

Agenda

Planning and regulatory committee

Date: **Wednesday 13 March 2019**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Tim Brown, Democratic Services Officer

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor PGH Cutter**
Vice-Chairperson **Councillor J Hardwick**

Councillor BA Baker
Councillor CR Butler
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor EL Holton
Councillor TM James
Councillor MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor NE Shaw
Councillor WC Skelton
Councillor SD Williams

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES (TO FOLLOW) To approve and sign the minutes of the meeting held on 27 February 2019.	
5. CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6. 174681 - LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORDSHIRE Proposed residential development for seven dwellings and accesses.	11 - 36
7. 182822 - COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ Erection of 2 dwellings and associated garaging and revised vehicular access for planning approval 180075/F.	37 - 52
8. DATE OF NEXT MEETING Date of next site inspection – 9 April 2019 Date of next meeting – 10 April 2019	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Herefordshire Independents
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 March 2019
TITLE OF REPORT:	174681 - PROPOSED RESIDENTIAL DEVELOPMENT FOR SEVEN DWELLINGS AND ACCESSSES AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORDSHIRE For: Mr Lawrence per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174681&search=174681
Reason Application submitted to Committee – Redirection	

Date Received: 14 December 2017 Ward: Wormside Grid Ref: 345598,235401

Expiry Date: 12 February 2018

Local Member: Councillor JF Johnson

1. Site Description and Proposal

- 1.1 This detailed planning application seeks permission for the proposed residential development of seven dwellings on a narrow parcel of land in the settlement of Cobhall Common, just south of the city of Hereford. The application has been submitted in full and includes a detailed drainage and landscape scheme, along with two new accesses and detailed elevations and floor plans. Since its original submission the application has been amended to take on board comments raised within representations with regards to housing mix, the number of new accesses into the site and also to address concerns raised by the drainage consultant.
- 1.2 The application site is located to the south of Cobhall Lane on the eastern edge of the rural settlement of Cobhall Common, which is located around 5 miles south of Hereford, to the west of the A465 in the Parish of Allensmore. The site is a narrow rectangular agricultural field with a total site area of 0.6 hectares. The site is flat and currently laid to pasture with a mature hedgerow boundary and a number of mature hedgerow trees scattered along its boundaries. The site adjoins Cobhall Lane with the residential properties of 'Elms Tree Cottage' and 'Red House' located on either end of the site. There are several residential properties located on the opposite side of Cobhall Common Lane.
- 1.3 Cobhall Common is one of the 119 settlements identified within policy RA2 of the Herefordshire Local Plan – Core Strategy (CS) and is centred around the intersection of Cobhall Common Road and Cobhall Lane. The settlement is located in close proximity to the A465 and the settlements of Winnal and Allensmore. Residential dwellings throughout the settlement largely front the highway and are a mixture of sizes and designs.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.4 The landscape character of the site is typical of 'Principal Settled Farmlands' (as identified in the Landscape Character Assessment 2004) which are found in lowland central Herefordshire. These are areas which have a settled agricultural landscape, with a network of small winding lands nestling within a mixture of hedged fields. The areas are also characterised by small villages and settlements found amongst scattered farms, in a landscape of mixed farming use.



- 1.5 This application seeks planning permission for 7 detached dwellings and is submitted in full. Two new accesses are proposed off Cobhall Lane, the first to serve plots 1, 2, 3 and 4 and the second plots 5, 6 and 7. The new accesses have a width of 4.8m and provide visibility of more than 30m in both directions. Other than the access points the proposal maintains the hedgerow boundaries and trees. Each plot has its own rear amenity space with hedgerow boundaries dividing them from their neighbour. Parking and manoeuvring space is provided within the boundaries of each plot.



Proposed Site Plan – Sept 2017 – Ref: - P003 A

- 1.6 The 7 proposed dwellings are divided up into 1 x 2 bed roomed dormer bungalow (plot 6), 2 x 3 bed roomed dormer bungalows (plots 1 and 7), 2 x 3 bed roomed two storey dwellings (plots 3 and 5) and 2 x 4 bed roomed properties (plots 2 and 4). All the proposed dwellings front onto

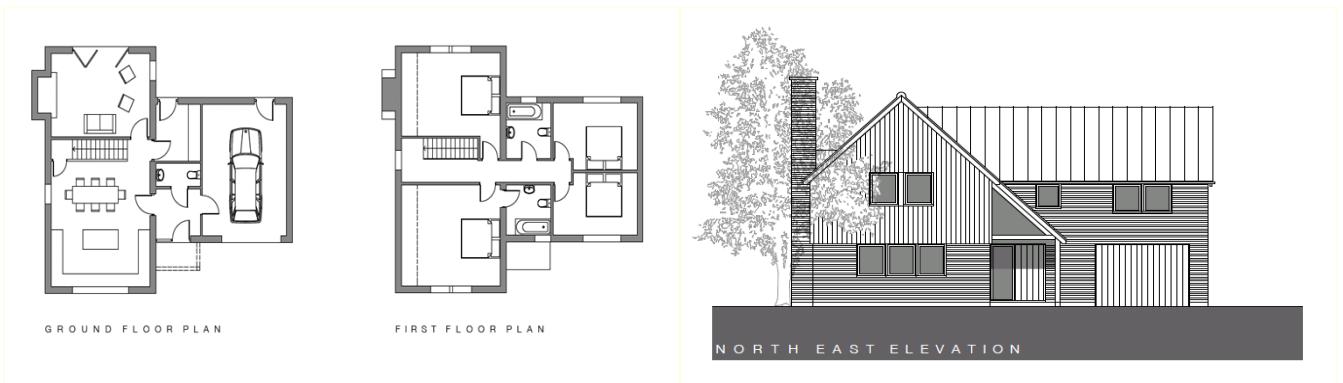
Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

Cobhall Lane, although they are set back behind the driveways around 20 m from the highway on a staggered building line.

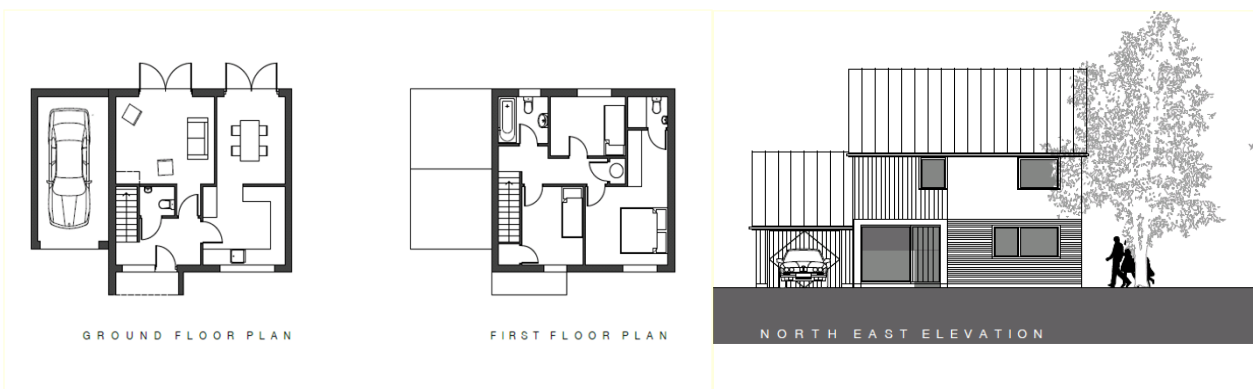
- 1.7 All the dwellings have been designed to have a similar appearance with regards to materials, although there are variations with regards to design and appearance. The dwellings have been designed with facing red brick and vertical timbered weatherboarding on the walls and standing seam metal roofs coloured in dark grey. Plots 3 and 5 have small areas of render on the first floor which is to be coloured white.



