

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JULY 2015</b>
<b>TITLE OF REPORT:</b>	<b>151111 - PROPOSED CONSTRUCTION OF THREE SELF BUILD FAMILY HOMES, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED LANDSCAPING AND DRAINAGE. AT LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA</b>  <b>For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151111&amp;search=151111">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151111&amp;search=151111</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 13 April 2015**

**Ward: Castle**

**Grid Ref: 329401,246982**

**Expiry Date: 8 June 2015**

Local Member: Councillor W C Skelton

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

- 1.1 The application site consists of part of a field laid down to grass and is located on the western fringe of the village alongside the A438 public highway. Access to the site is via the existing field entrance. To the east of the site is a small estate of detached two-storey dwellings. The roadside boundary consists of a tall mature hedgerow.
- 1.2 This is an outline application with appearance and scale reserved for future consideration subject to a reserved matters application. Access, landscaping and layout are subject to consideration at this time.
- 1.3 The application proposes three detached two-storey dwellings, 2 three bed and 1 four bed. The application is accompanied by a site plan indicating the layout of these dwellings. This also indicates hedgerow planting along the southern boundary of the site.
- 1.4 A public footpath crosses the site, with a stile adjacent to the field gate onto the A438, however the definitive route and that apparent within the field are not the same. The definitive route is further to the west than the position of the stiles suggests.
- 1.5 At this point along the A438 is a layby which runs along the front of The Poppins immediately the east of the site. On the west side lies the tea room, The Buttley.
- 1.6 As well as the Design and Access statement, a Food Risk Assessment, Ecological Report and Drainage scheme have been submitted with the application.

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Transport
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment

### 2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
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
CF2	-	Foul Drainage

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 Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety, 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

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2.5 The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The Inspector found conflict between a number of Core Strategy policies and the NPPF. The Council have modified those policies to overcome the Inspector’s concerns. The report of the inspector is awaited.

## 2.6 Neighbourhood Plan

Winforton falls within the Group Parish of Eardisley. The Parish applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 10 April 2013. The plan has been submitted under Reg16 however objections have been received accordingly limited weight can be attributed at the present time.

## 3. Planning History

3.1 143841/O outline application for 5 houses refused on 5 March 2015, under delegated powers, for the following reasons;

1. It is considered that the proposed development will have an intrusive and detrimental impact on the setting and character of the rural location by means of urbanisation of open countryside in an inappropriate manner in relationship to mass and scale in relationship to the development as proposed. The proposal also fails to satisfy any of the exceptions identified in Policy H7. As such the proposal is considered contrary to Policies SI, S2, DRI, H7 LA2 and LA3 of the Herefordshire Unitary Development Plan and the general thrust of sustainable development as set out in the National Planning Policy Framework.
2. Insufficient information accompanies the application in order to assess the potential impact upon biodiversity interests. As such the proposed development is considered contrary to Policy NC2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework in relationship to biodiversity issues.
3. The site is located in flood zone 2 in accordance with the Environment Agency flood risk data maps and no flood risk assessment accompanies the application. As such the proposed development is considered contrary to Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework in relationship to flooding.
4. The proposal will have an impact on a registered public footpath that crosses the site for which no provision has been established with regards to its protection or a footpath diversion order and as such the proposed development is considered to be contrary to Policy T6 of the Herefordshire Unitary Development Plan.
5. The application proposes a designated open space/play area for which no provision has been established with regards to its future maintenance/management and as such the proposal is considered contrary to Policies SI, LA2 and DRI of the Herefordshire Unitary Development Plan and the National Planning Policy Framework on this matter.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water: No objections.

## Internal Consultees

- 4.2 Transportation Manager: The layout as shown does **not** conform to our Shared Surface or Shared Private Drive design, but should.

The turning head as shown is too small, and does not conform to our requirements shown in the Highways Design Guide.

Both deficiencies can be corrected, along with the imposition of appropriate conditions.

- 4.3 Public Rights Of Way Manager: No objection subject to diversion of path prior to commencement of development.

- 4.4 Drainage Manager: Overall comment:

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- Detailed topographic survey that confirms that the site is located in the low risk Flood Zone 1 and considering the potential effects of climate change.
- A detailed surface water drainage strategy that includes drawings and calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy, including the proposed location of package wastewater treatment systems and drainage fields;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

## **5. Representations**

- 5.1 Eardisley Group Parish Council - The application should be refused because: -

The proposed new access onto the busy A438 will create a staggered crossroads with the road into the Courtlands; the speed of the traffic and the limited visibility could cause accidents.

