

MEETING:	PLANNING COMMITTEE
DATE:	30 JANUARY 2013
TITLE OF REPORT:	N123067/F - ERECTION OF TWO STOREY DWELLINGHOUSE AT LAND AT THE COACH HOUSE, OLD CHURCH ROAD, COLWALL, MALVERN For: Mr Beard per Architype, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123067&NoSearch=True

Date Received: 30 October 2012 **Ward: Hope End**

Grid Ref: 375350,242937

Expiry Date: 10 January 2013

Local Members: Councillors CNH Attwood and AW Johnson

1. Site Description and Proposal

- 1.1 The application site is located on to the north of Old Church Road and west of the Mathon Road within the Parish of Colwall. The site which has an area of some 0.28 hectares forms part of the current garden area of a dwellinghouse known as 'The Coach House'. Vehicular access to the site is via an existing driveway from Old Church Road. The site is set back in excess of 65 metres from the public highway.
- 1.2 Whilst the site appears flat there is a subtle difference in ground level with the land sloping gradually downwards from north to south by some 4 metres. . Across the site at its northern end a stream runs. It crosses the site in an east to west direction. There is currently a culvert within this stream allowing a crossing. The site forms part of a garden with mature trees. There are significant trees upon the site most of which are concentrated around its boundaries.
- 1.3 The aforementioned 'The Coach House' is located to the west of the application site. To the east is a bungalow known as 'Acrefield', to the north is a two storey property known as 'Whitegates' and to the south-west is the original substantial Victorian house known as 'Burleigh' to which 'The Coach House' (now a dwellinghouse) was associated. None of these buildings are nationally listed as being of architectural or historic merit, although it is considered that 'Burleigh' is of local interest. The application site was formerly a field that was incorporated into a garden and therefore lies outside the original Victorian garden boundary of 'Burleigh'.
- 1.4 The site lies within the Colwall Stone / Upper Colwall Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty.
- 1.5 The proposal is to erect a two-storey dwellinghouse. It is intended that the applicant and his wife, who currently reside in 'The Old Coach House' would move into the property. The proposed house has been designed for the specific functional needs of the applicant and his wife, who suffers from a potentially chronic auto immune condition which is proving difficult to treat, and to achieve high sustainability credentials (i.e. minimising energy use).

Further information on the subject of this report is available from Mr R Close on 01432 261803

- 1.6 The proposed house three bedroomed house would be sited to the north of the site, at a low point, parallel with the northern boundary and some 9 metres from that boundary. The house would be 21.5 to 32 metres from the eastern boundary. The set back from Old Church Road would be approximately 100 metres.
- 1.7 The house at ground floor level would have a width of 11.9 metres and a depth ranging from 13.3 metres to 17.3 metres. The first floor would be set back from the front elevation of the ground floor by some 5 metres. The ground floor roof not accommodating the first floor would provide a terrace and a "green roof". Attached to the eastern elevation at ground floor level is a car port.
- 1.8 The house is in essence a contemporary box. Its shape has been developed to a sophisticated level using sloping walls. Its overall height would be 7 metres. The main front façade has substantial glazing whilst the rear (northern) elevation has no openings (i.e. windows or doors) proposed. The side / flank elevations have limited windows.
- 1.9 The materials are of interest with the main two storey element having European chestnut cladding (diagonal open boarding) to the sides and a standing seam metal (i.e. zinc) roof and rear elevation. The frontage projection and car port would be rendered.
- 1.10 It is proposed to replace the existing culvert with a clear span bridge. This would provide the vehicular access route off the existing driveway. The driveway would have a permeable surface.
- 1.11 There would be a minor diversion of an existing swale to the rear of the proposed dwellinghouse.
- 1.12 Of the numerous trees upon the site only two ornamental silver birches would be removed. A submitted arboricultural assessment grades these trees as being of low quality. A detailed landscaping scheme has been submitted which enhances screening along the northern boundary.
- 1.13 The intention is that the building would be constructed such that it would meet Passivhaus standards in terms of its sustainability credentials.

