

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 APRIL 2014</b>
<b>TITLE OF REPORT:</b>	<b>132221/O - SITE FOR PROPOSED DWELLING AT TALBOTS FARM, THE RHEA, SUTTON ST NICHOLAS, HEREFORDSHIRE, HR1 3BB</b>  <b>For: Mrs Major per Mr C Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132221">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132221</a>

**Date Received: 29 August 2013**  
**Expiry Date: 15 November 2013**  
 Local Member: Councillor KS Guthrie

**Ward: Sutton Walls**

**Grid Ref: 353494,245155**

## Introduction

This application was deferred at the meeting of the Planning Committee on 12 March 2014 for a Members site visit on 1 April 2014.

### 1. Site Description and Proposal

- 1.1 Planning permission is sought in outline with all matters reserved for the erection of a dwelling on land at Talbots Farm, The Rhea, Sutton St. Nicholas. The land forms part of a larger field used presently for grazing. The indicative layout proposes a means of vehicular access direct from The Rhea, an unclassified road, utilising the existing driveway presently serving three separate dwellings; The Talbots, Longview and Century House.
- 1.2 The application site falls outside but immediately adjacent the settlement boundary for Sutton St. Nicholas as defined under policy H4 of the Unitary Development Plan. The application site area is irregular in shape and the indicative layout envisages a single, detached dwelling positioned to the south-east of The Talbots and north-east of Lower House.
- 1.3 The access and neighbouring dwellings lie within the conservation area, the boundary for which is broadly coincidental with the domestic curtilages of the adjoining dwellings. The bulk of the site is outside the conservation area.
- 1.4 The application is accompanied by a Phase 1 habitat survey and Design and Access Statement.

### 2. Policies

- 2.1 The National Planning Policy Framework 2012:

Paragraph 7 - Sustainable development

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Further information on the subject of this report is available from Mr D Dugdale on 01432 261566

- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy design
- Paragraph 215

## 2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- DR7 - Flood Risk
- HBA6 - New Development Within Conservation Areas
- H4 - Main Villages: Settlement Boundaries
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H16 - Car Parking
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements

2.3 Sutton St. Nicholas Parish Council have recently designated a Neighbourhood Plan Area. However, this is in the early stages of development.

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.aspp>

## 3. Planning History

3.1 None.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions requiring the separation of foul and surface water drainage.

### Internal Council Advice

4.2 Traffic Manager: Access is shown from the existing shared private driveway from The Rhea. The single property proposed would bring the number of properties served off the private drive to five, which is the maximum indicated in our design guide. The Rhea is narrow with limited passing opportunities, but one additional property is considered acceptable.

4.3 Conservation Manager: The application site is located to the south of the village of Sutton St Nicholas. Part of the site is within the Sutton St Nicholas Conservation Area, though most lies immediately outside the boundary. Most of the site is also located outside the settlement boundary of the village.

Adjacent to the application site to the southwest is The Talbots, an unlisted but locally important dwelling, which probably dates from the 17th century though with 18th century alterations. To the south of The Talbots are the associated barns of the farmyard and these buildings all form an important view in the Conservation Area.

The application is for the construction of one dwelling of four or more bedrooms on a plot with a partially shared access off The Rhea. As it is only an Outline application with all matters reserved there is very little information given on which to assess the impact of a dwelling on the Conservation Area and the views into and out of the area. Consequently it is necessary to register an objection.

4.4 Conservation Manager Ecology: No objection subject to adherence to the recommendations set out in the submitted ecological survey.

4.5 Conservation Manager HRA: On the basis of Welsh Water's confirmation that there is capacity in the main foul sewer, there is no objection.

## **5. Representations**

5.1 Sutton St. Nicholas Parish Council: Object.

Resolved to object as it is outside the village envelope and the Parish Council is waiting for its Neighbourhood Plan to be developed. There is no independent access to the main highway.

