

MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	P140903/F - PROPOSED ERECTION OF TWO DWELLINGS AT LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE, For: Mrs Roberts per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140903&search=140903
Reason Application Submitted to Committee - Contrary to Policy	

Date Received: 24 March 2014

Ward: Llangarron

Grid Ref: 356235,224412

Expiry Date: 29 May 2014

Local Member: Councillor J A Hyde

1. Site Description and Proposal

- 1.1 The application site lies on the western side of the unclassified 71014 Road in the Parish of Peterstow. The site is a relatively small, flat and well enclosed field. Upon the eastern (front) boundary is a particularly strong native hedgerow which makes a positive contribution to the character and appearance of the lane and Peterstow in general. There is also vegetation on other boundaries including the southern boundary. At present there is a field gate access into the field provided in the south-east boundary.
- 1.2 Overhead electricity lines cross the site in a south-east to north-west direction.
- 1.3 To the north of the site is Hightown Cottage a two-storey Grade 2 listed building.
- 1.4 Opposite the site, on the eastern side of the lane, and progressing further south are a row of three detached bungalows, Riston, Copleston and Churston.
- 1.5 To the north of the site is the Peterstow Conservation Area.
- 1.6 The site lies within the Wye Valley Area of Outstanding Natural Beauty.
- 1.7 The application site area is approximately 0.24 hectare.
- 1.8 The application is made in full. The proposal is to erect two detached two-storey four-bedroomed houses. They would both effectively be served off the existing vehicular access point thus retaining the existing frontage hedgerow. The houses are individually designed both effectively having a 'T' shape. They have deliberately been designed with two-storey span depths of 6 metres and a limited eaves height of 4.7 metres. The proposed materials are a mix

of natural stone at ground floor level and larch boarding at first floor level with natural slate roofs.

- 1.9 Both houses have been designed with their principal elevations facing south to maximise passive solar gain.
- 1.10 The access driveway would be extended to allow continued agricultural access to the land to the west.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The key elements to consider in relation to this application are considered to be paragraph 49 and Section 12 regarding 'Conserving and enhancing the historic environment' although the NPPF should be considered as a whole.

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
S3	-	Housing
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Open Countryside
H13	-	Sustainable Residential Design
S6	-	Transport
T11	-	Parking Provision
S7	-	Natural & Historic Heritage
LA1	-	Area of Outstanding Natural Beauty
LA3	-	Setting of Settlement
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development within Conservation Areas
LD2	-	Biodiversity and Geodiversity
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Local Plan Core Strategy

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SS2	-	Delivering New Homes
Policy SS4	-	Movement and Transportation
Policy SS6	-	Environmental Quality and Local Distinctiveness
Policy RA1	-	Rural Housing Strategy
Policy RA2	-	Herefordshire's Villages
Policy LD1	-	Landscape and Townscape
Policy LD2	-	Biodiversity and Geodiversity

2.4 Neighbourhood Plan

Peterstow Parish Council has successfully applied to designate a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 22nd November 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

2.5 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>

3. Planning History

3.1 None

3.2 The lawful use of the land is agricultural

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water – No objections

4.2 Internal Consultees

Conservation Manager (Historic Building Officer) does not object to the amended plans now under consideration.

The Conservation Manager (Planning Ecologist) recommends that appropriate planning conditions and informatives be attached to any planning permission.

5. Representations

5.1 Peterstow Parish Council has no objections to the proposal.

5.2 One local resident (the occupier of 'Hightown Cottage' objects to the proposed development on the following summarised grounds:-

- The proposal would harm the setting of the Grade 2 listed 'Hightown Cottage';
- The proposed development would harm the setting of the Peterstow Conservation Area;
- The proposed dwellings have an ad hoc positioning;
- The development would urbanise the area;
- The open nature of the current site provides the setting to the Peterstow Conservation Area and its loss would harm the setting of the Conservation Area;
- The proposal conflicts with policy H5 of the Herefordshire Unitary Development Plan 2007 (it is assumed that the objector means policy H6);
- The proposal would adversely affect the amenity of the occupiers of 'Hightown Cottage'; and
- The proposal is contrary to the provisions of the Herefordshire Unitary Development Plan 2007, the emerging Core strategy and the Central Government Guidance contained within the National Planning Policy Framework (NPPF).