2. Policies

2.1 Central Government advice:

National Planning Policy Framework (March 2012)

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Environment
DR1	-	Design
DR2	-	Land & Use and Activity
DR3	-	Movement
DR8	-	Culverting
DR14	-	Lighting
H7	-	Housing in the Countryside Outside Settlements

LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats
NC7	-	Compensation for Loss of Biodiversity
HBA6	-	New Development in Conservation Areas

2.3 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

Application Site

3.1 MH/90/0148 Outline application for the erection of two dwellings. Refused.

Adjoining Coach House

3.2	MH/90/132	Conversion of Coach House to dwelling.	Approved.
3.3	NE/2001/0728/F	Conversion of offices to residential use.	Approved 22.6.2001.
3.4	NE/2002/2299/F	Demolition of storage building and formation of extension to provide sitting room with bedroom over.	Approved 26.9.2002.
3.5	NE2003/0050/F	New timber garage.	Approved 26.3.2003.
3.6	DCNE/2005/2031/F	Proposed conservatory.	Approved 1.8.2005.
3.7	N113003/FH & N113004/C	Two storey extension to dwelling.	Approved 16.12.2011.

4. Consultation Summary

Statutory Consultees

None.

Internal Consultees

4.1 Conservation Manager (Historic Buildings): Supports the proposal and is of the view that the proposal would not only preserve the existing conservation area but would enhance it providing a quality building that responds to its setting.

4.2 Conservation Manager (Landscape): Does not object to the proposed development subject to an appropriate planning condition. The submitted landscaping scheme is considered to be acceptable.

4.3 Conservation Manager (Ecology): No objections subject to an appropriate planning condition.

4.4 The Transportation Manager: No objections.

4.5 The Land Drainage Adviser (Amey) has no objections to the proposal but notes that if planning permission were to be granted a separate Land Drainage Consent would be required.

5. Representations

5.1 Colwall Parish Council state:-

“Colwall Parish Council raises strong objections to this proposed development.

The following comments are to be submitted to Herefordshire Council for consideration - In summary this is a new dwelling in the Malvern Hills AONB which is outside the settlement boundary of the Parish of Colwall.

One additional “windfall” dwelling has already been developed on the site, by the applicant – in the conversion of the Old Coach House to a residential dwelling, and the Parish Council is opposed to another new dwelling outside the Parish Settlement Boundary.

The Parish Council are of the opinion the application contravenes H4 of the UDP which states the provision of housing in the main villages will be restricted to sites within the identified settlement boundary.

LA1 Of the UDP – the development is not of greater national interest than the purpose of the AONB, and it is not the case that no alternative sites are available.

HBA6 – Development within the conservation area will not be permitted unless it preserves or enhances its character or appearance. “

5.2 Councillor Attwood (Hope End Ward) states:-

“The application has my support. The building appears to be well designed, environmentally appropriate and non-intrusive.

Colwall Parish Council has quite logically objected that it is outside the Settlement Boundary, a principle they sensibly adhere to.

However, in this particular instance, it can be seen from the site map (and from the site visit), that the boundary contains an idiosyncratic diversion from its general line and excludes the plot which is the subject of this application. There appears to be no rhyme or reason for this oddity.

It would seem eccentric for the unexplained and apparently arbitrary diversion of the Settlement Boundary to prohibit this application.”

5.3 The occupiers of three neighbouring properties (i.e. ‘Grovesend’, ‘Whitegates’ and ‘Burleigh’) object to the proposed development on the following summarised grounds:-

- The proposed development lies outside of the defined settlement / village boundary of Colwall.
- The design of the building in a conservation area is unsympathetic to the Victorian and Arcadian character of the area.
- The issue of flooding does not appear to have been addressed by the agent.
- The access onto Old Church Road is poor and currently used by The Coach House and Burleigh. The proposal would increase use of this unsafe access.

- There has been incremental development upon the land within the applicant's ownership.
- The proposal would reduce the garden area associated with The Coach House.
- Concern as to siting so close to the boundary with 'Whitegates'.
- The proposed development lies within the Malvern Hills AONB and fails to preserve its special qualities and distinctive character of the villagescape including large gardens, low densities or the sense of tranquillity that is to be protected. It is felt the proposal compromises the integrity of the settled landscape.
- The development potentially affects many types of views – short and long distance – within and to / from AONB.
- This feels like a significant overdevelopment and garden grab of The Old Coach House.
- Loss of mature trees.

