

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>14 MAY 2014</b>
<b>TITLE OF REPORT:</b>	<b>131529/F - NEW SUSTAINABLE LIVE/WORK DWELLING WITH ANCILLARY OUTBUILDING AT LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HR6 9AR</b>  <b>For: Mr &amp; Mrs Albright, Black Fox House, Suckley Lane, Pembridge, Leominster, HR6 9DW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131529">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131529</a>

**Date Received: 5 June 2013**

**Ward: Golden Cross  
with Weobley**

**Grid Ref: 341772,258146**

**Expiry Date: 21 August 2013**

Local Member: Councillor MJ K Cooper

## **1. Site Description and Proposal**

- 1.1 The application site lies just to the south of Eardisland and comprises a currently un-cultivated parcel of agricultural land. The C1035 bounds the site to the south and east and runs through the centre of the village. A mature hedgerow forms the roadside boundary with an existing field access on the inside bend of the road. A second field access also exists to the west of a roadside property known as Tadpole Cottage and a footpath runs from the village, alongside the site to this dwelling. Other properties, on the fringe of the village, lie to the north east, the closest being Orchard Cottages and The Bramleys.
- 1.2 Eardisland is a conservation area and approximately half of the site falls within its boundary. It is also identified as a main village by Policy H4 of the Herefordshire Unitary Development Plan (HUDP) and the settlement boundary runs along the shared boundary between the site, Orchard Cottages and The Bramleys.
- 1.3 The site is largely flat and the majority of it falls within flood zones 2 and 3 as identified by the Environment Agency. A small rise towards the rear of the site does however fall outside of this and is identified as the low risk Flood Zone 1.
- 1.4 This is a detailed application and is described by the applicant as being for the erection of a single three bedroom live/work dwelling with office and studio, associated outbuilding and new drive and access. The intention is that the property would serve as a demonstration home in conjunction with the applicants' business – Border Oak Construction. The applicants advise in their supporting documentation that the proposed house will be used to show potential clients and interested parties Border Oak's craftsmanship, design skills and innovative construction systems in a typical family home environment. The applicants both work for Border Oak and in the event that permission is granted, the accommodation would enable them to work from home.

- 1.5 The building is of timber frame construction and is arranged in a U shape. The main residential element is two storey, whilst the studio and meeting room are single storey. A detached garage and storage building opposes the dwelling to create a central courtyard, into which the access drive leads. It runs due south of the proposed dwelling with a new access to be formed at the location of the existing field gate. The plans also indicate an intention to plant a new orchard and a native hedgerow through the middle of the site.
- 1.6 The submission is accompanied by a detailed Design and Access Statement, a landscape plan, a commercial statement and a Flood Risk Assessment. The latter of these documents has been amended since its original submission to take account of comments received from local residents and the Environment Agency. The application does not include a Draft Heads of Terms Agreement as the applicants have indicated that they would commence development within 12 months if planning permission were to be forthcoming.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 10	-	Meeting the challenge of climate change, flooding and coastal change
Section 11	–	Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework (March 2012) in relation to Flood Risk is also relevant.

### 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR8	-	Culverting
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
HBA6	-	New Development Within Conservation Areas

### 2.3 Herefordshire Local Plan 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
MT1	–	Traffic management, highway safety and promoting active travel
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.aspp>

### 3. Planning History

- 3.1 None

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency – It should be noted that we make the following comments having taken into account all evidence of local flooding which has been discussed with us or submitted for our consideration. Specifically we have also reviewed a document recently submitted by residents in response to the abovementioned Hydrologic Flood Risk Assessment.

Whilst the proposed development is located on land within Flood Zone 1, the low risk Zone, the access route lies within Flood Zone 3 and is therefore considered to be at risk of flooding during a high risk or 1 in 100 year event. A flood risk assessment (FRA) is therefore required to demonstrate that safe access and egress is available for the site during a high risk (1 in 100 year) event including the impacts of climate change (a 20% increase in peak flows as advised in Table 5 of the National Planning Policy Framework Technical Guidance).

During the pre-planning process local residents raised concerns with us that flood risk to the site is not accurately represented on the Environment Agency's Flood Map. We also have historic records of flooding within Eardisland but no record to indicate that the site of the proposed dwelling has flooded in the past.

We have met a number of local residents to understand and discuss their concerns. They supplied us with information, including photographs and video footage, of previous flood events as well as their knowledge of historic flood levels, property flooding and the flood regime within the area. To date, however, no specific evidence has been forthcoming to demonstrate that the area of land where the new dwelling is proposed has flooded historically.