5.2 Eighteen letters of objection have been received from local residents and the Campaign for the Protection of Rural England. The content is summarised as follows:-

- The Rhea is unsuitable for additional traffic with little room for manoeuvre. This scheme will increase the danger for existing road users;
- The site is agricultural land beyond the existing settlement boundary and this development would represent an encroachment into open countryside;
- Approval would set a precedent and increase the likelihood of development in the adjoining field;
- Development of the application site would be contrary to the Strategic Housing Land Availability Assessment, which concluded that the field as a whole is subject to significant constraints;
- The Draft Herefordshire Local Plan – Core Strategy 2013-2013 Policy SS3 states that in releasing residential land priority will be given to brownfield sites. The proposed site does not qualify as such;
- This proposal is not consistent with the theme of sustainable development enshrined in the NPPF;
- The indicative plan and Design and Access Statement is misleading as it is based on the supposition that Longview and Century House will purchase the land to extend their gardens and thus preserve their views. This cannot be substantiated and should not be taken into account when making a decision;
- The proposed dwelling would, as recognised by the Conservation Officer, have a detrimental impact on the visual and environmental quality of the area;
- The proposal is prejudicial to proper consideration of neighbourhood plan proposals;
- The site is of considerable visual amenity and provides habitat for a number of protected species including Barn Owls, other predatory birds and bats. All are protected by law and would be endangered should development proceed;
- The construction phase associated with any development would adversely affect the living conditions associated with adjoining property;
- Low water pressure is an existing problem, whereas it is reported that there may be difficulty in providing other services to the site e.g. gas and electricity.

- 5.3 The submitted Design and Access Statement explains that land within the red line application site area has been included on the premise that it could be transferred to Longview and Century House to enable extensions to their existing garden curtilages at a later date. It is the view of officers that this is immaterial to the planning judgement and a matter that cannot be attributed any weight.
- 5.4 The Design and Access Statement also refers to the use of sustainable construction techniques, micro-generation and sustainable drainage systems as positive aspects of the development and that the proposal could be designed so as not to result in overlooking of adjoining property or loss of view.
- 5.5 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 proposal is the erection of a single property on land accessible via an existing field access off a short residential cul de sac served by the narrow, unclassified lane known as The Rhea. The site is irregular in plan and located in the north-west corner of a larger parcel of land, which appears to be remnant orchard and is presently used for grazing. The site is bounded to three sides by existing residential development. Vehicular access would be via the existing access serving Century House, Longview and The Talbots.
- 6.2 The Development Plan is the Herefordshire Unitary Development Plan 2007 (UDP). Within this document Sutton St. Nicholas is defined as a main village, within which residential development is acceptable in principle. The application site falls outside but is immediately adjacent the settlement boundary. For planning purposes, therefore, the site is in open countryside and residential development would, if considered against the UDP in isolation, be contrary to adopted policies. The UDP does, in exceptional circumstances, permit the development of land adjoining settlement boundaries where required in connection with an identified need for affordable housing within the parish. This proposal is not for affordable or low-cost market housing.
- 6.3 It is the Council's acknowledged position, however, that the housing delivery policies of the UDP are, in the context of a housing land supply deficit, out of date. In such circumstances these policies, which include H4 and H7 must be considered out of date, with the National Planning Policy Framework (NPPF) taking precedence as a significant material consideration. Paragraph 14 of the NPPF confirms that where the development plan is absent, silent or relevant policies are out-of-date, there is a presumption in favour of granting permission for sustainable 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.
- 6.4 It is clear therefore that reliance cannot be placed upon UDP policies which would categorise the application site as being in open countryside. Instead it is necessary to consider whether, in the context of a housing land supply deficit, the application is one that would promote sustainable development as envisaged by the NPPF. If a proposal is held to represent sustainable development then the NPPF presses for the prompt grant of planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits when assessed against the policies of the Framework taken as a whole or specific policies of the Framework indicate that development should be restricted.” Paragraph 14 NPPF. The footnote to paragraph 14 identifies that the specific policies referred to are those that operate to protect specified designations, including AONBs and other heritage assets.

