

MEETING:	PLANNING COMMITTEE
DATE:	3 FEBRUARY 2016
TITLE OF REPORT:	153240 - PROPOSED DETACHED PASSIVHAUS DESIGN, SELF-BUILD, SINGLE-STOREY DWELLING ON LAND AT OLD HOLLOWAY, LITTLE BIRCH, HEREFORDSHIRE. For: Mrs Freeman per Mr George Mikurcik, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=153240&search=153240
Reason Application submitted to Committee – Re-direction	

Date Received: 28 October 2015

Ward: Birch

Grid Ref: 351080,232552

Expiry Date: 23 December 2015

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site is located to the south of a cluster of six dwellings at Aconbury, which are to the south of the U71609 Road approximately 500 metres to the north-east of Little Birch. PROW Byway AC6A runs southwards immediately to the west of the application site and provides access to the site, which shares its northern boundary with the dwelling Crossways Cottage. The application site has two very distinct elements. The northern part is undeveloped greenfield land. The southern part sits approximately 2 metres below the northern part and accommodates two modest derelict buildings akin to huts which were formerly used by a rifle club. Vehicular access is provided along PROW LB2 to this lower part. The two parts of the site are separated by a steep bank.
- 1.2 The application proposes the erection of a dwelling on the northern part of the site. The dwelling would be single storey, constructed to Passivhaus standards, clad in timber under a metal clad roof. The outbuildings on the lower part of the site would be repaired and used for purposes incidental to the main dwelling. Hard standing would also be laid on this part of the site to facilitate parking and turning. The existing slope between the two parts of the site would be engineered to provide both steps and sloping access to the dwelling from the site access and parking area.
- 1.3 The application is supported by a planning statement, topographic survey, route analysis, ecological statement and landscape appraisal.

2. Policies

2.1 The 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 – Environmental Quality and Local Distinctiveness
- SS7 – Addressing Climate Change
- RA1 – Housing in Settlements Outside Hereford and the Market Towns
- RA2 – Herefordshire's Villages
- H1 – Affordable Housing – Thresholds and Targets
- H3 – Ensuring an Appropriate Range and Mix of Housing
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geo-Diversity
- SD1 – Sustainable Design and Energy Efficiency
- SD3 – Sustainable Water Management and Water Resources

2.2 The National Planning Policy Framework

2.3 The National Planning Policy Guidance

2.4 Aconbury Parish Council are not producing a Neighbourhood Plan.

2.4 The Core Strategy 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/adopted-core-strategy>

3. Planning History

3.1 142601/F Proposed Passivhaus Dwelling: Refused 27th November 2014 for being contrary to the NPPF which at that time had primacy over the Herefordshire Unitary Development Plan and the then emerging Herefordshire Local Plan Core Strategy. The development was considered to be unsustainably located whilst also giving rise to landscape impact. A comparison of this application to the present application before members is offered at paragraph 6.23 of this report.

4. Consultation Summary

4.1 Welsh Water does not object.

4.2 The Council's Transportation Manager does not object:

The site is accessed via U71609 and the AC6A BOAT. The U71609 is rural in its nature and during the site visit several pedestrians were seen using the road to walk dogs etc. Turning and parking areas should meet HC design guidance and secure covered cycle should be provided.

In reviewing their comment in light of public representation, the decision not to object to the application was upheld:

Further to my previous comments, I do not object to the application. The speeds along the BOAT will be very low therefore can result is a visibility splay of 12m and therefore can be conditioned as such. The access from the BOAT on to the U71609 is currently used by other dwellings and no officially recorded accidents have been recorded, therefore as mentioned in

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my previous comments, seeing pedestrians walking increases the perception that speeds are low and the visibility is acceptable.

4.3 The Council's Conservation Manager (Ecology) does not object:

I note the ecological survey carried out found no protected species issues. Examining the other documentation I am happy that the landscape proposals have significant biodiversity enhancement. The recommendation for bat boxes could also be supplemented with bird boxes as well. I suggest these are incorporated on the landscape plan as an amendment rather than producing a habitat enhancement plan as a condition

4.4 The Council Public Rights of Way Officer does not object:

Access will be via public byway which is otherwise unaffected by the development. No objection."