- 5.3 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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle

- 6.1 Peterstow is not a defined main village as listed in policy H4 of the HUDP. It is only a smaller settlement as set out in policy H6. However, the proposal is clearly not an infill within an existing small gap. As a consequence the proposal is essentially for the erection of two new houses in the open countryside in planning policy terms. Policy H7 of the HUDP essentially establishes a presumption against new residential development in the open countryside. Whilst exceptions are provided for, none apply to this particular case. As a consequence the proposal clearly departs from the provisions of the Development Plan.
- 6.2 The law is clear that planning decisions should be made in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"

- 6.3 As a consequence each such proposal needs to be considered on its individual merits with regard the overall planning balance (i.e. economic, environmental and social) including the sustainability credentials of the development.

Economic & Social

- 6.4 The provision of additional housing clearly has economic and social benefits in terms of construction and providing additional housing.

Sustainability

- 6.5 The site adjoins the area that I would consider to be the existing built-up area of Peterstow and it should be noted that there is more modern residential development directly opposite. Interestingly, whilst Peterstow is not listed as a main settlement policy H4 of the HUDP, the emerging Core Strategy in Policy RA2 (figure 4.20) identifies Peterstow as a village that could accommodate proportionate housing growth of approximately 14% (approx. 18 dwellinghouses). This said, only very limited weight can be attributed to Core Strategy policies and given the level of objection to policy RA2, I attribute no weight to this.
- 6.6 The maximum walking distance one would reasonable expect in a rural area is approximately 1,200 metres. In this case Peterstow has the following amenities within that distance of the application site:-
- Post Office and Shop;
 - Public House – Yew Tree Inn Public House;
 - Bus stop with regular service to Hereford and Ross-On-Wye (Service 33); and
 - Church

6.7 Therefore it is considered that the site is in a sustainable location. In the context of the rural County that is Herefordshire, Peterstow is considered to be relatively sustainable.

Other Environmental Impacts

6.8 The proposed development is considered to be well designed. The defining and most important feature of the site is considered to be the frontage hedgerow, Rather than puncture openings within it, the scheme has been designed to retain the frontage hedgerow by essentially utilising the existing access, albeit with minor widening.

6.9 The houses have deliberately been designed to avoid the existing overhead electricity lines that run across the site and to have their principal elevations facing south to maximise passive solar gain.

6.10 The design of the houses is considered to be of a very high quality. The entire design approach has been to design houses with a maximum two storey span depth of 6 metres (significantly less than so many modern houses which tend to have a span depth of 8 metres) and to limit the eaves height to some 4.7 metres (less than so many modern houses that tend to have an eaves height of 5.1 metres). These two matters assist in reducing the physical mass of the proposed houses. It is considered that the scale and mass of the houses is appropriate to the wider village environment.

6.11 The proposed materials are considered to be of a high quality and appropriate to the area. The use of differing material at ground floor level and first floor level assists in reducing the apparent physical mass of the proposed houses.

6.12 It is considered that the proposal therefore accords with policies DR1 and H13 of the HUDP.

6.13 It is considered that the proposal does not interfere or disrupt an important view from a public vantage point towards the neighbouring Grade 2 listed building known as 'Hightown Cottage' or the Peterstow Conservation area. It is not considered that the proposal would cause any harm to the setting of either the Grade 2 listed building known as 'Hightown Cottage' or the Conservation Area as confirmed by the Conservation Manager (Historic Buildings) who raised no objection to the revised details.. It is considered that their setting would be preserved, albeit in a different form. As such the requirements of policies HBA4 and HBA6 are satisfied.

6.14 With regard to the site`s location in the Wye Valley Area of Outstanding Natural Beauty, the relatively small scale of the development, the enclosed nature of the site and its close physical association with the built up area of Peterstow are such that the proposal would have no discernible adverse impact upon the scenic qualities of this designasted landscape. As such policy LA1 and the equivalent section of the NPPF are satisfied.

