

MEETING:	PLANNING COMMITTEE
DATE:	19 FEBRUARY 2014
TITLE OF REPORT:	P133115/F - DEMOLITION OF REDUNDANT BUILDINGS AND ERECTION OF 3 NO. DWELLINGS, NEW ACCESS AND DRIVEWAYS AT LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA For: Mr Reynolds per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133115

Date Received: 6 November 2013 **Ward: Hagley** **Grid Ref: 356559,241231**
Expiry Date: 8 January 2014
Local Members: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Planning permission is sought for the residential development of a site on the eastern side of Longworth Lane, in Bartestree. It lies in between 'The Gateway Centre' (a children's nursery/pre-school) and a range of residential barn conversions. The site is located towards the southeast of the core of the village. It is some 100 metres to the south of the junction of Longworth Lane and the A438, Ledbury to Hereford Road. There is residential development on the opposite side of the road, known as Malvern View.
- 1.2 Currently the 0.12 hectare site is occupied by three former hop pickers' accommodation buildings and an open sided Dutch barn, which it is proposed to demolish. They are timber and metal clad single storey buildings and one occupies the front of the site, providing a built up roadside frontage. The majority of the site is rectangular, some 47.5 metres by 27 metres, however it narrows significantly towards the eastern section to a width of between 7.5 and 6 metres for a length of 50 metres. The roadside frontage is some 27.5 metres wide. A 2 metre high brick wall demarks the southern boundary, to the barn conversions, whilst the remaining boundaries have fencing.
- 1.3 A single access is proposed off Longworth Lane, located at the northern end of the roadside boundary to serve the three new detached properties. A Design and Access Statement, Ecology Assessment Report and Initial Assessment Bat Survey Report have been submitted with the application. Amended plans have been submitted in respect of all three plots. These revisions include the resiting of the dwelling on Plot 1 further to the south, the provision of a single storey attached store to the side elevation and brick elevations rather than rendered, a change of house design on Plot 2 and modifications to the fenestration on Plot 3. The re-consultation period expires on 15th February 2014, after

the production of this report. Any comments received will be provided in the Committee Update.

- 1.4 Plot 1 would front Longworth Lane. A three bedroomed, double fronted, 'L' shaped dwelling is proposed on this plot. Amended plans have been submitted to incorporate an attached store. The principal elevation would be 13.4 metres in width, including the single storey element and 7.1 metres in height. The first floor accommodation would be partly within the roof void and three lucarnes (dormer windows) are proposed to the principal elevation, with rooflights included in the rear elevation, to facilitate this. As amended the property would have brick elevations, to match the existing roadside boundary wall and plain roof tiles. It would comprise a lounge, kitchen/dining room, study, utility room, sunroom, W.C and store at ground floor with three bedrooms (one with an ensuite bathroom and dressing room) and a bathroom over.
- 1.5 The proposed dwelling on Plot 2, the middle plot, would face north and would be similar to plot 1. It would have dormer windows to the front elevation and rooflights to the rear. The three bedroomed property would be predominantly brick, but would include a single storey element to the side elevation that would be timber boarded. Slates are proposed for the roof. At ground floor it would provide a lounge, study, W.C/shower room, kitchen/dining room, utility room and sunroom, with three bedrooms (one with an ensuite bathroom) and a bathroom above.
- 1.6 An 'L' shaped property is proposed on Plot 3 and it would face west. It would have three bedrooms (one with ensuite bathroom) and a bathroom at first floor, with a lounge, kitchen/diner, utility room, sunroom, W.C and single garage below. Amended plans have been provided to include high level windows in the rear elevation and alterations to the windows to the gable ends. The elevations would be primarily brick, with timber boarding to the upper part of the gable ends and the single storey forward projecting element. As for Plot 2, slate is proposed for the roof.
- 1.7 A brick wall is proposed to the roadside boundary, which would reduce in height from 1.9 metres to 1.1 metres, lining up with the right-hand side of the principal elevation of the property. This wall would have a curved line at the point of the visibility splay, returning and terminating at a brick pier opposite another at the end of the proposed 1.2 metre northern boundary wall. The wall would be punctuated by a 0.9 metre gap to provide a pedestrian access to the front door of the property. The access would be tarmacked and the driveways and parking areas are proposed to be finished with gravel. Visibility splays of 60 metres, from a 2.4 metre set back, are achievable in either direction.
- 1.8 The narrow strip of land towards the east of the site would include a single, gravelled track, with a grassed area to the south, parallel to it. This would provide access to the field to the east.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 4	-	Promoting sustainable transport
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 11	–	Conserving and enhancing the natural environment
Decision-taking		

