

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	141905 - PROPOSED ERECTION OF FOUR DWELLINGS AND CONSTRUCTION OF VEHICULAR ACCESS AT LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORD, HR2 9SL For: Mr Haines per Bernard Eacock Ltd, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141905&search=141905
Reason Application Submitted to Committee – Contrary to policy	

Date Received: 24 June 2014

Ward: Stoney Street

Grid Ref: 345260,237714

Expiry Date: 22 August 2014

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The application site comprises a 0.25ha (0.61acre) area of pasture land located to the south of the B4349 and to the east of Glasnant House. The site lies on the eastern side of the village of Clehonger. The site is slightly elevated above the adjacent main road, but is relatively level. It is bounded on all sides by mature native hedges. Access to the site is currently a field gate, located to the east of the site, but this is largely overgrown.
- 1.2 The application seeks outline planning permission for the erection of four dwellings and the construction of a vehicular access. Approval of matters of 'access' and 'layout' are being sought in this application, with matters of appearance, landscaping and scale being reserved for future consideration.
- 1.3 Access to the site would be sited in a position offset slightly east of the centre, and would incorporate a turning head and access to the parking and turning areas to the rear of the dwellings. The existing hedge would be retained as this lies behind the visibility splay.
- 1.4 The submitted plans outline the siting of four dwellings that front the highway, behind the hedge. One dwelling would be sited to the east of the access and the other three to the west.
- 1.5 The application submission has been amended during the process to address objections received. It is now proposed to install a package treatment plant that disposes of treated effluent on-site (if achievable) or through the installation of a storage tank (with maintenance contract to ensure the tank is emptied on a regular agreed basis). There is no longer a proposal to connect to the public sewerage system.

2. Policies

2.1 National Planning Policy Framework

Achieving sustainable development – Paragraphs 7, 8, 14, 17
Chapter 1 – Delivering Sustainable Development
Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 10 – Conserving and enhancing the natural environment

2.2 National Planning Practice Guidance (Companion guidance to the NPPF)

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable Residential Design
T6	-	Walking
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

These 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

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July 2014. At the time of writing an Independent Inspector has concluded their examination in public and is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

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
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-diversity
- SD1 - Sustainable Design and Energy Efficiency

These Herefordshire Local Plan (Pre-submission publication) 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/core-strategy>

Neighbourhood Plan

- 2.5 Clehonger has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 21 November 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it 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.

3. Planning History

- 3.1 SH882081/PF – One dwelling – Refused 15 February 1989.

SH891979/PO – One Bungalow – Refused 21 February 1990.

SH910718/PO – Proposed dwelling and garage – Refused 25 September 1991.

SH911334PO – Proposed dwelling and garage – Refused 23 October 1991.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water commented as follows on the originally submitted plans:

Upon initial consultation (including at this time a connection to the Public Sewerage system) Welsh Water made the following comments:

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore object to the development.

Following receipt of an amended drainage strategy and discussion with officers they subsequently agreed that they were happy to proceed on the suggested basis if the LPA accept a suitable condition in order to prevent detriment to the public sewerage system (i.e a condition prohibiting connection to the mains).

Internal consultees

- 4.2 Transportation Manager made the following comments on the originally submitted plans:

The proposed development is acceptable in principle but changes to the layout are required for safety, the scheme may also compromise a proposed development to the south and east

as no details have come forward in relation to specific detail relating to location and visibility splays.

The proposed access point is acceptable, the visibility is achievable though 43m is very tight for the requirement here, the splays achievable are suitable for the speed of the road.

The access proposed is for a junction, this must be changed to a crossover to give priority to pedestrians.

The internal access and turning layout is acceptable, there is no requirement for a footpath as this is for 4 houses only. Parking, if garages are to form part of the numbers, the internal dimensions need to be 6m x 3m per space.

The accesses to the north of the properties need to be removed and access off the internal road layout. I am very concerned that the proposed will result in on street parking which will impede on visibility in this location.

Following receipt of amended plans, the Transportation Manager made the following comments:

The crossover is acceptable, the only issue remains is the properties having pedestrian access onto the main road, this needs to be removed to minimise the risk of parking on the road, blocking visibility, this needs to be amended, as per my original comments.

4.3 The Conservation Manager (Ecology) made the following comments:

I have read the ecological report by Phil Quinn dated May 2014 and I am happy that it covers the requisite ecological aspects. There are some recommendations regarding mitigation and habitat enhancement in relation to birds, hedgerows and trees which I would like enshrined in a condition if approved.