*Plot 1 – 3 bedroomed dormer bungalows (plot 7 similar design and scale)
Ref- P106*



*Plots 2 – 4 bedroomed detached two storey dwelling (Plot 4 is similar design and scale)
Ref – P101*



*Plots 3 – 3 bedroomed two storey dwelling (plot 5 similar design and scale)
Ref – P104*

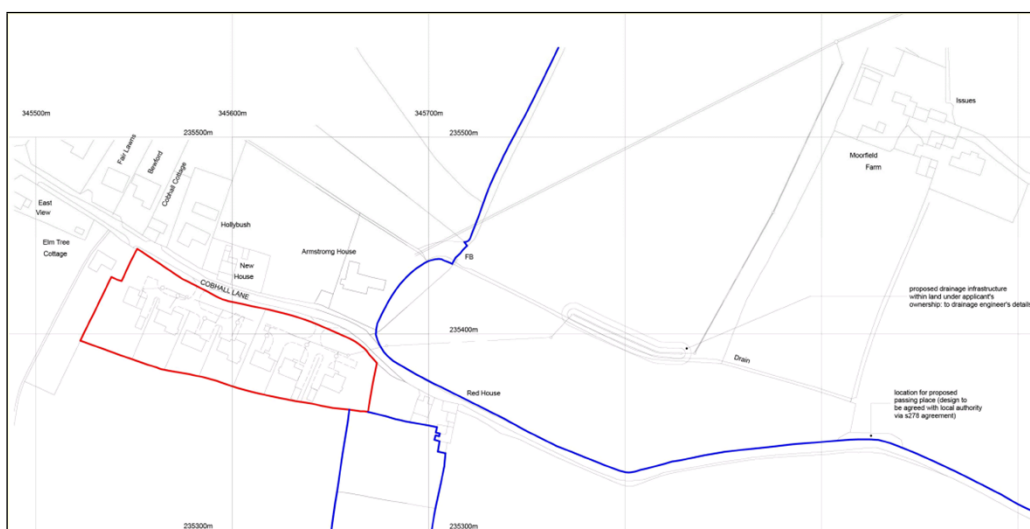


*Plot 6 – 2 bedroomed dormer bungalow
Ref – P105 A*



*Street scene as proposed
Ref – P004A*

- 1.8 For clarification plots 1, 7 and 6 have a height of 5.9m, plots 5 and 3 have a height of 7.8m and plots 2 and 4 have an overall height of 7.6m. The neighbouring property to the west has a height of 6.1m, and the neighbour to the east has a height of 5.8m. Both adjoining properties are located forward of the proposed dwellings.
- 1.9 It is proposed that foul drainage from the development will be connected to new individual package treatment plants positioned within the garden of each of the properties. During the course of the application the outfall from the proposed package treatment plants has been discussed and amended following requests from the Council's Drainage Consultant. Further investigation and surveys were required to confirm that the proposed outfall to the land on the opposite side of the Cobhall Lane which is also within the applicants' ownership was achievable. The outfall from the package treatment plants will now all join together from each individual plot and be conveyed under Cobhall Lane to the land north of Cobhall Lane where it will be directed to a new open ditch. From here the water will then be directed by pipe to a covered culvert which lies to the north. This culvert was installed as a flood alleviation culvert to direct surface water in the area to land to the east away from the residential properties.



Proposed drainage strategy showing land in the applicant's ownership in blue with the position of the proposed ditch and also the proposed passing place.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.10 Surface water is to be dealt with via a 'source control' permeable paved surface as well as a SuDs soakaway trench in each individual plot to deal with run off from the roofs. Each dwelling will discharge into a geocellular soakaway situated beneath their front gardens. No element of the proposed surface water drainage will be adopted as it will be privately owned and maintained by the home owners.
- 1.11 The application also proposes to install a new passing place on the northern side of Cobhall Lane in land owned by the applicants. This has been offered up by the applicant in response to comments made from locals with regards to the suitability of the highways to accommodate the additional traffic generation. Other than its position there are no details provided at this stage as it will be secured through a section 278 agreements should permission be granted.
- 1.12 The application has been supported with the following supporting documents;
- Planning Statement
 - Design and Access statement
 - Transport Statement and accompanying studies
 - Drainage strategy
 - Landscape and biodiversity enhancement scheme

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside
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
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework

The following sections are of particular relevance:

Section 2	-	Achieving sustainable development
Section 4	-	Decision -making
Section 5	-	Delivering a sufficient supply of homes
Section 8	-	Promoting health and safe communities
Section 11	-	Making effective use of land
Section 12	-	Achieving well-designed places

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

2.3 Allensmore Neighbourhood Area was designated on 26th May 2016 and a plan is in the process of being drafted. The NDP does not have any weight for the purpose of decision making on planning applications.

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 No planning history on the site

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department 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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Internal Council Consultations

4.2 Neighbourhood Planning Team Leader: No objection

Initial response 25/01/2018

Cobhall Common is within the Allensmore Neighbourhood Area which was designated on 26 May 2017. Work has commenced on the neighbourhood plan but has yet to reach Reg14, therefore no specific parish level policies exist for this application. The proposal will need to be adjudged against the rural policies of the adopted Herefordshire Core Strategy.

Cobhall Common is highlighted within policy RA2 for growth along with Allensmore and Winnal within the Allensmore parish. The Allensmore parish is indicated for a minimum of 32 dwellings between 2011-2031. As at April 2017, there had been 5 built and 15 committed leaving a residual of 12.

Policy RA2 indicated that development should be located within and adjacent to the main built up area. The site is in and adjacent to the built form of the settlement.

Further update provided on the 30/01/2019

The Allensmore NDP has yet to reach its Reg14 consultation; therefore it would be the policies of the Core Strategy which would be relevant to this application.

4.3 Planning Ecologist: No objection subject to condition

I note the supplied ecology report and proposed biodiversity enhancement plan and these should be subject to a relevant implementation condition.

