

MEETING:	PLANNING COMMITTEE
DATE:	13 JULY 2016
TITLE OF REPORT:	160741 - SITE FOR PROPOSED DWELLING AND GARAGE AT LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG For: Mr Matthews per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160741&search=160741
Reason Application submitted to Committee – Applicant is related to a Member	

Date Received: 9 March 2016

Ward: Credenhill

Grid Ref: 346792,241546

Expiry Date: 9 June 2016

Local Member: Councillor RI Matthews (Councillor WLS Bowen has fulfilled the local ward member's role for this application.)

1. Site Description and Proposal

- 1.1 The application site lies to the south side of the A438, Kings Acre Road, to the west of Hereford City but within the Parish of Breinton. The site is in agricultural use and comprises a rectangular shaped portion of land (20m x 31m) that lies to the north east corner of a field. The field lies at the southern end of a private road known as Cherry Orchard. Access to the site is via Cherry Orchard and the existing field gate.
- 1.2 This application seeks outline planning permission for a single dwelling and garage with all matters reserved except for access. Access would be via Cherry Orchard, a private road that currently serves six other dwellings. The submission includes details that indicate improvements to this, including widening and provision of passing places. Cherry Orchard accesses directly onto the A438 (Kings Acre Road)
- 1.3 The application is supported by an Ecological Appraisal and indicative plan. Amended plans were supplied as part of the application process that extended the application site to the adopted highway (A438) and identified the proposed improvements to the access.

2. Policies

2.1 National Planning Policy Framework (NPPF)

Introduction	- Achieving Sustainable Development
Section 4	- Promoting Sustainable Communities
Section 6	- Delivering a Wide Choice of High Quality Homes
Section 7	- Requiring Good Design
Section 8	- Promoting Healthy Communities

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

Section 11 - Conserving and Enhancing the Natural Environment

2.2 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
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- 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 Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

2.3 National Planning Practice Guidance.

2.4 Breinton Parish Neighbourhood Area was approved in January 2014 and has since progressed to Regulation 16 stage. The relevant plan is currently the Reg. 16 Re-submission Draft 2016. Examination commenced on the 27th June 2016.

The relevant policies are:

- B1 - Housing Development in Defined Breinton Settlements
- B2 - Kings Acre Road
- B3 - Housing in the Countryside and Rural Exception Sites
- B5 - Ensuring an Appropriate Range and Tenure of Sizes of Houses
- B6 - Sustainable Design and Energy Efficient
- B15 - Local Distinctiveness

At this stage, where compliant with the Core Strategy, weight can be attributed to this document in the decision making process.

However, there are unresolved objections to the Breinton Neighbourhood Development Plan (BNDP) with regards to the settlement boundary and policy for the Kings Acre Road Area and consistency with that of the rural settlements (B1 and B2). These surround the use of the term 'within' the settlement boundary for Kings Acre Road but 'within and adjacent' for the rural settlements.

2.5 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 None

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objection and recommend a condition be imposed on any planning permission.

Internal Council Consultations

- 4.2 The Transportation Manager made the following comment on the original submission:

Access visibility

The access onto the A438 is within a 40 mph speed limit, the visibility in either direction is good from a 2.4m set back.

The width at the entrance tapers to 3.9m from 5m from the kerb line, the width remains as such for 48m which then widens to 5m to the boundary fence. The useable width appears to remain as such to the turning head which is 16m x 6.4m.

There is on recorded accident in the vicinity of the access lane though this was a vehicle exiting Breinton Lane, this could not be associated with the proposed development.

Trips

The trips generated along the lane would be roughly 5 x 6 trips which = 30, the additional property would add another 6 trips per day.

The site is currently served by service vehicles such as refuse, post, deliveries etc, the core of these will not increase due to the proposal.

What is unknown is the use of the field and trips currently serving the site and those post, if approved.

Works required

The access is demarked as a junction, the access would be better served by continuous footpath, this would assist in giving pedestrians priority.

Further Information Required

The extent of land that can be used for the access, parking and turning?

Who maintains the lane and to what standard?

If, as suggested by the application, improvements can be made, how will these be maintained?