4.4 The Land Drainage Engineer has confirmed the amended drainage strategy and, following discussions, that a Grampian condition could be used to secure the surface water drainage details prior to commencement.

5. Representations

5.1 Clehonger Parish Council have made the following comments:

The Parish Council of Clehonger wish to make the following comments regarding the application: The proposed development is acceptable in both size and its location, however it is difficult to support because it will inevitably become part of the proposed larger development. Access is an issue, there would be two accesses onto the main road linked internally within the development which is potentially hazardous. If the driveway is going to be used as the second entrance it is not wide enough.

5.2 Following receipt of the amended plans (detailing changes to the layout, access and drainage) the Parish Council made the following comments:

The Parish Council note the option to install the preferred option of a storage tank to hold the sewerage which would need to have a maintenance contract for emptying depending on use. The situation regards the waste water treatment works being at capacity makes any connection to existing sewerage systems not feasible.

To agree to such an option may set a precedent for other potential developments of which there are currently several outline applications for the village of Clehonger, on a much larger scale than this one in question.

5.3 A letter of representation has been received from C and W Hemley, Glasnant House whose concerns can be summarised as follows:

- raises concerns about the following services available (sewerage and utilities)
- Site location is not viable, not connected to the core of settlement
- The site lies outside of the settlement boundary
- Lack of community support for development
- How can this be considered sustainable economic growth?

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 of Development

6.1 The application site lies outside of, but immediately adjacent to the settlement boundary of Clehonger, a village that is defined as a main settlement within policy H4 of the Unitary Development Plan. Because of this, the site is considered to be within open countryside and its development would be contrary to currently adopted Unitary Development Plan (UDP) policies. However, the National Planning Policy Framework (NPPF) has been in force for more than 12 months and paragraph 215 of this document is relevant. It states:

'In other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies of the framework, the greater the weight that may be given).'

6.2 As such the Council must consider the degree of consistency of the Unitary Development Plan (UDP) Policies with the NPPF. The Council accepts that it cannot demonstrate a 5 year supply of housing land as confirmed in the most recent figures published in October 2014. As the Council does not have a five year supply, then paragraph 49 of the NPPF thus comes into effect. This states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. 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 Paragraph 49 of the NPPF states that developments should be considered in the context of the presumption in favour of sustainable development. This is set out within paragraph 14 of the framework:

14. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

6.4 The Council is required to assess the proposals in relation to the core principles of sustainable development (Paragraphs 7 and 8 of the NPPF) and have regard to the other policies of the UDP and the compliance of proposals with these.

6.5 The site lies immediately adjacent to the settlement boundary for Clehonger, a village that has good access to services such as the school, shop, village hall etc. and good public transport links to the wider area. The site also benefits from an existing public footpath across its frontage that leads to the village. The site is considered to be sustainably located.

6.6 The site has been assessed as having low or minor constraints as part of the Strategic Housing Land Availability Assessment (HLAA/041/001/Adj Glasnant) but is only part of a much wider area that is subject to a separate planning application (142349) that is currently being considered.

Impact upon the character of the area

6.7 Despite being assessed as part of a much wider SHLAA site, the application site is a distinct parcel of land that is defined by mature native hedges on all sides. The site lies on the edge of the village settlement, and its development would appear as a natural progression of the built form of the development. It is possible to develop the site and retain the majority of the mature boundary, with the exception of forming the new access. This site will assimilate itself well with the village, and the retention of the mature landscaping offers a solution to providing a transition from the rural character to the east on the approach to the village. A detailed landscaping scheme will need to be secured through the consideration of the reserved matters submission, but the retention of the boundary hedges will be expected. Having considered the proposal in the context of policies LA2 and LA3 of the Unitary Development Plan and guidance contained within the National Planning Policy Framework, the proposal would represent a low density, small scale development that would protect the visual approach to the village and the valued open countryside.

6.8 The site is relatively level and unconstrained. There are no Listed Buildings, Conservation Area or other landscape or nature conservation designations that could be affected by this development. An ecological report has been undertaken to support this development on a greenfield site and the Conservation Manager is satisfied that the proposed development would comply with the relevant policies of the UDP and with the guidance contained within the National Planning Policy Framework subject to the imposition of a suitable condition.

