

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 SEPTEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>143489 - SITE FOR ERECTION OF UP TO 10 HOUSES WITH HIGHWAY ACCESS ONTO WYSON LANE, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, SY8 4NQ</b>  <b>For: Mr Gorringe per Savills LLP, The Quadrangle, Imperial Square, Cheltenham, Gloucester, GL50 1PZ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143489&amp;search=143489">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143489&amp;search=143489</a>
<b>Reason Application submitted to Committee – contrary to policy</b>	

**Date Received: 21 November 2014      Ward: Leominster      Grid Ref: 352347,268079**  
**North & Rural**

**Expiry Date: 23 February 2015**  
Local Member: Councillor J Stone

**1. Site Description and Proposal**

- 1.1 This is an outline application for up to 10 houses on a site of 0.86 hec, situated on the north side of Wyson Lane, immediately to the west of the underpass beneath the A49(T). All matters other than access are reserved for subsequent approval.
- 1.2 A small part of the site lies within the Brimfield Settlement boundary. This is utilised for the access drive, all of the houses would be outside this boundary.
- 1.3 The application has been revised from the original 12 dwellings to 10 following concern from the Environmental Health Officer in respect of noise from the A49(T). As a consequence the indicative layout has been amended to move properties from the boundary closest to that road.
- 1.4 The proposal includes a draft heads of terms, which as a consequence of the reduction in the number of houses will require amendment. This includes the provision of affordable housing.
- 1.5 Traffic calming measures are also included.
- 1.6 In addition to the plans, Design and Access Statement and Planning Statement the following documents have also been submitted; Arboricultural Survey, Ecological Survey, Noise Report, Transport Statement, Flood Risk Assessment, Topographical Survey, Statement of Community Involvement and S106 Draft Heads of Terms

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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 2012. In particular chapters:

Introduction	-	Achieving sustainable development
Chapter 4	-	Promoting sustainable communities
Chapter 6	-	Delivering a wide choice of high quality homes
Chapter 7	-	Requiring good design
Chapter 8	-	Promoting healthy communities

### 2.2 National Planning Practice Guidance 2014 -Noise

### 2.3 Herefordshire Unitary Development Plan Saved Policies

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H4	-	Main village: Settlement boundaries
H7	-	Housing in the open countryside outside settlements
H9	-	Affordable housing
H19	-	Open space requirements
T8	-	Road hierarchy
LA3	-	Setting of settlements
NC1	-	Biodiversity and development
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
CF2	-	Foul drainage

### 2.4 Herefordshire Local Plan – Draft 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
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources

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- SD4 - Wastewater treatment and river water quality
- ID1 - Infrastructure delivery

2.5 Brimfield and Little Hereford Neighbourhood Plan. The plan has reached regulation 16 stage and the consultation period ends on 23 September. At the end of that period it can be considered to be a material consideration.

2.6 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 Ref 111700 erection of one dwelling, approved 12/8/11. This permission appears to have expired.

### 4. Consultation Summary

4.1 Environment Agency

**Flood Risk Assessment (FRA):** the proposed development is within Flood Zone 1 whilst the access to the site is affected by fluvial flooding. We have previously commented on the FRA provided by Robert West requesting assessment to quantify the potential fluvial flooding across the access area to the site. The revised submission has been carried out to assess this risk.

The modelling undertaken is broad brush, but provides conservative depths and velocities. They have taken what is considered a reasonable flow representing the 1 in 100 year plus climate change event and assessed it against the culvert capacity to derive a flood level. At the most extreme the modelling derives a flood depth of 150mm with an average of 75mm on the road and velocities below 1m/s. Based on table 13.1 of the report FD 2321 this scale of flooding is not considered dangerous providing care is taken to ensure persons stay away from the watercourse where the depths will be deeper.

We would wish to remove our objection with the understanding that, during a 100 year plus climate change event, access would be still available. The flood depths across the access, as detailed above, should be used to help inform the flood management plan in discussion with your Emergency Planners.