5. Representations

5.1 Aconbury Parish Council:

It is revealing that so many people from so wide an area should feel so affected by this low-profile proposal at the edge of Aconbury.

Three residents of this parish, living nearby, have raised objections. Seven people of the parish have shown their support for the proposal. Several feel unaffected so have not commented.

In past years Welsh Water has spent some effort to ensure houses along this road receive mains water at sufficient pressure.

Buses, wheelchair-accessible, serve these houses four or five times a day, each way, six days a week, either to Ross via Hoarwithy, or via a connection at Little Birch Turn to Much Birch Church and surgery, or to Hereford. Dore Community Transport is also able to work in this area."

5.2 Little Birch Parish Council supports the application provided that:

1. Due consideration is given to the suitability of the access lane that is a problem particularly in wet weather;
2. Approval is not used as a precedent for future applications on adjoining land.

5.3 9 letters of support have been received and can be summarised as follows:

- A refreshing alternative to the usual choice between nondescript developer housing and high budget 'Grand Designs'.
- The architect and applicant will ensure that this very simple design will be executed with the attention to detail that such architecture requires to make it shine.
- The building is designed to the highest standard for comfort and energy efficiency with high design aspirations but with a clearly very modest budget;
- The building is influenced by agricultural buildings but does not pretend to be something it isn't;
- The minimal design will add to the local Herefordshire landscape, working with the local topography;
- The design is rustic, simple, cost effective and modern and sets a good precedent for future sustainable housing;
- The building may be of international interest; and

- The building may act as a model to other sustainable dwellings in Herefordshire;

5.4 15 letters of objection have been received and can be summarised as follows:

- The original reasons for refusal on planning application 142601/F are still relevant;
- The building would urbanise a green lane and the wider country area;
- The development would lead to pressure to demolish the existing byway, thereby denuding its rural character;
- The proposed new dwelling and its plot would alter the unique mixture of wayside dwellings and fields which are a significant part of the character of both Aconbury and Little Birch. The proposed dwelling does not complement this pattern and would therefore not fit in with the unique character of the area.
- The dwelling would ruin the setting of the long established dwellings along the road and detrimentally impact on the surrounding countryside;
- The dwelling would not be along the roadside as per the prevalent settlement pattern of this area;
- Any extra dwelling built in this area would increase the traffic on a narrow lane with limited passing places;
- The access point is totally unsuitable given that the byway egresses onto a very dangerous point of the main road;
- The application site is not truly within Little Birch;
- Aconbury is a remote rural parish with no facilities and is not connected to Little Birch;
- Little Birch is not a sustainable settlement as it too has no facilities such as shop or post office
- This is a backland development which would set a precedent for the future development of the site to the north;
- The local bus service is infrequent and inflexible as to severely limit sustainable transport options;
- Little Birch/Aconbury have no mains water and during very hot summers this can already cause supply problems without the extra load; and
- The area is of high biodiversity value and the site's development would impact thereon.

5.5 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 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 Here, the Herefordshire Local Plan – Core Strategy (Core Strategy) is the development plan. The Core Strategy is predicated on the aims and objectives of the National Planning Policy Framework (NPPF) and has been independently assessed favourably for its conformity. The Core Strategy is therefore up-to-date and, as directed by section 38 of the Development Management Procedure Order and paragraph 14 of the NPPF, it is against the Core Strategy which the proposed development falls to be considered.

