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| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | <p>S121299/O - PROPOSED RESIDENTIAL REDEVELOPMENT FOR FIVE HOUSES AT LAND ADJOINING LANDIMORE, 12 POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW</p> <p>For: Mr C Gardiner & Mrs J Price, per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</p> |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121299&NoSearch=True |

Date Received: 1 May 2012

Ward: Valletts

Grid Ref: 344617,237328

Expiry Date: 18 July 2012

Local Members: Councillors JF Knipe and DC Taylor (neighbouring ward)

1. Site Description and Proposal

- 1.1 The application site comprises a parcel of land that lies outside of, and to the south of the main settlement of Clehonger, but within the parish of Allensmore. The site is currently accessed from Poplar Road (U73412) via a private drive that serves the dwelling known as Landimore. The site itself consists of a range of disused agricultural buildings that served a former poultry / pig farm.
- 1.2 The application seeks outline consent with access being the only matter for consideration. All other matters, namely appearance, landscaping, layout and scale are reserved. The proposal is for the demolition of these buildings and erection of five dwellings. An indicative plan has been submitted that details access to the site and that shows five detached dwellings, with parking and gardens. Four of these would be to the south of the site in a linear form, with one being sited to the north. The access would also serve Landimore (12 Poplar Road) and this would have a separate parking and turning area.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:

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

- S1 - Sustainable Development
- S3 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan – Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- LA2 - Landscape Character
- LA3 - Setting of Settlements
- LA6 - Landscaping Schemes

2.3 Supplementary Planning Documents:

- Planning Obligations
- Design
- Biodiversity and Development

2.4 Other Guidance

- Strategic Housing Land Availability Assessment
- Annual Monitoring Report

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 SH900064PO - Residential Development - Refused 21 March 1990

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: Recommends conditions.

Internal Consultation Responses

4.2 Conservation Manager – Ecology:

There was evidence of pipistrelle bats foraging at the site, but no evidence of roosting. No evidence of reptiles was found during the surveys, although there are potential refugia present.

If this outline application is to be approved, there may still be some delay before the site is developed and I recommend the inclusion of the following conditions:

The recommendations set out in the ecologist's reports dated July and August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement based on up-to-date survey information should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Prior to commencement of the development, a full habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This shall include provision for bats, nesting birds and planting of native species.

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

Reasons:

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

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

The following standard informative should also be included: N11C – General

- 4.3 Traffic Manager recommends conditions and seeks clarification on detailed design. Updated comments will be provided as a committee update.
- 4.4 Public Rights of Way Manager: Raises no objection

5. Representations

- 5.1 Allensmore Parish Council have made the following comments:

Loss of amenity to road frontage houses. This is viewed an overdevelopment for the size of the site adding to existing sewerage problems. The Parish Council cannot support this application.

Response to amended plans / additional information can be summarised as follows;

Moving Plot 1 away from the boundary has helped to reduce the impact on the existing dwellings. Welsh Water seems happy, although a 'Plant Upgrade' was due in 2009. Suggestion that 20 houses could be put on this site so that 5 looks acceptable, does not change original opinion.

- 5.2 Clehonger Parish Council make the following comments:

Concerns about this proposal:-

1. The position of the houses overlooks some Poplar Road properties. A better position could be considered.
2. Concerns for the drainage as the sewerage system would be overloaded.
3. Highways – access must be adequate – on an already busy road. Safety for pedestrians is paramount. We would recommend a detailed survey

4. Concerns over existing outbuildings and the construction materials.

Response to amended plans / additional information can be summarised as follows:

- The site is a bat habitat
- The proposed dwellings will impact detrimentally on the neighbours
- No need for larger houses, others in village not sold
- Impact upon services , not part of a village plan
- Applied for a TPO to the oak tree at the entrance.

5.3 Letters of objection have been received from:

- Mr and Mrs J H Merrick, 2 Poplar Road
- Mr and Mrs Hammon, Silvertrees, 4 Poplar Road
- Katie and Andy Robertson, (owners) 8 Poplar Road
- Tony Fenn, 8 Poplar Road
- Derek Hancock, 11 Poplar Road
- Keith West, Homestead, Poplar Road
- Roger and Alison Judd, Lawnsdown House, Poplar Road
- M and L Thomas, Rosedale, Clehonger

These letters raise the following issues:

