

MEETING:	PLANNING COMMITTEE
DATE:	22 FEBRUARY 2017
TITLE OF REPORT:	162824 - SITE FOR THE PROPOSED ERECTION OF 5 DWELLINGS AT LAND AT BALANCE FARM, EYWOOD LANE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RU For: Mrs Vaughan per Mr Alan Poole, Green Cottage, Brierley, Leominster, Herefordshire HR6 0NT
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162824&search=162824
Reason Application submitted to Committee – Re-direction	

Date Received: 6 September 2016

Ward: Arrow

Grid Ref: 332863,259749

Expiry Date: 3 November 2016

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 This outline application, with all matters reserved, relates to a site of approximately 0.24 hectares that is part of a larger concreted farmyard area. The adjoining part of the site upon which sits a large modern agricultural building, was recently the subject of a similar successful application for the erection of five 4 bed houses (160581). This application proposes three 3 bed houses and two 2 bed houses.
- 1.2 The site is accessed via the u/c 91602 road to the west of its junction with the main B4355 road through the village.
- 1.3 The site has a common boundary with a range of converted barns to the south east, and a tree-lined hedge along the north and north east boundary. The western boundary adjoins the previous application site. Close to the entrance to the site lies Balance Farm a grade II listed building. The boundary of Eywood Park a grade II Historic Park and Garden lies close by to the west.
- 1.4 Titley Pool Site of Special Scientific Interest (SSSI) lies just approximately 200m to the south west of the site.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape

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

- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- RA2 - Housing Settlements Outside Hereford and the Market Towns

2.2 National Planning Policy Framework (NPPF)

Chapter 1: Building a strong, competitive economy
 Chapter 6: Delivering a Wide Choice of High Quality Homes
 Chapter 7: Requiring Good Design
 Chapter 11: Conserving and Enhancing the natural environment
 Chapter 12: Conserving and enhancing the historic environment
 Paragraph 14 (presumption in favour of sustainable development)
 Paragraph 49 (5 Year Housing Land Supply)
 Paragraph 55 (New Housing in the Countryside)

2.3 Titley Group Neighbourhood Development Plan area was designated 14 July 2016. Regulation 14 stage has not been reached and therefore whilst a material consideration it has no weight in the decision making process.

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 Ref DCNW2007/3778 secure storage of caravans - refused 31/1/08 on grounds of landscape impact, unsustainable location and highway safety.

3.2 Ref 160581 - Five 4 bed dwellings on adjoining site outline permission - approved 27/7/16

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - no objection subject to condition.

4.2 Hereford and Worcester Gardens Trust:

The HWGTrust wrote about this application last October. Clearly, we were very disappointed that outline permission was granted for 5 dwellings, even though they were tied for agricultural use. We now understand that the tie is to be removed and furthermore, additional dwellings are in the pipeline for an adjacent area, based upon an incredible Rural Housing Assessment (HLAA/153/002). This will create a new settlement on the edge of a Registered Grade II park, which is regarded as landscape created by 'Capability' Brown. In this year, when we are celebrating the 400th anniversary of his birth, this is an amazing piece of desecration and would not be countenanced by any responsible planning authority.

4.3 Albeit the development is just outside the boundary of the Registered Park, it would undoubtedly have an impact upon its setting. The character of the landscape close to the East Lodge (itself a building, which deserves listing) has already been damaged by miscellaneous and often, informal development and virtually all the tree cover in this corner of the park – visible of the 1890 6" OS plan – has been removed, together with many of the trees in a traditional orchard. Moreover the east drive at Eywood has the sinewy character of drives designed by

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'Capability' Brown and as it rises up to the lodge, the new housing will be clearly visible to anyone using this approach. Moreover, the site for the housing is only a few hundred yards from Titley Court, where there is another listed building attached to an acknowledged but unregistered park (*A Survey of the Historic Parks and Gardens of Herefordshire* (2001), 379).

- 4.4 The applicants provide little assessment of the local impact of their development, which will be sited conspicuously on rising ground and is a blatant example of housing in the countryside, outside the settlement of Titley, which lies to the NE in a secluded valley around the church and school. This contravenes UDP section A7.

The Hereford and Worcester Gardens Trust urge the Council to dismiss this application.

Internal Council Consultations

- 4.5 Ecologist - No objection subject to conditions.
- 4.6 Transportation Manager – has requested a traffic speed survey to measure speeds on the B4355 to assess the adequacy of the visibility at the junction of the u/c 91602. In the absence of this survey, and consequently information to the contrary, it is considered that the increase in traffic arising from the development at the junction would be detrimental to the interests of highway safety.

