

DELEGATED DECISION REPORT

APPLICATION NUMBER

162033

Cobnash House, Hostel Lane, Cobnash, Kingsland

CASE OFFICER: Mr Simon Rowles

DATE OF SITE VISIT: 26/07/16

Relevant Development

Plan Policies:

Core Strategy – SS1; SS2; SS4; SS6; SD1; SD3; SD4; LD1; LD2; RA1; RA2

The Kingsland Neighbourhood Development Plan (NDP) has finished the Regulation 16 stage and was recently sent for examination. The examiner's report is awaited.

Relevant Site History: P153822/CE – Pre-application advice

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X	X			
Neighbour letter/ Site Notice	X	X			
Welsh Water	X			X	
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

This application relates to a parcel of garden and wider private amenity land relating to Cobnash House. It is mainly laid to grass with a variety of existing hedgerows and trees. Cobnash House itself resides adjacent to the main road in a sunken area. The application site rises slightly, but is well screened from both the main road and the lane.

The settlement of Cobnash is a modest hamlet of housing and farmsteads to the south of Kingsland village, which has evolved in a scattered wayside pattern of development.

This application seeks detailed planning permission for the erection of two detached, one and a half storey dwellings with separate timber framed garaging. The dwellings would both comprise 3 bedrooms and share a private access off Broomy Hill Lane.

The proposed plots are both physically and visually divorced from the main house by virtue of distance and natural features such as land contours and hedging.

Representations:

Welsh Water - As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Kingsland Parish Council supports the planning application. The Parish Council requests that work on site is not permitted on Sundays, Saturday afternoons and Bank Holidays.

The Local Member has not requested that the application be reported to Committee.

Pre-application discussion:

Favourable pre-application advice has been provided in principle (P153822/CE).

Constraints:

HRA Screening – Lugg
Principal Settled Farmlands LCA

Appraisal:

The key issues for consideration are as follows:-

- Policy context and 5yhls position
- Principle of development
- Landscape and visual impacts
- Design and residential amenity
- Highway safety
- Drainage
- Biodiversity enhancement

Policy context and 5yhls position

The application, despite the adoption of the Herefordshire Local Plan, must at this point in time be considered in the context of the Council being unable to identify a 5-year supply of deliverable housing land. As required under paragraph 14 of the National Planning Policy Framework, the presumption in favour of sustainable development is engaged.

For the purposes of housing delivery the relevant policies of the Core Strategy are currently to be regarded as being 'out of date'. As such, in accordance with paragraph 14 of the NPPF the Council should grant permission for sustainable housing development 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.*

The development plan is the recently adopted Herefordshire Local Plan Core Strategy. Policy SS1 enforces the presumption in favour of sustainable development. This policy states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable. It will work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in the Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Principle of development

Outside of Hereford city and the market towns, Policy RA1 of the Core Strategy identifies that Herefordshire's rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMAs).

Policy RA2 of the Core Strategy sets out the following criteria for housing proposals.

1. *Their design and layout should reflect the size, role and function of each settlement and 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 and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

It falls on your Officer to assess the proposal against these criteria, amongst other policy considerations, including the emerging Kingsland NDP. The most pertinent policy is KNDP 16, which addresses new homes in Cobnash. This proposes that the settlement should accommodate some development through defining a boundary that limits opportunities to building within a defined frontage while retaining a rural character.

In this case, having careful regard to the above, your Officer is of the opinion that the proposal constitutes an acceptable type of proportionate development and the site is located adjacent to what may reasonably be considered the main built-up area of Cobnash. The site would be within or contiguous with the boundary shown on the Cobnash policies map. The proposal is for two individually designed dwellings of brick and natural slate construction that would reinforce the organic pattern of development evident in the locality.

As occupiers would have limited pedestrian access to the village amenities and bus services available in Kingsland, it should be acknowledged that occupiers may be partially reliant on the use of the private car. However, this is outweighed by the proposal's compliance with the Core Strategy housing strategy, which seeks to provide for proportionate development in the rural areas, reflecting the dispersed settlement pattern throughout the county.

