

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P132962/F - PROPOSED ERECTION OF 3 DETACHED DWELLINGS, NEW ACCESS, DRIVEWAY AND GARAGE AT LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA</b></p> <p><b>For: Messrs D Forrest, L Hansford &amp; B Reynolds per DA Forrest Architectural Services, Court Cottage, Bartestree, Hereford, HR1 4DA</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132962">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132962</a>

**Date Received: 22 October 2013**

**Ward: Hagley**

**Grid Ref: 356553,241117**

**Expiry Date: 29 January 2014**

Local Member: Councillor DW Greenow

- 1.1 The application site lies on the eastern side of Longworth Lane opposite its junction with Hagley Park, to the southeast of the village of Bartestree. It is some 214 metres to the south of the junction of Longworth Lane and the A438, Ledbury to Hereford road. Residential development lies to the north and west, with a mixed residential/commercial plant yard use (October House) to the south. Bartestree Court, a Grade II listed building, lies some 21 metres to the northeast of the site.
- 1.2 Presently the 0.119 hectare site comprises a paddock and it is essentially rectangular, but tapers towards the eastern section. The roadside frontage is some 26 metres wide and the rear section reduces to a width of 16.5 metres. It is some 85 metres in depth. Levels are relatively flat within the site, but fall away gradually towards the eastern part. The boundaries are demarked by stock proof fencing, with the exception of the northern boundary which has a conifer hedgerow along it.
- 1.3 It is proposed to erect three detached, one and a half storey dwellings, which would all be served by a single access off Longworth Lane located at the southern end of the roadside boundary. Plot 1 would face Longworth Lane and would provide a double fronted, 'L' shaped dwelling, with a detached open fronted, double carport/garage to the rear. The principal elevation would be 12.5 metres in width and 7.25 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 a further three in the rear/side elevation, to facilitate this. The property would have a brick plinth, timber shiplap boarding to the principal, side and rear elevations, with render to the rear projection and plain roof tiles. It would comprise a kitchen/dining room, study, living room, sunroom and W.C at ground floor with four bedrooms (one with an ensuite bathroom) and a bathroom over. The property on plot 2, the middle plot, would face south and would be similar to plot 1, but would have an

attached open fronted car port, three bedrooms at first floor and brick elevations, including a plinth. The dwelling on plot 3, which would face west, would be sited in the eastern part of the site. The principal elevation would have a gable end to the right-hand side, a projecting open sided porch and two dormer windows. It would be some 13 metres wide by a maximum depth of 12.5 metres, which would include the porch and single storey sunroom to the rear. It would be the largest of the three properties, having five bedrooms (two with ensuite bathrooms) and a bathroom at first floor, with a lounge/dining room, kitchen/diner, utility room, study, sunroom and W.C at ground floor. It would also have a detached open fronted, double garage to the northwest of the property. Similarly to Plot 2, it would have brick elevations and plain tiled roof. All three properties would have chimneys and painted timber fenestration, fascias and soffits. The porches, garage and carports would have exposed oak supports to their principal elevation.

- 1.4 A timber post and rail fence is proposed to form the boundary with Longworth Lane, with a native hedgerow planted to the rear. Additional soft landscaping is proposed to the northern and southern boundaries, and within each plot. Hedgerows are proposed between each of the plots, with a temporary wicker fence provided initially. A 3 metre deep conservation area is proposed to the rear of plot 3 and would incorporate a shallow rainwater overspill pool to provide a seasonal wetland area. Gravel driveways and parking areas are proposed and the visibility splay would be some 60 metres in each direction, from a 2.4 metre set back. A Design and Access Statement and Ecology Assessment Report have been submitted with the application.

## 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
Section 12	–	Conserving and enhancing the historic 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
HBA4	-	Setting of Listed Buildings
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 None.

## 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: Proposal is acceptable as shown on amended plans, except for omission of covered and secure cycle storage. Recommend approval with conditions and informatives.

4.3 The Conservation Manager (Ecology) makes the following comments:

I have read the ecological report by HEC dated 15/10/13 and broadly support its content and recommendations. There are two old records of great crested in the vicinity and it is not clear if these relate to ponds near the site. However, the report points out that a pond beyond the site curtilage has carp and so I agree that it is unlikely that there is a breeding population. I believe that the risk of great crested newts being on the site is very low and can be covered through an informative to the applicant should they be encountered. I support the proposals for habitat enhancement in the report.