As a consequence he recommends refusal as follows: the required visibility splays cannot be achieved at the current design speed of 60mph at the access as well as onto the B4355 road. Visibility required at the access according to Manual For Streets requires 2.4 x 63m this is not achievable in both directions nor within total ownership of the applicant. Consequently the proposal is considered to be detrimental to the interests of highway safety, contrary to policy MT1 of the Herefordshire Local Plan - Core strategy.

- 4.7 Conservation Manager (Historic Buildings) - The site to the east of the gate piers and lodge can be viewed as within the settlement boundary and therefore potentially suitable for development. Its position is set down below the roadside, is well screened and adjacent to barns which have already been converted for residential use. In this location I do not consider that further development would necessarily have a detrimental impact on the character of the village or on the nearby listed dwelling, Balance Farm.

5. **Representations**

- 5.1 Titley Parish Council - commented on three occasions:

1 November 2016

We would also like to comment on the way the two sets of applications have been engineered to avoid any contributions to the local infrastructure or the development of a proportion of affordable homes. These are two things that would diminish the impact of the proposal, yet the applicant has sought to avoid them by applying separately for two lots of five houses on the same site. This is making a mockery of the planning system and fools of us all.

Regarding the maintenance of the agricultural access to the North of the site, we would consider that there is no agricultural necessity for this as the fields can be accessed elsewhere from the public road system. Should the proposals be passed, it would not be advisable to encourage farm traffic through a housing estate.

Finally we would ask that this application be determined by Planning Committee rather than by the officers with delegated powers. The primary reason being the large level of opposition within

the community, but also the judgement by this Parish Council that the first application for four bedroom dwellings should not have been approved.

13 October 2016

5.2 The Titley Group Parish council held a extraordinary meeting to discuss Planning Application 162824 - Land at Balance Farm - Proposed erection of five 2/3 bedroom dwellings. Part of the meeting included a public session to which residents of Titley, the applicant and agent and Ward Councillor were invited. The following comments were made:

- The number of residents present at the meeting represents a considerable proportion of the overall population of Titley and so reflects the high level of concern the developments at the Balance are producing. The overwhelming views expressing a strong objection to the application.
- In considering this application in practical terms it is impossible to ignore the previous application for five four bedroom houses at the same site approved at the end of July 2016.
- The Parish Council have previously written expressing their dissatisfaction with this approval. At the meeting the Parish Council were made aware of the Herefordshire Strategic Housing Assessment of land with housing potential within Titley. The land highlighted included part of the historic parkland of Eywood, the listed Balance Farm House, the existing Barn Conversions, an arable field as well as the yard proposed for development. The potential housing capacity for this area was 20 with the whole site being described as 'brownfield'. Although we appreciate that the assessment is really to inform planning policy and not determine applications, the potential for this land for development is hugely overstated when large areas of it are quite obviously unsuitable for it. As the Parish Council had at no point been consulted on this assessment we are concerned with the propagation of this potentially misleading and alarming information. Why hadn't only the farm yard relating to the proposal been highlighted in the assessment?
- Titley is a village of less than 100 houses. Many of these in isolated parts of the parish with only approximately 50 per cent forming the centre of the village. This proposal in conjunction with the previously approved 5 four bedroom homes on the same site, would constitute the required proportionate growth for the next 15 years (in addition to this we have a 4 dwelling barn conversion at Titley Court about to start building). The Parish Council would consider that the effective development of a single 10 house estate within the village totally inappropriate and unsustainable. We do not feel that such a large proposal relative to the size of Titley would strengthen the community but would in all likelihood place too much stress on the already beleaguered services (by this we mean bus, GP and hospital, social care etc) and lead to fracturing rather than enhancement of the village. We are therefore unable to support this application.
- Titley Group Parish Council are in the early stages of developing a Neighbourhood Plan. We are certain that during the process of consultation with the community and from the views expressed at the public meeting, that a single 10 house estate at the Balance would not have been the preferred option to achieve our proportionate growth as an RA2 village. Although the proposed site would almost certainly be included the increase in scale of the proposal will reduce our ability in the future to apportion development for real local need.

4 October 2016

5.3 The Councillors discussed the residents views on this planning application for 5 houses, made up of three 3 bedroom houses and a semi detached property of two 2 bedroom houses. The Councillors were not satisfied with the planners decision on the application number 160581. The main objection is that the whole development is too big and would put too much stress on local

infrastructure and also the wider area. The development is out of proportion to the rest of the village. The Councillors agreed that the application should go to the planning committee for a decision.