Given these are residential properties I would suggest the applicant considers replacing the thorny hedgerow species with more 'family friendly' alternatives such as Hornbeam (also Guelder Rose, Dogwoods and Spindle). In particular I would strongly urge the substitution of the proposed Blackthorn as this is well known to root sucker and can damage lawns and flower beds – the very tough thorns are also known to cause allergic type reactions in some people.

Nature Conservation – Ecology Protection and Mitigation and Biodiversity Enhancements

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Star Ecology dated July 2017 and biodiversity enhancements on plan LB001 dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Further comments received on the 28/8/2018

No additional comments or objections

4.4 Highways Engineer: No objection

Initial response (16/02/2018)

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

The position of the passing place should be relocated to a better position, as the position located on the submitted drawings will not be used as a passing place but for vehicles to cut the corner. Details should also be submitted showing that the passing places construction is achievable, details should include cross sections and any details required e.g. retaining walls.

Further response (04/04/2019)

The location of the passing bay is agreed however a section 278 agreement will have to be entered in. The building of the passing bay should be conditioned as pre-commencement condition therefore when the development is built it will help with the movement of vehicles.

If minded to approve please condition as follows.

CAB – as shown on drawing number P0003A
CAE, CAH, CAL, CAJ, CAP – S278 Agreement required, CAT, CAZ, CAX, CB2
I11, I09, I05, I08, I47, I35

4.5 Drainage Engineer: No objection

Initial response 13/2/2018

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), February 2018

Figure 2:

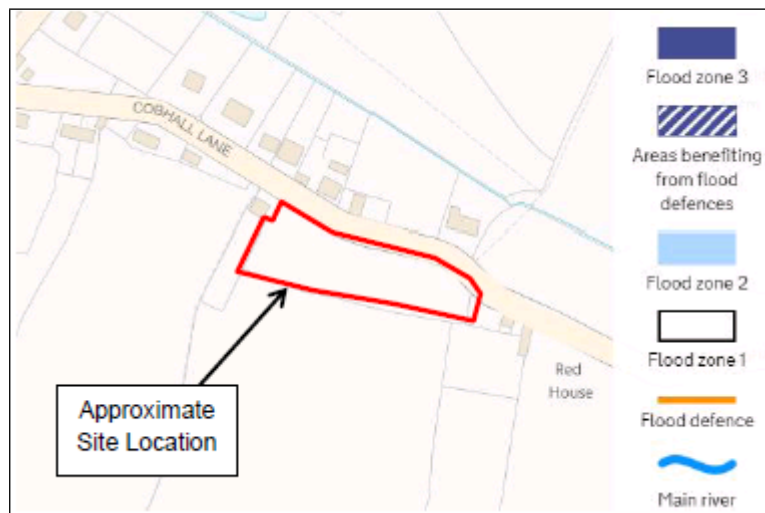


Figure 2: Environment Agency Surface Water Flood Map



Approximate Site Location

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: E001);
- Drainage Layout (Ref: D01 Rev A);
- Covering Letter re Drainage Layout (dated 22nd November 2017);
- Existing Site Layout (Ref: E003);
- Proposed Site Layout (Ref: P003);
- Ground Investigation Report (Ref: EMS6795a);
- MicroDrainage Soakaways for Plots 1-7, 30 year & 100 years.

Overview of the Proposal

The Applicant proposes the construction of seven dwellings with appropriate parking and access. The site covers an area of approx. 0.60ha and is currently a Greenfield site. A ditch system is located approx. 59m to the north of the site, in addition to a ditch which runs along the northern boundary of the site. The topography of the site falls gently towards the north.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding; however the land to the North of the site is at significant risk of surface water flooding. It should be noted that the watercourse located 59m to the north of this development has been partially diverted towards the northeast through a land drainage culvert. The Applicant should investigate this further and should consider the risk of blockage of this land drainage culvert within the design of the development.

The Applicant has stated that the watercourse 60m to the north flows eastwards behind Armstrong House and discharges into a culverted ditch system which runs to the northeast.



Other Considerations and Sources of Flood Risk

Local residents have identified known issues of flood risk within the vicinity of the site. In addition to this, we are aware of a known issue with pollution of the existing watercourse. This is further discussed in the Foul Water Drainage section.

The Applicant has stated that the finished floor levels of all proposed dwellings will be raised by a minimum of 150mm above ground levels.

Surface Water Drainage

The Applicant has demonstrated that the surface water runoff generated by the proposed development will be managed via individual soakaways serving each plot. The Applicant has provided MicroDrainage outputs for the proposed soakaways serving plots 1-7. The 1 in 30 year event and 1 in 100 year + 40% climate change event has been provided. We note that appropriate infiltration rates have been used for each plot (dependent upon the BRE365 results). Groundwater was established at approx. 3m below ground level.

A safety factor of 1.5 has been used for all plots. We consider a safety factor of 2 to be more appropriate.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant has stated that all surface water drainage within the site boundary will be privately managed and maintained by the individual property owners, or by a specialist third party management company.

Foul Water Drainage

We consider the foul water proposals unacceptable.

It has been proposed that each dwelling will be served by an individual package treatment plant. Treated effluent from plot 1 will be disposed of via a drainage field in the rear garden. This uses a Vp value of 164. We consider this Vp value to be unacceptable. The treated effluent from plots 2-7 are proposed to outfall into the ditch system located approx. 60m to the north of the site. The discharge point is proposed to be upstream of the culverted section. It is stated to be in the ownership of the developer, however it was constructed by Herefordshire Council as a Land Drainage culvert. This culvert does not carry flowing water at the point of entry, therefore the proposal does not comply with the Binding Rules.

The Applicant should provide a revised drainage strategy which is compliant with the general Binding Rules and is in accordance with the Building Regulations Part H Drainage and Waste Disposal.

Overall Comment

We currently object to the foul water drainage proposals.

The Applicant should provide the following in order to obtain planning permission:

- A revised foul drainage strategy.

Please refer to "Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist" (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

Further comments received on the 19/07/2018

Following a call from a local resident (i.e. following my email to you dated 11th July), we visited the site on Tuesday

Drawing 17004 D01(E) shows the ditch would be installed on land that is lower than the road. Whilst we were on site we noted that the road is actually lower than the field.

We have downloaded LIDAR and this is shown on the attachments. Note that LIDAR uses the Newlyn gauge as a Bench Mark; however the survey presented by the applicant appears to have used a local bench mark. Thus it is not appropriate to directly compare the actual levels used on the applicants drawing with those taken from LIDAR.

As you will see, the ground level at the ditch is typically 0.5m higher than at the road. We have not completed a full review of utility services in the road, however whilst viewing the sewer mapping I noted that there is a water main in the road.



I have drafted a long section to illustrate how deep the drain would need to be to meet with the respective design standards (Sewers for Adoption), shown as below. This demonstrates that the ditch would need to be 2.7m deep. We do not consider that a ditch would be stable at this depth.