The proposed three bed units, due to their generous internal floor space, would provide for small family accommodation and help to meet the assessed need within the Leominster HMA. Moreover, the proposal represents a self or custom build opportunity for those wishing to commission their own home. It is concluded that the countryside setting of the site would not be adversely affected by virtue of the natural landform and existing tree cover.

There remains a requirement for the development to accord with other relevant Core Strategy policies and NPPF guidance. In particular, paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, the contribution of two new houses to the shortfall in the Council's housing land supply weighs in favour of the grant of permission.

Landscape and visual impacts

Having regard to the requirements of Policy LD1, your Officer considers that the built and natural landscape would not be significantly affected by the modest development of two dwellings and garaging, particularly given the position of the site and existing trees/hedges. In addition, it should be noted that native hedgerow planting would be secured. As access is already available, hardstanding areas would be limited to parking and turning and the proposed gardens have avoided encroachment into the wider countryside.

The scale and design of the dwellings would be such that they would be assimilated into their surroundings, such that users of the B4360 would not perceive any demonstrable change to the existing rural landscape. The tree survey data submitted with the application indicates that existing trees of high retention value could be accommodated within the site layout.

On this basis, the proposed development would not adversely affect the character of the area or have a detrimental impact on its landscape setting.

Design and residential amenity

Policy SD1 requires that development proposals should create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics.

Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. They should also safeguard residential amenity for both existing and proposed residents.

In this case, as set out within the section on landscape impacts above, the design approach adopted to the development is considered to be sympathetic to the character of the existing built context and to the wider countryside setting of the application site.

The palette of materials comprising brick, render, weatherboarding and plain clay tiles to be used in the construction of the dwellings is visually appropriate and would reinforce the wider distinctiveness of Herefordshire. Moreover, the proposed use of chimney features and balanced casement windows of timber construction would help to assimilate the dwellings into their built context. The proposed timber clad garages are of a scale, form and design that is commensurate with the host dwellings and appropriate to this rural area.

With regard to residential amenity, the size of the dwellings together with the generous outdoor space to be provided, would allow for a good standard of habitable accommodation and private amenity space. The immediate neighbours hereabouts are sufficiently distant so as to avoid any significant adverse impacts on their residential amenity.

Highway safety

The site is currently accessed off Broomy Hill Lane in connection with the existing dwelling at Cobnash House. Whilst the proposed shared use of this access would result in an increase in traffic generation, it is not considered such that would prejudice highway safety. The minor nature of the road and its limited width means that vehicle speeds along it would be naturally restricted. Adequate parking and turning space would be provided within the site.

Accordingly, it is considered that use of the existing access is appropriate and that the proposal would preserve highway safety, in accordance with Policy MT1.

Drainage

The proposed new dwellings would be served by private foul and surface water drainage arrangements, as specified within the application documents.

The proposed package treatment plant and associated drainage field, as shown on the 1:500 site plan, is an appropriate solution that would minimise pollution of ground waters in accordance with Policy SD4. Although its construction would be addressed under Part H of the Building Regulations, in the absence of porosity tests to confirm condition ground conditions are suitable, a condition is considered to be necessary.

With regard to surface water drainage, the application form indicates that the proposal is for soakaways to be installed. Reference to the Soilscales website indicates that the soils are loamy and clayey, with naturally high groundwater. On this basis, a condition will be imposed requiring details to be submitted for approval, including evidence of the suitability of ground conditions for infiltration. Notwithstanding this, in the context of the land available to provide suitable drainage arrangements, the proposal accords with Policy SD3.

Biodiversity enhancement

The closely mown grassland on which the dwellings would be situated affords somewhat limited natural habitat or biodiversity value at present, albeit there are a number of mature

trees within the site. As mentioned above, the majority of the trees and hedgerows on the site would be retained, thereby preserving its ecological value.