The site is outside the village settlement boundary.

It is contrary to the wishes of the residents as shown by the completed Neighbourhood Plan.

The positioning of the 3 houses at one side of the site - will this mean more development in the future?

- 5.2 Hereford Ramblers: Diversion order will be required.
- 5.3 Hay Walkers: Object to any movement of the right of way which must still be exited beside The Poppins where there is a small lay-by to shield walkers for traffic.
- 5.4 Objections have been received from 6 residences within Winforton, making the following points;

Twelve houses have already been approved which is the amount up to 2031 in the Neighbourhood Plan.

- Previous refusal and dismissed appeal.
- The site is outside the settlement boundary.
- If the path is diverted ensure sufficient width.
- Entrance is by the lay-by where vehicles at the adjoining property park.
- No facilities within the village, no shop, school, employment, nearest schools at or over capacity.
- If approved funding from scheme for traffic calming.
- Unrestricted speed limit at this point, highway safety issue.
- Drainage problems with effluent and flooding.
- What happened to Great Crested Newts on site?
- Is it an SSSI?
- More development to follow.

5.5 One letter (no address) advising that previous objections of scheme for 5 have been addressed.

5.6 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

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

## 6. Officer's Appraisal

6.1 The application proposes construction of three (custom build), self build family houses on a plot of land located on the western fringe of Winforton. Winforton appears in Policy H6: Housing in smaller settlements, which allows infilling in open gaps of up to 30 metres frontages for small scaled dwellings up to 100 square metres. However, the site frontage is in excess of 50 metres and therefore Policy H7: Housing in the open countryside applies to this application.

6.2 Currently the Council does not have a 5-year housing land supply as required by the National Planning Policy Framework, para 47, (NPPF). Sites outside but adjacent to recognised development boundaries are presently being considered for housing development. Any sites suggested for such development are looked at on their own individual merits, being assessed against the NPPF and other relevant policies in the Herefordshire Unitary Development Plan. Given this shortfall the policies of the NPPF supersede housing land allocations in the Unitary Development Plan.

6.3 As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development 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 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. 'Sustainability is a key word with regards to residential development in the NPPF.

6.5 Paragraph 47 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." The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

## 6.6 The Presumption in Favour of Sustainable Development

In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.

Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development 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 impact 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.'

6.7 Winforton has recently seen permissions for residential development, one for four dwellings to the rear of the Sun Inn and another for seven dwellings to the rear of The Courtlands. Therefore consideration has to be also given to the impacts of the developments as a whole on the overall character of the settlement and its landscape in relationship to all sustainability issues.

6.8 The Core Strategy refers to proportionate growth for Winforton, however, at this stage no weight can be afforded to this document.

6.9 Given these previous decisions Winforton can be considered to offer a sustainable location for development, even with its limited facilities. The question is therefore whether the previous reasons for refusal have been adequately addressed.

6.10 It is considered that the reduction in scale of development from 5 to 3 houses tips the balance in favour of development following previous concerns about impact on landscape character. The development is now wholly located behind the roadside hedgerow, the site does not extend beyond the line of the rear garden on The Poppins, and access is now via the A438 rather than the extension of a residential access road extending beyond the boundary of The Vineyards to the east.

6.11 The ecological and flood risk assessment issue have now been satisfactorily addressed and the public footpath matter can be resolved via diversion prior to commencement of development. The previous play area is no longer part of the application.

6.12 Recent changes to S106 policy mean that this application is now below the threshold and is thus not subject to requirements.

6.13 It is considered that this application complies with the sustainability requirements of the NPPF and there being no overriding material considerations Outline Planning Permission is recommended.

## **RECOMMENDATION**

**That Outline 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. **H06 Vehicular access construction**
6. **H27 Parking for site operatives**
7. **H29 Secure covered cycle parking provision**
8. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with landscape plan proposals should be submitted to and be approved in writing by the local planning authority, and the scheme 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 Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

9. **Prior to commencement of development the following details shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of any of the dwellings.**

**Detailed topographic survey that confirms that the site is located in the low risk Flood Zone 1 and considering the potential effects of climate change.**

- **A detailed surface water drainage strategy that includes drawings and calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;**
- **A detailed foul water management strategy, including the proposed location of package wastewater treatment systems and drainage fields;**
- **Proposals for the adoption and maintenance of the surface and foul water drainage systems.**

**Reasons: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR7 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**10. H28 Public rights of way**

**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. HN04 Private apparatus within highway**
- 3. HN05 Works within the highway**

Decision: .....