Furthermore we note that the original design showed a drain below the field with a depth to invert of 0.6m. The pipe size is not shown, but assuming a 150mm die pipe this would have been laid to a cover of 0.45m. The above design criteria were developed to prevent damage to pipes from farm machinery. If the pipe had been laid as originally proposed then the pipe would ultimately have been damaged and foul flooding would have occurred in the lane.

Our site visit identified the presence of foul pollution (presumably from a septic tank) in the ditch opposite Armstrong House. There is a highway drain that serves the roadside ditch, which discharges into the large ditch that serves the HC maintained Land Drain. The source of the pollution is unknown but the polluted water lingers in the ditch that is owned by the applicant.

In conclusion, the proposed foul drainage strategy does not meet the requirements of policy SD3, for the following reasons:

- Under the Environmental Permitting Regulations 2016, it is an offence to cause or knowingly permit pollution. The applicant has not identified a robust method to ensure that primary and secondary treatment of the effluent will be provided on an ongoing basis. The law has evolved to cater for the scenario of individuals not knowingly causing pollution. To ensure compliance with SD3(10), the applicant would need to include proposals in their foul drainage strategy to ensure that homeowners became aware that pollution was occurring.
- As outlined in our review, the design of the treated effluent drain is flawed. If built as indicated, the drain would ultimately block and treated effluent would spill into the roadside ditch and into the HC owned Land Drain via the highway drain. There is no flowing water in this ditch.

Response on the 3/11/2018

Following review, I confirm that the revised drainage proposals are acceptable and I recommend approval.

4.6 Public Right of Way Officer (PROW): No objection

5. Representations

5.1 Allensmore Parish Council: Objection

Initial response received on the 1/2/2018

Whilst the PC have no objections to a development on this site, we do not support a development of this scale or density. The site is on a lane where the existing dwellings are irregular in style, size, age and low in density – a dense arrangement of seven uniformly styled houses would significantly change the existing character of the lane.

We do not support the mix of house sizes, preferring instead to see fewer four-bedroomed dwellings and some two-bedroomed included in the mix which we feel would be more in line with the housing needs of the area.

It is considered that road safety will be reduced due to the increase of vehicle and pedestrian traffic on this single track lane which has no pavements and in some parts not even verges. Viewing the area on a map does not reveal just how narrow the lane is, particularly the length from the proposed development to the A465. It should be noted that this lane is also the route to the bus stop on the A465.

The lane is known to flood for periods during most winters, making it impassable at times.

Whilst the last two points are relevant for any sized development, the larger it is, the more of an issue these factors become.

The parish council has heard a number of representations from residents, including:

- At least one house would be overlooked with resulting loss of privacy.
- The development proposes dwellings which are too large and too numerous to be appropriate for the area.
- The mix of proposed houses is considered to be unsympathetic to the ethos of providing affordable homes for the community, as the proposed details are for large homes with 3 or 4 bedrooms and no smaller properties of 1 or 2 bedrooms.
- The proposed development is open countryside.
- It would lead to an increase in traffic causing safety and logistical issues, and the siting of the proposed added passing place is of no benefit.
- There are misleading statements in the submission.
- There are concerns regarding drainage issues with the location and the area is subject to flooding and is already at saturation point.
- Whilst not a planning issue, a claim has been made that the proposed route and/or discharge point for the outflows from the multiple sewage treatment plants is not entirely on the applicant's property.

Further comments received on 30/07/2018

174681 Land South of Cobhall Lane – 7 new houses

The PC re-iterates the comments it made in response to the initial planning application (see Above) but is pleased to note that the mix of housing sizes proposed has, in the view of the PC, been improved by one of the 4 bedroomed houses being replaced by a smaller two bedroomed dwelling. Its also clear that some attention has been given to the drainage concerns. Recent representations from the public on the revised proposal continue to assert that the route of the drainage from the series of STPs crosses land not owned by the applicant,

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

that the drainage proposed will have an adverse impact on a neighbouring property by soaking back into the land of the resident opposite, and concerns remain about the increased risk to pedestrians on the narrow lane, especially along towards the A465.

- 5.2 **22 members** of the public have submitted letter of objections on the proposal from 13 households. A number of the objectors have submitted several letters throughout the process of the application in response to amended plans. The contents of the letters and points raised are summarised below:

Principle of development / Design and Scale

- Development unsuitably placed within settlement
- Design of dwellings is detrimental to the overall character of the village,
- Design not reflective or complementary to existing character
- Increase in residents will cause a disturbance and nuisance to existing wildlife and the local environment
- Proposal represents overdevelopment of the site which is inappropriate with its surroundings
- Loss of amenity for existing dwellings especially with regards to overlooking and increase in noise levels
- Housing mix takes no account of local need
- No local facilities in the area such as school, shop or post office which makes it unsustainable.
- No consultation with local community
- The proposed dwellings don't reflect the size, function and role to the village
- Too many houses proposed and at the wrong scale
- The village needs affordable 2 bedroomed properties

Drainage/Flooding

- Little drainage in the area with no mains drainage
- Concerns over accuracy of percolation tests which were taken due to a peculiarly dry period
- Culvert to be used as part of the drainage strategy not in applicants ownership and not maintained
- Concerns over who will be responsible for the maintenance and upkeep of the drainage strategy
- Contamination already present in local ditches and watercourses from failing septic tanks in the area
- The area has a history of surface water flooding

Highways Impact

- Poor access into the site
- No consideration to pedestrians, horse riders and cyclist which use Cobhall Lane
- Road narrow in places with vehicles unable to pass.
- Traffic generated by proposal will lead to congestion on the highways
- Speeds on Cobhall Lane high and the safety of road users is of concern
- Lane not suitable for any additional traffics
- Highways is already busy serving residential properties and existing established businesses and will not cope with the increase in traffic.

Landscape Character and visual amenity

- The proposed development will have a significant visual impact on the open rural aspect of the adjacent area and in particular existing dwellings adjacent to or facing the site.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Loss of agricultural land
- Detrimental to the wildlife and existing habitats

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174681&search=174681

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

Policy context and Principle of Development

6.1 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."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). As detailed above, Allensmore Neighbourhood Area was designated on 26th May 2016 and a plan is in the process of being drafted but does not have any weight for the purpose of decision making on planning applications at the current time. The National Planning Policy Framework (NPPF) is also a significant material consideration. The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The NPPF is a material consideration in the assessment of this application

6.3 The strategic CS policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.4 Sustainable development is achieved through three objectives, identified within paragraph 8 of the NPPF:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

