

MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	143774 - PROPOSED CONSTRUCTION OF 7 NO. PASSIVHAUS STANDARD DWELLINGS, ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE For: Mr Crawford per Warren Benbow Architects, 21-22 Mill Street, Kington, Herefordshire, HR5 3AL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143774&search=143774
Reason Application submitted to Committee – Contrary to policy	

Date Received: 18 December 2014 Ward: Penyard Grid Ref: 367272,226050
Expiry Date: 16 February 2015
 Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site lies on the western side of the unclassified 70233, known as Chapel Lane, at Gorsley. Gorsley is defined as a “Main Village” within the Herefordshire Unitary Development Plan and is identified for proportionate growth within the emerging Core Strategy. The site, which is outside the defined settlement boundary but adjacent to it has an area of approx. 0.5 hectares. The site is well bounded by tree lined hedgerows on the east (roadside), north and south boundaries. There is also a reasonable degree of vegetation on the west side of the rear (western) boundary. Visually the site is well enclosed. The site falls gradually from east to west (i.e. from the lane to the rear of the site). Electricity lines currently run across the site in two directions. There is an existing field entrance for vehicles at the north-east corner of the site. To the west of the site, at a lower level, are a group of dwellings accessed off a lane that runs parallel to the southern boundary.
- 1.2 Some 120 metres to the north of the site is the main road linking Newent to the M50 (B4221). The lane hereabouts meets the main road with a ‘Y’ form arrangement. My observations are that all vehicles turning onto the B4221 use the western arm of the ‘Y’ junction whilst only those turning into the rural lane approaching along the B4221 from the east use the eastern arm.
- 1.3 The proposal is effectively to create a private drive where the existing field gate is in the north-eastern corner of the site and then for that drive to swing around in a southerly direction with dwellinghouses either side of that internal driveway. All of the dwellinghouses would have their principal elevations facing south to maximise passive solar gain. On the western side of the internal driveway would be a pair of semi-detached houses and two detached houses, whilst

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

on the eastern side would be three detached houses. All of the houses would have in-curtilage parking provision according to adopted standards. Each house would have a private south facing garden.

- 1.4 The house designs deliberately have limited span depths and eaves heights to limit their mass and materials proposed are a mix of self-coloured rendered, cedar shingle and timber boarding to walls with slate roofs. It should be noted that an originally deposited house type that involved the use of profiled metal cladding with a zinc roof has been withdrawn from the proposal.
- 1.5 The proposal has clearly been designed from the outset with regard to achieving buildings with genuine sustainability credentials. The proposal is to construct a house that would meet Passivhaus standards. This is considered the highest and best of the numerous standards as its approach is to design buildings that minimise energy consumption (i.e. heating of less than 15 kilowatt hours per m² per year compared to most new dwellinghouses that tend to consume 100 kw (m²/a)). In my experience such buildings typically involve:-
- The building facing south or within 15 degrees of south.
 - Very high levels of insulation.
 - Extremely high performance windows with insulated frames.
 - Airtight building fabric.
 - Thermal bridge free construction.
 - A mechanical heat recovery system with highly efficient heat recovery.

It has been clarified that the barn immediately to the north-west of the application site, on land within the same ownership would be demolished.

2. Policies

2.1 Central Government Advice:

National Planning Policy Framework (March 2012)(NPPF)

2.2 Herefordshire Unitary Development Plan 2007 (HUDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Environment
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR14 - Lighting
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscape Schemes
- 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 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>

- 2.4 Herefordshire Core Strategy:

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

- 2.5 Neighbourhood Plan.

Linton Parish Council are not progressing a neighbourhood plan

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultees

- 4.1 Severn Trent No Objections subject to condition

- 4.2 Welsh Water No Objections

Internal Consultees

- 4.3 Conservation Manager (Ecology): No objections subject to conditions.

- 4.4 Transportation Manager: No objections.

5. Representations

- 5.1 Linton Parish Council state:-

"The site is outside the village boundary as shown in the UDP. However, it is immediately adjacent to the boundary and would comply with the NPPF and the boundary is likely to be abolished when the LDP is adopted. It is also noted that pre-advice has been sought from the Planning Authority. With regard to the building materials we are pleased to note that the metal roof design has been removed from the plans, also that the industrial building on-site will be dismantled and removed. We also trust that the landscaping will be completed as detailed and that mature hedgerows and trees will be kept. Great care must be taken with surface water and sewage disposal.