Conclusions

The proposal is unacceptable but **can** be made acceptable by way of the following amendments to the deposited application:-

If the additional information is confirmed and acceptable, the access lane will need to widen from 48m to the end to the max width to accommodate passing and visitor parking where this could be an issue.

The entrance will need to be altered to accommodate a continuous footpath.

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

Internal layout will need to accommodate sufficient parking and turning, if the garage is to be used for parking, this will need to be internal dimensions of 3m x 6m.

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

The proposed improvements as per the plans submitted in dwg number 434.10 are almost acceptable, the passing place to the north needs to extend to the narrowing. This isn't a problem and I am content this can be conditioned.

The intensification is minimal though any further development in this location will require substantial improvements to the lane due to the servicing and vehicle movements.

*If you are minded to approve, please add the following conditions:
CAL, CAP, CAZ and CB3 for a construction TMP due to the constraints of the site.*

Please add the informative for the works on the public highway to be notified to BBLP prior to any works being undertaken to co-ordinate the works and enable supervision to comply to HC standards. There is a fee to cover our service providers costs for the supervision

- 4.4 The Conservation Manager (Ecology) has made the following comments:

Having looked at the supplied preliminary ecological appraisal (by Just Mammals dated March 2016) I am happy that there are no ecological concerns associated with the application. I would like to draw the applicants attentions to the recommendations of the report (10.1 to 10.10) and would strongly support the inclusion of these recommendations in the final designs and landscaping – in particular the need for a carefully thought out lighting plan to avoid night time disturbance of wildlife commuting and foraging in the area and additional light being directly or indirectly thrown up in to the wider sky.

5. Representations

5.1 Breinton Parish Council

- 1. Breinton Parish Council considered this application at their meeting on 23rd March 2016. Members of the public have provided comments which the Parish Council considered in arriving at their decision. No doubt the local residents will also be responding individually to this application.*
- 2. The Parish Councillors have asked that I respond to oppose this proposed development for the following reasons: -*
- 3. Access into and out of Cherry Orchard is not good. Residents have cited several occasions when vehicles have met accessing and exiting the lane, which has resulted in the vehicle on Kings Acre Road having to stop suddenly and has led to following vehicles braking suddenly. A dangerous situation.*
- 4. The access to the site has no provision for pedestrians and/or cyclists along the lane and so does not offer safe, sustainable alternatives to the car. Despite comments in the application there is currently no cycleway along Kings Acre Road despite this being a long held request of the Parish Council. The effect of more vehicles entering and exiting this site, along with larger numbers of vehicles accessing the entrances to Breinton Lee; Cherry Orchard is a concern to the Parish Council as a cumulative impact on the local infrastructure and safety of all road and footpath users.*

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5. *The lane into the site is very narrow, resulting in cars having to reverse back up to the top of the lane if they meet another vehicle coming the opposite way. Larger service vehicles can only turn around at the top of the lane, where the applicant proposes to develop. Currently the refuse lorries have to reverse into this lane from Kings Acre Road, which concerns the Parish Council if there are more families and children living in the area.*
6. *The proposed development of a 4-bedroom property is not the type of housing required according to the Local Housing Needs Survey. All recent planning approvals have been for 4 bedroom properties and these do not reflect the Local Housing needs for the area, which identified smaller properties being required.*
7. *Residents also commented on the inadequate sewerage infrastructure for the existing properties along Cherry Orchard, Breinton Lee and in the surrounding area. The Parish Council are concerned about the cumulative impact of all the agreed developments in the last 2 years impacting further on local residents and any other future developments in the area. so any further development will only exacerbate the problem.*
8. *The applicant's relationship with Ward Councillor Bob Matthews was not disclosed on the application form.*
9. *This is just one development on a much larger agricultural field. Due to the lack of transport and utility infrastructure to support further development in the area, and the cumulative impact of recently approved developments, Breinton Parish Council would request that should this application be approved that further development would not be permitted on this site, other than for the proposed application.*
10. *As it is an outline application, if the Planning Officer is minded to grant permission to develop the property, Breinton Parish Councillors request that the reserved matters are referred back to the Parish Council, and not dealt with under delegated powers*

Supplementary Response:

Further to recent communication, I attach a supplementary response to the above planning application from Breinton Parish Councillors.