5.4 Notwithstanding the above objections, the occupiers of 'Whitegates' state that if planning permission were to be granted they would wish:-

- Comprehensive landscaping to be secured between the proposed house and the northern boundary.
- No new windows to be inserted in the rear (north) elevation.
- No subsequent extensions to the building.

5.5 Notwithstanding the above objections, the occupiers of 'Grovesend' state that if planning permission were to be granted they would wish:-

- The property to have some form of concealing screening.
- Limited windows towards their property.
- Some form of binding contractual obligation for any flooding damage that may be caused by the development.
- Our garden wall which adjoins the Coach House to be restored to its original height as following the flood damage in 2007 it was rebuilt to a lower level at the informal request of the owners of The Coach House.

5.6 One letter of support has been received from the occupiers of 'Shires Lodge' on the following grounds:-

- Welcome the development of sustainable building methods as crucial to the survival and welfare of us all in a local and global context.
- The building appears attractive with clean lines.
- Would not be visible from the road.
- Planted roof is welcomed.
- Additional traffic would not be significant.

5.7 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

Principle

- 6.1 Although the application abuts the settlement boundary (i.e. village envelope) of Colwall, it lies outside of the settlement boundary. As such, the proposal to build a new dwellinghouse is contrary to policy H7 of the Herefordshire Unitary Development Plan 2007. The issue then arises as to whether there are any other material planning considerations that indicate that the proposal is acceptable.
- 6.2 As Members will be aware the Council has a shortfall in its five year housing land supply and fails to meet the enhanced requirements in the National Planning Policy Framework (NPPF) for a 5% oversupply. This is a significant material planning considerations and means that the Local Planning Authority should release *appropriate* sites for housing development even if they lie outside of the defined town and rural settlement boundaries.
- 6.3 Suitable sites for release are likely to be ones which:-
- fall at locations that currently have settlement status within the UDP; and
 - are located adjacent to the existing settlement boundary.
- 6.4 In this particular case, Colwall has the status of a main village / settlement in Herefordshire Unitary Development Plan 2007. In terms of the context of Herefordshire, it is considered that Colwall is a highly sustainable settlement having a range of facilities (e.g. retail shops, community facilities, employment land) and a railway station.
- 6.5 Furthermore the application site directly abuts the settlement boundary (see plan attached in annex to this report). In fact, when one examines the line of the settlement boundary it almost appears as an anomaly that this land was excluded. The land is already in a residential use.
- 6.6 As such the site is considered suitable for the erection of a dwellinghouse.
- 6.7 Notwithstanding the above, the detail of the proposal requires careful consideration.

Pattern of Development

- 6.8 When one analyses the location and site plan, the provision of a building on this site would be consistent with the grain of the immediate area. It follows the random and scattered siting of other dwellings in the vicinity, whilst providing a large garden for the proposed dwelling and a generous garden for the retained Coach House.

Siting

- 6.9 The precise siting of the proposed house has been very carefully chosen having had full regard to the physical characteristics of the site. The site is characterised by a lawned area that is surrounded by mature trees with a few trees within it. The location of the proposed house has been very carefully selected to having regard to:-
- retaining the quality trees upon the site and ensuring that they are not prejudiced in the long term. In fact only two silver birch trees would be felled. All trees upon the site have been the subject of a full tree survey including a qualitative assessment. The two silver birches to be felled were considered to be of a low quality value.
 - Providing for solar gain to the proposed house
 - Respecting the pattern / grain of development in the area and ensuring generous plot sizes for both the retained 'Coach House' and the proposed new house.

- Providing access to the site by way of a logical split off the existing driveway; and
- A desire to site the building at a low level upon the site thus keeping the building height low.

It is considered the siting of the proposed house to be both logical and appropriate.

