



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 JULY 2015</b>
<b>TITLE OF REPORT:</b>	<b>143420 - PROPOSED 3 NO. NEW DWELLINGS AT LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE</b>  <b>For: Mr &amp; Mrs Barnes per Mr Nigel Teale, Bramble Farm, Naunton, Upton Upon Severn, Worcestershire, WR8 0PZ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143420&amp;search=143420">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143420&amp;search=143420</a>
<b>Reason Application submitted to Committee – Contrary to Policy</b>	

**Date Received: 14 November 2014    Ward: Three Crosses    Grid Ref: 364278,241902**

**Expiry Date: 9 January 2015**

Local Member: Councillor JG Lester

## **1. Site Description and Proposal**

- 1.1 The application features an agricultural field adjoining the A417 and located between existing residential development associated with the main built core of Ashperton, a village identified in the Herefordshire Unitary Development Plan as a 'smaller settlement' under policy H6. The proposal is not located within a statutory designated landscape area and is not within a conservation area, however, a Grade II listed building, 'Chandlers' 45-46 Ashperton Road, adjoins to the South.
- 1.2 The application site covers 0.5 hectares, and is currently used as agricultural land with a northern and eastern (roadside) boundary formed from an established hedgerow. The south eastern boundary is delineated by the access track that serves a property to the south. A continuation of the field continues to the western of the site. The site slopes from the south corner to the north of the site with an elevation change of approximately 5m.
- 1.3 The proposal seeks planning permission for three dwellings and has been amended during its consideration to address matters regarding heritage, highway safety and design.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF)**

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 12	-	Conserving and Enhancing the Historic Environment

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

## 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H6	-	Smaller settlements
T8	-	Road Hierarchy
HBA4	-	Setting of Listed Buildings
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

## 2.3 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

## 2.4 Neighbourhood Plan

Ashperton has not applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012.

## 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

None

## 4. Consultation Summary

Statutory Consultee

### 4.1 Welsh Water raise no objection

Internal Consultees

### 4.2 Transportation Manager has no objection to the proposal on the basis of amended plans and a traffic and speed survey assessment since received.

## **5. Representations**

### **5.1 Ashperton Parish Council responded as follows –**

Due to the number of declarations of pecuniary interests and having not received any applications for dispensation the Parish Council were inquorate so were not able to formulate a response in this case.

### **5.2 Three letters of support have been received in respect of this application. Comments are summarised as follows –**

- This is a pleasing and well balanced infill development
- This is the first such development for over 20 years in the Village.
- It is noted two detached houses were built near this proposal and they have blended in well
- An opportunity to infill with 3 houses is very limited within Ashperton, which has housing needs. This proposal fits the purpose.
- This site could accommodate far more housing of standard design, the low density well designed proposal is welcomed
- The houses will blend into the area
- The proposal will benefit local services and facilities
- No objection in principle to development here.

### **5.3 Three letters of objection have been received. Comments are summarised as follows –**

- The proposed development is on prime, agricultural food producing land with no history of previous development.
- Whilst the design of the properties themselves is in keeping with nearby properties, the visual impact will be significant and detrimental to the rural environment.
- Users of Public Right of Way will not be able to enjoy the currently unimpeded view of the rural landscape.
- Concern over highway safety, including the nature and speed of vehicles along this stretch of the A417
- The footpath to the school is narrow and unlit
- There is no evidence of housing need in Ashperton
- The proposal does not deliver affordable homes
- Concerns regarding drainage and surface water
- The proposal is at odds with the prevailing building line hereabouts
- Impact of the development on the skyline

### **5.4 Two further letters were received making the following summarised comments –**

- Requests assurances that any damage to existing septic tanks would be made good by the contractors
- Questions locating Oak trees adjacent to a paved area as this would restrict the light on the footpath which runs alongside the A417

- Requests the small upper bathroom window on the side elevation on plot 3 be moved to the rear elevation.
- Reference is made to a potential development opposite
- Consideration to the setting of adjoining listed building