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- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the Core Strategy will be approved, unless material considerations indicate otherwise.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme, again reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported.
- 6.5 The NPPF, at paragraphs 47 and 49, requires Local Authorities to maintain a robust five year supply of housing land. By its very nature, this is a constantly evolving situation, and to ensure that such a supply is maintained Core Strategy Policy SS3 provides a mechanism which increases the priority of housing in the Core Strategy. Failure to maintain an NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy and by extension, any adopted neighbourhood development plans (NDPs) out-of-date.
- 6.6 Core Strategy Policy RA2 makes provisions for housing in rural settlements and firstly requires that development accords with the relevant NDP or where there is no NDP, with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The postscript to Policy RA2 directs that where neither document is present, or where one is present but insufficiently advanced in terms of its preparation as to attract sufficient weight to determine the settlement boundary, any applications for residential development will be assessed against their relationship to the main built up form of the settlement.
- 6.7 Where the application site is found to be within or adjacent to the main built up part of a settlement listed at 4.14. or 4.15, it is then necessary to consider the development against the main body of Policy RA2 which requires that development reflects the size, role and function of the settlement; makes use of brownfield sites where possible; is of high quality, sustainable design which is appropriate for and positively contributes to its environment; and that the size and type of housing reflects local demand.
- 6.8 The application site is within Aconbury Parish and is thus proximal to the settlement of Aconbury which is listed as a settlement at figure 4.15 of the Core Strategy. Aconbury Parish Council has not hitherto designated a Neighbourhood Plan Area. Accordingly, the principle of development must be determined by the appropriateness of the relationship between the development and the main built up part of the settlement.
- 6.9 The settlement of Aconbury is comprised of three divorced clusters of loosely knit wayside cottages and small holdings flanking a complex and intimate network of loosely surfaced country lanes. There are no community facilities within the settlement. In defining the 'main built up part of the settlement', it is notable that Aconbury's historic development has occurred quite tangibly by 'one dwelling at a time' in an ad hoc manner. This has given rise to the dispersed settlement pattern with no nucleated core. However, three tangible clusters of development have emerged at Aconbury. The three clusters are considered to be:
- Nine dwellings at 'Crossways' – adjacent to the application site;
 - Four dwellings at Aconbury Court; and
 - Nine dwellings at Warren Lane.
- 6.10 In terms of dwelling numbers, the cluster of development at 'Crossways' is equal greatest with Warren Lane and closest to the limited facilities of Little Birch which include a village hall and a public house (presently closed). Crossways is also located on a bus route. Therefore and whilst there is no noticeable settlement boundary to 'Aconbury', the collection of dwellings at

Crossways is, in officers opinion, one of two clusters of development which make up the main built up part of the settlement. In being contiguous with this collection of dwellings, the application site is considered to be adjacent to the main built up part of the settlement. Further in proposing a single dwelling, the development upholds the broad role and function of the village which has grown organically overtime on an individual plot basis.

- 6.11 The application site is located to the rear of 'Crossways' and is accessed off a Byway Open to All Traffic (BOAT) which runs to between 'Crossways' and 'Priory Stone' to the west. There is concern that the dwelling does not strictly accord with the wayside settlement pattern of Aconbury, instead being to the rear of 'Crossways' and adjacent to an unmade BOAT. However, it is acknowledged that the site is individually accessed off a byway as many dwellings are throughout Aconbury and Little Birch. Further, the site is of a size which could accommodate a dwelling without detriment to the dispersed settlement pattern.
- 6.12 Turning to the building's design, whilst the building would clearly portray its residential use, by virtue of its simplicity and soft cladding, the design does acknowledge its edge of settlement location and the agricultural use of land beyond. The design would therefore represent an appropriate segue between the demonstrably settled, residential character of existing dwellings on the roadside and the surrounding countryside thereby minimising its impact on the landscape. This is particularly important given the application's departure from the established settlement pattern of wayside dwellings. Furthermore, the low building height and well established local vegetative screening would immediately minimise the impact of the development on the character of the wider landscape. Accordingly, it is officer opinion that whilst of a contemporary design, the proposed building would uphold local distinctiveness by virtue of its modest massing, simple profiling and detailing and soft cladding.
- 6.13 Whilst the site is partially covered in redundant buildings, the foremost part of the development i.e. the dwelling itself, would be built on greenfield land. Further, the existing buildings are not so intrusive as to render their removal and refurbishment a significant improvement to the character and appearance of the countryside. However, it is important to note that criterion 4 of HLP Policy RA2 does not restrict development of non-brownfield sites.
- 6.14 Besides making a contribution to the supply of housing within a rural settlement, the most significant benefit of the scheme is its 'Passivhaus' build standard, the accepted definition of which is:

"A building, for which thermal comfort can be achieved solely by post-heating or post-cooling of the fresh air mass, which is required to achieve sufficient indoor air quality conditions – without the need for additional recirculation of air."