Highway Safety

6.9 The submission includes access as a matter for consideration. Following receipt of the comments from the highway officer, amended plans were sought. There are no objections in principle to the amended access, which is considered adequate to serve the proposed development. The comments of the Parish Council are noted but this development does not make provision for/or intend provision to be made to access the site to the south. If this was to be the case in the future, a new application would be required that would need to be

considered on its own merits. Engineering details/specifications for the proposed access would need to be agreed by way of a suitably worded condition as suggested below.

- 6.10 The only outstanding matter relates to the inclusion of the pedestrian access points from the dwellings onto the footway. Visually we would encourage dwellings to front the highway giving a more traditional street scene. The inclusion of the access directly to the footpath that leads to the village would also encourage occupants to walk to these facilities. Directing them to the rear of their properties (past their cars) and along a driveway to get to these facilities is not considered to be convenient and may discourage walking.
- 6.11 The comments of the Transportation Manager are noted but the applicant has also made provision for a shared parking bay adjacent to the access along with individual parking spaces for each dwelling and a significant amount of shared driveway and parking to the rear. There is, therefore, ample opportunity for off road parking and the highway safety implications and possibility for encouraging indiscriminate parking along this road is not considered to outweigh the benefits of providing direct pedestrian links to the village.
- 6.12 The proposed small scale development would provide safe, convenient vehicular and pedestrian access to the site without detriment to the local highway network. Therefore, subject to the requirements of the conditions suggested below, the proposal would comply with the requirement of policies DR3 and H13 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

Drainage

- 6.13 Following an objection from Welsh Water in relation to a connection to the public sewerage system, the applicant amended the proposals to include a non-mains solution. Whilst this is not generally encouraged or supported by Building Regulations where there is public sewerage infrastructure in the immediate locality, in this instance Welsh Water have objected to a connection at this time and this proposal would appear to offer a suitable and manageable alternative. Welsh Water has confirmed that they are happy with this approach subject to a condition that prohibits connection. Should the upgrade works be undertaken, then it would be possible to apply to remove the condition that prohibits connection, and at this time Welsh Water would be re-consulted. This non-mains solution is considered to be a suitable option given the small scale nature of the development.
- 6.14 Surface water drainage of the site would also need to be managed within the site, as no surface water can be connected to the public system. This is not an unusual situation, and a comprehensive scheme for the drainage of the site showing how the foul, surface and land drainage will be dealt with can be agreed by condition. Having regard to the above, the proposal would comply with the requirements of policy DR4 of the Unitary Development Plan.

Other matters

- 6.15 It is officers opinion that the development of this site can be successfully achieved without detrimental impact upon the amenities of the nearby residents, in particular Glasnant House. The detailed design of the properties will need to consider the relationship further in the Reserved Matters Application. Boundary treatments and tree/hedge protection during construction will also be of relevance in the detailed design and construction phases. In order to consider amenity during construction, conditions relating to hours of work and details of site parking for operatives are also requested by way of a suitably worded condition.
- 6.16 Following the changes to the National Planning Practice Guidance introduced in November 2014 there is no longer a requirement to provide affordable housing or contributions (Section 106 agreement) subject to ensuring that the maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm. A condition attached to the

Outline Planning Permission will ensure that this limit is not exceeded and that the proposal is policy compliant.

- 6.17 The application site's location is considered to be sustainable, and the development has been considered having regard to the roles of sustainable development that are identified in the NPPF. Acknowledging that the Council does not have a five year Housing Land Supply, the proposal falls to be considered in respect of paragraph 14 of the NPPF.
- 6.18 There are clear benefits that would assist in addressing the shortfall in housing supply within Herefordshire and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given significant weight in determining this application.
- 6.19 These significant benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers are of the opinion that the proposal would comply with the relevant UDP policies and in respect of landscape impact and highway safety and that all potential impacts can be successfully mitigated, resolved and solutions secured through conditions or through a carefully considered Reserved Matters application. As such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework. The proposal is recommended for approval subject to conditions.

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. C01 Samples of external materials**
- 7. The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to the National Planning Practice Guidance revisions dated 28 November 2014, there is no requirement for contributions and affordable housing subject to compliance with this criteria.