The Breinton Neighbourhood Development Plan (NDP) will complete a second period of Regulation 16 consultations on Tuesday 19th April. At this point some weight can be attached to its proposed policies.

Breinton is a rural parish. The NDP's main housing policy (B1) proposes boundaries for both of the main hamlets – Breinton Common and Lower Breinton in the Parish and supports proportionate development within, or adjoining these defined rural settlements subject to certain criteria. This conforms to Core Strategy policy RA2. The rest of the Parish, including the application site, is therefore covered by Core Strategy policy RA3 which is supported by NDP policy B3 locally. The Parish council does not believe that this application is meets the criteria of policy RA3 or B3.

The exception to the defined settlements and open country covered by policies RA2/B1 and RA3/B3 respectively is King's Acre Road. The NDP has a separate policy (B2) covering Kings Acre Road and the area covered by this policy is also defined by a boundary. The application site lies outside this boundary.

The reason for separate policy is that Kings Acre Road is a finger of 'ribbon development' sitting within the open countryside defined by the policies mentioned above. Being 'ribbon development' the defined area is not identified as a settlement

under policy RA2/B1. However; there is a clear need for a policy to manage its future development which policy B2 seeks to do in a very sensitive way so as to retain the last few remaining gaps in the Kings Acre frontage; to retain brief glimpses of the countryside beyond; to limit any further westward expansion of ribbon development and any further southward encroachment onto open countryside that would not be sustainable.

In line with Core Strategy RA1, the NDP contains local evidence and documented environmental factors that will determine the appropriate scale of development in Breinton. Accordingly, NDP Policy B2 supports new housing development within the Kings Acre boundary but not beyond it. It should be noted that potential development sites do exist within this boundary and one has recently obtained approval for three houses. Furthermore, approval has already been given in the past for sites beyond the proposed boundary totalling 29 houses. Taking approvals, existing windfalls and projected future windfalls (at a rate that Herefordshire Council have confirmed is reasonable) together; Breinton is already 74% towards meeting the indicative housing growth target of 18% with 15 years of the Plan period remaining. Like this application, the bulk of the approvals are already along Kings Acre Road. It should be further noted however; that the 18% target is not just for Breinton but for the entire Hereford rural housing market area (HMA) and that Breinton is not designated as a main focus for proportional housing development in the HMA.

As described in Core Strategy policy RA2, Breinton's NDP was expected to 'allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets by indicating levels of suitable and available capacity'. This was done with a capacity study – one of the supporting documents published alongside the NDP. This examined all the known sites (from the Strategic Housing Land Availability Study (SHLAA) and the more recent Housing and Economic Land Availability Study (HELAA)) along with known smaller sites excluded by the two studies. The application site is not contained in either study, was not known and is thus excluded from the capacity study. The application is for a four bed house, as are many of the recent approvals, which do not meet the local needs for smaller accommodation as demonstrated by the current housing needs survey (February 2012) and perpetuates the current imbalance in the range of tenures, types and sizes of houses locally. (NDP Policy B5 refers).

In conclusion; the Parish Council does not believe that the relatively small economic benefit of the single additional house is sufficient to disregard the emerging NDP policies even if all the objections of local people and those contained in our previous letter were ignored.

5.2 12 Letters of objection/concern have been received:

The issues and concerns raised in these letters can be summarised as follows:

Highway safety and parking

- Very narrow single track dust lane that cannot cope with any other vehicles on it;
- Lane is only 3m in width at entrance to first house
- Poor visibility onto the main road in both directions;
- Problems with traffic speeds on Kings Acre Road;
- Vehicle have to wait on main road to wait for cars to exit the lane or reverse all the way back up;
- The improvements proposed won't improve matters as track is already full extent;
- Residents do park on the track due to limited number of car parking spaces at the dwellings. These improvements will remove these parking spaces;
- Proposal will remove turning area;

- Loss of the spaces will impact on residential amenity;
- Parking will be displaced to Four Acres or surrounding areas;
- Comments that agricultural / equestrian traffic could use land are misleading / untrue.
- No lighting or footways;
- Track not wide enough for a car and pedestrian / cyclist to pass at same time;
- Track in use 24 hours a day;
- Fatality around 30 years ago;
- Refuse Lorries cannot access without reversing in from Kings Acre Road;
- Land has been left fallow for about 20 years with no traffic movements associated with it.
- Traffic along lane has increased in recent years;
- Additional gas deliveries;
- How would construction traffic be managed?