**Foul Drainage:** We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

4.2 Highways England

Although the proposed development does not share a direct access to the A49 trunk road, the Highways Agency welcomes the opportunity to provide comments on the proposals.

This current application is for twelve dwellings on land adjacent to Brooklands, Wyson Lane. Whilst this proposal on its own is unlikely to present a material impact on the SRN, the Highways Agency is concerned about the cumulative nature of development within the Wyson Lane area and the potential impact on the A49 Salwey Arms junction.

Further development is likely to increase vehicle movements and present potential safety issues at an already sub-standard junction and it therefore undesirable with the junction in its present form.

#### 4.3 Welsh Water

##### **SEWERAGE**

Welsh Water do not supply sewerage services to this area and therefore have not further comment to make.

##### **WATER SUPPLY**

Welsh Water has no objection to the proposed development.

#### 4.4 Severn Trent Water

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition.

##### **Condition**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

##### **Reason**

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the rise of pollution.

Internal Consultees

#### 4.5 Transportation Manager

The proposed access to the site still does not provide visibility splays to full standards, but the design results in an improvement over the existing visibility splays, and in addition provides benefits to other users of Wyson Lane through traffic calming measures.

The increase in traffic is *de minimis* and within the capacity of the existing highway network.

No objection subject to conditions.

#### 4.6 Environmental Health Manager

No objection to revised layout for 10 houses.

#### 4.7 Parks and Countryside

In response to the original proposal for up to 12 houses:-

In accordance with pre-application comments and UDP Policies H19 and RST3 the applicant has considered the need to provide POS/Play as required for a development of this size between 10 - 30 family dwellings.

It is noted that the development will provide an area of open/amenity space sited to provide an attractive 'gateway' to the development but its usefulness for informal recreation would need to be made clear given its size. The applicant has acknowledged that the provision of a LAP (small children's play area) could be provided either on or off site. I would recommend that an off-site contribution is asked for but the final decision should be made in consultation with the Parish Council. On site provision would be very small of little play value and costly to maintain. However, in accordance with the Play Facilities Study and Action Plans, Brimfield play area which is at village hall is small catering for infants only and has limited room to expand. It is in fairly good condition and the recommendation is to establish a rolling programme of works to ensure it remains of a good quality. In the more rural parishes where there is limited access to formal play particularly for older children an off-site contribution could be used towards improving access to the wider countryside and semi natural POS via the public rights of way network and in accordance with the Council's Public Rights of Way Improvement Plan.

(The revision to the scheme will require a revision to the Heads of Terms, any comment received before the meeting will be reported, otherwise it will be dealt with under the scheme of delegation).

#### 4.8 Housing Commissioning Officer

Having reviewed the supporting documentation I would advise that the application meets the UDP requirement to provide 35% affordable housing, however, although the applicant proposes to build the affordable units to Level 3 of the Code for Sustainable Homes, there is no mention of the required local authority build standards. In order for me to fully support this application I require the draft heads of terms to be altered to reflect the build standards or assurance form the applicant that they will be included within the 8106.

The proposed mix, tenure and location of the affordable units is acceptable and meets the need as identified in the 2012 local housing need survey.

(This will be subject to the proviso above following reduction of the scheme).

## 5. Representations

### 5.1 Brimfield Parish Council

The Parish Council strongly object to this planning application for the following reasons:

- Access to the proposed development via Wyson Lane. This is already a very congested road, having to deal with local speeding traffic and parked vehicles. In addition it is located within a very short distance of a busy junction at which visibility is very poor – no consideration has been given to improving this junction at which a considerable extra number of vehicles would be using. We would strongly urge the Highways Officer to take ours and local residents views regarding this junction into consideration.

