track with high hedges and moderately high stone walls very close to the road There is little prospect of a vision splay without agreement of neighbours which seems unlikely We would also oppose a vision splay which would be detrimental to habitat and detract from the character of this area of the village it may be beneficial to reverse the Floyds Lane vehicular access for plot 1 for slightly improved visibility and provide additional parking and we observe that there is currently some vehicular access at plot 3 onto Floyds Lane

In our opinion there is inadequate provision for garage and parking space. Both Floyds Lane and Horse Road are single track with no prospect of parking. It is therefore essential to provide additional parking for visitors as well as residents Whilst the application is for 3 bedroom houses the plans clearly show 4 bedrooms which would be excessive with additional residents most likely creating additional demand for vehicles.

We would point out that the residents of Stone Cottage on Horse Road will be most affected by this development They were on holiday when we visited the site and a neighbour pointed out that there was no planning notice on Horse Road and that the planning notice on Floyds Lane had only recently been displayed leaving less than the statutory period to respond

If this proceeds to a detail planning application we would draw attention to the Wellington Heath Parish Building Design Guide (attached) and the Malvern Hills Area of Outstanding Natural Beauty. Guidance on Building Design. We would also point out that it will be necessary to address inadequate drainage of surface water and foul sewer drainage including periodic sewage discharge as shown on the enclosed map

## 5.2 Wellington Heath Parish Council object

This response was made in respect of the revised access arrangements

We have recently been informed of the amended outline planning application for land at Fir Tree Cottage. We note that the new plans have been available for some time and that the HC Transport Department responded on 4 Jan 16 and the date of the amended plans is 14 July 2015. It would be helpful if in future we were advised of amendments.

We note this outline application is for access only, and the access has been subject to major amendment.

The revised access arrangements off Floyds Lane for plots 1 and 3 are acceptable although removal of the hedge for plot 1 access is not ideal. The proposed access for plot 2 is completely unacceptable since it is on a bend with poor visibility and removal of the hedge to create another vehicle access is unnecessary and will be detrimental to local distinctiveness and the landscape and ecology.

The Transport Department propose 2 vision spays of 16m by 2m on Floyds Lane which is not feasible within the proposed site boundary. Furthermore the hedges are an important part of the Malvern Hills AONB and Wellington Heath local landscape distinctiveness and ecology. Vehicle speeds are very slow on this narrow road. The existing hedges on Floyds Lane must be preserved and we are opposed to their removal for the creation of vision splays. Furthermore there must be no curb stones or other suburban features in this rural setting.

Access to Fir Tree Cottage and additional parking is still shown from Horse Road. Horse Road is narrow and this access is dangerous and has only been used for vehicular access by the adjacent Stone Cottage, and the intensity of use should not be increased. We have spoken to long standing residents and understand that Nancy Davis at Fir Tree Cottage did not have a car, may not have held a driving licence and visitors used the existing access on Floyds Lane. Fir Tree Cottage does not have vehicular access onto Horse Road. Vehicular access from Horse Road to Fir Tree Cottage or the new properties should not be approved. Planning applications and appeals for developments involving vehicular access to this part of Horse Road have apparently been repeatedly refused.

We note that the plot 1 building footprint may breach a covenant in favour of Jay House. Whilst this may not be a planning issue it is likely to affect a subsequent full planning application and alter optimum vehicular access arrangements.

We note there are substantial mistakes in respect of the submission and handling of this planning application:-

- 1) The planning application form proposes 3 bedroom properties yet the indicative drawings clearly show 4 bedrooms. Hence we cannot reliably judge intensity of the proposed development and access and parking requirements. 4 bedroom properties would be too large and unacceptable.
- 2) The Parish Council response of 23 June 2015 is recorded on the HC webs site as 'comments' whereas we clearly stated that we objected. In our responses we try to present a balanced opinion and where appropriate suggest how planning applications might be made acceptable. If this practice is causing our objections to be recorded as comments please inform us.
- 3) We see that Welsh water have advised that there are no public sewers in this area. This is false, there are foul water sewers in both Horse Road and Floyds Lane although we understand they are the responsibility of Severn Trent. We would draw attention to the fact

that slightly to the South the sewers suffer from foul water discharge in times of heavy rain, we do not know if this is caused by lack of maintenance or inadequate capacity.

**THIS PLANNING APPLICATION HAS BEEN SUBJECT TO A VERY SUBSTANTIAL AMENDMENT, AND ACCESS TO PLOT 2 AND FIR TREE COTTAGE ARE UNACCEPTABLE. DURING THE LONG ELAPSED PERIOD OF THIS APPLICATION THE UDP HAS BEEN REPLACED BY THE CORE STRATEGY. THE APPLICATION SHOULD BE REJECTED AND A FRESH START MADE.**

We are not opposed to development of this site in principle but much more attention needs to be given to local distinctiveness, and safe, practical proposals. The architects appear to be aiming for excessively dense development which may be the root cause of the difficulties and nugatory work encountered so far. The new Herefordshire Core Strategy gives much increased emphasis to local distinctiveness (see Annex to this letter), nearby properties cannot be regarded as an indication of acceptable design.