Design & Sustainability Credentials

- 6.10 The design of the building is overtly and unashamedly contemporary. This approach is welcomed and is considered to be preferable to a pastiche approach. It is considered that a pastiche may compete with The Coach House and the Victorian dwelling known as 'Burleigh'.
- 6.11 Whilst in essence the design is a box, its shape has been developed further to a much more sophisticated level using sloping walls, different treatments for the larger and smaller boxes in terms of cladding, the use of a green system over the projecting ground floor which surrounds the terrace and the angles that help to minimise the impact of the large amount of glazing. On a more detailed level the timber cladding has been carefully thought out to address potential problems at the junction with windows and the roof plus the relationship with the ground level. They all, in the opinion of the Conservation Manager (Historic Buildings), "show a crispness of form that is considered, to lift the proposal out of the realms of being merely put together and into architecture."

Though the scheme is dramatically different to its neighbours in style, it is considered to respond appropriately to the site and its surroundings, using appropriate materials that should mature well. It does exhibit a high quality of design that is considered to be appropriate to the area.

- 6.12 The proposal has clearly been designed from the outset with regard to achieving a building with genuine sustainability credentials. The proposal is to construct a house that would meet Passivhaus standards (<http://www.passivhaus.org.uk/> and <http://www.passiv.de/en/index.php>). This is considered the highest and best of the numerous standards as its approach is to design buildings that minimise energy consumption (i.e. heating of less than 15 kilowatt hours per m² per year compared to most new dwellinghouses that tend to consume 100 kw (m²/a). In my experience such buildings typically involve:-
- The building facing south or within 15 degrees of south.
 - Very high levels of insulation.
 - Extremely high performance windows with insulated frames.
 - Airtight building fabric.
 - Thermal bridge free construction.
 - A mechanical heat recovery system with highly efficient heat recovery.
- 6.13 Therefore the proposed house is not only considered to be excellent in terms of its aesthetics but also its sustainability credentials. As such, it is considered that the design is innovative, original and responds to the challenges of the time. The proposal is considered to represent excellent architecture that may assist in helping to raise the standard of design in the area.
- 6.14 It is also worth noting that paragraph 65 of the NPPF specifically states that "Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."

Impact upon character and appearance of Conservation Area

- 6.15 The Colwall Conservation Area is defined by the villas and their garden areas. Old Church Road is the more rural part of the area with less formal gardens than Walwyn Road although there are some similarities between the two.
- 6.16 The conservation area is somewhat unusual in that there are few listed buildings and its character derives primarily from the gardens and mature garden settings. Whilst there are some attractive villas, such as 'Burleigh', there are some residential dwellings of no architectural merit. Whilst the area has developed gradually it saw most of its development in the twentieth century.
- 6.17 In this case the garden area of The Coach House (i.e. the application site), is an area of private open space which is not readily visible and apparent from public vantage points (i.e. public highway and public rights of way). As such, limited development upon it would not harm the visual appearance of the conservation area. The resultant density and generous garden areas that would be afforded to both the retained Coach House (which has three bedrooms and a home office that could be used as a fourth bedroom) and the proposed house would respect the character of the conservation area. Interestingly, the Local Planning Authority was unsuccessful at an appeal in resisting the development of a smaller garden area within the conservation area that was visible from the public highway at 'Holmleigh' Old Church Road (reference DCNE2007/1020/F).
- 6.18 Additionally and significantly, it is considered that the proposed house is of a scale and design that provides a clear hierarchy to the wider historic site comprising the original Victorian villa ('Burleigh') and the Coach House.
- 6.19 Furthermore the Conservation Manager considers that the proposed development not only preserves the existing conservation area but would enhance it by providing a quality building that responds positively to its setting, thus complying with policy HBA6 of the Herefordshire Unitary Development Plan 2007.