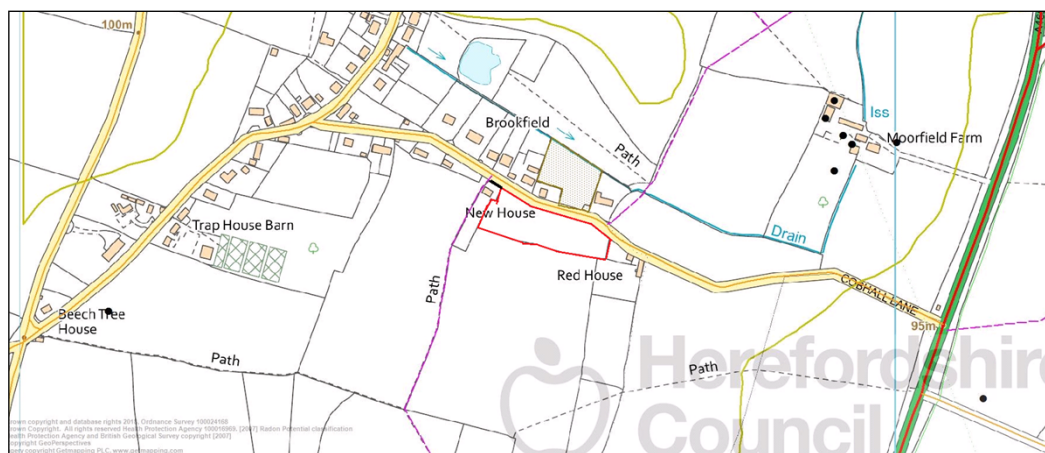
- 6.5 The CS sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present proposal. The matter of housing land supply has been the subject of particular scrutiny in a number of appeal inquiries and it has been consistently concluded that the Council is not able to demonstrate a 5 year supply of housing land. As of April 2018 the latest position with regard to the housing land supply in Herefordshire is 4.55 years. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 73 of the NPPF, out-of-date. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.
- 6.6 Paragraph 11 of the NPPF sets out those decisions which should apply a presumption in favour of sustainable development. This states that for decision making this means;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;or
 - ii. 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.

Rural Housing Policies

- 6.7 The approach to housing distribution within the county is set out in the CS at policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. The remaining 5,300 dwellings are distributed in the rural settlements which are identified in policy RA2 at figures 4.14 and 4.15 within the place shaping section of the CS.
- 6.8 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. Cobhall Common is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14. Cobhall Common is located within the Parish of Allensmore, which itself lies within the rural part of the Ross-on-Wye HMA. The area as a whole is tasked with an indicative housing growth target of 14% (1150 dwellings).
- 6.9 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 adopted CS leaves flexibility for NDPs to identify the most suitable housing sites. 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. As already identified above, Allensmore are currently progressing their NDP towards a Reg 14 submission, but at this time, no weight can be attributed to this emerging NDP.

- 6.10 Policy RA2 within the CS deals specifically with housing in settlements outside Hereford and the market towns and identifies 119 rural settlements (figure 4.14) which are to be the main focus of proportionate housing development in the rural areas and a further 99 settlements that are considered acceptable for proportionate growth (4.15). Cobhall Common is identified in figure 4.15.
- 6.11 The Neighbourhood Development Manager has confirmed that the proportionate growth for the parish of Allensmore is 32 and as of April 2017 there had been 5 dwellings built and 15 commitments, leaving 12 remaining across the parish. This application for 7 dwellings would contribute to the minimum indicative target set for the parish.
- 6.12 In the absence of an NDP for the Parish policy RA2 is the determining policy making provision for housing in rural settlements. The policy directs new housing developments to the main built up part of a settlement. Where the application site is found to be within or adjacent to the main built up part of an identified settlement, it is then necessary to assess the proposed development against the criteria set out in policy RA2, as well as other topic based policies within the CS. The criteria set out in policy RA2 require development proposals to reflect the size, role and function of the settlement; make use of brownfield sites where possible; are of high quality, sustainable design which is appropriate for and positively contributes to their environment; and that the size and type of housing reflects local demand.



- 6.13 The application site is indicated on the map above outlined in red. The site is contiguous with the eastern edge of Cobhall Common, with residential properties either side and opposite. Like many of the figure 4:15 'settlements', Cobhall Common does not have a typical nucleated centre and development is relatively low density, with limited local services. In officers opinion, the main built up area to Cobhall Common is that which centres around the junction between Cobhall Common Lane and Cobhall Common Road. On this basis, the application site is considered to be adjacent to the main built up area and consequently falls to be considered against the criteria in CS policy RA2 and other associated policies. The development would represent an acceptable spatial growth of the settlement and therefore would accord with Policy RA2 as set out above. Residential development across the site is considered to be acceptable as a matter of principle.
- 6.14 Having established that the principle of development at this location is acceptable it falls to consider the proposal against the remaining criteria of policy RA2 and other relevant policies of the CS to establish whether there are any adverse impacts associated with the proposed

scheme which would weigh against its established benefits. Ultimately, the consideration is whether or not the application proposal is representative of sustainable development on the basis of the tilted balance described by the NPPF (paragraph 11 d) ii)).

- 6.15 Having regard to the Development Plan and other relevant material considerations I am of the view that the main issues relevant to the determination of this application are as follows:-
- a) The appropriateness of the scale, design and appearance of the dwellings;
 - b) The impact of the development of the landscape character and visual amenity of the area;
 - c) The appropriateness of the surface and foul drainage techniques proposed; and
 - d) The impact of the development upon the local highway;
 - e) The impact on Biodiversity/Ecology

The appropriateness of the scale, design and appearance of the dwellings

- 6.16 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Other than the policies that are relevant for the supply of housing, other CS Policies continue to attract full weight. In considering the design and scale of the proposed dwellings, policy SD1 which deals specifically with sustainable design and energy efficiency is the relevant policy.
- 6.17 Policy SD1 requires new development proposals to create safe, sustainable, well integrated environments for all members of the community by ensuring that proposals make efficient use of the land; are designed to maintain local distinctiveness through incorporating local architectural detailing and materials; and respect the scale, height, proportions and massing of surrounding developments. These aims are reiterated within criteria 3 of policy RA2. SD1 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.
- 6.18 Each of the dwellings is set back from the highway and to be accessed via one of the two shared access points. As illustrated in the street scene above (paragraph 1.7) the heights vary across the scheme, with plots 1 and 7 having heights which are reflective of the neighbours Elm Tree Cottage and Red House. This variation of height and design is considered to be reflective and in keeping with the existing settlement pattern and the mixture of the existing dwellings which exist across the settlement. The application has given careful consideration with regards to materials and ensured that the scheme includes a mixture of timber boarding and red bricks, with the inclusion of render in two of the plots. These materials can be found in a number of existing properties in the settlement.
- 6.19 Each dwelling has a generous plot size and will enjoy its own private amenity space to the rear. It is not considered that the properties or the development as a whole, would appear prominent in the street scene or cramped within the site. The proposed dwellings have a similar scale and massing to the other surrounding properties and are considered to be appropriate with regards to scale and design, ensuring that they will not detract from the character of the settlement.
- 6.20 The scale and mass of the proposed dwellings is considered to be acceptable and of a form that is appropriate in the context of the site and its surroundings, and which preserves the character of the locality. The housing mix has been amended to include a 2 bedroomed property and overall the scheme is considered to represent a well balanced scheme with a range of houses to meet the needs of all within the community.
- 6.21 There is considered to be sufficient distance between all the plots and existing residential properties to preclude overlooking and overshadowing. Officers have not identified any issues with regards to impacts on privacy and overall the proposed scheme will not harm the amenities

of existing residents, and safeguards the residential amenity of that of the proposed dwellings also.

