

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 181462

Field Opposite the Parish Hall, Leysters Pole, Leominster, Herefordshire,

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**CASE OFFICER: Mr Andrew Prior**

**DATE OF SITE VISIT: 3 May 2018 and subsequently**

**Relevant Development** Herefordshire local Plan –Core Strategy :SD1, SS1, SS4,  
**Plan Policies:** RA1, RA2, MT1, LD1

**NDP made on 20 April 2018 : Policies ML1, ML2, ML3,  
ML4(Housing allocations), ML5,ML8,ML11,ML14(Transport),  
ML18**

**NPPF (2018)**

**Relevant Site History: None identified**

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	YY		Y	Y	
Transportation	Y		Y	Y	
Site Notice	Y			Y(1)	Y(1)
Local Member	Y		Y		

### PLANNING OFFICER'S APPRAISAL:

#### Site description and proposal:

The proposal site is on the southern side of the A4112 road at Leysters opposite the village hall and a two-storey dwelling and between a line of single depth dwellings to the north-east and cross roads to the west . This 0.49 hectares site is allocated within the NDP which was adopted in April this year

The site is an arbitrary area of featureless land with no trees or roadside hedge. There is a drop to on the western boundary to the southbound unclassified road and a bus shelter on a triangular area of land formed at the crossroads .

This detailed application is for 5 dwellings of varying design and size. Plots 1,3 and 4 will be boarded three bedroom dwellings with integral garages ; the remaining two plots will comprise 4 bedroom properties finished in brick under unspecified tiled roofs. Each will have a 2 bay garage. There will be one entrance onto the A4112 road, access being provided such that a service road serves the 5 detached dwellings.

Details for 315 metres of drainage are detailed on a submitted site plan has been provided for the package treatment plant serving the residential site.

#### Representations:

**Parish Council** initially advised as follows :

‘The Parish Council has considered the proposed new development containing five houses and would be happy to recommend approval.

There are however concerns about the visibility of the proposed new access road. The Parish Council would like to stipulate that there are no trees or other foliage planted that would reduce visibility for vehicles turning in and out of the development. In addition, it was felt important that the entrance splay should be wide enough to accommodate two vehicles at a time thereby ensuring that vehicles turning in do not have to wait too long on the A4112 if there is a vehicle emerging.

A policy of the Neighbourhood Plan provided for parking facilities for the Parish Hall and this is referred to in the Design and Access Statement (Use) of this planning application and in the site plan. The Parish Council would not like to see any amendments to the application that would affect the provision of this facility and in addition asks that the Planning Department is mindful that a future application for a second access to the parking area is probable. Good visibility will thus be paramount.’

**Parish Council** recommend following receipt of revised access arrangements as follows :

Parish councillors have studied the new plans and, whilst keen to facilitate approval for the new housing development, have a couple of reservations. The new entrance does not appear to be wide enough to allow for vehicles to enter and exit the development at the same time. Stationary vehicles on this busy road could be dangerous. Secondly the new proposed entrance is now in close proximity to the existing village hall car parking on the opposite side of the road. This car parking is regularly used with vehicles joining and leaving the A4112 and might be a concern. In line with the Neighbourhood Plan the Parish council is seeking a review of the current speed limit on the A4112, a possible reduction of the speed limit might improve the safety of the access points.

**Traffic Manager** initially objected to access details submitted providing 120 metres in each direction. However, following receipt of a revised access position further to the east and speed survey details, the Traffic Manager recommends conditional support

**Two letters of representation** received noting percolation test on limit-site often has surface water, also why not bungalow on plot1

**Ward Member** raises no objections

Pre-application discussion:

None

Constraints:

None

Appraisal:

Policy context and Principle of Development

Section 38 (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.”*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Middleton-on-the-Hill and Leysters Area, which was made on 20 April 2018. This is an allocated site (Policy ML4) within this document.

Therefore, for the purposes of determination of this application the development plan comprises the Core Strategy and the made NDP.