Impact upon landscape, trees & landscaping

- 6.20 Colwall is located within the Malvern Hills Area of Outstanding Natural Beauty. It is considered that the proposed development would not be readily visible from public vantage points.
- 6.21 The trees upon the site are protected by both an Area Tree Preservation Order (TPO-289/A1) and by virtue of being within the Conservation Area. The proposed scheme respects the existing trees by ensuring that those trees that are both worthy and capable of retention are retained.
- 6.22 In addition, a landscaping scheme has been submitted that includes enhanced planting between the rear elevation of the proposed house and the northern boundary of the site.
- 6.23 These proposals are welcomed to replace the two trees that are to be felled and to continue the important green infrastructure around the boundary of the site. The proposals include tall, hardy evergreen species to the back of the planting bed, which will form a substantial screen with the neighbouring property to the north known as 'Whitegates'. The front of the bed would include smaller ground cover plants with low maintenance and suitable to the garden setting. A new beech hedge would clearly define the western garden boundary with 'The Coach House'.
- 6.24 Therefore it is concluded that the proposal would safeguard the landscape and not have any detrimental impact upon the landscape of the Malvern Hills Area of Outstanding Natural Beauty.

Bio-diversity / Ecology

- 6.25 The Conservation Manager (Ecology) has no objections to the proposal. Furthermore the replacement of the existing culvert with a bridge is welcomed. From a bio-diversity perspective this is invariably preferred as it allows light to the water course and ensures the free flow of water. Culverts block light and can become obstructed.
- 6.26 A recommended condition would secure a habitat enhancement scheme.

Flooding

- 6.27 The site is not within an area that the Environment Agency identifies as being liable to flood. That does not mean that the site is not liable to flood from say surface water. It is understood that in the 22 years that the applicant has lived on or adjoining the site, the water / storm drained became blocked once (July 2007) after extreme weather conditions at the point where it enters the culvert near the Coach House resulting in the water over spilling the bank and running across to the north-west part of the existing garden.
- 6.28 It is understood that on the western boundary of the curtilage of the Coach House there was a tall wall with on a small pipe through it (in line with the swale) which was blocked and therefore was unable to take the volume of water, which built up. Eventually the wall toppled over (it is understood that the wall was concrete with metal in it which had become rusty and the concrete had started to break away before the incident) and the water passed onto the land of 'Grovesend'. Significantly, it is understood that at no time did the retained water approach the site of the proposed house.
- 6.29 It is understood that subsequently the wall was rebuilt by the owners of 'Grovesend' and a larger opening left at the bottom of this wall by the swale (75cm wide and 25 cm deep) to allow water in extreme weather conditions to run freely.
- 6.30 In addition, it is understood that a wire barrier was erected in the water course to catch any twigs/leaves/rubbish before they reach the culvert pipe entrance. When the proposed bridge is built for accessing the new house (in place of the culvert near our Eastern boundary) it is intended to provide a further wire barrier in the water course as when it runs quickly after heavy rain rubbish is carried down from other gardens.
- 6.31 As this was a single incident in 22 years, and changes have been made subsequently, it is not considered that the garden is subject to flooding and there does not appear to have been any incident in the area proposed for the new house. It is understood that 2012 has been the wettest for many years and Officers are not aware of any flooding of the application site.
- 6.32 Members are assured that the application has been assessed by the Council's Land Drainage Advisor who raises no objections. Furthermore even if planning permission were to be granted the applicant would need to obtain a separate Land drainage consent from the Lead Local Flood Authority (Herefordshire Council – Agents Amey) who would assess in detail the matter of flood risk management and who would need to be satisfied that there is no adverse affect on flow and / or capacity.

Transportation

- 6.33 It is considered that the local highway network has sufficient capacity to cope with the additional 6-8 vehicular movements a day that the proposed development is likely to generate.
- 6.34 The existing vehicular access and highway network is considered to be of a standard that the proposed development would not prejudice highway safety. The off-site parking provision

accords with adopted standards. Colwall is considered to be a sustainable location with a range of facilities and a railway station.