- 6.22 Overall no conflict with policy SD1 has been detected in relation to the layout, scale and design of the proposed dwellings.

The impact of the development of the landscape character and visual amenity of the area

- 6.23 The requirements of RA2 are underpinned by Policy LD1 which deals specifically with the impact of development on the landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.24 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.25 Policy LD3 requires that development “should protect, manage and plan for the preservation of existing and delivery of new green infrastructure...”
- 6.26 The application site is not located in any designated landscape and is not considered sensitive although representations have expressed concerns with regards to the visual impact and intrusion on the visual amenity and character of the area and surrounding landscape.
- 6.27 Careful consideration has been given to the proposal and how it will sit within the current context of its surroundings and its impact on landscape character. The proposed development is contained within an existing field, with the mature hedgerows and trees on its boundaries to remain, other than the removal of two sections of the roadside hedgerow to accommodate the new access. Additional hedgerows and trees are proposed as part of the landscape scheme. Officers would acknowledge that in comparison to the existing settlement pattern the proposed seven dwellings are more regimented in their spacing and overall layout. However, as highlighted above there is variation included between each dwelling.
- 6.28 Whilst Officers acknowledge that the proposed development will change the character of the site it is not considered that the proposal will change the overall landscape character of the area or be detrimental to the visual amenity. The proposed development is considered to function well within its surroundings and will add to the overall quality of the area, establishing a strong sense of space and arrival into the settlement, using the streetscape to create an attractive and comfortable place to live, not only for the future residents but for those living in existing properties. Officers are mindful that when considering the degree of adverse impact upon the landscape character the site in question is undesignated and its immediate surroundings have already undergone substantial change during the 20th century and therefore Officers have detected no conflict with policy LD1 or LD3 of the CS.

The appropriateness of the surface and foul drainage techniques proposed

- 6.29 Policy SD4 of the CS deals specifically with wastewater treatment. Where connection to the waste water infrastructure network is not practical, the policy requires developments to consider alternative foul drainage options in the following order:

- Provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway);
- Septic tank (discharging to soakaway);

- 6.30 The application proposes to install individual package treatment plants within each plot which is the preferred option identified under policy SD4 of the CS. However, the discharging of the treated foul drainage and proposed route of the outfall across the applicants land to the covered culvert has been one of the primary concerns expressed by the objectors and the Parish Council. The concerns raised centre around the risk of pollution from the failure of one of the proposed PTPs. During the course of the application the applicant instructed their drainage consultants to carry out further surveys and investigations to ensure that there was running water within the culvert where the outfall pipe was to join and that there was enough fall in the land and position of the pipe which would enable the treated water to reach the culvert. In addition, on the request of the Council's Drainage Consultant an open ditch has been incorporated into the scheme between the culvert and the site so that in the event that there was a problem with one of the PTP that it would be visible. The ditch also allows the home owners to monitor the discharge. These amendments and further surveys were done in consultation with the Council's Drainage Consultants.
- 6.31 In principle it is considered that a properly constructed and maintained PTP should not lead to any environmental, amenity or public health problems. It is recognised that problems can occur with any form of drainage scheme as a result of poor maintenance or inadequate capacity. It will be the responsibility of the properties owner to ensure that the PTP works correctly and is regularly maintained.
- 6.32 Full consideration has been given to the potential risks and the possible impacts on the environment and amenity of existing residents, with regards to the proposed treatment of foul drainage. Whilst it is understood there have been ongoing issues locally with regards to existing septic tanks leaking, this proposal has to be considered on its own merits and in isolation to any existing drainage issues. Individual PTP are the preferred option over septic tank. Providing that they are installed and maintained, the submitted documentation has demonstrated that the treated effluent can be discharged to the environment safely. The applicant has demonstrated through further surveys that the outfall pipe is capable of ensuring that the treated effluent can reach the covered culvert to a point where there is known to be continual running water.
- 6.33 Paragraph 180 of the NPPF states that a planning decision should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. However, it goes on to state in paragraph 183 that in doing so, Local Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Authorities should assume that these regimes will operate effectively.
- 6.34 In relation to surface water and the requirements of CS policy SD3, the plans demonstrate that there is sufficient space within each plot for an appropriate Sustainable Drainage System (SuDS) and soakaway system to be installed to manage the surface water which will be generated from the site. The application is supported by infiltration tests to requisite BRE 365 standards which confirm that the soil type is suitable for infiltration techniques. Calculations are also provided demonstrating that the soakaways are sufficiently sized to ensure that the drainage system is able to cope with up to the 1 in 100 year event + 40% Climate Change. On that basis, the Drainage Engineer considers the surface water drainage strategy to be appropriate and in compliance with Policy SD3.

- 6.35 The Drainage Engineer is satisfied with the drainage details provided for both foul and surface water. Conditions will control that the schemes are constructed and implemented as demonstrated. Your Officers have detected no conflict with polices SD3 and SD4 of the CS.

The impact of the development upon the local highway

- 6.36 Cobhall Lane is an un-adopted single track lane which connects the settlement of Cobhall Common to the A465. All of the existing residential properties have direct access on to Cobhall Lane. There is an existing passing place on Cobhall Lane to accommodate two-way traffic. There are no street lights or footways along the length of the lane. Local residents have highlighted the increase in vehicle movements on the lane which will be generated by the proposal as a primary concern. Pedestrian safety has also been highlighted as an issue.
- 6.37 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 102 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF paragraph 109).
- 6.38 The application proposes two new accesses to serve the proposed seven dwellings. In recognition of the concerns raised by locals with regards to increase in vehicle movements and the narrowness of the lane, the development includes provision for a new passing place to the north of Cobhall Lane and the A465 on land which is owned by the applicant. It is recognised that there are no footways along the length of Cobhall Lane and as such the carriageway is shared by all. The proposed passing place will be benefit to existing and proposed users of the lane by providing an additional place for vehicles to safely pass other vehicles, cycle or pedestrian. It has been noted however, that there are a number of other routes in and out of Cobhall Common, which provided access to the A465 and wider highway network. The Highways Officer has confirmed that the position of the proposing passing place is acceptable, however further technical / construction details will need to be agreed. The correct mechanism for this is through a Section 278 application. A condition is recommended to ensure that the off site works, and relevant S278 agreement, are completed before the occupation of any dwelling.
- 6.39 Automated Traffic Counts were carried out by Basepoint Data on Cobhall Lane adjacent to the site frontage. A summary of the ATC speed data and the locations of the ATC counter are provided in the supporting transport statement which identifies that on average there were a total of 88 two way movements on the highway. Based on similar sites, the transport statement identifies that the site would be generating in the region of 32 daily vehicles trips, with 10 daily pedestrian trips.
- 6.40 The supporting documents submitted in support of the application have confirmed that the access takes the form of a shared private driveway with a minimum carriageway width of 3.5m in accordance the Council design guide. The new access has been designed following the completion of the ATC survey. The recorded 85th percentile speeds were 25.4mph eastbound and 23.8mph westbound. The details submitted in support of the application show 16m of hedgerow (around 8m for each access) will need to be removed for the two accesses with the required visibility in both directions achievable (31m to the east and 34m to the west).
- 6.41 The Council's Highways Engineer has recognised the narrow nature of the surrounding highways which are common in rural areas such as Cobhall Common, however based on the information submitted within the Transport Statement and the submitted drawings no objection has been raised. It is considered that the impact on the safety and capacity of the local highway