- 6.15 This essentially means that the heating requirement in a Passivhaus is reduced to the point whereby a traditional heating system is no longer considered necessary. Core Strategy Policies RA2 and SD1 and paragraphs 95 and 96 of the NPPF direct that the exceptional energy conservation credentials of such builds be afforded significant weight in the determining a planning application.
- 6.16 The fundamentals of the Passivhaus approach can present challenges insofar as the layout, siting and detailed design are concerned. These in turn can limit the building's ability to conform to the prevailing characteristics of the locality. For example it is necessary to simplify a buildings form to minimise potential thermal bridging, a junction between materials where heat may be lost, which may rule out, or make difficult, certain building techniques such as the use of dormer windows. Paragraph 65 of the NPPF acknowledges this potential conflict stating 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 an existing townscape, if those concerns have been mitigated by good design.”

- 6.17 Further Core Strategy Policy SD1 requires that local distinctiveness be upheld but on the proviso that innovation is not stifled. There is the additional argument that designs that achieve the highest standards of energy efficiency are inherently good designs.
- 6.18 Summarising the principle of development, HLP Policy RA2 directs that the application site is sustainably located having an appropriate relationship with a settlement identified for proportionate growth in the HLP. The proposal's sustainable build credentials; high energy conservation; appropriate appearance; and (to a lesser extent) partial use of brownfield land also weigh in favour of the development. There is concern for the conformity of the development with the prevailing settlement pattern. On balance, it is officer opinion that the proposed development fulfils the requirements of HLP Policy RA2 when read as a whole and that the principle of development should be supported.

Other Matters

- 6.19 The Council's Transportation Manager concludes that visibility at the site entrance on to the Byway is acceptable. Similarly visibility along the carriageway from the Byway is acceptable. In reaching this recommendation regard is had for the road class which is 'C', the relatively low volumes of traffic thereon and that the geometry of the highway network limits vehicular speeds. There is sufficient room within the site to provide for the parking of vehicles whilst maintaining sufficient space for manoeuvring to enable vehicles to enter and leave the site in a forward gear. A severe impact on highway safety has not been found and the development is therefore acceptable in the context of chapter 4 of the NPPF and Core Strategy Policy MT1.
- 6.20 The Council's Ecologist offers no objection to the proposal acknowledging the biodiversity enhancement features included within the submission. The applicant has included the provision of bird and bat boxes on their landscape plan as per the ecologist's recommendations. On such a basis, the proposal accords with the biodiversity aims and objectives of chapter 11 of the NPPF and Core Strategy Policy LD2.
- 6.21 The closest dwelling to the site is 'Crossways' c. 30 metres to the north of the site and 35 metres to the north of the closest part of the proposed dwelling. Given that the proposed dwelling would be single storey only and that there is an intervening established hedgerow, this distance is considered to be sufficient to preclude undue detriment to the privacy and amenity of 'Crossways' and other neighbouring dwellings. Similarly, the privacy and amenity of occupants of the proposed dwelling would be sufficient. In this regard the proposal accords with Core Strategy Policy SD1.
- 6.22 A number of representations make reference to the future development of a plot to the north of this site. Indeed one submission appends a drawing, ostensibly from a developer, showing future plans for the development of that plot. Whilst some of the planning issues debated here may also be applicable to that development, Members are reminded that each application must be dealt with on its own merits and that the development of the plot referred to within representations is not presently before the Council. Accordingly, it is recommended that no weight be attributed to the possible future development of that plot.

Site History

- 6.23 Within the 'Planning History' chapter of this report, reference is made to application 142601/F which was refused. That application was necessarily held in the context of the NPPF by virtue of the limited weight which could be apportioned to either the Core Strategy or the then incumbent Herefordshire Unitary Development Plan. In essence, the NPPF required that development be

considered against the 'planning balance' framework which pitched a proposal's benefits against its dis-benefits.