Impact upon Amenity and character of the area

- Construction and proposed use will impact upon quiet serenity, general condition, access, security and peaceful living.
- Residents of Cherry Orchard will be affected negatively throughout the duration of the building and then with an increased volume of traffic and movement.
- Proposal will demonstrable harm the amenities enjoyed by neighbours;
- Large plot – could accommodate more, why not shown?
- Building of a dwelling in Cherry Orchard will destroy its character.
- Visual impact from property on Four Acres

Other matters

- Approval would be a contravention of Article 8 of the Human Rights Act;
- Previous planning permission on this plot refused;
- Concern about relationship of applicant to Elected ward Member;
- Land has Environmental value – wildlife. Bats habitat;
- Drainage issues – have had to ‘rod out’ over last three years;
- No permission has been given from the removal of hedge at Bramley House or Tara.

5.3 5 Letters of Support have been received:

The issues and concerns raised in these letters can be summarised as follows:

- Infill development; between two properties;
- Would tidy up the land;
- Planning permission recently granted on adjoining land;
- Utility services are readily available;
- Complies with Core Strategy Policies;
- Only concern being highways – careful attention needed.

5.4 The consultation responses can be viewed on the Council’s website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160741&search=160741>

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 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 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

The principle of development

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4 of the CS.

6.5 Despite relatively recent adoption of the CS, it is clear that the Housing Land Supply deficit persists. The Examination Inspector concluded that there was a marginal but realistic five-year housing land supply on the basis of the Core Strategy provisions. The supply was assessed at 5.24 years. Housing land supply has been further examined in recent Inquiries in the County in respect of appeals for proposed housing developments at Leintwardine, Ledbury and Bromyard. The Inspectors have concluded in relation to all of these appeals that the Council is unable to demonstrate a robust five-year supply of deliverable housing sites sufficient to meet its identified needs. This view was reached on an assessment of the amount of housing reasonably likely to be delivered on the strategic sites allocated in the Core Strategy. The Inspectors' conclusions as to the lack of a robust five-year housing land supply have also been accepted by the Council for the purposes of the most recent Public Inquiry at Bartestree (143771, May 2016) where it was agreed with the appellants that the supply stood at 3.63 years; this figure taking into account the contribution to supply arising from the allowed appeals at Leintwardine and Ledbury.

6.6 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in recent case law, Suffolk Coast / Hopkins Homes.

6.7 Core Strategy policy SS2, Delivering new homes, makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and

affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns, with a distribution of a minimum 5,300 homes (32%) to rural settlements. Here, new housing development will be acceptable where it helps to meet housing needs and requirements, support the rural economy, local services and facilities, and is responsive to community needs.