We have carefully considered all the evidence provided to us and have also carried out our own topographical survey at specific locations identified within the provided photographs where historic levels could be measured and related this back to the proposed site. Our review of the information given, and this survey, provides us with no evidence to indicate that the proposed development site has flooded (aside from the access). The flood levels from the photographs were lower than the ground level of the land where the proposed dwelling is to be located.

It is our opinion that the FRA, as referenced above, has demonstrated that the site is suitable for the proposed use in terms of flood risk and is in line with national and local planning policy. It has also indicated that safe access will be available during a 1 in 100 year event including climate change without raising ground levels within the floodplain. The FRA recommends as

part of the development a number of measures which include re-opening an existing culverted ditch and providing a storage area adjacent to the brook. This has been proposed to offer flood risk betterment post development in line with the policy aims of the NPPF. We support this additional work to provide further flood betterment although it should be noted that without this additional work the proposed development is still safe and will not impact on third parties.

4.2 In light of further representations from local residents, the FRA prepared by the applicants hydrologist, and the advice given by the Environment Agency has been independently reviewed. The report produced by JBA confirms that the updated River Arrow modelling work, produced by the Environment Agency, is suitable for use to inform the FRA and, although our flood model could be improved and does have limitations as it not designed for site specific FRA purposes, further work is unlikely to have significant impacts on the modelled results. Therefore the impact of this latest model does not introduce new flood risk issues with regard to the proposed development.

4.3 Welsh Water – No objection.

#### Internal Council Consultations

4.4 Transportation Manager – No objection subject to condition.

4.5 Conservation Manager (Landscape) - The landscape report and detailed landscape scheme are welcome. This demonstrates that landscape impact has been considered, as required by HUDP Policy LA2. The proposed landscape scheme will help to limit the landscape impact. The scheme includes a range of new features, including hedgerow, orchard, pasture and tree planting, which are integral to ensuring that the development can enhance the landscape and be suitably integrated at this location.

4.6 Land Drainage Engineer - There are no objections in principle on flooding or drainage grounds assuming the implementation of the proposed flood management measures as set out with the FRA and subject to the provision of detailed drainage drawings and use of appropriate SuDS for the proposed works. We recommend that surface water drainage should be designed in accordance with the River Lugg IDB requirements, but allowing for a 30% increase in rainfall intensity.

4.7 Economic Development Manager - We understand that this is an unusual application with a very specific business requirement in a sensitive location, and that there is a geographic divorce between the site and the applicant's business location. However the business case behind the application does have merit and the live/work element of the scheme will help reduce costs to the applicant business and support their business model.

Locations for this type of development are generally difficult to identify and, if approved, we would not be expecting to support any future similar application from the applicant business, but a positive decision would help a successful local company expand its workforce by up to 25%, whilst safeguarding current employment and having a positive knock on effect to numerous other businesses within the local supply chain. As such, on balance, and from a purely economic development perspective, we would look to support this application.

## **5. Representations**

5.1 Eardisland Parish Council - The Parish Council support this application provided that it meets Environment Agency criteria that the development does not displace flood water and exacerbate flooding within the village and that no further development takes place on the field.

5.2 River Lugg Internal Drainage Board – It is noted from the flood risk assessment that the developer proposes to utilise sustainable drainage techniques such as rainwater harvesting,

permeable surfaces and soakaways as a means of controlling surface water run-off. The developer must establish that ground conditions are suitable for the use of soakaways.

It is also noted that existing field ditches will be cleared and reinstated and the proposed access route to the site will cross the Southall Brook which is controlled by the Board. While the Board are in favour of these techniques and see the proposals as an opportunity for betterment of the current situation, and are aware that the proposed access is an existing access crossing, the developer should be made aware that any culverting or alterations of the existing watercourses/ditches and their crossing must not be undertaken without a written Land Drainage Consent from the Board.