- 6.24 The lead reason for refusal was that the application site was considered by officers to be remote from services and facilities. The closest truly serviced settlement was identified as being Much Birch some 3 miles from the site. However, the adoption of the Core Strategy represented a critical policy shift with regards to how a village's, and by extension a site's, sustainability is appraised. The Core Strategy removes officer's ability to appraise the 'sustainability' of a village on a case by case basis, and replaces this with an exhaustive list of settlements where the principle of development will be acceptable. In identifying Aconbury as a settlement at figure 4.15, the Core Strategy directs that development therein should be supported in principle and approved provided that it accords with Policy RA2 and other Core Strategy policies that may be relevant to the case in hand.
- 6.25 This first reason for refusal gave rise to a second which found that, in being away from an identified settlement, the development of the site would have a landscape impact. Furthermore, the erection of a dwelling to the rear of an existing dwelling was considered to be uncharacteristic of the local pattern of development which is typified by wayside dwellings and open fields. Concern for the proposal's ability to uphold the settlement pattern remains and is discussed at paragraph 6.8 of this report. However, the Council, in light of the Core Strategy's identification of Aconbury as a settlement, are required to provide for proportionate growth within the settlement whereas prior to the adoption of the Core Strategy, there was no requirement to provide dwellings at Aconbury. It is in this context that the proposed development must now be held. Having particular reference to policies LD1, SD1 and the design and landscape elements of Policy RA2, it is officer opinion that the appropriateness of the design for its location within the landscape, its proximity to an identified settlement and the sustainability credentials of the building would give rise to a development which, when considered holistically and with particular regard to RA2, would represent good design, upholding landscape character and local distinctiveness.

Conclusion

- 6.26 The application site is located within Aconbury and has an appropriate relationship with the main built up part of the settlement, upholding the village's role and function. The development's design endorses the distinctiveness of the locality and is highly sustainable, minimising energy consumption. A modest concern for the character of the landscape is not considered sufficient to outweigh the scheme's benefits in the context of HLP Policy RA2. On this basis, and in failing to find other harm, particularly in terms of highway safety and ecology, the application is considered to accord with the aims and objectives of the Herefordshire Local Plan – Core Strategy and the NPPF thereby representing sustainable development. In having regard to Core Strategy Policy SS1 which directs that the positive presumption be engaged where development is considered 'sustainable', it is recommended that the application be approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 - Time limit for commencement (full permission)**
- 2. B02 - Development in accordance with approved plans and materials**
- 3. F08 - No conversion of garage to habitable accommodation**
- 4. F14 - Removal of permitted development rights**
- 5. C01 - Samples of external materials**

6. **G01 - Earthworks**
7. **G02 - Retention of trees and hedgerows**
8. **G11 - Landscaping scheme – implementation**
9. **C14 - Landscape management plan**
10. **Within six months of the first occupation of the dwellinghouse hereby permitted, evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning authority by an accredited Passivhaus assessor.**

Reason: The sustainability credentials of the dwellinghouse were given considerable weight in the decision of the Local Planning Authority to grant planning permission for the development and to accord with Policy SD1 and SS6 of the Herefordshire Local Plan – Core Strategy.

11. **CE6 - Water use**
12. **I33 - External lighting**
13. **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 Policy LD2 of Herefordshire Local Plan – Core Strategy and the NPPF.

To comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

14. **H03 - Visibility splays**
15. **H09 - Driveway gradient**
16. **H05 - Access gates**
17. **H13 - Access, turning area and parking**
18. **H29 - Covered and secure cycle parking provision**
19. **H27 - Parking for site operatives**
20. **I16 - Restriction of hours of construction**

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. I11 - HN01 Mud on highway
3. 109 - HN04 Private apparatus within highway
4. I45 - HN05 Works within the highway
5. I05 - HN10 No drainage to discharge to highway
6. I47 - HN24 Drainage other than via highway system
7. I35 - HN28 Highways Design Guide and Specification