network as a result of the additional traffic and trip generation can be safely accommodated on the local road network. In conclusion there is no conflict with policy MT1.

Impact on Biodiversity/Ecology

- 6.42 Policy LD2 of the CS requires development proposals to conserve, restore and enhance the biodiversity and geodiversity assets not only on the site but in the surrounding area. The application has been supported by an Ecological Assessment which consists of a Desk Study, an Extended Phase One Habitat Survey, an Initial Bat Survey and a Great Crested Newt Assessment.
- 6.43 The submitted Ecological Assessment identifies that there are no designated wildlife sites within 2km of the site, although there are a number of records of various species on surrounding land. The Council's Ecology Officer having viewed and considered the submitted Ecological Assessment has raised no objection to the proposal subject to a condition controlling the mitigation put forward in the assessment to be carried out.
- 6.44 Some of the representations received have referenced the harm to the existing wildlife and habitats that will occur if the development goes ahead. However, the submitted report has provided sufficient information that examines and considers the impacts of the proposed development on biodiversity and protected species within the area. On the basis of the assessment, the Council's Ecologist has advised that in his opinion the potential impacts of the development on ecology and biodiversity can be mitigated. Subject to conditions no conflicts with Policy LD2 have been identified.

Conclusion

- 6.45 Both Core Strategy policy SS1 and paragraph 11 of the NPPF engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The site's position is well located to the main settlement of Cobhall Common and has good access to the local highway network and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is therefore considered to be acceptable.
- 6.46 There is considered to be sufficient distance between all the plots and existing residential properties to preclude overlooking and overshadowing. All seven of the proposed dwellings are considered to be of a scale and design which individually and cumulatively respects the overall character and appearance of the settlement of Cobhall Common. The scheme is considered to comply with the requirements of policies RA2, SD1, LD1 and LD2 of the CS and guidance contained within the NPPF.
- 6.47 Officers are of the opinion that the existing un-adopted road that serves the development is sufficient to absorb the additional traffic generated from the development and the proposed passing place will ensure that there is adequate space of vehicles to pass one another. The details and provision of the passing place before occupation will be secured by condition, with a separate S278 agreement ensuring that the technical specifications for this are approved by the Council's Highways department. The concerns raised by local residents with regards to capacity and intensification have been carefully considered but officers are still of the opinion that this relatively small scale development would comply with the requirements of policy MT1 of the CS and with the guidance contained within the NPPF.
- 6.48 Matters of impact upon biodiversity, landscape character and visual amenity have all been carefully considered, however, the proposed soft landscaping put forward on site boundaries and within the site will ensure that the requirements of policies LD1 and LD2 within the CS are met.

- 6.49 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that 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 and social roles.
- 6.50 It is considered that the scheme represents a small scale residential development, with an appropriate housing mix and layout which will assist in addressing the shortfall in housing land supply in a sustainable location in one of the identified RA2 settlements. The site has good access to the public transport provision and the wider strategic road network. Through appropriate assessments the scheme has demonstrated that a sustainable drainage system can be achieved across the site and the applicants adjoining land.
- 6.51 Application of the tilted planning balance prescribed by NPPF paragraph 11 (d ii) confirms that planning permission should be granted without delay. In the absence of a five year housing land supply, small scale sites such as this one proposed are vital to support the growth required over the plan period. This proposed development is compliant with the policies of the Herefordshire Local Plan Core Strategy and is considered to be a sustainable development, for which there is a presumption in favour. It is officers' recommendation therefore that this proposal is approved with the appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the conditions below and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 - Time limit for commencement (full permission)**
2. **B01 - Development in accordance with the approved plans**
3. **C01 - Samples of external materials**
4. **G11 – Landscape Implementation**
5. **H06 – Vehicular Access Construction**
6. **H13 – Access, turning area and parking**
7. **H27 – Parking site operatives and Construction Environmental Management Plan**
8. **I16 – Hours of working during construction**
9. **H09- Driveway Gradient**
10. **HO3 – Visibility splays**
11. **The development hereby permitted shall not be occupied until the proposed passing place has been constructed and made available for use, in accordance with technical specification and details (including evidence of an agreement under the Section 278 of the Highways Act 1980 S278 agreement) to be submitted to and approved in writing by the Local planning Authority.**

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

12. **G02 – Retention of trees and hedgerows**
13. **Nature Conservation – Ecology Protection and Mitigation and Biodiversity Enhancements:**

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Star Ecology dated July 2017 and biodiversity enhancements on plan LB001 dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

14. **All foul water from the dwellings approved under this Decision Notice shall discharge into individual package treatment plants as outlined in the drainage strategy and drawings submitted to the Council on the 8th November 2018 by Paul Sloan from Tumu Consulting unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4 and the National Planning Policy Framework.

15. **Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

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. **HN19 Disabled needs**
3. **HN28 Highways Design Guide and Specification**
4. **HN01 Mud on highway**

5. **HN04 Private apparatus within the highway**

6. **HN05 Works within the highway**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 March 2019
TITLE OF REPORT:	182822 - ERECTION OF 2 DWELLINGS AND ASSOCIATED GARAGING AND REVISED VEHICULAR ACCESS FOR PLANNING APPROVAL 180075/F AT COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ For: Mr Frances per Ms Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182822&search=182822
Reason Application submitted to Committee – Re-direction	