5.3 Objections have been received from thirty two local residents, including a group under the title of the Eardisland Flood Group. In summary the points raised are as follows:

- There is no justification for a dwelling in this location
- The site is outside the village settlement boundary and the proposal is contrary to Policy H4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework
- A large complex of buildings within the conservation area would fail to preserve or enhance its character, contrary to Policy HBA6
- There are better sites available for a development of this nature
- Development would set a precedent for other dwellings to be built in this location
- There is no need for further housing in the village
- The site is located within a flood plain
- Development of the site will exacerbate flooding elsewhere within the village
- The Flood Risk Assessment prepared by the applicant is inaccurate, particularly with regard to recorded peak flood levels and the pattern and flow of flooding across the application site and village
- Increased traffic movements associated with the proposal will be detrimental to highway safety

5.4 Letters of support have been received from eighteen local residents and businesses with links with Border Oak. In summary the points raised are as follows:

- The area upon which the dwelling is to be located does not flood
- The scheme may actually alleviate flooding, particularly as it includes the re-establishment of open ditches
- The site is currently an eyesore and its development will be an improvement
- The design of the dwelling and the landscaping scheme are in keeping and may actually improve the village
- Imaginative and innovative design
- Lack of development in the past has resulted in the loss of a number of local services including the village primary school and post office
- Young families should be encouraged into the village to allow them to contribute to the area
- Development that enables Border Oak to expand will be of benefit to other local construction firms

5.5 One letter with mixed views about the proposal has also been received. Its author considers that the proposal has many beneficial elements but the local planning authority should be wholly satisfied that it will not exacerbate flood risk to existing properties in the village.

5.6 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 Council's lack of a five year housing land supply has been well documented and this application relies on the presumption that sustainable development will be permitted in accordance with the NPPF unless there are significant material planning considerations that dictate otherwise.
- 6.2 The site lies beyond the settlement boundary for Eardisland as identified by the adopted Herefordshire Unitary Development Plan (HUDP), but is immediately adjacent to it. The village is one that is considered to be sustainable and continues to be identified as one that should accommodate proportionate growth in the emerging Core Strategy.
- 6.3 The site would be well served by existing facilities, being approximately 400 metres from the village centre, and these would be accessible on foot with a footpath bounding the roadside frontage. The proposal is therefore considered to represent sustainable development in accordance with Paragraph 14 of the NPPF.
- 6.4 The application has attracted a significant number of objections from local residents and these are principally based on matters relating to flooding and perceived inaccuracies contained within the Flood Risk Assessment (FRA) that supports the application. These relate to the pattern and flow of flooding across the application site and through the village, the accuracy of site levels and the projected impact that the development would have on flood capacity and the consequence that this might exacerbate flooding to existing properties. Representations received also include photographs of part of the site in flood as recently as February 2014.
- 6.5 Paragraphs 100 to 103 of the NPPF relate specifically to flood risk. It advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. However, where development is considered to be necessary, it should be ensured that it is safe and does not increase flood risk elsewhere. In considering the requirements of the NPPF, it must be born in mind that the actual site upon which the dwelling is located lies within Flood Zone 1 and as such according to all the available evidence is not at risk of flooding. Furthermore the applicant has demonstrated to the satisfaction of the Environment Agency that there is a safe flood-free means of access to and from the proposed dwelling that meets the 1 in 100 year event plus climate change test. Notwithstanding the positive endorsement from the Environment Agency, the applicant has also taken into account the NPPF's required Sequential Testing of sites in order that it can be demonstrated that there are no other suitable sites available for the development proposed, with an aim to steer new development to areas with the lowest probability of flooding. The NPPF goes on to advise that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 6.6 If, following application of the Sequential Test, it is not possible for the development to be located on a site with a lower probability of flooding, the local planning authority should then apply an Exception Test to determine whether a specific development is acceptable. In order to satisfy this the application must demonstrate that:
  - the development provides wider sustainability benefits to the community that outweigh flood risk; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The NPPF is clear in stating that both of these tests must be passed if a development is to be permitted.

