

MEETING:	PLANNING COMMITTEE
DATE:	4 JUNE 2014
TITLE OF REPORT:	P140844/O - PROPOSED ERECTION OF 4 NO. THREE BEDROOM DETACHED DWELLINGS ON LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE, For: Mr Greenwood per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140844

Date Received: 19 March 2014

Ward: Castle

Grid Ref: 329833,247096

Expiry Date: 15 May 2014

Local Members: Councillor J W Hope MBE,

1. Site Description and Proposal

- 1.1 The site comprises a 0.29 hectare (0.71 acre) area of pasture land located to the north east of The Sun Inn public house, Winforton. It is slightly elevated above the existing beer garden which is located directly to the south, and gently rises to the rear where it is bounded by mature native hedging and farmland. A small ditch/stream runs along the northern boundary. To the south east side of the site are two detached dwellings of modern construction. Vehicular access to the site is proposed via the unclassified Winforton 'Common Road' located to the east of the site.
- 1.2 The application seeks outline planning permission with all matters reserved for the construction of four detached dwellings. An indicative site layout plan accompanies the application.

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 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements.
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and development
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

Herefordshire Local Plan – Draft Core Strategy

- 2.3
- | | | |
|-----|---|--|
| 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 |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Local Distinctiveness |
| LD2 | - | Landscape and Townscape |
| LD3 | - | Biodiversity and Geo-Diversity |
| 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

- 2.5 The Core Strategy has recently passed through Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory consultees.

- 4.1 Welsh Water raises no objections.

Internal Council advice.

- 4.2 The Transportation Manager has responded to the application stating:

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'The proposal is acceptable. Adequate visibility exists at the access for a low speed/low traffic volume road. The visibility at the junction with the A438 is right on the limit, but acceptable. N.B. The dwellings will require cycle storage'.

4.3 The Planning Ecologist has responded stating:

' I have read the ecological report from Phil Quinn dated 2013 and broadly agree with its conclusions. The surveys were conducted out of season but I believe the nature of the site is such that in-season surveys would provide little extra information although I would request that the site is checked immediately prior to development for slow worms.

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".

The response recommends a condition to be attached to any approval notice issued with regards to following the recommendations set out in Section 8 of the ecologist's report by Phil Quinn dated December 2013 and prior to commencement of the development, a habitat enhancement plan being submitted to the Council. The response also recommends the attachment of two standard informative notes with regards to wildlife protection.

4.4 The Land Drainage Manager raises no objections subject to details being submitted with regards to a drainage strategy in relationship to the application.

5. Representations

5.1 Eardisley Group Parish Council has responded to the application stating:

'Comments passed to Winforton Councillors by Winforton residents: -

The vehicular access is poor from the main A438. The site access is from Common Lane, which is a single track lane where frequently driveways to domestic premises are used as passing places. The junction from Common Lane to the A438 is obscured, particularly to the eastern end, due to a barn obscuring the view.

Access at the bottom of the lane could easily create a 'bottle-neck' situation.

Serious investigation should take place regarding the drainage and sewage situation on and around this plot of land.

Originally this parcel of land was included in the Neighbourhood Plan and parishioners felt they had the ability to influence the long term planning and strategies for their community. They are now asking the question, what is the relevance of the Neighbourhood Plan.'

5.2 Nine letters of support have been received

Comments made can be summarised as follows:

- There is a need to have further development in the village in order to attract new people and to retain a viable sustainable future for the village.
- Flooding issues are unlikely with consideration to the location for the development.
- The site is a sustainable location for development in relationship to the existing village.
- The junction of the A438 and Common Road is considered acceptable in relationship to national highway standards as recently indicated in a recent appeal hearing for development which would of made use of this junction for public highway access.