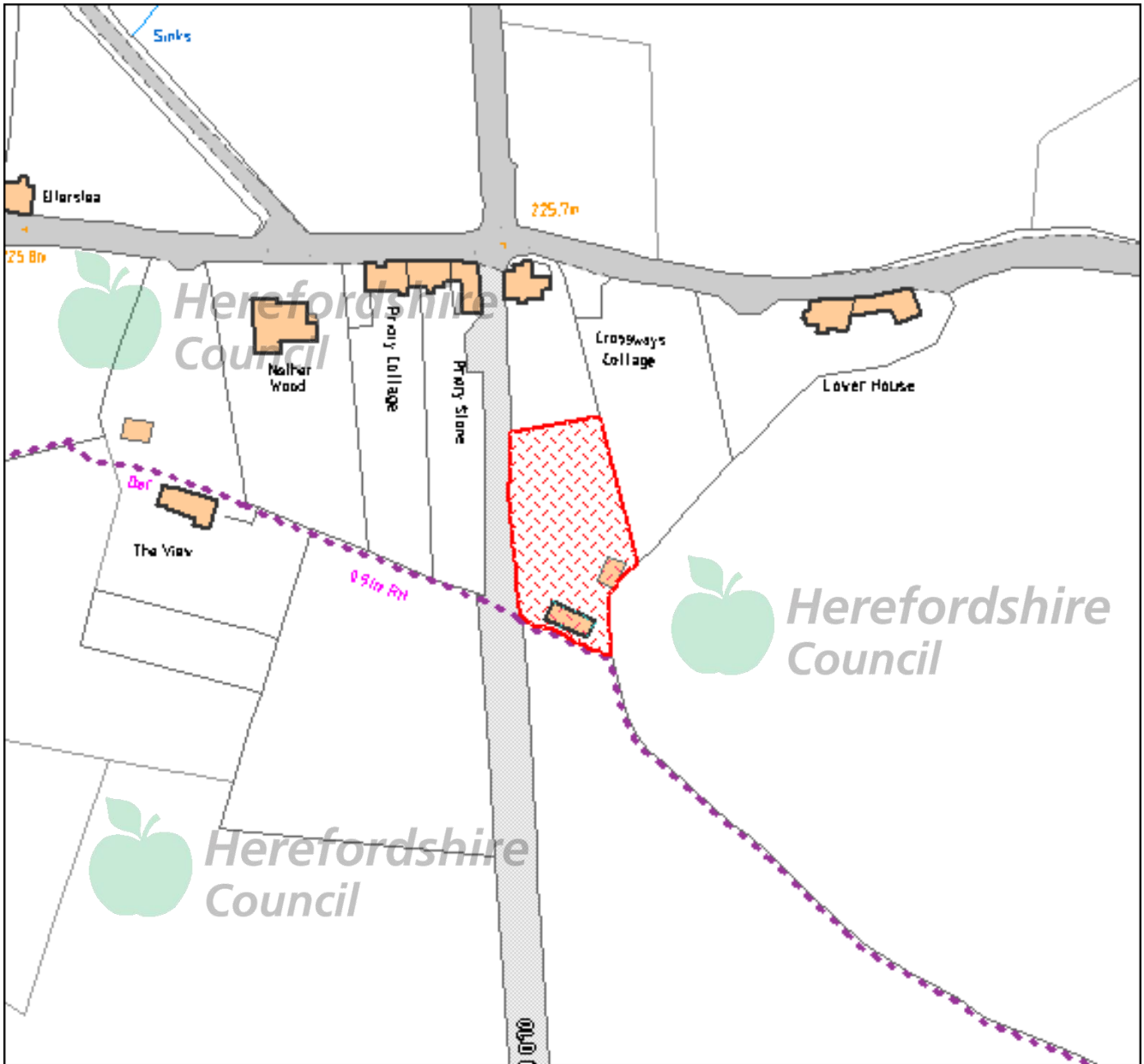
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 153240

SITE ADDRESS : LAND AT OLD HOLLOWAY, LITTLE BIRCH, HEREFORDSHIRE

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