- 6.7 The applicant has provided information to the local planning authority outlining a number of other sites that they have investigated over several years within a five mile radius of their current work and children's educational needs, looking at sites within the villages of Eardisland, Kingsland and Pembridge, and some outlying areas including land immediately adjacent to Border Oak's headquarters. These have been discounted for various reasons that include a reluctance of existing landowners to sell land, a lack of success in bidding for sites, insurmountable planning constraints and that planning permission has been refused and advice has been given that proposals similar to this would not be supported. Your officers are content that the applicants have investigated a number of other sites and that, in this case, the Sequential Test so far as it is material to the higher risk Flood Zones is met.
- 6.8 In accordance with the NPPF the local planning authority must, in these circumstances, also consider whether there are sufficient benefits in permitting the development that would outweigh the concerns raised about flooding. As has been highlighted earlier in this appraisal, the site is considered to be sustainable in simple locational terms, being immediately adjacent to the village and having good access to the services that it provides. The applicant has also highlighted the commercial benefits to their business of having a 'show home'. The commercial statement that accompanies the application advises that the proposed dwelling is required to test and showcase a new eco panel system and construction details devised by Border Oak in order that they can continue to comply with industry targets and regulations. It will also be used by the applicants as their office base and will provide a studio for the promotion and marketing of the business; something which it currently lacks.
- 6.9 Comments from the Council's Economic Development Manager are supportive of the applicant's business model and consider that the proposal would help the business to expand, with a positive 'knock-on' effect to other associated businesses. It is therefore considered that the proposal would help to sustain and grow an existing local business in accordance with paragraph 28 of the NPPF and is another indication of the sustainability credentials of the proposal.
- 6.10 The FRA has been scrutinised at length by the Environment Agency and, following continued concern raised by some local residents, they have also taken the unusual step of seeking an independent review of it and the advice that they have provided to your officers. This has led to further revisions to the FRA, but the advice from the Environment Agency has consistently been that the proposal is acceptable to them in principle, primarily because the proposed dwelling is to be sited on an island of land that is plotted on the Environment Agency's maps as Flood Zone 1. Although the areas surrounding are in Flood Zones 2 and 3, they are content that the proposed dwelling would be afforded a safe means of escape in the event of a flood.
- 6.11 They also express the view that the FRA accompanying the application identifies measures for flood risk betterment which include re-opening an existing culverted ditch and providing a storage area adjacent to the brook. The Environment Agency clearly state in their consultation response that they are supportive of work that will provide further flood betterment as this accords with paragraph 102 of the NPPF. They are also quite clear that without this additional work the proposed development is still safe and will not impact on third parties. The application also demonstrates that a safe means of access is available in the event of a flood.

- 6.12 Some letters of objection refer to the siting of the proposal within the conservation area and consider that the scheme will not preserve or enhance its character. At the time that the application was submitted the land was under-utilised and had the appearance of rough scrub land. More recently it has been re-sown with grass and appears as pasture land. The plans propose a significant landscaping scheme and it is noted that the Landscape Officer has expressed the view that these proposals will serve to enhance the landscape in accordance with Policy LA2 of the HUDP. It is your officer's opinion that it is logical to conclude that, with this being the case, the scheme will also serve to enhance the setting of the conservation area in accordance with Policy HBA6.
- 6.13 The proposal is set well back from the road behind an area of new orchard planting and would be afforded a degree of screening by existing roadside vegetation when approaching the village from the south west. The plans do show a substantial dwelling, but this is not entirely out of keeping with the village. It contains a number of similarly sized properties, set within large grounds and with a number of outbuildings.
- 6.14 No objections have been received from the Council's Transportation Manager, subject to the imposition of a condition to secure the provision of appropriate visibility splays. This is achievable and would ensure that highway safety is secured. Concerns relating to increased traffic movements associated with the applicants conducting their business from the premises are not shared by the Transportation Manager and it is considered that the C class road and surrounding network that immediately serve the development have sufficient capacity to ensure that highway safety would not be compromised. The proposal accords with Policies S2, DR3 and T8 of the HUDP.
- 6.15 In conclusion, your officers are of the view that the proposal has benefits in terms of its sustainable credentials. It will make a modest contribution towards the Council's current housing land supply deficit and will assist in supporting a highly successful local company that employs many local people. The genuine concerns of local residents regarding flood risk are duly noted, but notwithstanding the clear evidence provided that significant parts of the application site and the village are prone to flood events, your officers have received advice from both statutory and other relevant consultees that the proposal is acceptable in principle in respect of flood risk. It is therefore considered that a recommendation to refuse the proposal on grounds relating to flooding could not be substantiated and therefore the scheme is considered to accord with Policies DR4 and DR7 of the HUDP and Paragraphs 100 to 103 of the NPPF. It represents a sustainable form of development in accordance with Policy S1 of the UDP and with paragraph 14 of the NPPF which presumes in favour of sustainable development. The application is therefore recommended for approval.

## **RECOMMENDATION**

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

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission**

**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 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less**

- 2. B01 – Development in accordance with approved plans**
- 3. C01 – Sample of external materials**

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Further information on the subject of this report is available from Mr A Banks on 01432 383085



- 4. G10 – Landscaping scheme
- 5. G11 – Landscaping scheme - implementation
- 6. G14 – Landscape management plan
- 7. H03 – Visibility splays
- 8. H05 – Access gates
- 9. Floor levels shall be set at a level of at least 85.50m AOD as outlined in the FRA produced by Hydrologic (Report Ref: K0394/1\_Rev 0, Sept 2013).

**Reason: To protect the development from flooding and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.**

- 10. The access road hereby permitted shall be constructed in accordance with existing ground levels and shall remain at this level in perpetuity.