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

- 6.1 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
- 6.2 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.3 Paragraph 14 of the NPPF states that there *"is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole... or specific policies in this Framework indicate development should be restricted."*
- 6.4 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.5 The site clearly is located adjacent to the main core of Ashperton, a designated smaller settlement identified under policy H6 of the UDP and thus in a sustainable location for new residential development. The site is surrounded by and inbetween existing residential development associated with Ashperton. The site is read as being within part of the built form area of the village. The site is within walking distance to various local facilities to the south and south east, including Primary School, Village Hall and bus stop. From a landscape and streetscape assessment, the plot represents a natural infill of linear development to the existing built form of the village that will not undermine the historic character and setting of Ashperton hereabouts or the overall character and appearance of the wider landscape or countryside.
- 6.6 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.7 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of means whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA3 and HBA9.
- 6.8 The proposed development has a layout for three dwellings that has evolved in order to secure optimum visibility at the access onto the A Class road and respect the prevailing adjoining development pattern and existing residential amenity. Each plot features a dwelling of a different design. This reflects the architecture and nature of the local vernacular where there is no single dominant or prevailing style, design or materials used. Notwithstanding that, the dwellings feature designs, details and materials aimed to reflect the local context and vernacular. Elements of half timbering and weatherboarding have been introduced along with dormer windows and exposed rafter feet which are all characteristic of local dwellings. The proposed scale and design of housing is considered to be in general, informed by and in keeping with the existing residential development in Ashperton. In addition the density and plot arrangement respects and is influenced by the immediate context.
- 6.9 The dwellings have the following forms and maximum dimension –
- Plot 1, rectangular plan with 2 storey rear gable protrusion, 11.1 x 96 metres, height to ridge 7.4 metres
  - Plot 2, L shape plan with mix of single and two storey gable protrusions, 13.7 x 10 metres, height to ridge 6.9 metres
  - Plot 3, H shape in plan with various protrusions including asymmetrical rear roofs, 17.3 x 10.4 metres, height to ridge 7.8 metres
- 6.10 The adjoining properties and a number of other dwellings within Ashperton are two storey dwellings. The height of housing is also proposed to remain consistent with the scale of local development. A street scene accompanying the application demonstrates how the new dwellings relate to the adjoining properties. The ridge heights are similar to the neighbouring dwellings and ensure the dwellings do not detrimentally affect the street scene and local landscape.
- 6.11 Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.12 In respect of the adjoining listed building, 45 – 46 Ashperton Road, the proposed development is separated by some 23.5 metres including intervening landscaping and existing and proposed ancillary structures. Furthermore the proposed location of the dwellings is behind the building line of the listed property (and in line with the outbuilding serving the listed dwelling). The nearest proposed dwelling is also the smallest in terms of width and mass and its single garage respects the building line of the listed dwelling. As such having regard to this and all of the above it is considered there is no significant adverse impact on the setting of the listed building.
- 6.13 The proposal includes a comprehensive landscaping and planting strategy. This includes a new native hedgerow along the roadside boundary, western and south eastern boundaries and a new boundary separating the houses of native hedge planting alongside post and wire fencing. The planting includes a mix of Hawthorn, Hazel, Blackthorn, Field Maple and Holly. A tree planting scheme is also included to enhance biodiversity along with enhancing and mitigating landscape impact.

- 6.14 Foul drainage from each dwelling is to be directed to a septic tank with spreader drains located within the adjoining field, it is proposed for surface water drainage to be taken to soakaways positioned at least 5m from a dwelling.
- 6.15 On the basis the highways issues have been addressed to the satisfaction of the Transportation Manager following appropriate surveying and in respect of all of the above approval is recommended.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

1. **C01 – Time limit**
2. **C07 – Development in accordance with approved plans**
3. **C13 – Samples of external materials**
4. **C26 – Details of window sections, eaves, verges and barge boards**
5. **C27 – Details of external joinery finishes**
6. **C58 – Domestic use only of garage and no conversion to accommodation**
7. **C65 – Removal of permitted development rights**
8. **C95 – Boundary treatments in accordance with approved plans**
9. **C97 – Landscaping scheme - implementation**
10. **C98 – Hedgerow planting**
11. **CAL – Access, turning area and parking**
12. **CAC – Visibility over frontage**
13. **CBO – Scheme of surface water drainage**
14. **CBQ – No surface water to public sewer**

## **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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**

Decision: .....