- 8. G11 Landscaping scheme - implementation**
- 9. H06 Vehicular access construction**
- 10. H13 Access, turning area and parking**
- 11. H27 Parking for site operatives**

- 12. **I16 Restriction of hours during construction**
- 13. **H29 Secure covered cycle parking provision**
- 14. **No foul or surface water discharges from the site shall connect either directly or indirectly at any time to the public sewerage system**
- 15. **L04 Comprehensive & Integrated draining of site**
- 16. **The recommendations set out in Section 8 of the ecologist's report from Paul Quinn dated May 2014 should be followed in relation to mitigation and habitat enhancement. Prior to commencement of the development, habitat protection and enhancement plan integrated with the landscape scheme should 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 should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: 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

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. **HN05 Works within the highway**

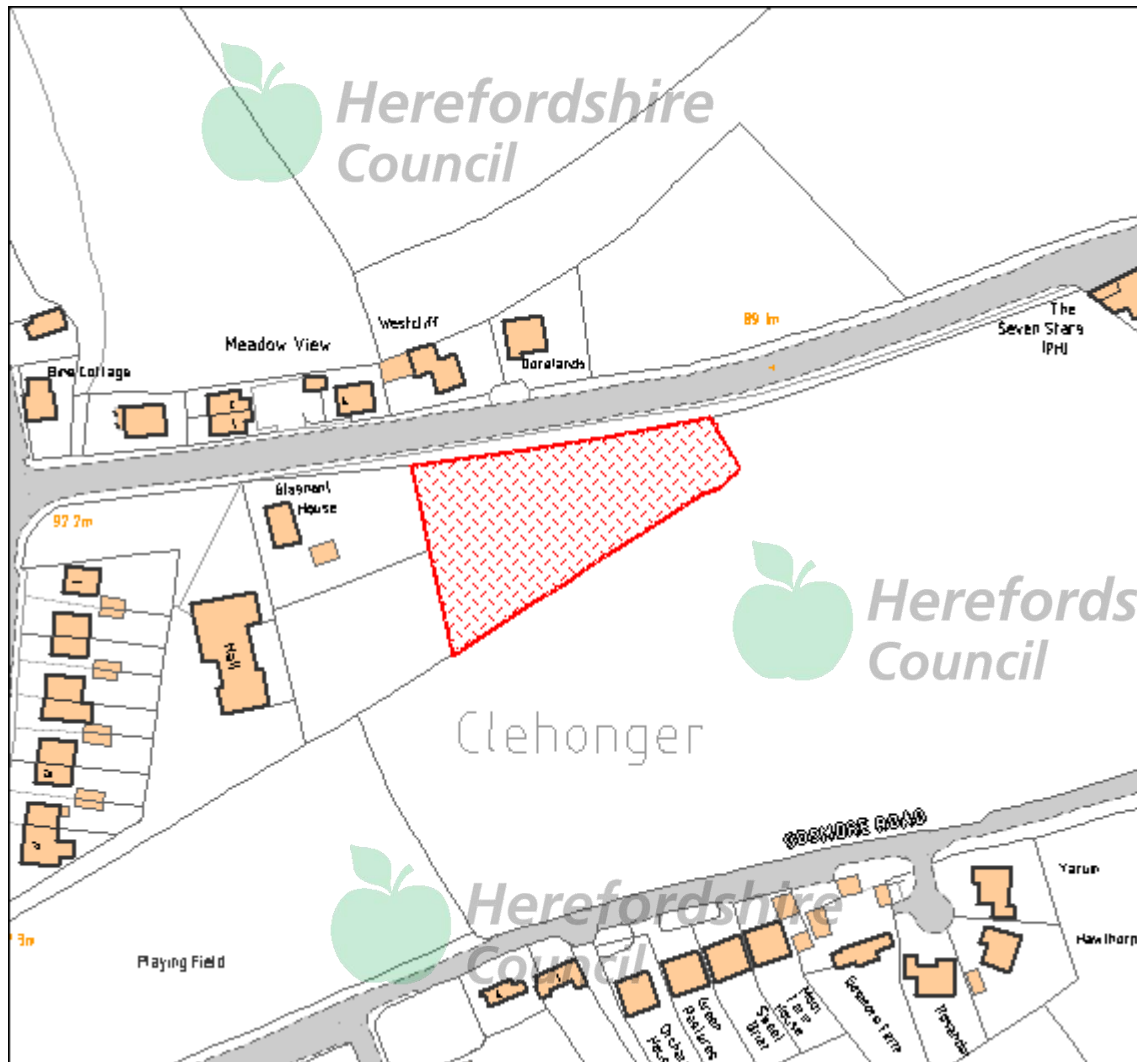
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141905

SITE ADDRESS : LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORDSHIRE, HR2 9SL

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