Nevertheless, with regard to paragraph 118 of the Framework, a condition is to be imposed requiring enhancement measures to be agreed in writing by the Local Planning Authority. Such measures could include new planting and installation of bat and bird boxes.

Sustainability conclusion:

The Framework, at paragraph 7 identifies three dimensions to sustainable development – economic, social and environmental. Moreover, the three roles should not be undertaken in isolation, because they are mutually dependent.

In this case, the proposal is considered to constitute sustainable development and therefore benefit from the presumption in favour of such development at paragraph 14 of the NPPF. The Council cannot demonstrate a 5yhl, and on this basis, the advice in relation to housing supply contained within the Framework takes on greater significance. Paragraph 47 of the Framework seeks to significantly boost the supply of housing.

The proposal complies with national planning policy insofar as paragraph 55 of the Framework allows for sustainable development that is located where it would enhance or maintain the vitality of rural communities. The proposal also accords with the criteria set out within Policy RA2, including demonstrating that particular attention has been paid to the form of the development and the rural character and setting of the site.

The proposed new dwellings would make two additional units of housing available and future occupants may help to support the retention of local amenities within Kingsland. This small scale proposal would also provide a short term benefit to the local economy as it would use local builders, material merchants, electricians and plumbers. The inability of the Council to demonstrate a five year housing land supply adds weight to the case for approval.

Environmentally, in accordance with advice found in the NPPF, and to comply with the Building Regulations, the detailed design would need to ensure that the dwellings are thermally efficient and make use of water conservation technologies. There would be no significant adverse environmental effects, including those on the local highway network.

Having regard to the presumption in favour of sustainable development set out under paragraph 14 of the Framework, and the identified social, economic and environmental benefits of this proposal, it is concluded that the application should be approved.

The consultation process has identified no objections or local concerns.

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

CONDITION(S) & REASON(S):

(please note any variations to standard conditions)

1. C01 – Time limit

2. C06 (Drawing No. 1566.1 Rev. E, 1566.2, 1566.3, 1566.4, 1566.5 and 1566.6A)
3. C13 – Samples of external materials
4. Prior to installation on site, details of the materials, colour and finishes to be used for all external joinery, including garage doors, shall be submitted to the Local Planning Authority. The work shall subsequently only be carried out in accordance with details approved in writing by the Local Planning Authority.
Reason: To ensure that the external joinery is finished appropriately in order to the safeguard the character and appearance of the area and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
5. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:
Soft landscaping –
 - a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
 - b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.
 Hard landscaping –
 - a) Existing and proposed finished levels or contours
 - b) The position, design and materials of all site enclosure (e.g. fences, walls)
 - c) Car parking layout and other vehicular and pedestrian areas
 - d) Hard surfacing materials
 Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
6. The soft landscaping scheme approved under condition 5 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.
Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
7. Prior to the commencement of development, a Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of the root protection areas for all trees to be retained, the location of protective barriers and any other physical protection measures, design details of the proposed

protective measures and areas of structural landscaping to be protected from construction operations, to prevent soil compaction. Development shall be carried out in accordance with the approved protection plan.

Reason: To safeguard the amenity of the area and ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. CAL – Access, turning area and parking

10. CBK – Restriction of hours during construction

11. Prior to the commencement of development, details of the proposed foul and surface water drainage arrangements, together with an assessment of ground porosity in accordance with BRE Digest 365, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the occupation of the development, a biodiversity enhancement plan shall be submitted to and approved in writing by the local planning authority. The agreed enhancement measures shall be implemented as approved.

Reason: To ensure that habitat and biodiversity enhancement measures are taken into account having regard to Policy LD2 of the Herefordshire Local Plan – Core Strategy and to meet the requirements of the NPPF and the NERC Act 2006.

13. Prior to the first occupation of any of the dwellings hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing - Optional Technical Standards - Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

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. As a result, the LPA 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.

Signed:  Dated: 05/10/16

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed: 

..... Dated: 5 October 2016