If these 7 houses are given planning permission this will bring to 25 dwellings allowed in recent times and Parishioners consider this to be too many. Therefore very careful consideration should be given before further development is allowed. Provided these concerns are addressed we have no objections to this application."

- 5.2 The occupiers of three dwellinghouses (i.e. 'Marshalls', 'Cherry Tree Farm', Greenwood') raise the following issues:-
- Concern as to the future of the agricultural barn – *note it has now been clarified that this would be demolished;*
 - Concern as to foul and surface water drainage;
 - Concern as to the use of profiled metal cladding with a zinc roof to a house type – *note that this aspect of the proposal has now been withdrawn;*
 - Concern as to use of timber cladding;
 - No reason for the development which could not be considered as infill;
 - Concern as to adequacy of local highway network and road safety (including pedestrians);
 - Potential impact on protected species; and
 - Need for enhanced landscaping.
- 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 The application site does not lie within the defined settlement boundary of Gorsley which is a defined main village. As a consequence in planning policy terms the site lies within the open countryside where policy H7 of the HUDP essentially establishes a presumption against new residential development. 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 In June 2012 Cabinet effectively resolved to address this matter by looking more favourably on releasing sites adjacent to Hereford the market towns and the main settlements (i.e. those defined in policy H4 of the HUDP). No significant weight can be attached to this as it was not the subject of consultation. However, it has some limited weight. Essentially one needs to consider each such housing proposal on its individual merits with regard to the overall planning balance (i.e. the economic, environmental and social roles of sustainable development set out in the NPPF).

Economic and Social

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

Sustainability

- 6.5 Gorsley is a defined main settlement which is, to a degree, a reflection of its sustainability credentials. It should also be noted that the emerging Core Strategy in Policy RA2 (figure 4.20) identifies Gorsley as a village that could accommodate proportionate housing growth of approximately 14% (approx. 26 dwellinghouses). This said, only very limited weight can be attributed to Core Strategy policies and given the current level of objection to policy RA2, I attribute no weight to this.
- 6.6 The maximum walking distance one would reasonably expect in rural areas is approximately 1200 metres. In this case Gorsley has the following amenities within that distance of the application site:-
- Post Office & Shop
 - Primary School
 - Church & Hall
 - Public House and
 - Regular bus service to Ross and Gloucester (via Newent) (i.e. bus service 32).
- 6.7 In terms of the context of Herefordshire as an essentially rural County, Gorsley is considered to be a sustainable location.
- 6.8 However, sustainability is not merely related to location. Buildings themselves can have sustainable credentials. In this case it is considered that the proposed houses would have the highest sustainability credentials and that is reflected in the recommended conditions. The provision of such Passivhaus dwellinghouses in the County is to be welcomed and may act as an exemplar helping to raise the standard of house building elsewhere in the County.

Impact upon the Landscape

- 6.9 In terms of the environmental role of sustainable development, the site is well contained visually. The existing boundary trees and hedgerows would be retained.
- 6.10 The design and appearance of the proposed houses is considered to be of a high standard. The limited spans and eaves height means that the scale and mass of the proposed houses would be acceptable.
- 6.11 It is considered that the proposed houses are of high aesthetic quality and have excellent sustainability. The designs are innovative and respond to the challenges of the time.
- 6.12 It is worth noting that paragraph 65 of the NPPF specifically states that “Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits)”. There are no heritage assets around the site.
- 6.13 The indicative hedgerow and tree planting indicated is also considered to be acceptable, although more detail is required, hence the recommended landscaping conditions.

Impact upon Amenities of Occupiers of Neighbouring Dwellinghouses

- 6.14 It is considered that the proposal would not result in any undue loss of privacy, daylight and / or sunlight upon the occupiers of neighbouring residential properties. Local residents do not object to the proposal on this basis.

Highways

- 6.15 It is considered that the highway network has sufficient capacity to cater for the additional 42 – 56 movements a day that the proposed development would generate.
- 6.16 It is worth noting that speeds along the lane are actually low – the 85th percentile speed in a northerly direction is 24.8 mph and in a southerly direction 25.3 mph in a southerly direction. Whilst it is accepted that pedestrians use the lane, as presumably do cyclists, it is not considered that highway safety would be prejudiced.