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
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	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
ID1	-	Infrastructure delivery

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

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

3. **Planning History**

3.1 CE2004/2837/0 – Demolition of buildings and proposed site for residential development – refused 11.3.2005, Appeal withdrawn 22.9.2005

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection, standard conditions recommended regarding foul water and surface water discharge.

Internal Council Advice

- 4.2 The Transportation Manager makes the following comments: No objection. Conditions and informatives recommended.
- 4.3 The Conservation Manager (Ecology) makes the following comments: I have read the ecological survey by HEC dated October 2013 and the Bat Survey report by Arbtech dated September 2013 and would broadly agree with their findings. The site would appear to offer a limited ecological potential and could be enhanced by this development through a habitat enhancement plan.

The National Planning Policy Framework 2012 states that *“The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”*. It goes on to state that *“when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity”* and *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. If this application is approved, I recommend the inclusion of a non-standard condition. With regards a Habitat Regulations Assessment the development proposes connecting to the mains and presents no necessity for an HRA report.

- 4.4 The Environmental Health Manager (Contaminated Land) has advised that records indicate that some landfilling was undertaken in the vicinity of the proposal. Due to the proximity of the proposal and sensitivity of development, a condition is recommended to any planning approval. This will demonstrate that any risk from the nearby landfill has been suitably considered and assessed.

5. Representations

- 5.1 Bartestree and Lugwardine Group Parish Council make the following comments: Support. Reservations regarding the hedgerows and roadway.

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

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

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The main issues to be considered are the principle of the development, the acceptability of demolition of the existing buildings, impact upon the character and appearance of the area and amenities of neighbouring properties, highway safety and ecology.

- 6.2 The application seeks planning permission for the erection of 3 dwellings on land outside, but on the opposite site of the road to a main village's settlement boundary (Policy H4 of the UDP). As defined in the UDP the settlement boundary runs along the western side of Longworth Lane, opposite the site. Therefore, in terms of the UDP the site lies in open

countryside. As the scheme is for open market houses it fails to comply with the specified exceptions in policy H7 and consequently the principle of development is contrary to this policy. In terms of the Draft Core Strategy, Bartestree is identified as a village for proportionate housing development where further growth is directed. However policy RA1 has been contested and in light of this it is considered that it cannot be afforded significant weight at this time.

- 6.3 This application, in common with many considered by Planning Committee recently, is submitted against the backdrop of the Council's published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.4 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA). The application site was not included in the SHLAA because it was considered that it would not yield 5 or more dwellings. At the end of 2013 the Bartestree Neighbourhood Development Plan Steering Group reviewed the SHLAA and included the site in the low/minor constrained sites. The stated reason being that a planning application had been submitted for three dwellings.
- 6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide clarification of the level of supply that he considered currently exists, the decision does provide a clear indication that the Council currently cannot demonstrate a 5-year housing land supply. An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included when calculating the County's land supply is being produced and will be available by the end of March 2014.
- 6.6 Notwithstanding this, it remains the case that for the purposes of housing delivery the relevant policies of the UDP must be considered out of date. As such, and in accordance with paragraph 14 of the NPPF, the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that, in the context of a housing land supply deficit, there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 Notwithstanding the out of date nature of the housing land supply policies, there remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the

conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.