Any subsequent application must give particular attention to local distinctiveness, the setting in the AONB and the Malvern Hills Area of Outstanding Natural Beauty Guidance on Building Design. Houses which are too high or too large, lack garaging and are of substantially similar design will not be acceptable. The ad-hoc settlement pattern must be respected, new buildings must be small and modest in scale, simple in character and fenestration and of an individual style. Off-the-peg, standardised designs and those which are typical of urban and suburban estate areas are not appropriate.

Vehicle entrance from the existing Floyds Lane pull-in point alone could be sufficient and provide access to integral garages (perhaps not plot 1) and the originally proposed but slightly relocated parking area which could serve new properties and Fir Tree Cottage. Fir Tree Cottage garden could be to its side alongside Floyds Lane rather than to the rear to allow the footprint for plot 1 to avoid breaching the Jay House covenant. An ad-hoc building layout, not aligned with Floyds Lane may accommodate 3 modest properties on the site although such density would be tight in relation the character of the village and landscape type.

5.3 17 letters of objection have been received making the following main points:-

- Very poor visibility onto Horse Road
- Impact of use of existing driveway serving 3 properties on amenity
- Three accesses onto Fir Tree Lane (revised scheme) on bend dangerous
- Reduce number of access points
- Design prosaic, for village setting
- Four bedroom plans: 3 bedroom on application form. Need 2 & 3 bedroom dwellings in parish
- Restrict heights – Jays House refused first floor addition
- Overdevelopment-Fir Tree Cottage will be demolished inevitably- restrict whole site to 4 dwellings
- Impact on my property Pippins
- Need parking in area for visitors
- Aware of rich fauna
- Restrictive covenant on property
- Inevitable development of site given need for 27/28 dwellings in period up to 2031

- 5.4 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=151438&search=151438>

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 Section 38 (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 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Core Strategy Appendix 4. In this respect the recent appeal decisions for development at Rosemary Lane, Leintwardine and Ledbury confirms that at this point, the Council is not able to demonstrate a 5 year supply of housing land and the Core Strategy policies relevant to the supply of housing are considered to be out of date and paragraph 14 of the NPPF is engaged.

- 6.5 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Wellington Heath is identified as one of the rural settlements within the Ledbury Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Ledbury HMA the indicative minimum housing growth is 14%. The minimum indicative growth target for Wellington Heath Parish between 2011 and 2031 is 29 dwellings, with 5 commitments and 2 completions from 2011 to date.

- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *"Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted."* The proactive approach to neighbourhood planning in Herefordshire is also noted and that, when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Wellington Heath Parish Council has not progressed the

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

NDP to a stage that weight can be attributed to it for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

6.7 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector's Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will "assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement." Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

6.8 Policy RA2 states that housing proposals will be permitted where the following criteria are met:

- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
- *Their locations make the best and full use of suitable brownfield sites wherever possible.*
- *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
- *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*

6.9 Thus it can be seen that Policy RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting.

### **Malvern Hills AONB**

6.10 The site is within the designated Malvern Hills AONB and therefore the proposal needs to be determined in accordance with Policies SS6 (environmental quality and local distinctiveness) and LD1 (landscape and townscape) which are broadly consistent with Chapters 11 and 12 of the NPPF.

6.11 This is a sensitive site given it is within the designated AONB and therefore it is incumbent upon proposals to conserve and enhance the natural and scenic beauty of such a protected landscape. This does not mean though that all development is prohibited in Wellington Heath given that this designation washes over the settlement. It means in this instance that particular features and elements need to be acknowledged. The size and height of the three dwellings will be an important factor in reducing their impact particularly in respect of the northernmost plot, given the views afforded eastwards across the site to the Malvern Hills. The number of bedrooms for each dwelling will also determine the parking required and land available and therefore 3 bedroom or smaller dwellings would be more appropriate than the 4 bedroom one illustrated that accompanied the application. The three dwellings are though below the level of the highway (Floyds Lane) and this will assist in ameliorating the impact of the development as viewed from Floyds Lane, the three dwellings would not otherwise be seen together. It is not possible to view the three plots from the east i.e. from Horse Road or when approaching from the south

- 6.12 It is not considered that this proposal constitutes an overdevelopment of the site given that there is sufficient area available for 8 metres wide dwellings as illustrated, parking provision and garden areas to front and rear of each dwelling as illustrated on the site layout plan submitted.
- 6.13 There are sufficient trees and hedgerow around the site and between Stone Cottage and Fir Tree Cottage such that, subject to conditions protecting this vegetation the impact of the new dwellings can be successfully ameliorated into the site sensitively in accordance with the provision of Policies SS6, SD1 and LD1 of Core Strategy