- 6.8 Policy SS3, Ensuring sufficient housing land delivery, sets out a range of measures to be undertaken should a material shortfall in the rate of housing delivery be identified through the annual monitoring process. The policy addresses the relationship between the delivery of strategic housing sites and key elements of infrastructure.
- 6.9 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. Breinton lies within the rural part of the Hereford HMA, which is tasked with an indicative housing growth target of 18% (1870 dwellings).
- 6.10 The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Inspector's Report on the Core Strategy Examination makes clear that a flexible and responsive approach is necessary to deliver the level of development sought, whilst recognising and respecting the rural landscape. The Modification proposed, and now incorporated within the adopted Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites.
- 6.11 RA2, Housing in settlements outside Hereford and the market towns, identifies the rural settlements which are to be the main focus of proportionate housing development in the rural areas (fig. 4.14) and other settlements where proportionate housing is considered appropriate (Fig. 4.15). In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Policy RA2 seeks to support housing growth in or adjacent to these settlements and confirms that the indicative targets established in policy RA1 will be used to inform the level of development in the identified settlements. The expectation of this policy is that NDPs will define appropriate settlement boundaries or reasonable alternatives or will allocate land for new housing or otherwise demonstrate delivery by indicating levels of suitable and available capacity.
- 6.12 The dwellings that lie in the vicinity of the application site lie within the Parish of Breinton, and within its designated Neighbourhood Area. The Neighbourhood Development Plan describes Breinton: *The parish is not conventional in the sense that it neither has one larger village nor a distinct centre. The parish is very rural and consists of a series of dispersed hamlets: including Lower Breinton, Breinton Common, Cranstone and Warham, as well as significant ribbon development, backing on to open fields, along the south side of the A438 - Kings Acre Road.*
- 6.13 Breinton NDP acknowledges in its objectives, the need to promote a level of housing growth to meet the indicative housing target for Herefordshire that is proportionate to the size of Breinton parish and its settlements so that the parish retains its essentially rural character. The Breinton NDP is currently at examination stage, therefore material weight can be attributed to the plan.
- 6.14 The Neighbourhood Plan does not allocate sites for housing but does identify settlement boundaries with criteria policies (B1 and B2). There is a current shortfall of 19 dwellings from the proportional growth requirement and it has been recommended (through the Reg 16 consultation) that additional wording is added to clarify the reasoning (i.e. the route of the relief road is still to be determined and the proximity of the Three Elms urban extension which may cater for the housing needs of the Kings Acre Road).

- 6.15 However, paragraph 216 of the NPPF highlights that the extent to which there are unresolved objections to relevant policies should also be taken into account. There are unresolved objections to the Breinton NDP with regards to the settlement boundary and policy for the Kings Acre Road Area and consistency with that of the rural settlements (B1 and B2). These surround the use of the term 'within' the settlement boundary for Kings Acre Road but 'within and adjacent' for the rural settlements. It should be noted that there is also a level of support for the policies as written. However, it is anticipated that this will be a matter for the examination which commenced the 27 June. Having regard to this, it is officer's opinion that only limited weight could be attributed to policies B1 and B2 in the decision making process and that refusal of an application on the grounds that the site lies outside of the settlement boundary defined by these policies could not be upheld at this time.
- 6.16 It is, however, considered that some weight could be attributed to the NDP in that the 'Kings Acre' area has been defined as a built up area of the Parish. As such the aims of policy RA2 in that new development should *be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement*'. The site clearly lies adjacent to this built up area of Kings Acre, and would support housing growth in accordance with the requirements of policies RA1 and RA2 of the Core Strategy and key objectives of the Breinton Neighbourhood Development Plan (February 2016 submission) in the delivery of housing. These, in turn are consistent with the aims of the NPPF and as such, can be given significant weight in the decision making process.

Impact upon the character of the area

- 6.17 Kings Acre is often described as being linear ribbon development but is interspersed with cul-de-sacs and historic developments that emerge southwards such as those on Cherry Orchard, Yew Tree Gardens and Four Acres. The proposal, whilst in outline, would extend the development along Cherry Orchard to its east side. It is therefore considered that this site is well related to the built form of the surrounding area and with sensitive landscaping and design could be integrated, as organic growth, into the surrounding area in accordance with the requirements of the relevant Core Strategy Policies.
- 6.18 The application is outline only with all matters except for access reserved. Whilst an indicative plan has been submitted with the application, the layout, scale, appearance and landscaping would form part of a Reserved Matters application and this application seeks to establish the principle of development. There are no significant concerns about impact upon amenity relating to its relationship with neighbouring properties and the sensitive landscaping could address the subdivision of the field to provide the proposed application site.