- 6.9 As well as consideration of the principle the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly it should be assessed if the development would represent sustainable development. The NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependent. As such they should be sought jointly and simultaneously.
- 6.10 In broad terms the application site is considered to represent a sustainable location for development with access to local services, such as a shop, public house, primary school, nursery and village hall/sports fields and public transport providing a reasonable service to access wider services, facilities and employment opportunities in both Hereford and Ledbury. The bus stop is some 110 metres from the site. There is a footpath to the north of the site, along the eastern side of Longworth Lane between the neighbouring nursery site and the A438. Opposite the site, on the western side of the road there is a footpath to the south of number 4, Malvern View, and another to the north of the access into Malvern View however these are not linked. As a result pedestrians, for short stretches, have to walk on the carriageway. The submitted scheme proposes a section of footpath on the western side of Longworth Lane, linking the existing footpaths, thus providing safer pedestrian access to the village for both occupiers of the proposed dwellings and also existing local residents. As the application site is located within relatively easy access of facilities and services, which would be enhanced through the provision of the linking footpaths, it is considered sustainable in terms of its location and 'in principle' should be supported.
- 6.11 The previous refusal of outline planning permission on the site for residential development is a material planning consideration. Permission was refused on the basis that the site was outside the settlement boundary. This planning history, whilst being a material planning consideration, does not set a precedent preventing development of the site at this time. By virtue of the lack of a deliverable housing land supply and the requirements of the NPPF there has been a significant change in planning policy, such that this planning history is outweighed.
- 6.12 In respect of the acceptability of the demolition of the existing buildings, it is considered that they are not of architectural or historic merit, such that they should be retained for these reasons. With regards the habitat credentials of the buildings, following an Initial Assessment Bat Survey and Phase I Ecological Assessment, it has been established that they have limited habitat value, with no evidence found of bats or birds utilising them. Ivy growing on the buildings may provide valuable nesting sites and on site observations were only of transitory visits. A bat box is proposed to be attached to each property together with soft landscaping including apple trees (Herefordshire Redstreak). In terms of this consideration it is opined that the scheme would result in a net gain in on site biodiversity. The Environmental Health Manager has advised that there is evidence of landfill in the local area. By virtue of this and the sensitivity of the proposed use, for human occupation, it is considered reasonable and necessary to impose a condition requiring a desktop study to be undertaken and any remedial action carried out prior to the commencement of development.
- 6.13 The NPPF and the UDP seek to promote or reinforce local distinctiveness and decisions should aim to ensure that proposals should reflect the identity of local surroundings and materials, amongst other things. The proposed dwellings have been designed and orientated to reflect development within the area, in particular the barn conversions to the south. Plot 1 is to be orientated to face the road and of brick construction. The proportions of the buildings would be in keeping with the development within the vicinity. The brick built boundary wall to the roadside would tie in with the existing wall to the south. The properties have been designed to minimise the impact upon neighbouring properties, in particular to the barn conversions to the south. Plot 1 has no windows in the side gable facing 'The Stables'. All

three dwellings proposed would only have rooflights in the rear elevation roofslopes, thus reducing the potential for overlooking of the gardens of the neighbouring properties. An existing 1.8 metre high fence is to be retained along the southern side boundary. It is considered that the scheme achieves satisfactory living conditions between the three plots. No representations have been received from local residents.

- 6.14 A single access is proposed onto Longworth Lane, providing adequate visibility in either direction. The proposed new footway would link the existing sections, resulting in a continuous footway along the western side of Longworth Lane. This would improve the pedestrian connectivity of the site to the village's facilities and public transport. It would therefore accord with the NPPF requirement to provide safe and accessible developments. Moreover, it would improve the current situation for existing residents in the locality. Cycle racks/stores are proposed to be provided for each property, within the stores/garage or garden. This would encourage and facilitate future occupants' use of other means of transport to the private car and is supported.
- 6.15 In accordance with the Council's temporary suspension for financial contributions for developments of 5 or less dwellings, the applicant has requested that if permission is granted the time limit for the commencement of development is reduced to one year and no financial contributions are made. As this accords with the temporary suspension and would also expedite the provision of much needed housing, this is considered to be acceptable.
- 6.16 In conclusion the proposal is considered to be acceptable in principle, being a site that would provide sustainable development. In accordance with paragraph 14 of the NPPF it is considered that permission should be granted, as there are no identified adverse impacts that would significantly or demonstrably outweigh the benefits.

RECOMMENDATION

That Planning Permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. F07 Domestic use only of garage**
- 5. F08 No conversion of garage to habitable accommodation**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G12 Hedgerow planting**
- 9. Prior to commencement of the development, a habitat protection and enhancement 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.**
- 10. H03 Visibility splays**

11. H13 Access, turning area and parking
12. H27 Parking for site operatives
13. The approved secure and covered cycle storage (Asgard Design Cycle Storage Lockers – Plot 2 and Wall mounted cycle storage for plots 1 and 3) shall be installed/provided and made available for use prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, the northerly section of new footpath indicated on drawing BR9B shall be provided in accordance with a specification that has first been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with details so approved.