- a. Chairman to write a comment on this application for Herefordshire Council Planning.
- b. Review of road works undertaken on roads B4355 and 91607

5.4 The Councillors discussed the road conditions following patching and resurfacing on the B4355 between Titley and Presteigne and the 91607 roads. The Councillors all agreed that there still remains large areas of poor road condition and not all the works had been carried out. The following locations were discussed:

- Clerk to discuss with Lara Edwards, Locality Stewart for Balfour Beatty at a meeting on 14 October 2016.
- B4355 – Going out of Titley between Burcher Court and 91607 junction going towards Presteigne. Road surface needs replacing especially road edges.
- 91607 - Broadford and for approximately 300m in an easterly direction from Stockley Cross west before you reach the tight bends.
- Road edge west of the above tight bends

5.5 We would further like to reiterate our concerns about the junction of Eywood Lane and the B4355 where all the traffic from the proposal would join the highway system. There is very poor visibility in the Kington direction and in icy conditions, because of the slope of the road, stopping can be difficult. It is the general feeling within the community, that 'it is an accident waiting to happen'.

5.6 With regard to the proposals impact on both foul and storm water drainage. The public sewerage system in Titley installed by Welsh Water, to which the development intends to connect, does not currently work. The sewerage plant has to be emptied twice a day by large tankers. This is far from an ideal situation and we would not like to see an increase in the burden on the system without first finding a remedy. During a recent heavy storm, flooding near the war memorial left large amounts of mud and water on the road and adjacent properties. This culvert is fed by the ditch into which the development proposes to drain. We feel that the faster water response time for the developed site will make this flooding problem worse and, again, a solution to this should be found before proceeding.

5.7 32 objections have been received from local residents, summarised as follows:

- Piecemeal approach, avoiding financial contributions.
- Not a sustainable location, the report on the previously approved site did not demonstrate that it was.
- 5 year housing land supply cannot justify bad decision making.
- Unbalance the settlement.
- Need affordable housing for young people and their families.
- Out of proportion with the size of the village of around 80/90 dwellings, this would be a 12-15% increase.
- Not justified on historical, aesthetic or ecological grounds.
- Spoil view from Balance barns to Eywood park grade II historic park (Capability Brown).

- Dangerous junction onto B4355.
- 3- 3 bed and 2 -2 bed houses attempt to offset previous 5-4 bed houses.
- Inadequate sewage system which has to be pumped out to tankers several times a week.
- Development not spread over 2011-2031 period.
- No amenities in village, Titley should not be an RA2 settlement.
- Impact on Titley Pool Nature Reserve/SSSI.
- Loss of view and privacy.
- Light pollution.
- Shlaa ref HLAA/153/02 application goes against that advice.
- Setting of Grade II listed buildings at balance farm.
- Should be detailed application not outline.

5.8 The request to carry out the speed survey has been declined.

5.9 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=162824&search=162824>

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 comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, 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. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

6.3 Having regard to the above, I consider the main issues are as follows:-

- Highway safety

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

- Ecology
- Historic heritage

- 6.4 The visibility for traffic joining the B4355 from the lane u/c 91602, is restricted in the direction of traffic approaching from the west (Kington direction). The Transportation Manager has requested a speed survey, which has been declined. In the absence of information that may have indicated to the contrary, the increase in traffic is considered to be detrimental to the interests of highway safety for the reasons set out at section 4.6.
- 6.5 The Ecologist has no objection subject to conditions.
- 6.6 The Conservation Manager does not consider that the redevelopment of the site will necessarily have a detrimental impact on the setting of the converted barns as Balance Farm. This is an outline application and as the statement in SHLAA/153/002 is a site with 'medium suitability' recognising there is scope for a sensitively designed scheme. This statement relates not just to the area of the site but includes adjoining fields to the west and north.
- 6.7 Titley is an RA2 settlement within the Kington housing area, where the indicative growth target is 12%. The number of dwellings within the parish group which includes Staunton-on-Arrow is 191, giving a minimum target of 23. During the period 2011- April 2015 four dwellings were complete with one other commitment. Five houses were approved in July, leaving a further 14 to reach the minimum target.
- 6.8 It is considered that this is a sustainable site, with a suitable mix of house sizes. The design considerations are to be addressed at reserved matters stage, but it is clear that given the setting proper consideration and justification in the design and access statement will need to be given to this aspect.
- 6.9 Amongst objections raised were the question of sewage capacity, Welsh Water have raised no objection and splitting the scheme to avoid S106 contributions. This scheme and the previously approved five, still do not breach the threshold of 11 for such contributions. The consideration of Titley as a sustainable location has already been considered as part of the Core Strategy process.
- 6.10 It therefore remains to be considered whether the presumption in favour of sustainable development is outweighed by other material considerations. On this occasion it is considered that the highway safety concerns do outweigh that presumption and the application is recommended for refusal.