Drainage and water consumption

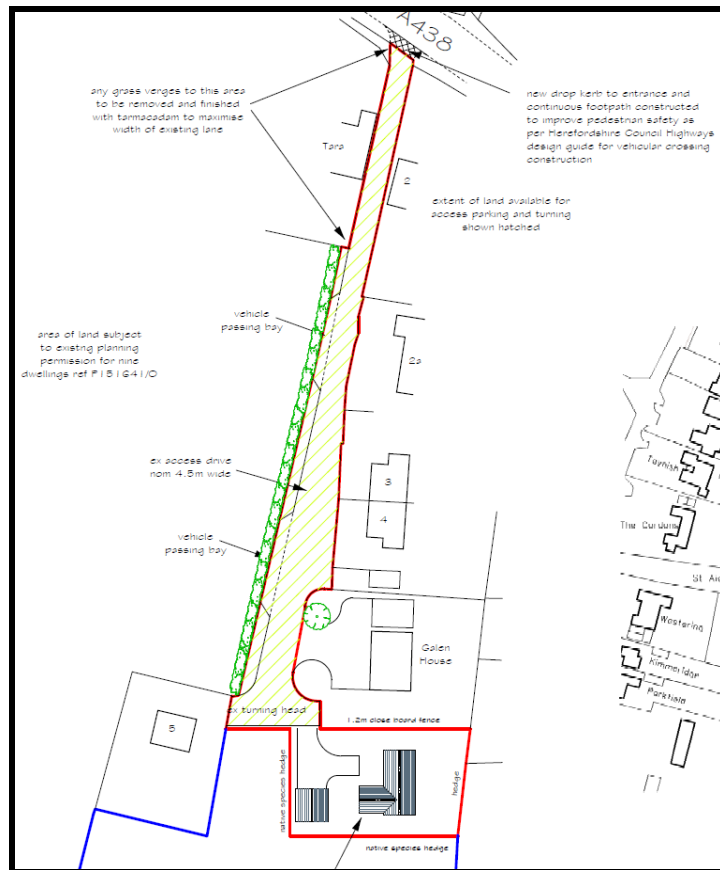
- 6.19 In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval.
- 6.20 The comments of a number of representations about drainage capacity are noted but the Statutory Consultee, Welsh Water, have raised no objection to the proposed development.

Surface water drainage plans would also need to be supplied and considered and a condition is recommended. As such, the requirements of policy SD4 in respect of Foul Sewerage can be met.

- 6.21 Officers are satisfied, that whilst this application is in Outline form only at this stage, this is a small scale development that can, through careful design and consideration, be assimilated successfully into the locality, whilst providing a relatively modest, but important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

Access and Highway Safety

- 6.22 Policy MT1 of the CS requires that developments do not affect the free flow of the local network and that they achieve safe entrance and exit along with operational space and parking. The key concern and matter arising from the proposed development is the access to the site along Cherry Orchard, whether this, and the access onto the adopted highway (Kings Acre Road) is capable of accommodating the additional dwelling.
- 6.23 Access to the site is via the unmade land known as Cherry Orchard. The access is in private ownership and serves six existing properties. The access is single width, located between properties Tara to the west and 2 Cherry Orchard to the East that are both accessed from Kings Acre Road. The boundary to the west is a close board fence that extends approx. 37m along the residential boundary, before changing to native hedgerow along the field boundary (site recently obtained planning permission for 9 dwellings – 151641). The boundary to the east is a mature hedgerow along the residential boundary before reaching the first dwelling accessed of Cherry Orchard itself, here the track widens informally with the single track element extending approximately 47m from Kings Acre Road.
- 6.24 Amended plans were submitted to address the issues and queries raised by the Transportation Manager. The amended plans included the provision of a new drop kerb to the entrance and construction of a continuous footway across the frontage to improve pedestrian safety. Moving towards the site, the proposals include the removal of the grass verges and laying of tarmacadam in first single width section to maximise the width of the existing lane. Beyond this the proposals include the creation of two vehicle passing bays within the grass verge to the west of the Cherry Orchard. The hedge to the west that forms the boundary with the field would be retained. The turning head at the end of the lane would be retained. Access to the site itself is off of this turning head and parking for the dwelling would be provided within its curtilage. The access lane would be re-surfaced in its entirety with appropriate drainage provided (details of this would be controlled via conditions as suggested).
- 6.25 An extract of the plans are provided below with the area hatched in yellow being the extent of land available for the improvements to be made.



6.26 The Transportation Manager has considered the amended plans and has advised that one additional dwelling in combination with the improvements proposed would satisfy the requirements of policy MT1 of the CS by achieving safe entrance and exit (including improvements to footway crossing and definition of the access) and the appropriate operational and manoeuvring space. The intensification of the use is considered to be minimal and the local highway network could absorb the traffic impacts of the development without adversely affecting safe and efficient flow of traffic on the network. With reference to paragraph 32 of the NPPF the residual cumulative impacts of development cannot be considered to be severe and as such refusal could not be directed.