Impact upon neighbouring residential properties

- 6.35 As Members are aware the planning system does not entitle one to a view. The distance between the proposed house itself and the physical dwellinghouses at 'Burleigh', 'Grovesend' and 'Whitegates' are some 75 metres, 90 metres and 30 metres respectively. Given the limited height of the proposal and the significant distances to neighbouring properties it is considered that they would not suffer any undue loss of daylight and / or sunlight. Similarly a distance of 21 metres from habitable room window to habitable room window is significantly exceeded. As such, it is considered that there would not be any undue loss of privacy to neighbouring dwellinghouses.
- 6.36 Furthermore the privacy distance of 21 metres to the immediate private (normally rear) garden / patio areas (normally the 3-5 metres to the rear of a dwellinghouse) of neighbouring dwellings is exceeded and as a consequence it is considered that there would be no undue loss of privacy to neighbouring garden areas.
- 6.37 The perceived physical massing affect of the rear elevation upon the occupiers of 'Whitegates' would be lessened by the proposed planting in the intervening gap of 9 metres between the rear elevation of the proposed house and the northern boundary of the application site. This would lessen the impact from the garden of the neighbouring property. The impact from the 'Whitegates' house itself would be negligible given the distance involved (some 30 metres) and the fact that 'Whitegates' itself is sited on materially higher ground (estimated as at least 2 metres).
- 6.38 Therefore it is considered that the proposed development would not have any adverse impact upon the amenities of the occupiers of neighbouring dwellinghouses.

Conclusion

- 6.39 Therefore whilst the proposal is contrary to the provisions of the Development Plan in that it would provide a new house outside of the existing settlement boundary, in this instance it is considered that planning permission should be granted as:-
- a) Herefordshire Council has a shortfall in its 5 year housing land supply plus 5%.
 - b) The site immediately abuts the settlement boundary of Colwall which is a main village and considered to be sustainable.
 - c) The design of the building is outstanding in terms of both its architecture and sustainability credentials.
 - d) The proposal would enhance the Conservation Area.
 - e) The proposal would not harm the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty.
 - f) In all other respects the proposal is considered to be acceptable in planning terms.
- 6.40 The recommendation is also made in the context of the National Planning Policy Framework which advances a presumption in favour of sustainable development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before 20 February 2014.

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

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

- A full written schedule (including colour finishes) of all external materials (including doors, rainwater goods and windows).
- Written details and samples of the surfacing material to the driveway.
- Full details of all external lighting (if any).
- Full details of the "green roof".
- Written details of the colour of the render and paint colour (if any) to the flue.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason To ensure a satisfactory appearance to the development in accordance with Policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A and C of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority.

Reasons:

a) To safeguard the architectural integrity of the scheme and to safeguard the character and appearance of the area which hereabouts is designated as an Area of Outstanding Natural Beauty and a Conservation Area, in accordance with Policies LA1, HBA6 and DR1 of the Herefordshire Unitary Development Plan 2007.

b) To safeguard the privacy of the occupiers of the dwellinghouse to the north known as 'Whitegates' in accordance with Policy DR2 of the Herefordshire Unitary Development Plan 2007.

4. **Prior to commencement of the development hereby permitted all existing trees shown to be retained upon the approved drawings shall be protected by fencing of in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.**

Reason: To safeguard the trees upon the site that are of amenity value in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

5. **Other than any external lighting permitted pursuant to condition 2 above, no further external shall be installed upon the site, including the external elevations of the building, without the express consent of the Local Planning Authority.**

Reason: To safeguard the character of the Malvern Hills Area of Outstanding Natural Beauty in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

6. **The car port hereby permitted shall be permanently kept available for the parking of two private motor vehicles.**

Reason: In the interests of highway safety and to ensure that the site is dominated by the parking of private motor vehicles thus ensuring that the character and appearance of the Conservation Area and Malvern Hills Area of Outstanding Natural Beauty is not adversely affected, in accordance with Policies T11, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

7. **All planting in the approved details of landscaping (i.e. Landscaping Proposals - Drawing number CHC 001 (Scale 1:200) received 10 January 2013) shall be carried out in the first planting and seeding seasons following the first occupation of the dwellinghouse hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the development is satisfactorily integrated into the landscape and to soften the rear (north) elevation of the dwellinghouse when viewed from the garden of 'Whitegates' to the north, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007.