We do not feel that the measures proposed to ease traffic and speeding issues in Wyson Lane will alleviate these very real concerns. We do not agree that the significant amount of traffic that will be generated by this development against the planned changes adhere to Paragraph 32 of the National Planning Policy Framework. Safe and suitable access to the site has not been established, especially where the junction to the main village is concerned. The very nature of Wyson as a hamlet is equally as congested going out the other way with parked cars and the narrowness of the lane. Narrowing the road will only contribute to this problem. This would also present a problem with any construction traffic and emergency service vehicles.

- Previous development at this site has been refused in part for the reasons stated above.

- Sewerage. Significant development such as this should provide its own system, instead of connecting to the already aged and overloaded system currently in place.
- Contrary to the application, there is no regular public transport system – once a week every Friday and a booking system on one other day does not constitute a regular service.
- We support the views of the Environment Agency regards proposed alleviation of surface water at the entrance of the development not having been established and flooding concerns. The proposed entrance to the development is within flood zone 3, not flood zone 1 as detailed in the application. Any development within flood zone 3 should be refused.
- Although not yet a statutory document, Brimfield & Little Hereford Neighbourhood Development Plan (currently out for consultation and available to view on the Herefordshire Council website) clearly shows that significant development anywhere in Wyson must not be considered due to the reasons stated above. These are the wishes of our residents.

We remain concerned that although there is no up to date Local Plan or a 5 year land supply document for the county, the National Planning Policy Framework should not allow developers to ride roughshod over local communities wishes.

(Comments on the revision are expected prior to the meeting and will be reported in the committee update or verbally).

## 5.2 Crime Prevention Officer

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety. I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within this village.

## 5.3 Objections have been received from 6 local residences making the following points:

1. Highway safety issues with Wyson Lane and the Salwey Arms junction.
2. Lack of village facilities.
3. Sewage disposal problems as referred to by objectors to application ref 143808 should be applied here.
4. Dwellings too close to A49.
5. Contrary to many provisions of the NPPF

(Ref 143808 an application for 4 dwellings with access from Salwey Lane, to the west of this site was refused in May 2015 on pedestrian access and visibility splay grounds).

## 5.4 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 revised scheme has now satisfied the Environmental Health concern regarding noise by reducing the proposal to ensure no dwellings would be located on the part of the site nearest to the A49. Accordingly the requirements of the policies on noise and the National Planning Practice Guidance 2014 –Noise are considered to have been met.
- 6.2 The Transportation Manager has no objection subject to conditions which include traffic calming works in three locations along Wyson Lane. Whilst Highways England report that there are deficiencies at the Salwey Arms junction, they have not directed or suggested refusal of the application. The closest route from the site to the A49 would not involve using this junction.
- 6.3 Objections have also been made regarding sewage disposal, though Severn Trent Water has no objection subject to condition.
- 6.4 The Environment Agency have no objection regarding the access in Flood Zone 3, the 1 in 100 year occurrence, subject to condition. The houses are located outside of this zone and therefore not liable to flood. It will be noted that planning permission had previously been granted for a dwelling in this location.
- 6.5 The remaining main element of the proposal to consider is the accordance or otherwise with the NPPF, and the lack of 5 year housing land supply. Whilst Brimfield does lack a number of facilities including a school surgery and full time Post office, this is clearly a reasonably sized settlement, and a settlement boundary had been identified in the UDP, although the majority of the site lies outside of it. At this moment no weight can be given to the Neighbourhood Development Plan.
- 6.6 The three contributing elements to sustainable development as set out in the NPPF are social economic and environmental. This proposal contributes to those elements through the requirements of the S106 including social housing and contribution to play facilities, through investment in local infrastructure. Given the lack of adverse significant impacts arising from the proposal the application is considered to comply with the requirements of the NPPF and is recommended for approval accordingly.

## **RECOMMENDATION**

**Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.**

- 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. I20 Scheme of surface water drainage**

**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.**

Decision: .....