6.27 The concerns of the local residents are noted, however many of the issues raised are existing problems that will not be made significantly worse with the introduction of one dwelling. The improvements proposed will benefit all of the users of the lane. No 'informal' car parking will be lost as the hard surface area will actually be increased to help manoeuvring in the lane and sufficient parking can be provided within the curtilage of the new dwelling to prevent indiscriminate parking in the area. Refuse lorries will already be serving the dwellings and as such no additional trips will be necessary. The widening and improvements proposed, whilst not providing sufficient space for two-way traffic along its length should improve the space to manoeuvre and pass the larger vehicles.

Amenity

6.28 Representations also suggest that the new dwelling and its associated use would adversely impact upon amenities currently enjoyed by local residents. However, given the small scale and nature of the development, impact would be minimal and could not be considered a reason for refusal. Whilst design and siting of the dwelling have not been provided, officers are satisfied that a dwelling could be accommodated without detrimental impact upon residential amenity.

- 6.29 Noting the concerns in relation to construction phases, conditions are proposed in respect of hours of working and the management of construction phases in terms of traffic movements, parking and deliveries.
- 6.30 Having regard to the above, the proposals would comply with the requirements of policy SD1 of the CS and with guidance contained within the NPPF that seeks to protect the amenities of existing and proposed residents.

Ecology

- 6.31 The application is supported by an ecological report that has been considered by the Councils Service Manager Built and Natural Environment and would, with the appropriate conditions ensure compliance with the requirements of policy LD2 of the Core Strategy and guidance contained within the National Planning Policy Framework.

Conclusions and Planning Balance

- 6.32 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing supply policies (in this instance SS2 and SS3) of the Core Strategy are therefore considered to be out of date. The remaining Core Strategy policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. As detailed above, Policy RA2 of the Core Strategy and the emerging Breinton NDP positively seeks growth consistent with the aims of the NPPF to encourage growth in sustainable locations and can be attributed significant weight. This proposal would support this objective and is considered to accord with the requirements of policy RA2. As discussed above, the site would lie outside of the settlement boundary defined by policy B1 of the emerging Breinton NDP but due to the extent of the unresolved objections to the NDP with regards to the settlement boundary and policy for the Kings Acre Road Area and consistency with that of the rural settlements (B1 and B2) only limited weight can be attributed to this policy at this time. A refusal on this ground, at this time, could not be sustained.
- 6.33 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles. Policy SS1 of the Core Strategy acknowledges this and mirrors the guidance at paragraph 14 of the National Planning Policy Framework. When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged.
- 6.34 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role and should be attributed significant weight. In providing a greater supply of housing and breadth of choice the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.35 Technical matters in respect of drainage have been considered and are found to be acceptable and in accordance with the requirements of the relevant policies of the Core Strategy. The key concerns locally relating to highways capacity (and construction phases) have also been considered carefully, and whilst acknowledging the constraints and concerns, the application has successfully demonstrated that the additional traffic can be accommodated within the local and strategic highway network in accordance with policy MT1 of the Core Strategy and in accordance with the requirements of paragraph 32 of the National Planning Policy Framework. Conditions are recommended to address and manage the construction phase of development.
- 6.36 Officers conclude that the proposed development accords with the relevant policies of the Core Strategy and that there are no adverse impacts of granting planning permission that would

significantly or demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions detailed below.

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. C06 - Approved Plans**
- 5. C01 - Samples of external materials**
- 6. G11 - Landscaping scheme - implementation**
- 7. Prior to the commencement of development, engineering details and plans (including drainage arrangements) for the proposed improvements to the access from the A438 to the application site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved plans and details and shall be completed prior to the first occupation of the dwelling hereby permitted.**

Reason: To ensure that an adequate and acceptable means of access is available before the dwelling is occupied and to provide improvements in the interests of highway safety having regard to the requirements of Policy MT1 of the Herefordshire Local Plan - Core Strategy.