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”*.

## **5. Representations**

- 5.1 Bartestree and Lugwardine Group Parish Council make the following comments: Support.
- 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](http://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, impact upon the character and appearance of the area and amenities of neighbouring properties, impact upon the setting of the listed building, highway safety and ecology.
- 6.2 The application seeks planning permission for the erection of 3 dwellings on land outside, but on the opposite side 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, before returning and running along the southern boundary of the properties in Hagley Park, some 35 metres beyond the application 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). At the end of 2013 the Bartestree Neighbourhood Development Plan Steering Group reviewed the SHLAA and downgraded the site's original assessment from significant constraints to low/minor. This was stated to be because the impact of any development of the site upon the setting of the Grade II listed building had been improved by virtue of the improved northern boundary treatment.
- 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 of developing a green-field site 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 dependant. 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 245 metres from the site. Whilst there are sections of footpath along Longworth Lane between the application site and the A438, these are not continuous. As a result pedestrians, for short stretches, have to walk on the carriageway. The submitted scheme proposes two sections of footpaths 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, in particular Hagley Park. 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 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. Although the site was identified in the SHLAA as being capable of accommodating 5 or more houses, it is considered that given the density of surrounding development, the proposal for 3 would be compatible and in keeping with the locality. The proposed dwellings have been designed and orientated to reflect development within the area, with Plot 1 orientated to face the road and timberboarded to reflect the nearby barn conversions. The proportions of the buildings would be in keeping with the development within the vicinity. The landscaping to the roadside, post and rail fence with native hedgerow planted behind, would be entirely appropriate with the site's edge of settlement location. With regards the impact upon neighbouring properties, these are all at some distance, with the exception of October House and the garage that serves Court Cottage. The dwelling proposed for plot 3 would be sited to the north of October House and both properties face west. Given their orientation, siting and exclusion of first floor windows in the side elevation, it is considered that the proposed dwelling (Plot 3) would not adversely affect the living conditions of occupiers of October House. Similarly, due to the siting of the proposed dwelling on Plot 1 and its distance to Court Cottage, with a garage in between, the proposal would not adversely affect occupants amenity.

- 6.12 Chapter 12 of the NPPF and policy HBA4 of the UDP set out the considerations for the impact of proposals on the setting of listed buildings, which constitute a heritage asset. The UDP stipulates that adverse impacts upon the setting of a listed building will not be permitted, whilst the NPPF states that harm should be weighed against the public benefits of the proposal. The impact of views towards the listed building was given as a significant constraint in the SHLAA, however the Neighbourhood Development Plan Steering Group have subsequently reduced this to a low/minor constraint, due to the increased maturity/height of the boundary treatment. Given the distance between the site and the listed building, their orientation and the intervening land, I am satisfied that the proposal would not adversely affect the setting of the listed building.
- 6.13 A single access is proposed onto Longworth Lane, providing adequate visibility in either direction. The proposed new footways would link the existing sections, resulting in a continuous footway along the western side of Longworth Lane. This would greatly 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/storage are proposed to be provided for each property, within the garage/gardens. This would encourage and facilitate future occupants' use of other means of transport to the private car and is supported.
- 6.14 The application is supported by a Phase 1 Ecological Assessment (September 2013). This concludes that the site is of low ecological interest, a view broadly agreed with by the Council's Ecologist. Existing native hedgerows are to be retained and incorporated into a Landscape Management Plan. Additionally, bird boxes and traditional orchard trees, such as Herefordshire Redstreak, are to be provided. Old records exist of Great Crested Newts in the vicinity, but it is unclear if these relate to the ponds near to the site. The Ecologist is of the opinion that the risk of Great Crested Newts on the site is very low. Accordingly this can be covered by an informative note to the applicant, should they be encountered. The habitat enhancement proposed fulfils the requirements of both the NPPF and the UDP.
- 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) REDUCED TO ONE YEAR**
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. **The recommendations set out in Section 4.1 and 4.3 of the ecologist's report dated 15/10/13 concerning hedge planting, fruit tree establishment and bird boxes should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement plan noting planting and erection of boxes 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.**