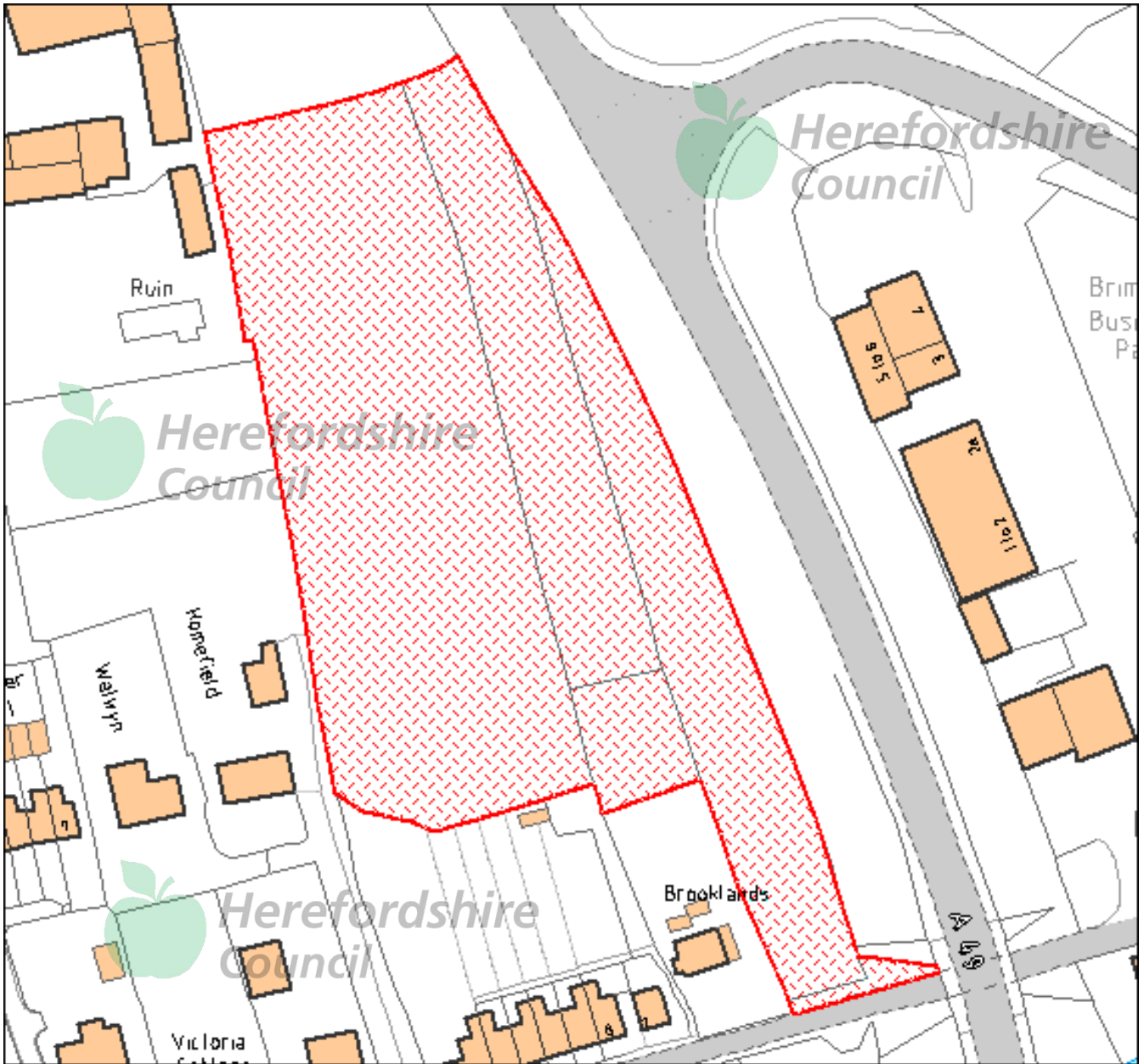
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 143489

**SITE ADDRESS :** LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NQ

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