8. **Prior to commencement of works on site, evidence that the proposed dwelling design and specification complies with Passivhaus Certification criteria is to be submitted to the Local Planning Authority by a CEPH (Certified European Passivhaus) designer. Evidence is to include full PHPP (Passivhaus Planning Package) assessment, proposed construction method including specification for all external envelope elements, general arrangement plans, sections and elevations, key junction details and ventilation design information. The works on site shall not commence until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation.**

Reason: The sustainability credentials of the proposed building was given considerable weight in the decision of the Local Planning Authority to grant planning permission for the dwellinghouse and to accord with Policy S1 of the Herefordshire Unitary Development Plan 2007.

- 9. Evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning Authority by an accredited passivhaus assessor within six months of the first occupation of the dwellinghouse hereby permitted.**

Reason: The sustainability credentials of the proposed building was given considerable weight in the decision of the Local Planning Authority to grant planning permission for the dwellinghouse and to accord with Policy S1 of the Herefordshire Unitary Development Plan 2007.

- 10. Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan and Habitat Enhancement scheme shall be submitted to the Local Planning Authority for their written approval. This shall include timing of the works, details of storage of materials to minimise the extent of dust, odour, noise and vibration arising from the construction process. The development shall not commence until the Local Planning Authority has given such written approval. The Construction Environmental Management Plan and Habitat Enhancement scheme shall be carried out in full accordance with the approved details and thereafter maintained as such;**

Reasons:-

- a) To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats Regulations 2010 and policies NC1, NC6 And NC7 of the Herefordshire Unitary Development Plan 2007.**
- b) To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 in relation to Nature Conservation and Bio-diversity and to meet the requirements of the NPPF and the NERC Act 2006.**

Reasons for Approval

- 1. Whilst the proposal is contrary to the provisions of the Development Plan in that it would provide a new house outside of the existing settlement boundary, in this instance it was considered that full conditional planning permission should be granted as:**

- a) Herefordshire Council has a shortfall in its 5 year housing land supply plus 5%.**
- b) The site immediately abuts the settlement boundary of Colwall which is a main village and considered to be sustainable.**
- c) The design of the building is outstanding in terms of both its architecture and sustainability credentials.**
- d) The proposal would enhance the Conservation Area.**
- e) The proposal would not harm the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty.**
- f) In all other respects the proposal is considered to be acceptable in planning terms.**

The decision was also made in the context of the National Planning Policy Framework which advances a presumption in favour of sustainable development.

Further information on the subject of this report is available from Mr R Close on 01432 261803

Informatives:

1. The Local Planning Authority acted positively and proactively in dealing with this development by providing pre-application advice prior to the submission of the planning application.

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 minor matters of concern with the application (as originally submitted) have resulted in the submission of a detailed landscaping scheme. 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. The applicant/developer are advised that a separate Land drainage consent from the Lead Local Flood authority (Herefordshire Council – Agents Amey) will be required. The relevant contact is Martin.Jackson@amey.co.uk

3. The documents to which this decision relate are:

- Planning Application Form received 30 October 2012.
- Topographical Survey – Drawing number G 7217/1 received 30 October 2012.
- Site Location Plan – Drawing number 7022 PL001 Revision 1 (Scale 1:1250) received 30 October 2012.
- Site Plan – Drawing number 7022 PL002 Revision 1 (Scale 1:200) received 30 October 2012.
- Floor Plans – Drawing number 7022 PL100 Revision 1 (Scale 1:100) received 30 October 2012.
- Elevations – Drawing number 7022 PL600 Revision 1 (Scale 1:100) received 30 October 2012.
- Sections – Drawing 7022 PL800 Revision 1 received 30 October 2012.
- Perspectives – Drawing 7022 PL810 Revision 1 received 30 October 2012.
- Timber Cladding Details – Drawing number 7022 PL910 received 30 October 2012.
- Bridge Details – Drawing number 7022 PL900 Revision 1 received 30 October 2012.
- Design & Access Statement (October 2012) received 30 October 2012.
- Aboricultural Implications Assessment received 30th October 2012.
- Landscaping Proposals – Drawing number CHC 001 (Scale 1:200) received 10 January 2013.