- Increase in traffic on Poplar Road where no pavement or lighting.
- Lack of visibility as hampered by trees on the site
- Visibility not achievable
- Poplar Road used as a rat run and speed limit ignored.
- Highway has several pinch points where it is impossible for two cars to pass
- Impact upon amenities of local residents by way of noise pollution / light pollution
- Loss of privacy / amenity
- The detached dwelling closest to 8 Poplar Road / The Homestead, would because of size, depth, width, height and massing have an unacceptably adverse impact upon the amenities of the properties by reason of overlooking, loss of privacy, and being visually overbearing.
- Consider re-siting the dwellings so none are close to the boundary with other dwellings.
- Height of dwellings should be no taller than the existing dwellings near the site
- Concern's about drainage ditch and what would happen to this?
- Concerns about capacity of sewerage system in the area
- Potential bat roost within the site
- Concern about asbestos on the site and methods of disposal
- Application previously refused for three dwellings
- Impact upon trees to corner of dwelling

5.4 Letters of Support have been received from:

- Norah and Brian Jones, 37 Poplar Road
- Mark Jones, Poplar Road, Clehonger
- Mr S Watkins, Mrs W Watkins, Walnut Tree Farm, Birch Hill Road

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

These letters can be summarised as follows:

- Currently writing village plan, and there have been requests for new houses, but not be seeking new large estates, rather small developments of 4 – 6 houses around village envelope to ensure good social and community integration.
- Good village facilities and schools in walking distance. More people / dwellings to support these.
- Lack of family sized dwellings in the area. Would be the answer to much needed family homes.
- Houses would balance out the high proportion of bungalows in this area.
- Better houses than old piggeries and chicken sheds.
- It is known that new houses are needed and the area has building on it already on what is considered to be brown field.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The application falls to be considered having regard to these key issues:

1. Principle of development
2. Highway safety
3. Impact upon the character of the locality and amenities of local residents
4. Trees and landscaping
5. Biodiversity
6. Drainage
7. Demolition of buildings
8. Section 106 agreement

Principle of development

6.2 The application site is adjacent to the settlement boundary and thus Saved Policy H7 of the Herefordshire Unitary Development Plan (UDP) is relevant. This policy provides a clear presumption against development in open countryside, unless the proposal would meet an essential economic requirement, which does not happen to be the case here. As such the prospective application would be contrary to this policy. Saved Policy H10 does allow for affordable housing adjoining the settlement boundary within a main village but as this application concerns an open market scheme, the policy is not applicable.

6.3 There are no other relevant UDP policies concerning the use of the site and the emerging Local Plan (Core Strategy) has not yet reached the stage where it can be considered as a material planning consideration.

6.4 The degree to which the UDP is up-to-date and relevant needs to be considered. As part of the evidence base for the emerging Core Strategy a Strategic Housing Land Review (SHLAA) has been undertaken, updated in March 2012 and published on the Council's website. The SHLAA is an assessment of the potential availability of land for housing across Herefordshire up to the end of the plan period and in that study, the application site is identified under reference number Cle/2. Here, the site is considered to be suitable for housing with low or minor constraints.

- 6.5 With regard to decision taking, coupled with the latest Annual Monitoring Report, published in June 2012, the SHLAA also alludes to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the National Planning Policy Framework (NPPF), which is a material consideration in the determination of applications - para 49 of the NPPF is clear that housing supply policies will be usurped by the framework where they are in conflict with national policy.
- 6.6 Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted.
- 6.7 In this instance should the proposal be considered to represent a sustainable form of development, the NPPF requirements should be given significant weight in making a decision.
- 6.8 The application site lies immediately adjacent to the settlement boundary of a main village, one that has facilities such as shops, pubs and school (primary) and community facilities all within easy walking distance. The village is served by bus services and there are employment uses in the vicinity. As such, it would be difficult to argue that this site is in an unsustainable location. As such, whilst the application would be contrary to Saved Policy H7 of the UDP, the absence of a 5-year supply of housing land means there are no sustainable grounds to recommend an application for refusal on a housing land supply policy issue.
- 6.9 In addition to this, the site, as a former poultry / pig farm can be considered as previously developed. Paragraph 17 of the National Planning Policy Framework and policy H14 of the Unitary Development Plan seeks to encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. It could also be argued that the introduction of new dwelling, given the proximity to housing, would be more compatible in respect of their environmental impacts in the surrounding area.

Highway safety / Access

- 6.10 One of the key concerns raised by local residents relates to the impact in traffic movements on Poplar Road that is considered to be a fast lane, that is used as a 'rat run'. The only matter that is considered by this application relates to the creation of the access. The access drive has been relocated into a more central position to the west of the existing driveway. The outcome of this is improved visibility and a better position in relation to the mature trees to the east.
- 6.11 There is no objection in principle to the additional traffic movements on this highway, as there is sufficient capacity for the additional 5 units to be accommodated without detriment to highway safety and users. The cutting back of foliage and more formal kerbing is likely to improve visibility and access for nearby dwellings. As such, subject to a plan providing details of visibility splays and access specification, being approved the proposal would comply with the requirements of policy DR3 of the UDP.