- 6.5 The NPPF refers to the three dimensions of sustainable development (economic, social and environmental) and confirms that in pursuit of sustainable development these dimensions are to be considered holistically. It is clear from appeal decisions that defining sustainable development goes beyond the former PPG13 test of locational sustainability and that consideration should be given to potential economic, social and environmental benefits arising from development. It is clear that NPPF paragraph 14 envisages a ‘planning balance’ with the presumption taking effect unless significant and demonstrable harm can be identified.
- 6.6 In terms of its location, case officers consider the site to be well related to the current built form. In accordance with the Council’s interim protocol the site is immediately adjacent the settlement boundary and seen within the context of existing dwellings. As the application is in outline form a detailed assessment of the impact on visual amenity and the living conditions at adjoining residential property cannot be undertaken. Officers are content, however, that it would be possible to design a dwelling that would preserve the existing levels of residential amenity at adjoining properties. In this respect care would have to be taken to ensure that position on plot, scale, and orientation of windows are carefully considered and this can be considered fully at the Reserved Matters stage should permission be granted.
- 6.7 The Sutton St Nicholas conservation area bounds the site to the north west and south east and extends partially into the site beyond its north west boundary. However the bulk of the site, including the indicative siting of the house, is outside the conservation area. The character of the two existing dwellings backing onto the north west boundary may be described as conventional two storey gable ended and linked by garages beyond these properties towards the church and within the conservation area, there is a modern housing layout. Backing on to the north east boundary of the site are the rear gardens of semi-detached dwellings fronting Millway a residential street. To the south west is Talbots Farm recently converted into two dwellings, a site for which permission has been previously granted for two dwellings with access on to the Rhea beyond which is an existing dwelling fronting the Rhea. In this context it is considered that an appropriately designed dwelling would not harm the character of the surrounding area and would be achievable at the reserved matters stage in a manner that would preserve or enhance the character of the neighbouring part of the conservation area. In this respect the scheme is capable of complying with saved HUDP policy HBA6 and the NPPF with regard to the protection of heritage assets.
- 6.8 A report providing the results of a Phase 1 Habitat survey has been submitted and provides recommendations with respect to lawful practice and planning policy. The recommendations are not onerous and fall within the scope of a planning condition
- 6.9 Likewise, and in recognition of the edge of village location, officers would recommend a condition to require the prior approval of boundary treatments that are appropriate to the area. Officers would recommend native species hedgerow in preference for more suburban brick walls and/or close-boarded fences.
- 6.10 The Traffic Manager has identified issues with the U72600 in terms of its narrowness, but concludes that one further dwelling could be accommodated under the existing scenario provided that appropriate parking and turning areas are provided within the proposed site. The site is large enough to make adequate provision for parking and private amenity space and conditions are recommended to ensure this. Moreover it is considered that the one additional dwelling proposed would not compromise vehicular or pedestrian safety in the existing cul-de-sac or the Rhea.

- 6.11 The local concerns have been given due consideration. Overall, in the context of the above mentioned policies and other material considerations it is considered that the application site location is sustainable with regard to the NPPF in particular paragraphs 14 and 49.
- 6.12 With regard to the precedent concerns the proposal has been considered on its merits as is appropriate. Moreover the use of the proposed access for any further dwellings is unlikely to be viable.
- 6.13 The applicant has opted to submit the application without a Section 106 Agreement but on a condition that any permission will be subject to a condition requiring the submission of reserved matters within two years of the grant of permission.

## **RECOMMENDATION**

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

1. **Details of the layout, scale, appearance, access and landscaping of the development permitted (hereinafter called “the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**  
  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
2. **Application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.**  
  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and having regard to the Council’s suspension of the Requirements of Policy DR5 of the Herefordshire Unitary Development Plan.**
3. **The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.**  
  
**Reason: To comply with the provisions of Section 9(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 Authority’s Planning Obligations Supplementary Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by 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.**
4. **G11 Landscaping scheme - implementation**
5. **L01 Foul/surface water drainage**
6. **L02 No surface water to connect to public system**
7. **L03 No drainage run-off to public system**
8. **H09 Driveway gradient**

- 9. H27 Parking for site operatives
- 10. G14 Landscape management plan
- 11. G09 Details of Boundary treatments
- 12. I16 Restriction of hours during construction

**Informatives:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **Welsh Water Advice:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

3. **HN01 Mud on highway**

Decision: .....

Notes: .....

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## **Background Papers**

Internal departmental consultation replies.