### **Transportation**

- 6.14 It is stated in representations received earlier in the determination of this application that utilising the existing access by two additional dwellings via Horse Road would be detrimental to highway safety. This has resulted in the means of access for the two southernmost plots altering to Floyds Lane. This results in Horse Road only being accessed by future occupants of Fir Tree Cottage together with Stone Cottage, as at present, albeit with the addition of parking spaces for Fir Tree Cottage .
- 6.15 The speed survey carried out by the applicant at the request of the Transportation Manager has determined, as anticipated, that traffic speeds are low i.e between 13 to 16mph and that therefore the three access points on Floyds Lane serving the three dwellings are sufficient to provide a satisfactory means of access for each of the dwellings, notwithstanding hedgerow will need to be removed particularly in relation to the southernmost plots given the narrowness of the highway verge Therefore, notwithstanding representations received including those of the Parish Council, provision can be made for three new access points subject to details for the layout of turning and parking layout being provided for each plot in accordance with the provisions of Policy MT1 of Core Strategy
- 6.16 Access for Fir Tree Cottage will continue to be onto Horse Road.

### **Ecology**

- 6.17 This is an issue that has been raised in some representations and has been the subject of a further biodiversity appraisal, following the submission of a preliminary appraisal The Council's Ecologist needed to establish the ecological value of hedgerow crossing the site, in respect of dormice and reptiles, this can be addressed by a suitable condition requiring that works are overseen and recorded by an appropriately qualified ecological clerk of works. Therefore, the ecological interest of the site can be managed and safeguarded in accordance with the provisions of Policy LD2 of Core Strategy.

### **Impact on Residential Amenity**

- 6.18 Representations have been received in relation to the perceived impact on residential amenity from residents adjoining the site with particular regard to increased use of the existing access off Horse Road, which will now no longer be utilised by two of the three proposed dwellings. Issues relating to overlooking and overshadowing are not matters that can be determined at this stage given that only the principle of developing the garden area of this property and the means of access can be determined at this stage. It will though be important to retain as much vegetation as possible not only for reasons of biodiversity but in order to reduce the impact of the dwellings in the immediate locality. Therefore, the proposal accords with Policy SD1 of Core Strategy, in this respect.
- 6.19 Representations have been received relating to a restrictive covenant that may or may not affect the northernmost plot; this is not a planning matter that can be determined within the ambit of this proposal.

## Summary and Conclusions

- 6.20 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 through in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.21 When considering the three indivisible dimensions of sustainable development as set out in the paragraph 14 of the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site is within the built form of Wellington Heath. Also, based upon the Inspectors' findings in recent appeals in Leintwardine and Ledbury, there is not a 5 year housing land supply at the present time. It is concluded that, as Wellington Heath has been identified as a settlement for growth, this proposal is not only environmentally acceptable in relation to this part of the settlement but it will also provide a modest contribution to the dwellings required given the stated shortfall in housing land supply. It is considered to be a sustainable location with very good access to a wide variety of services and facilities.
- 6.22 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role of sustainability.
- 6.23 The tension, in this case, relates to the environmental impact in this part of the AONB. Whilst it is acknowledged that there will need to be some roadside hedgerow removal particularly to the south of Fir Tree Cottage, this is though offset to an extent by the retention of trees and hedgerow across the sloping site. Care will be needed with the design and scale of the three dwellings particularly the northernmost one, which will be determined in part by the number of bedrooms which should be restricted to no more than three given that four bedroom properties will require 3 spaces and therefore more land for parking and turning. These are though matters that can be addressed at the reserved matters or detailed stage.
- 6.24 Additional traffic will join the road network, however, this road is capable of taking the increased traffic volumes without having an adverse impact on highway safety.
- 6.25 Acceptable foul and surface water drainage can be provided. There is sufficient land available for the treatment of foul drainage and service water; drainage details will be the subject of the prior approval of the planning authority.
- 6.26 Ecological issues can be addressed by undertaking a watching brief and ensuring that the timing of works are carried out in an appropriate manner in the interests of biodiversity, as recommended by the Council's Ecologist.
- 6.27 The residential amenity of residents living in the vicinity of the site will not be adversely impacted upon and nor will the residents of the three properties proposed be adversely overlooked particularly given the private areas of screened garden areas provided with the dwellings proposed.
- 6.28 Officers conclude that there are no overriding landscape, highways, drainage, and ecological 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. It is therefore recommended that planning permission be granted subject to planning conditions.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 - Time limit for submission of reserved matters (outline permission)**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **A05 - Plans and particulars of reserved matters**
5. **B01 - Development in accordance with the approved plans**
6. **G03 - Retention of existing trees/hedgerows**
7. **G04 - Protection of trees/hedgerows that are to be retained**
8. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and conduct during the active season for reptiles and dormice and ensure there is no impact upon protected species by demolition of the building and clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of Herefordshire Local Plan-Core Strategy.**

9. **H13 - Access, turning and parking**
10. **I17 - Scheme of foul drainage disposal**
11. **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 (6) of the Herefordshire Local Plan Core Strategy 2011-2031**



- 12. H27 - Parking for site operatives
- 13. I16 - Restriction of hours during construction

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- 2. HN04 - Private apparatus within highway
- 3. HN28 - Highways Design Guide and Specification
- 4. HN05 - Works within the highway

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