Reason: To improve the sustainability of the site by facilitating pedestrian access to the local services, facilities and public transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be

submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

INFORMATIVES:

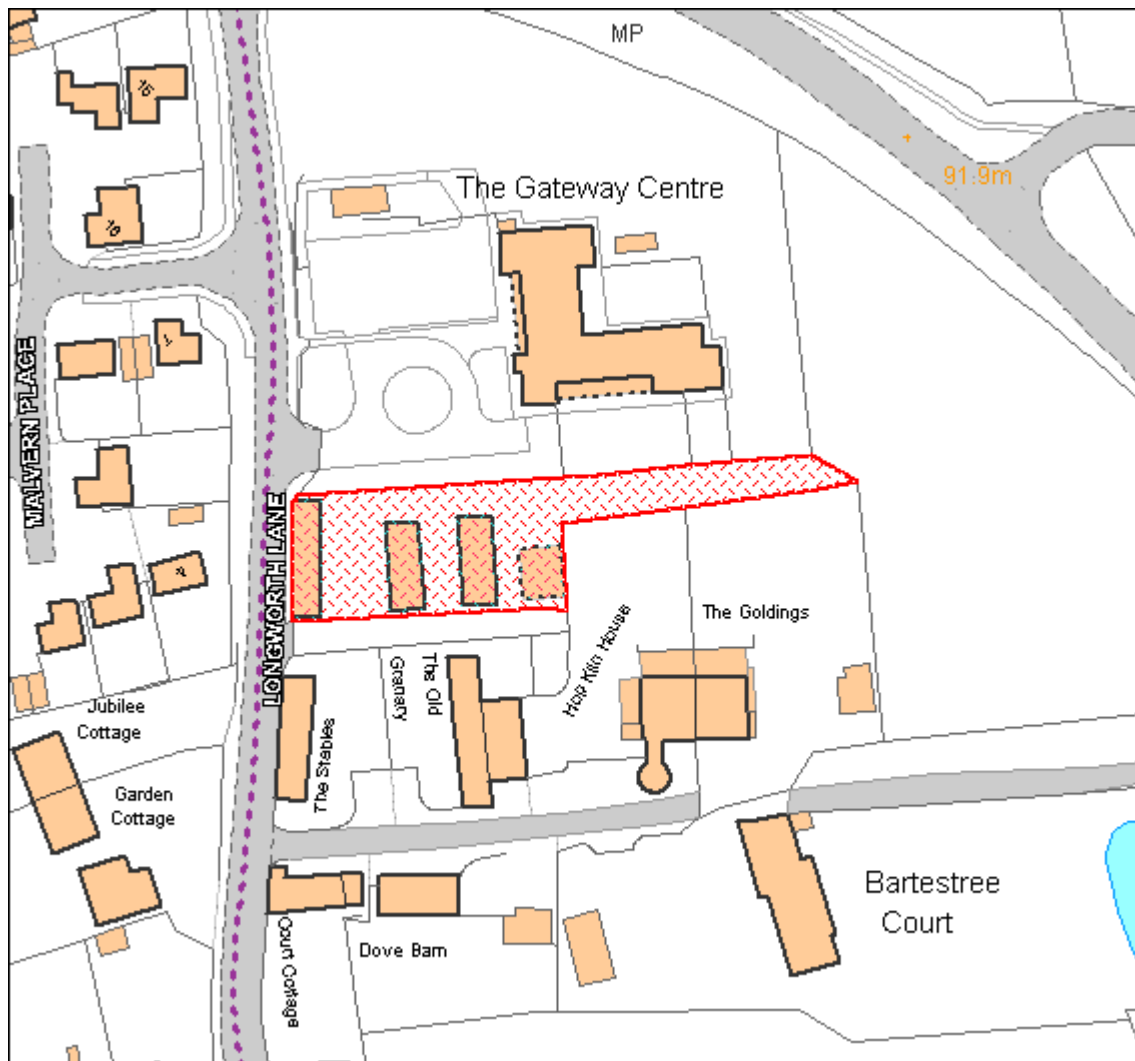
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments 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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN05 Works within the highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133115/F

SITE ADDRESS : LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA

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