6.15 The proposed vehicular means of access and parking provision is considered to be satisfactory.

Impact Upon the Amenities of the Occupiers of 'Hightown Cottage'

6.16 The precise siting and design of the proposed houses is such that it is considered that the occupiers of that dwellinghouse would not suffer any undue loss of sunlight and / or daylight.

6.17 A distance of 21 metres is maintained between the rear elevation of the house upon Plot 1 and the southern end / flank elevation of 'Hightown Cottage'. As a consequence it is considered that the occupiers of 'Hightown Cottage' would not suffer an undue loss of privacy in accordance with policy H13 of the HUDP.

Conclusion

- 6.18 In conclusion, whilst the proposal is contrary to the provisions of the Development Plan, the Council has a shortfall in its five year housing land supply. The site is considered to be in a relatively sustainable location and the scheme is considered to have both economic and social benefits without having any adverse environmental impacts. Therefore on balance the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun 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 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of 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.

- 2. The development shall be carried out in strict accordance with the following approved plans (including materials specified thereon):-**

- Application Site Plan – Drawing number 13/707.01A (Scale 1:1000) received 24 March 2014;**
- Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200);**
- Proposed Ground Floor Plan for Plot 1 – Drawing number 13/707.05B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed First Floor Plan for Plot 1 – Drawing number 13/707.06B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed Elevations Plot 1 – Drawing number 13/707.10D (Scale 1:100 @ A2) received 31 October 2014;**
- Proposed Ground Floor Plan for Plot 2 – Drawing number 13/707.07B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed First Floor Plan for Plot 2 – Drawing number 13/707.08/B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed Elevations for Plot 2 Drawing number 13/707.11C (Scale 1:100 @ A2) received 31 October 2014;**

Reason: To ensure adherence to the approved plans and in the interests of a satisfactory form of development and to comply with Policies DR1, H13, HBA4 and HBA6 of the Herefordshire Unitary Development Plan 2007;

3. Notwithstanding the provisions of condition 2 above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A full written detail as to the precise natural slate to be used upon the roofs;
- A full written detail as to the precise natural stone to be used upon the elevations;
- A full written detail as to the precise rainwater goods to be used (including their colour);
- Written details of the permeable surfacing material to be used upon driveway and vehicle manoeuvring/parking area(s);
- Full details fo all external lighting (if any);
- Full details (siting, design and material) detail of any proposed means of enclosure (fences, gates, walls or other means of enclosure)

The development shall not commence until the Local Planing Authority has given such written approval. The Development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason:- To ensure a satisfactory appearance to the development in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority.

Reason:- To safeguard the architectural integrity of the scheme and to safeguard the character and appearance of the area in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

5. The car parking areas shown upon Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200) hereby permitted shall be permanently kept available for the parking of private motor vehicles;

Reason:- In the interests of highway safety and to ensure that the site is not dominated by the parking of private motor vehicles thus ensuring that the character and appearance of the landscape is not adversely affected, in accordance with Policies T11 and LA1 of the Herefordshire Unitary Development Plan 2007;

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping using indigenous species must include details of the location of all planting, the species, size and density of planting;

Reason:- To ensure that the development is satisfactorily integrated into the locality, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

7. All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local planning Authority gives written consent to any variation;

Reason:- To ensure that the development is satisfactorily integrated into the landscape, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

8. Other than works in relation to the vehicular access shown upon 'Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200), the existing frontage hedgerow along the eastern boundary shall be retained. If within a period of five years any part of that hedgerow dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with plants of similar size and species unless the Local Planning Authority gives written consent to any variation;

Reason:- To ensure that the existing roadside hedge which makes a positive contribution to the character and appearance of the area is maintained in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007;

9. The recommendations set out in section 5 of the ecologist's report dated August 2013 shall be followed in relation to native trees, hedgerows and birds. Prior to commencement of the development, a habitat enhancement plan incorporating the recommendations should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved;

Reasons:-

- a) 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 the Herefordshire Unitary Development Plan.
- b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

10. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:-

- a) 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 the Herefordshire Unitary Development Plan.
- b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF 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. 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**

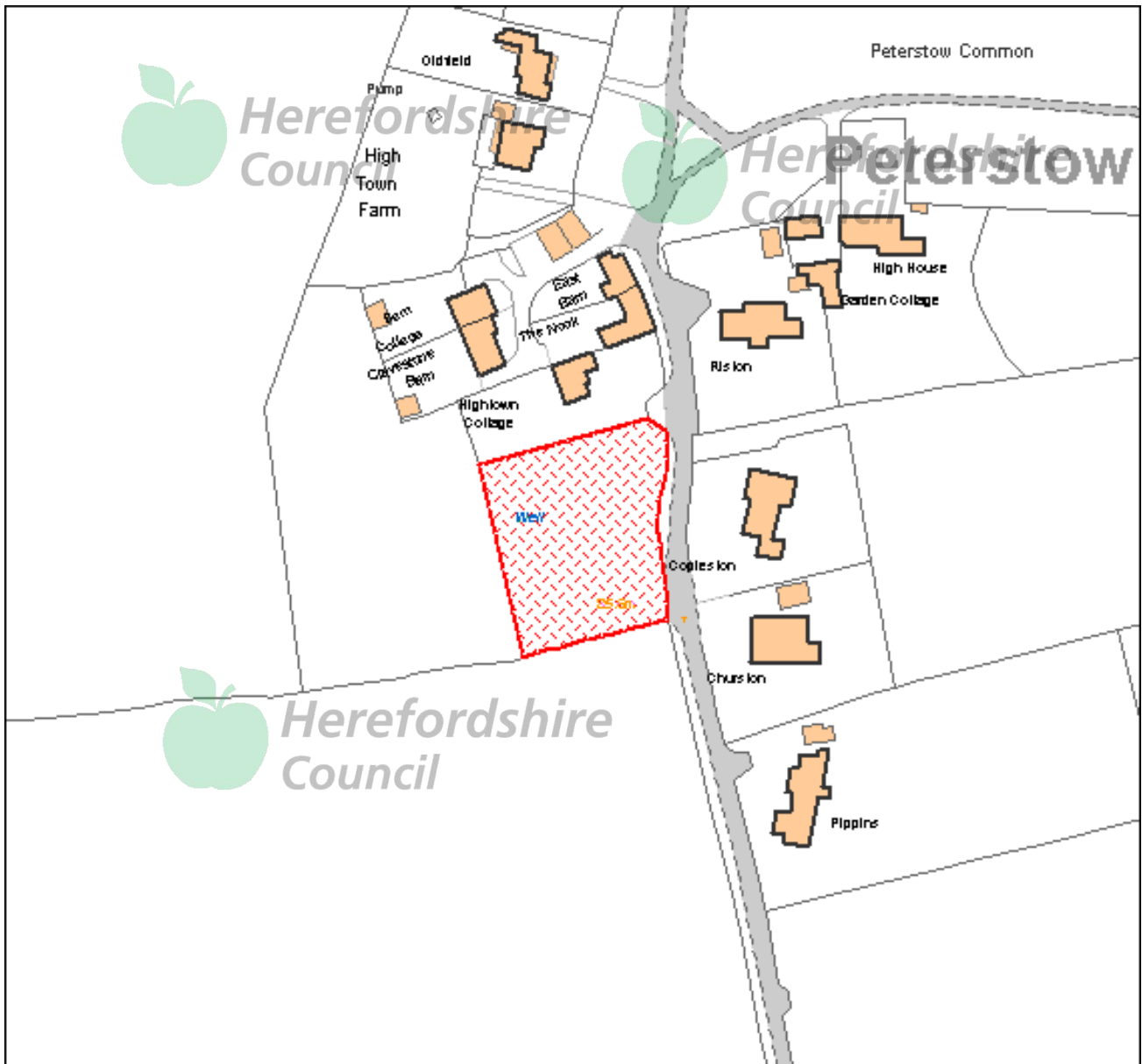
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140903/F

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