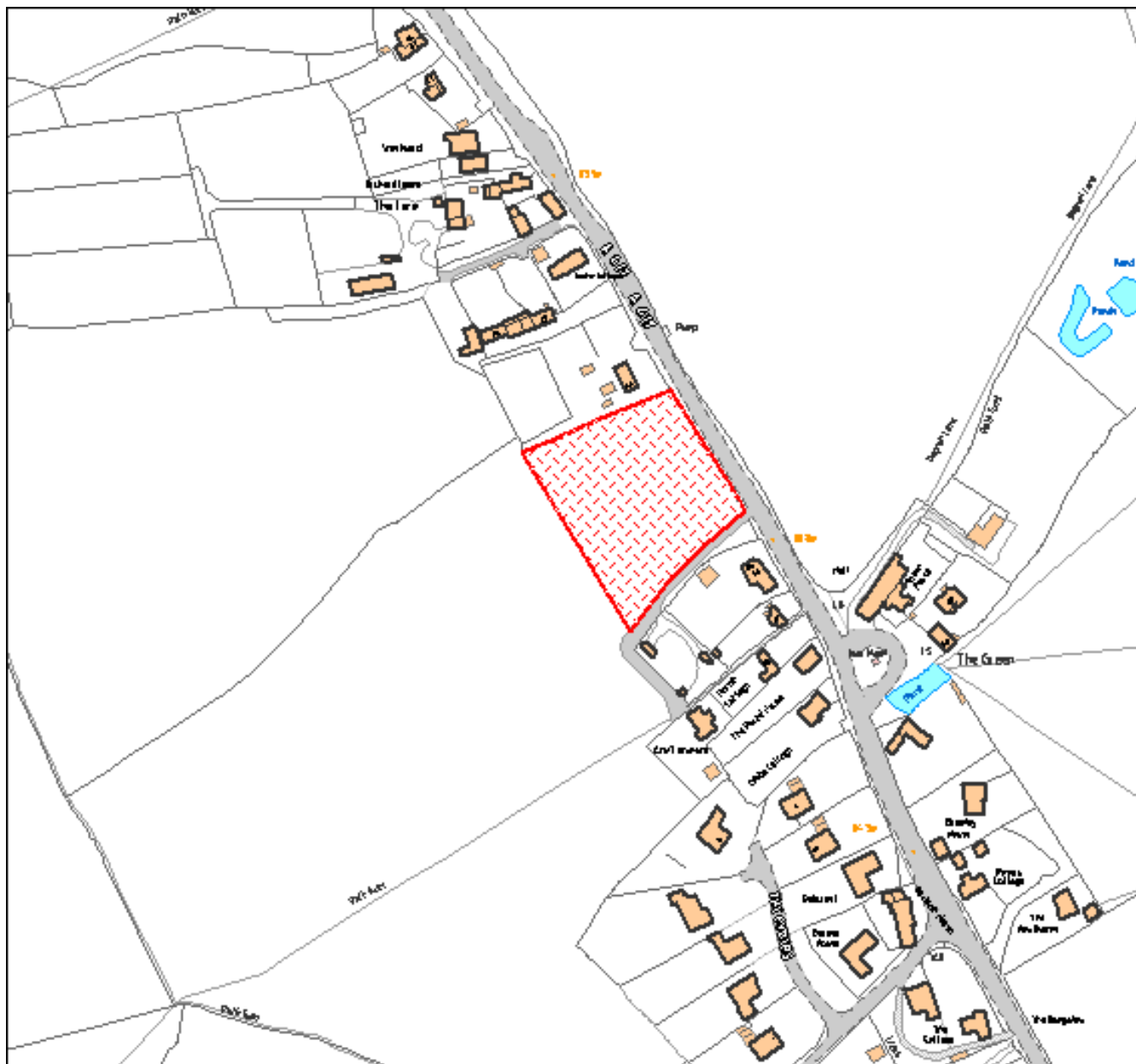
Notes: .....

## **Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



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**APPLICATION NO:** 143420

**SITE ADDRESS :** LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE

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