Ecology - Biodiversity

- 6.17 The site is of very low biodiversity value. The findings of the submitted survey work show little in the way of potential impacts upon any protected species. Two related planning conditions are recommended that would result in a likely enhancement of the value of the site.

Other Matters

- 6.18 Foul sewage would be dealt with by means of a package treatment plant and surface water would be disposed by way of soakaways. The precise detail of the drainage arrangements requires control and as such an appropriately worded planning condition is recommended in order to achieve a suitable SuDS solution.

Conclusion

- 6.19 Therefore whilst the proposal is contrary to the provisions of the Development Plan in that it would provide new houses outside of the existing settlement boundary, in this instance it is considered that planning permission should be granted as:-
- Herefordshire has a shortfall in its five year housing land supply;
 - The site is effectively adjacent to the settlement boundary of Gorsley, a defined main settlement;
 - The site is in a relatively sustainable location;
 - The design of the houses is of a high quality and their sustainability credentials are excellent;
 - The proposal would not harm the landscape;
 - The proposal would not prejudice highway safety;
 - The amenities of occupiers of adjoining dwellinghouses would not be unduly affected; and
 - In all other respects the proposal is considered to be acceptable in planning terms.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. The recommendations set out in Section 4 of the ecologist's report from Clark Webb dated September 2014 shall be followed in relation to habitat enhancement. Prior to commencement of the development, a habitat enhancement plan integrated**

with the landscape proposals 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 National Planning Policy Framework and the NERC Act 2006.

3. 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 National Planning Policy Framework and the NERC Act 2006.

4. Evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning authority by an accredited Passivhaus assessor within six months of the first occupation of each dwellinghouse hereby permitted.

Reason: The sustainability credentials of the dwellinghouses were given considerable weight in the decision of the Local Planning Authority to grant planning permission for the development and to accord with Policy S1 of the Herefordshire Unitary Development Plan 2007.

5. The development shall be carried out strictly in accordance with the approved plans:-

- Site Layout Plan Drawing number 99447.P10 (Scale 1:200 at A1) received under cover of e-mail dated 28 January 2015
- Floor Plans, Elevations and Section of House Type B2 – Drawing number 99447.P25 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type C – Drawing number 99447.P26 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A2 – Drawing number 99447.P22 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type B1 – Drawing number 99447.P24 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A1 – Drawing number 99447.P21 (Scale 1:100 at A1)
- Application Site Plan – Drawing number 99447.P101 (Scale 1:1250 at A3)
- Typical Plot Layout – Drawing number 9947.P27 (Scale 1:100 at A3)
- Details – Drawing number 9947.D01 (Scale 1:10 at A3)

except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2.4 metres x 60 metres in both directions with no obstruction to visibility above 0.6 metre shall be provided at the means of access to the public highway and thereafter maintained free of obstruction to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Notwithstanding the provisions of condition 5) above, the following matters shall be submitted to the Local Planning authority for their written approval:-

- Full written details of all external materials (including windows, doors and rainwater goods) together with their colour;
- Written details of the surfacing material (which shall be permeable) to be used upon the means of access / private drive, driveways, vehicle turning / manoeuvring areas, and open car parking areas.
- Written details of any kerbing.
- Details of any external lighting.
- Full details of foul and surface water drainage arrangements.
- Details of all fences, gates, walls or other means of enclosure (including detail of material to be used).
- Written details as to the degree that the windows and doors will be recessed from the elevations of the houses.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development in the landscape, to ensure adequate foul sewage disposal arrangements and to safeguard against flood risk, in accordance with Policies DR1, H13, LA2, and DR4 of the Herefordshire Unitary Development Plan 2007.

8. The garaging shown upon the approved plans shall permanently be kept available for the parking of motor vehicles.

Reason: To ensure adequate on-site parking provision and to safeguard the appearance of the development, in accordance with Policies DR3, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (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 and C of Part 2 of Schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies H13, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

10. All planting, seeding and turfing comprised in the approved details of landscaping (Mackley Davies Associates Ltd. Planting Proposals of December 2014) shall be carried out in the first planting and seeding seasons following the first occupation of the dwellinghouse hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which 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 locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

11. Prior to commencement of the development hereby permitted all of the trees shown to be retained shall be protected in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

12. Other than any external lighting approved pursuant to condition 7) above, no external lighting shall be placed on the site or attached on any building without the express consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA2 and DR14 of the Herefordshire Unitary Development Plan 2007.