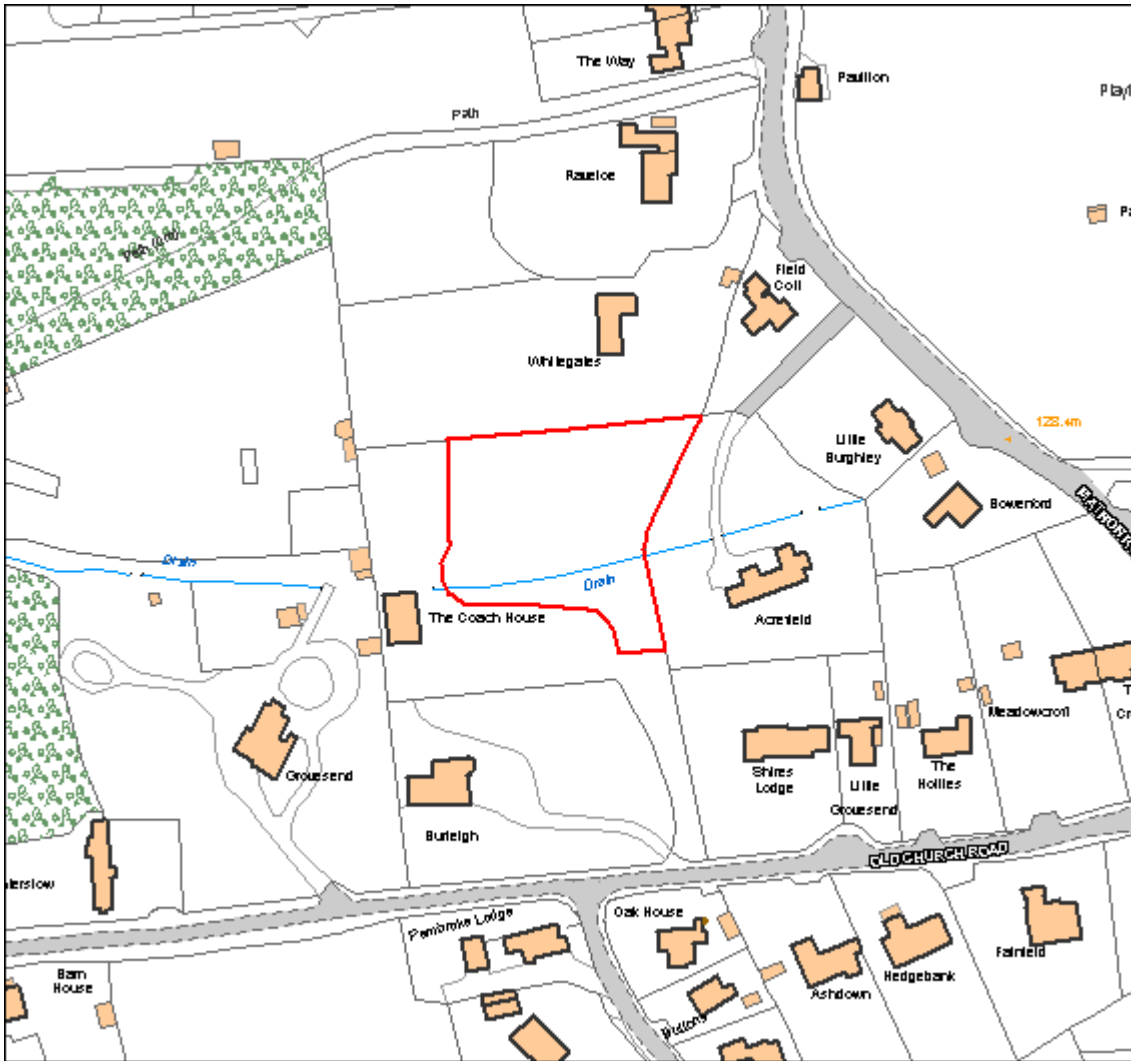
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123067/F

SITE ADDRESS: LAND AT THE COACH HOUSE, OLD CHURCH ROAD, COLWALL, MALVERN, HEREFORDSHIRE

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