**Reason: To ensure that there will be no increased risk of flooding to land or property due to impedance of flood flows and/or reduction of flood storage capacity and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.**

- 11. I55 – Site waste management plan
- 12. M03 – Compensatory flood storage works
- 13. M05 – No storage of materials in 1% floodplain plus climate change

**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. HN04 – Private apparatus within the highway
- 3. HN28 – Highway design guide and specification
- 4. HN05 – Works with the highway

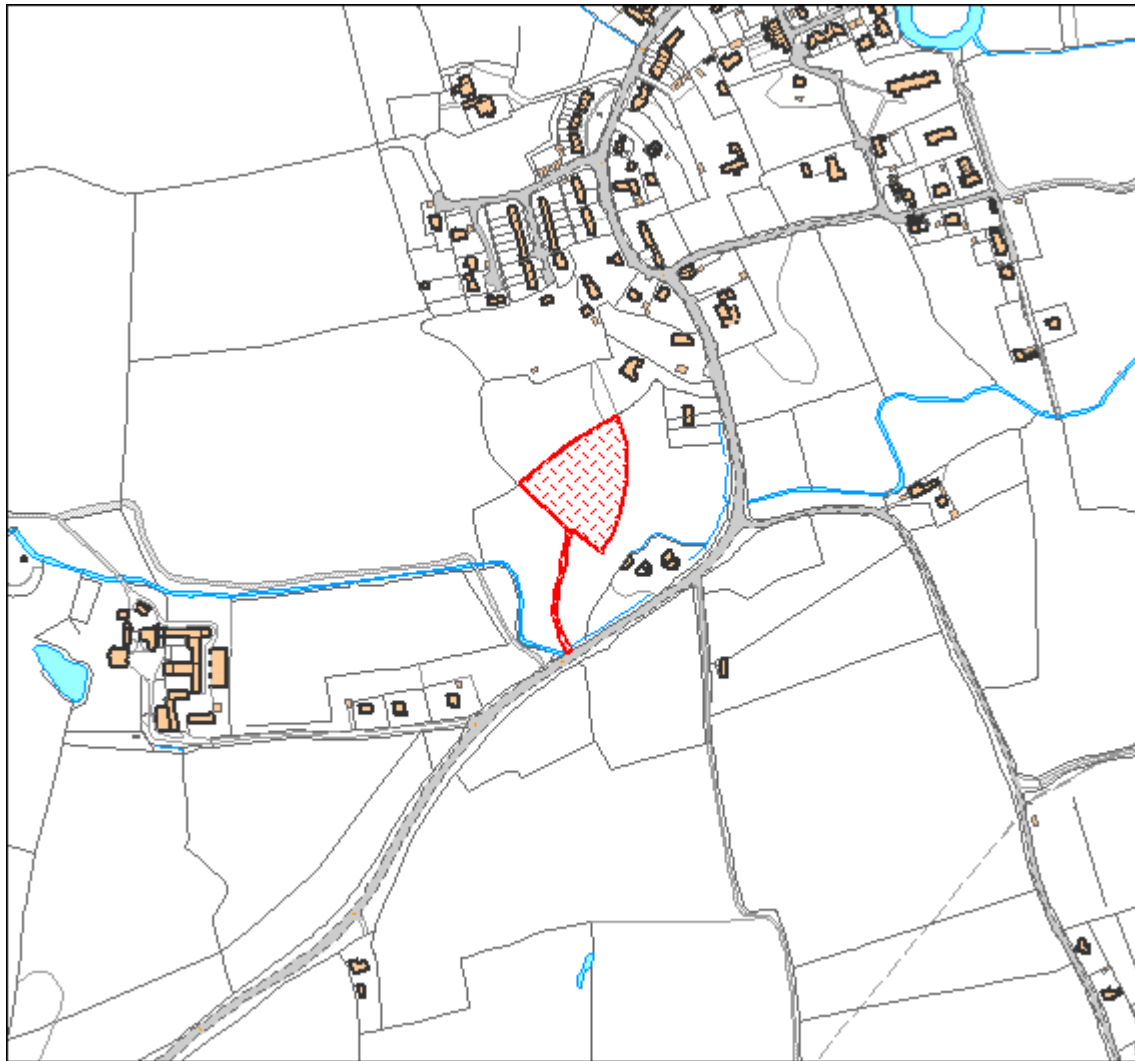
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## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 131529/F

**SITE ADDRESS :** LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER,  
HEREFORDSHIRE, HR6 9AR

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