The main issues relate to the form of development proposed, mix of housing types, means of access and drainage.

**Highways**

This is a matter that has protracted determination of this application given the need to provide a safe means of access off the A4112. The visibility splays initially provided were not feasible particularly as they included third party land. This has been addressed by the submission of revised plans that re-position the access point in order to optimise the visibility achievable. Whilst, the Parish Council has raised concerns about the siting opposite the village hall, it is considered on balance that this revised means of access is the optimum one as confirmed by the Traffic Manager on re-consultation. This A4112 can absorb the additional traffic and therefore the means of access accords with Policy MT1 in the Core Strategy and ML14 in the adopted NDP.

The proposal will also facilitate the possibility of providing additional parking for the village hall , as set out in policy ML18 in the NDP with the gap left to the east of the proposed development

## **Drainage**

This has been raised in representations it is though considered that there is capacity for foul drainage on the site . This can be addressed also by the imposition of a condition requiring details for surface water drainage and accordingly this proposal can accord with the provisions of policy SS4 of Core Strategy.

## Planning balance & conclusion

The LPA cannot demonstrate a 5 year supply of housing land with requisite buffer. Accordingly paragraph 49 of the NPPF applies.

The scheme would provide dwellings in the context of an undersupply with the district and this is a factor to which significant weight should be attributed. In this instance the LPA considers that policies relevant to the supply of housing within the CS retain significant weight. This is on the basis that the spatial strategy envisages that each Neighbourhood Plan Area will demonstrate the ability through an NDP to meet the indicative minimum growth target for the parish. In this instance there is an adopted NDP and indeed this site is an allocated one.

This proposal site constitutes an appropriate site in this settlement identified for future growth in policy RA2 of the Core Strategy and Policy ML4 of the NDP. The impact of the development will be mitigated by more planting particularly along the A4112... This will ameliorate the impact and therefore, the proposal will accord with policies SD1, LD1, SS6 and LD4 of Core Strategy.

The Parish Council has raised issues relating to the position of the access point, in order to achieve the optimum visibility and width of road. However, this is a basic requirement for this development and it is not considered that there will not be inherent conflict with village hall traffic. The drainage arrangements will be the subject of building regulations approval and therefore given the potential land still available it is not considered that these create grounds for resisting development. The dwelling types are raised in one representation received. It is though considered that that a three bedroom dwelling of modest proportion, on plot 1, in a settlement dominated by a variety of two-storey dwellings is satisfactory for what is an allocated site in the NDP.

The development will be subject to conditions controlling finishes respect the local character of single depth development along both sides of the A4112 and therefore the proposal accords with policies ML8 and ML11 in the adopted NDP.

Placing these conclusions into the overall planning balance (which of course requires the adverse impacts to significantly and demonstrably outweigh the benefits arising) officers are of the view that the proposal is acceptable.

Given that the authority does not have a 5 year housing supply of deliverable sites, and therefore paragraph 49 of the NPPF advises that the presumption in favour of sustainable development should be applied.

Overall, the benefits of granting permission would significantly and demonstrably outweigh any marginal adverse impacts. The proposal is considered to be compliant with the development plan and the NPPF (2018) and represents a sustainable form of development. Therefore, this site given its relationship to an identified settlement can be supported subject to conditions set out below.

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**

*(please note any variations to standard conditions)*

1. C01
2. C06 (drawing nos.2009-1, 2009-2 Rev.A, 2009-3, 2009-4, 2009-5, 2009-6, 2009-7, 2009-9, 2009-10 Rev.A)
3. C13
4. C88
5. C96
6. C97
7. CAB 2.4 metres a distance of 100 metres to the west and 120 metres to the east along the nearside edge.....
8. CAG
9. CAJ
10. CAT
11. CAZ
12. CBL
13. CBZ
14. CBP
15. CCB
16. CCP
17. CBK

## **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. 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

AP

Signed: ..... Dated: .....

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed: AB ..... Dated: 28/11/18