5.3 Nine letters of objection have been received.

Issues raised can be summarised as follows:

- Concerns about the fact that the local parish plan is not yet finalised and that the application should be deferred until this is finalised.
- Public highway access to the site should be through the Sun Inn car park rather than directly off Winforton Common Lane due to safety issues in relationship to the junction with the A438 public highway.
- Concerns about existing public drainage and sewage systems.
- The field subject to this application used to be used as a camping site and therefore contributing towards the sustainability of the public house and that loss of this field may well have a detrimental impact on the viability of the public house.

5.4 A further letter of comment has been received. The letter suggests the need for a road traffic survey with consideration to the proposed development and that all development for Winforton should be considered subject to the Neighbourhood Plan once complete.

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

6. Officer's Appraisal

6.1 The key issues in relationship to this application are:

- Principle of the development.
- Access.
- Drainage.

Principle of the development.

6.2 The site is located on the northern fringe of a smaller settlement. Policy H6 of the Herefordshire Unitary Development Plan (UDP), housing in smaller settlements, does not support the principle of residential development in this location.

6.3 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and became the sole planning policy document at national level. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27th March 2013. Consequently the weight which can be attributed to individual policies of the UDP must therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.

6.4 Paragraph 47 of the NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 5% or 20% "buffer", dependent on each local planning authority's record for housing delivery. A recent appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.

- 6.5 Consequently Herefordshire Council are presently failing to meet this requirement and 'relevant policies for the supply of housing should not be considered up to date' as stated in Paragraph 49 of the NPPF. On this basis, the council's housing policies which define the geographical limits of residential development can be attributed little weight in the determining of an application for residential development.
- 6.6 As the Council's UDP housing policies can no longer be relied upon to determine the principle of residential development, applications should be considered 'in the context of the presumption in favour of sustainable development', as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 The 'social role' of development places attention on the location for development with respect to local services and facilities. In this instance, the closest facilities and services to the site at approx equal distance are located at the market towns of Kington and Hay-on-Wye. Both provide amenities which one would associate with a market town. Further still Winforton is located alongside the A438 on which there is a bus service that provides limited transport to the city of Hereford and in the direction of Hay on Wye.
- 6.8 Whilst the application is in 'outline' with all matters reserved for future consideration, the application proposes four dwellings in a layout and scale considered satisfactory in relationship to the surrounding built environment and the provision of four suitably designed dwellings on this site is considered to have a negligible impact on the local landscape character largely due to the site's location and therefore conforms with UDP Policy LA2 and chapter 11 of the NPPF
- 6.9 Despite the proposal being contrary to the housing policies of the UDP, it is considered that in light of the council's inability to demonstrate a 5 year housing land supply plus a 20% buffer that the principle of 'small scale' residential development of the site is acceptable.

Access

- 6.10 Access into the site is proposed off the unclassified public highway known as Common Road. The Transportation Manager responded to the application indicating the proposal is acceptable, and that adequate visibility exists at the access for a low speed/low traffic volume junction with the A438. This is right on the limit, but acceptable.
- 6.11 The development will entail use of the 'Common Road' junction with the A438 and this is considered an acceptable means of access to the site with consideration to the intensity of the development and likely increase in traffic flows as a result of development on site. A recent appeal decision for development which would entail the use of this highway junction concluded that the junction does meet minimum national highway standards as commented upon in a letter of support.
- 6.12 Therefore whilst it is noted objections have been received with regards to use of this junction, it is considered that refusal of the application on grounds of use of the junction can not be sustained in the event of an appeal against refusal of the application. Any future 'reserved matters' application will address on site layout as advised by the Transportation Manager.
- 6.13 On balance, the proposal would give rise to a modest increase in use of the local highway network. Visibility splays are acceptable. The increase in use of the junction will have a negligible impact on highway safety. For these reasons the proposal is considered to have an acceptable impact on the local highway network in terms of safety and movement in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