13. The existing agricultural building (including any flooring) on the land outlined in blue on the Site Location Plan – Drawing number 99447.P101 shall be demolished and all resultant materials removed from the site prior to the first occupation of any of the dwellinghouses hereby permitted.

Reason: To safeguard the character and appearance of the landscape, in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

Informative:

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.

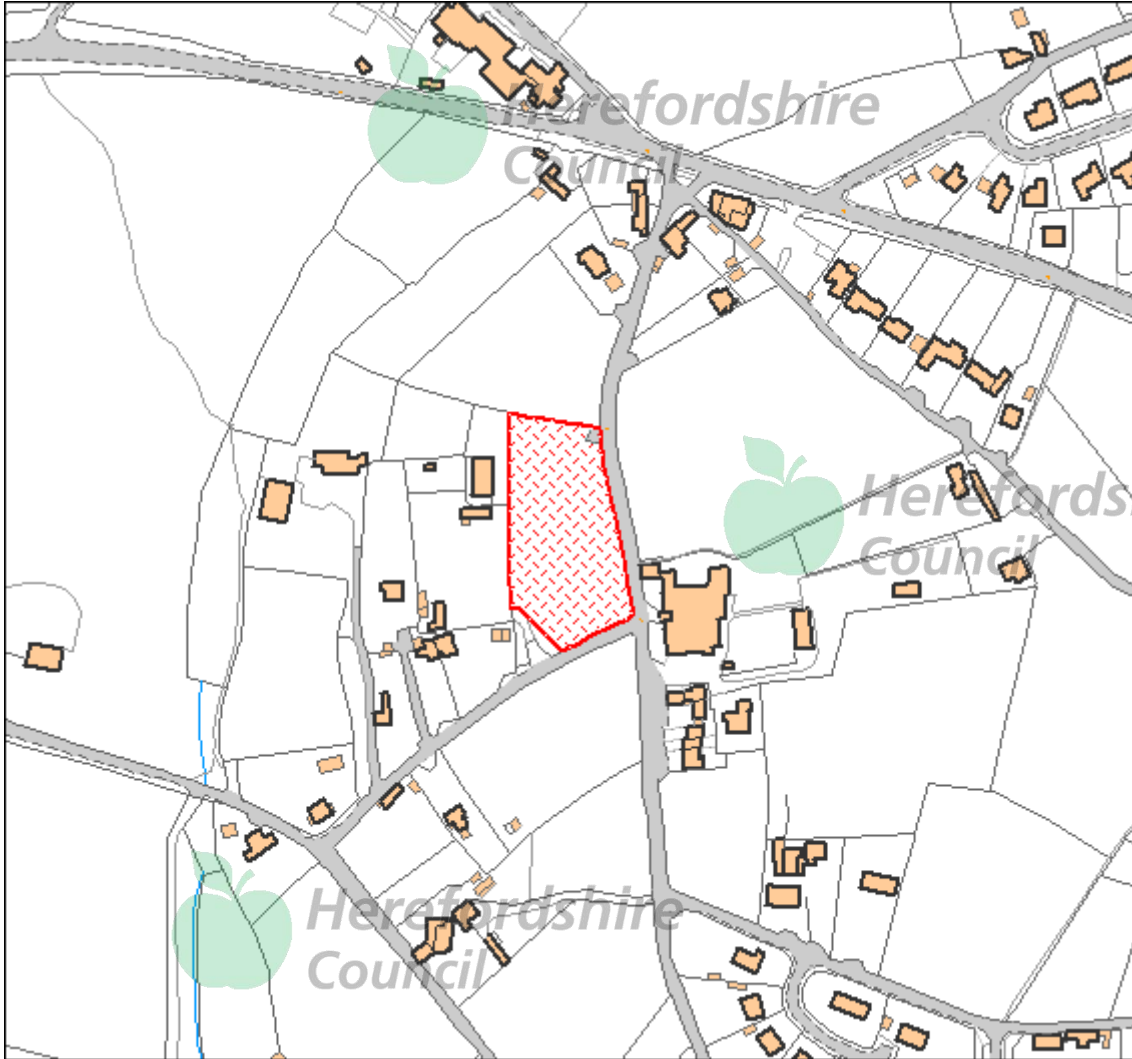
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143774

SITE ADDRESS : LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7SE

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