RECOMMENDATION

That Outline planning permission be refused for the following reasons

1. **The required visibility splays cannot be achieved at the current design speed of 60mph at the access as well as onto the B4355 road. Visibility required at the access according to Manual For Streets requires 2.4 x 63m this is not achievable in both directions nor within total ownership of the applicant. Consequently the proposal is considered to be detrimental to the interests of highway safety, contrary to policy MT1 of the Herefordshire Local Plan - Core strategy.**

Informative

- 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 by identifying matters of concern with the proposal and discussing those**

with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

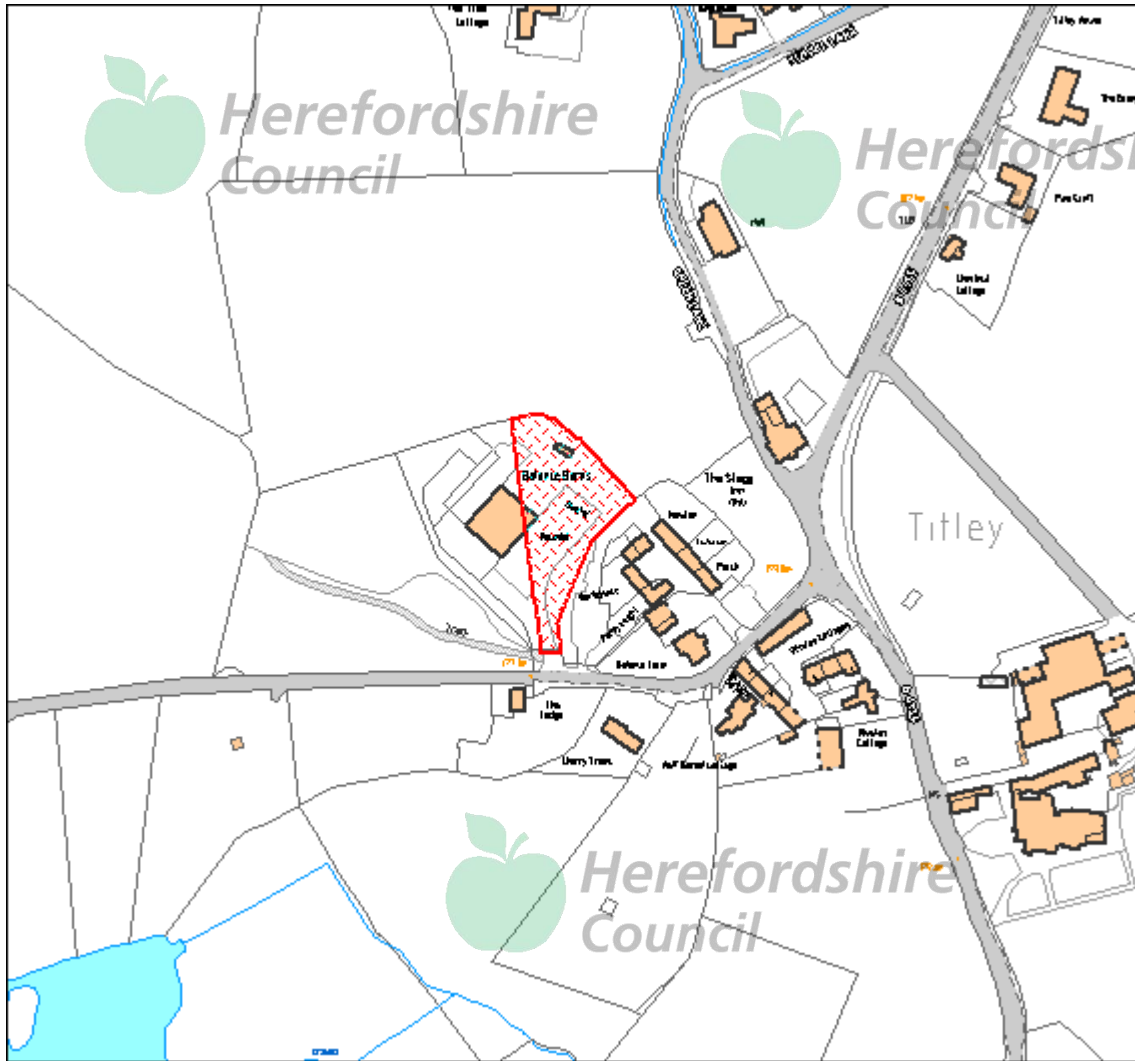
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162824

SITE ADDRESS : LAND AT BALANCE FARM, EYWOOD LANE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RU

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