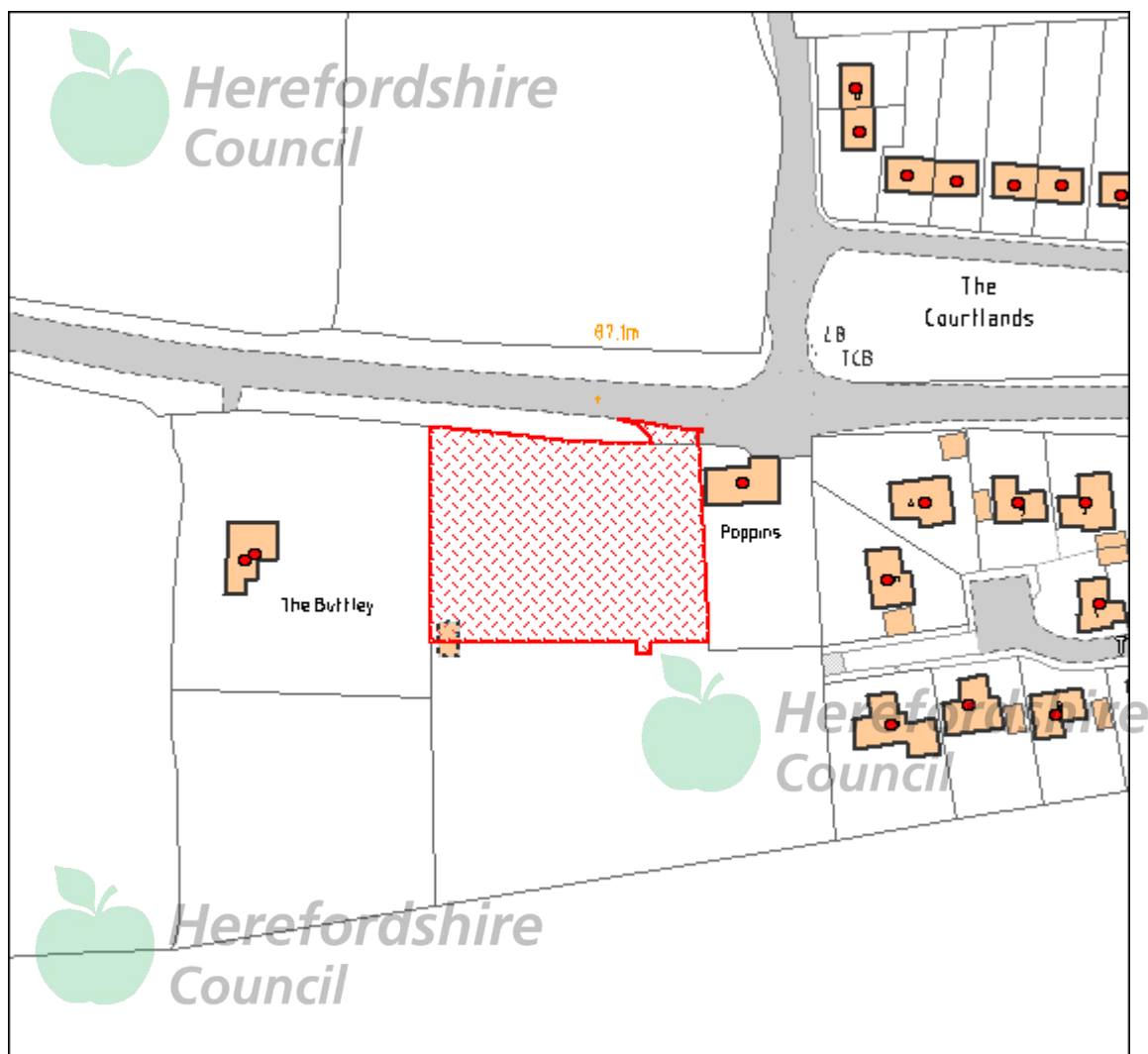
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 151111

**SITE ADDRESS :** LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA

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