### **Reasons:**

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

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

10. **H03 Visibility splays (2.4m x 60m)**
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 – Plots 1 and 2 and Wall mounted cycle storage for plot 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, both of the new footpaths indicated on drawing FHR4.A 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

**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: .....

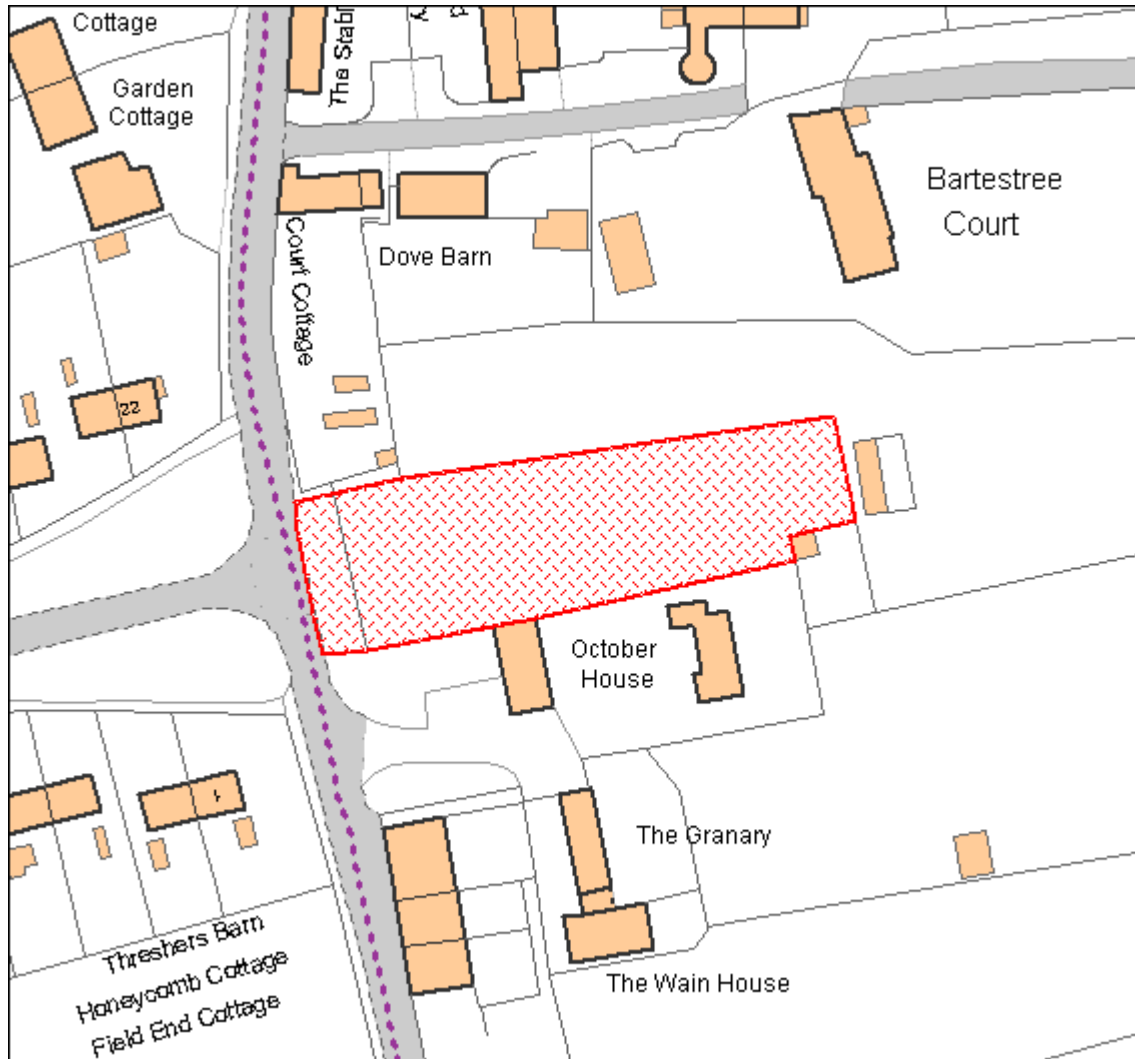
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** P132962/F

**SITE ADDRESS:** LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA

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