Impact upon the character of the locality and amenities of local residents

- 6.12 The application submission is in outline only, with an indicative plan detailing five dwellings. Layout, appearance and landscaping are reserved matters. The site is on the edge of the settlement, but its southern boundary consists of a mature landscape boundary, that forms a natural boundary to the settlement. Whilst landscaping is reserved matter, it is expected that

this be retained as part of the landscaping scheme for the site. The enclosed nature of this site, plus the fact that this is closely related to other buildings and has previously been developed ensures that the sites physical relationship to the village is acceptable and that its development would not be harmful to the character of the area or to the setting of the village.

- 6.13 One of the key concerns raised by neighbours relates to the inclusion of the larger detached dwelling that is shown to be sited closest to the dwellings that front Poplar Road. Whilst this application does not prescribe siting, layout or appearance and the indicative plans do show that the distance between dwellings would be 28.9m and 32.2m which is considered reasonable in this context. The design of the dwellings would have to be carefully considered in terms of size, scale, massing and overlooking to ensure that the amenities enjoyed by these residents was not compromised. This would be considered as part of the reserved matters application. Likewise, any boundary treatment would also need to be considered. Both the UDP and NPPF policies require good design and neighbourly development.
- 6.14 Local residents also raise concern in respect of noise and disturbance from the use of the site for residential purposes and during construction. Conditions are recommended in respect of hours of working during construction. It should also be noted that the last known use of the site was as a poultry and pig farm, uses that probably caused conflict with the neighbouring residential uses in the past. The development is relatively low density, with private amenity spaces and parking areas a that are some way from the neighbouring properties. Appropriate landscaping and boundary treatments would be required and this will be incorporates at the reserved matters stage.
- 6.15 Local residents also raise concern about intensification of use of the access, and potential nuisance to neighbour who live opposite / adjacent to the access. Again, this is a relatively small scale development, and the intensification of traffic movements are unlikely to cause such significant disturbance or impact on amenities so to cause unacceptable harm to amenity that would prejudice amenity. The use of this site for residential purposes is considered acceptable having regard to policy DR2 of the Unitary Development Plan.

Biodiversity and trees

- 6.16 Local residents also raised concerns about the use of the site by bats. The required surveys have been undertaken and the Councils Ecologist has considered this and raises no objection subject to imposition of conditions as suggested. As such the proposal would comply with policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and the guidance contained within the NPPF.
- 6.17 The access to the site has been located in a position to the west of the site to improve access. This also allows the access to be moved away from the mature trees. As part of the reserved matters application, details of how the root protection areas can be provided (utilising land levels) would be required. This will be particularly important during the construction phases, as will the protection of all trees and hedges to be retained. As such a condition is recommended.

Drainage

- 6.18 Local residents raise concern about sewerage capacity on the area. Welsh Water has been consulted and raise no objection. Welsh water recommends conditions to ensure that surface water is not discharged to the mains in order to protect the integrity of the system. A condition requiring details of surface water drainage, including any works to the drainage ditch, is recommended.

Demolition of buildings

- 6.19 Concern has also been raised about the demolition of the buildings and removal of waste from the site and in particular asbestos. This is a matter dealt with and controlled by the Health and Safety Executive but a condition is recommended in relation to waste management on the site.

Section 106 agreement

- 6.20 The development would be subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The Council also received a recent appeal decision in which the inspector considered a revised timescale (effectively 2 years to commence) for the submission of reserved matters following an outline permission. This is a material consideration and the recommended conditions applied would address this.
- 6.21 The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties, landscape impact and drainage, namely policies DRI, DR2, DR3, LA2 H13 and H14 of the UDP. In conclusion, whilst the application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions.

RECOMMENDATION

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

1. **A02 Time limit for submission of reserved matters (1 year permission)**
2. **A03 Time limit for commencement (2 years - outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **G11 Landscaping scheme - implementation**
8. **G04 Protection of trees/hedgerows that are to be retained**
9. **H18 On site roads - submission of details**
10. **H27 Parking for site operatives**
11. **I51 Details of slab levels**
12. **I55 Site Waste Management**
13. **I16 Restriction of hours during construction**
14. **H21 Wheel washing**
15. **I20 Scheme of surface water drainage**
16. **L01 Foul/surface water drainage**
17. **L02 No surface water to connect to public system**
18. **L03 No drainage run-off to public system**

19. The recommendations set out in the ecologist's reports dated July and August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement based on up-to-date survey information should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Prior to commencement of the development, a full habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This shall include provision for bats, nesting birds and planting of native species.

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Reasons:

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

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

Reason for Approval

1. **Non Standard**

The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties, landscape impact and drainage, namely policies DRI, DR2, DR3, LA2 H13 and H14 of the UDP. In conclusion, whilst the application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions

Informative

1. **N11C - General**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