- 8. H27 - Parking for site operatives**
- 9. H29 - Secure covered cycle parking provision**
- 10. I16 - Restriction of hours during construction**
- 11. H13 - Access, turning area and parking**
- 12. M17 - Water Efficiency - Residential**
- 13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

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. **HN22 Works adjoining highway**

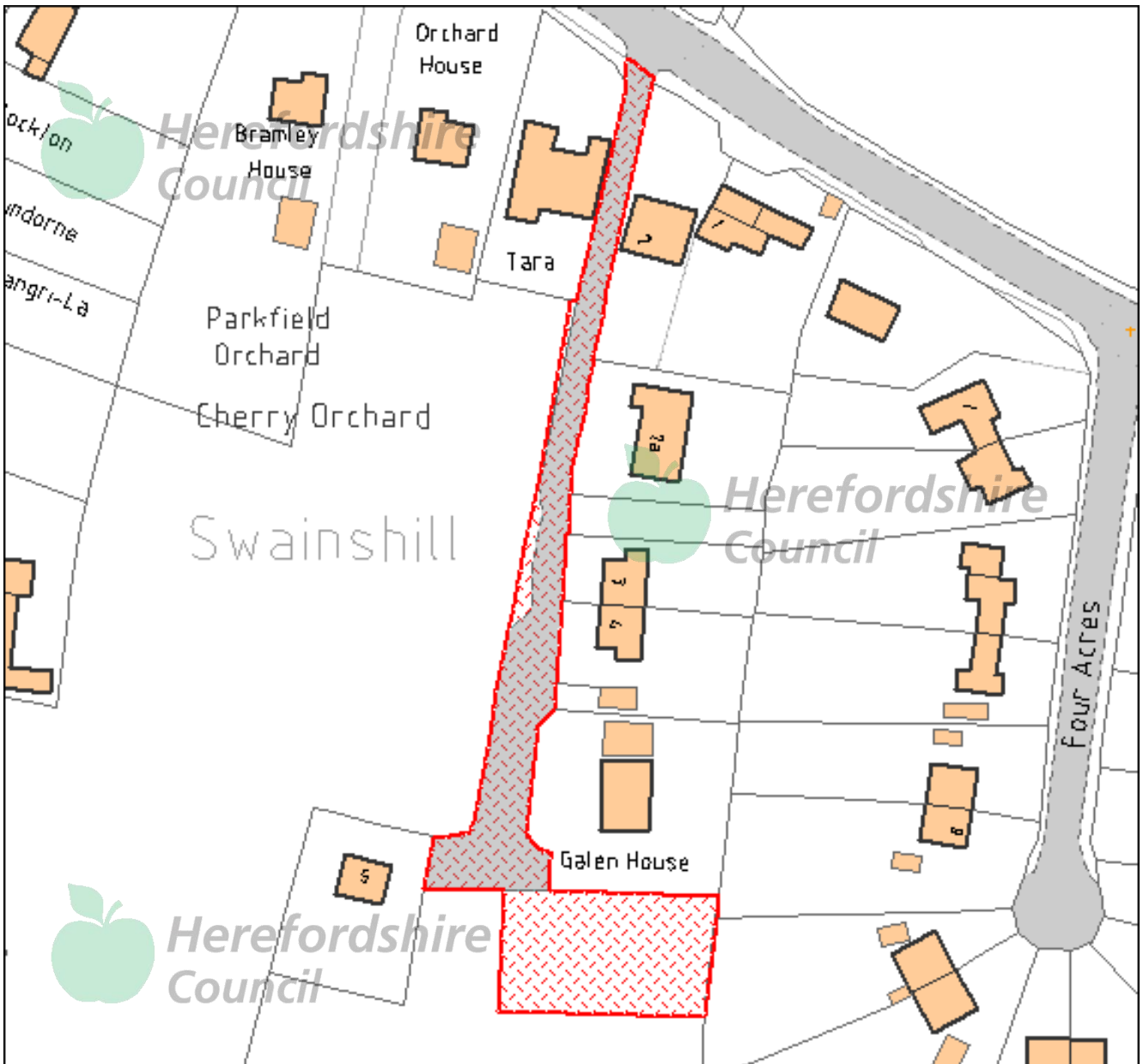
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160741

SITE ADDRESS : LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG

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