Drainage

- 6.14 The site is not served by a mains sewage system and therefore the application proposes a biodisc sewage treatment plant. Such systems treat effluent and discharge purified water which is safe to discharge into the ground. The application also proposes a reed bed filtration system as part of the foul drainage discharge.
- 6.15 Welsh Water raises no objections and the Land Drainage Manager also raises no objections subject to a condition being attached to any 'outline' approval notice with regards to management of surface and foul water drainage.
- 6.16 With consideration to the location and intensity of development on site, drainage proposals in principle are considered acceptable, and it is recommended that any approval has a condition attached in order to ensure drainage detail by means of a detailed drainage strategy for the site is adequately addressed at the 'reserved matters' stage.
- 6.17 With consideration to the above-mentioned, on drainage issues, with attachment of a relevant condition to any approval notice the proposed development is considered acceptable and in accordance with Policies S1 and DR4 of the UDP on drainage issues and chapter 10 of the NPPF.

Other Matters

Residential Amenity and Privacy

- 6.18 The application site is of such a size that 4 dwellings can be accommodated without compromising the privacy of existing neighbouring dwellings or the privacy of the individually proposed dwellings. It is officer opinion that this, in conjunction with the wider consideration of the scheme as referred to above, means that the proposed development is considered 'appropriate' in the context of paragraph 49 of the NPPF.

Ecology

- 6.19 The Council's Ecologist concurs with the content of the ecology report by Phil Quinn dated 2013 which accompanies this application and considers the proposed development to exert no undue impact on biodiversity or wildlife in accordance with UDP Policies NC1, NC6 and NC7. A condition should be attached to any permission issued to ensure that works are undertaken in accordance with recommendations made throughout the ecology report.

Neighbourhood Plan.

- 6.20 Letters of objection received refer to concern about the prematurity of the application with regards to the neighbourhood plan. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Members may also note that the recently launched 'Planning Practice Guidance' states that circumstances where prematurity may constitute a reason for refusal are likely to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

It is officer opinion that the emerging Core Strategy and Neighbourhood Plan are still at a relatively early stage of preparation and, as such, prematurity cannot be argued as a reason to refuse this application.

Loss of field.

- 6.21 Letters of objection received refer to concerns about the loss of the field and its impact on the future viability of the Public House. The Public House has curtilage ground in connection to the pub which provides a 'beer garden' and car parking, and as such, use of the field for development is considered will not impinge on the future viability of the public house.

Planning Obligations.

- 6.22 On 4 March 2009, the Local Planning Authority temporarily suspended the requirement for residential development of five dwellings or less to accord with the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) where development would commence within two years of the date of an outline permission being granted. This submission states a preference for a two year permission and as such the requirement of Section 106 contribution is waived.

Conclusions

- 6.23 In light of the above, the principle of development is considered acceptable having particular regard for the location of the site in relation to the built up area of the village, local services and facilities, the intensification of vehicle numbers on the local highway, potential impact on landscape character and the ability of the site to accommodate four dwellings. On this basis it is recommended that in accordance with the presumption in favour of sustainable development as referred to in the NPPF and giving weight to the Council's inability to demonstrate a five year housing land supply, that outline planning permission be granted .

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. Details will be submitted at the 'Reserved matters' stage with regards to the proposed foul and surface water drainage arrangements for the site and this will include provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS feature have been maximised , including use of infiltration techniques and on ground conveyance and storage features. Detail will also include discharge rates for all storm events up to and including the 1 in 100 year rainfall event with a 30% increase in rainfall intensity in order to allow for the effects of future climate change. Detail will also be included indicating that adequate pollution control measures are in place prior to discharge and that there is permission to discharge foul and surface water runoff from the site with the relevant authorities.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies S1 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. G03 Retention of existing trees/hedgerows

8. The recommendations set out in Section 8 of the ecologist’s report by Phil Quinn dated December 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, a habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work to check for slow worm on the site immediately prior to development.

Reason: 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, NC7, NC8 and NC9 of the Herefordshire’s Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. N11C General**
- 4. HN04 Private apparatus within highway**
- 5. HN05 Works within the highway**
- 6. HN08 Section 38 Agreement & Drainage details**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140844/O

SITE ADDRESS : LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE

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