Date Received: 16 August 2018

Ward: Birch

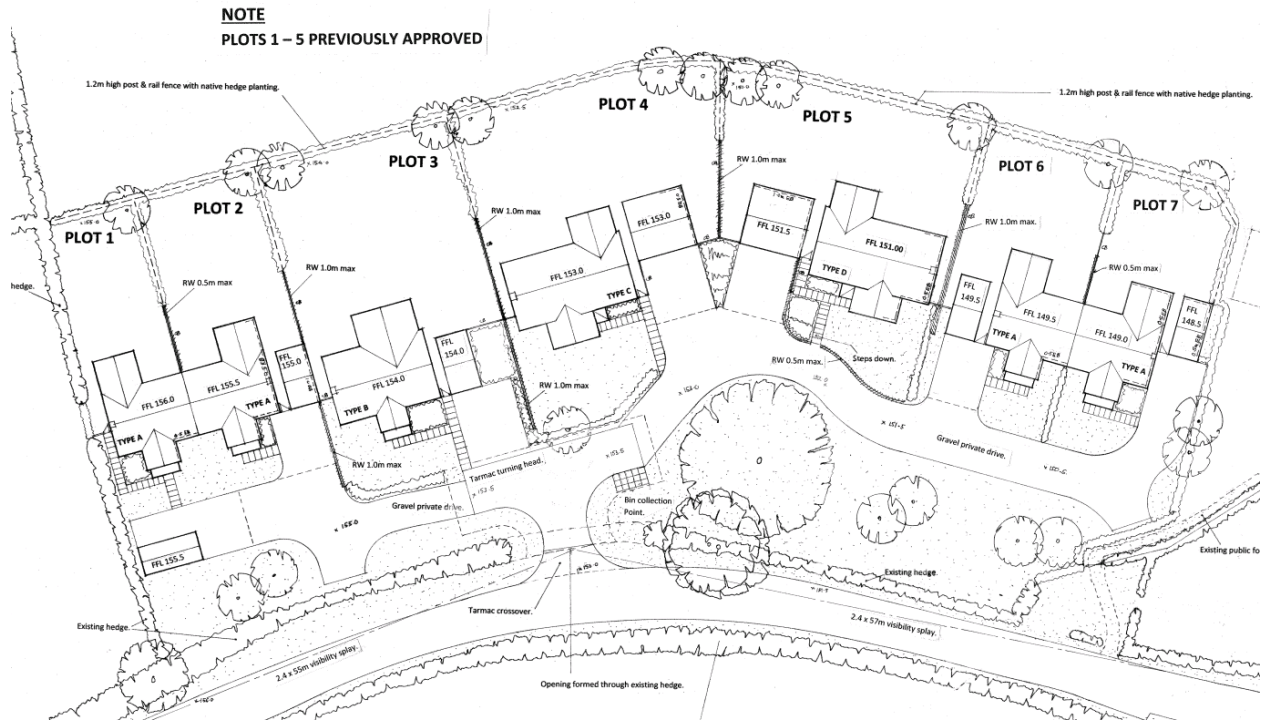
Grid Ref: 345890,222649

Expiry Date: 11 October 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 This application seeks full planning permission for the erection of two dwellings located to the south of the C1239 which runs through the centre of Garway. The site adjoins a previously approved scheme (under ref: 180071) for five dwellings and will utilise the access approved under that permission.
- 1.2 The site itself benefits from a hedgerow along the boundary with the road with a public footpath (GW32) to the west which provides the existing vehicular access into the site. This would be closed as part of the proposal. The site falls gently from east to west.
- 1.3 The scheme proposed includes two semi-detached properties which are handed versions of each other. They will each accommodate a study, sitting room and kitchen on the ground floor with three bedrooms, en-suite and bathroom on the first floor.
- 1.4 The block plan below indicates the five dwellings permitted under ref: 180071 to the north of the site (plots 1 – 5) and the proposed semi detached dwellings under the current application (plots 6 & 7).



2. Policies

2.1 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	-	Addressing Climate Change
RA2	-	Housing in Settlements Outside of the Hereford and the Market Towns
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
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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/info/200185/local_plan/137/adopted_core_strategy

2.2 Garway Neighbourhood Development Plan (currently at Regulation 14 stage)

GAR1	-	New Housing Development in Garway Village and Broad Oak
GAR2	-	Design in Garway Parish
GAR3	-	Flooding and Drainage
GAR4	-	Protecting Local Landscape Character
GAR5	-	Dark Skies
GAR10	-	Highways and Transport

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2.3 National Planning Policy Framework (2019) (NPPF)

- Chapter 2 - Achieving Sustainable Development
- Chapter 5 - Delivering a Sufficient Supply of Homes
- Chapter 9 - Promoting Sustainable Transport
- Chapter 12 - Achieving Well-Designed Places
- Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Changes
- Chapter 15 - Conserving and Enhancing the Natural Environment

3. **Planning History**

3.1 **180075/F** – Proposed erection of 2 dwellings and associated garaging and new vehicular access. Withdrawn

180071/F – Proposed erection of 5 dwellings and associated garaging and new vehicular access. Approved (directly to the east of application site)

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water – no objection**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department 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.

4.2 **Natural England – no objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - no objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Internal Council Consultations

4.3 **Public Right of Way Officer – qualified comment**

Public footpath GW32 is in close proximity to the development, particularly the drainage treatment plant. The footpath must not be affected in any way.

4.4 **Conservation Manager (Landscape) - no objection**

Following on from a further site visit to review the additional proposed dwellings, I have no objection from a landscape perspective the context of the built form already exists in terms of the permitted site.

I do not consider that 2 further units will impact on the residential amenity of the neighbouring Court cottage. However I would like to draw to the attention the following:

- Two additional units will encroach into the landscape surrounding the PROW. I do consider a landscape buffer is required between the two to reduce any harmful visual effects.
- The proposed hedgerow to the south of the units is not a sufficient landscape buffer to reduce harmful visual effects from long views which could experience a bank of housing.
- A landscape plan is therefore required as part of the application to encompass the aforementioned points.
- This landscape plan should include the specimen oak shown to be retained, a condition should be applied in relation to the protection of the tree and roadside hedgerow during the construction phase.
- A further condition should be applied in relation to the management of the existing and proposed planting for a period of up to 10 years.

Following the submission of landscape plans, the Landscape Officer comments as follows:

I have seen the amended strategic landscaping plans drawing no. 1620/55, I am satisfied with the planting proposals shown, please apply the appropriate condition in relation to implementation of the scheme.

A management plan should be sought via a condition in order to ensure the successful establishment of the new planting.

4.5 Conservation Manager (Arboriculturalist) – no objection

There is a mature Sycamore tree which is a significant landscape feature which must be adequately protected for the duration of the development; the proposed access road appears to be close to the rooting area of the tree.

Planning application ref 180071 is directly adjacent to this site, it contains the tree and is conditioned that a BS5837 report is submitted prior to the commencement of any development (condition 6). This report should provide sufficient information required for the protection of the tree.

4.6 Conservation Manager (Ecology) – no objection

Based on adjacent application a detailed ecology report by Janet Lomas was submitted and this can be considered relevant and appropriate to this application as well and the recommendations, including biodiversity enhancements should be secured through a relevant condition (as adjacent application).

4.7 Transportation Manager – no objection

The access has been approved under the previous application for 5 dwellings. The addition of two dwellings would not be classed as severe. The turning head and access should be built to adoptable standard.

4.8 Neighbourhood Planning Manager – no objection

The Garway neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken on 23rd January 2019 and ends on the 6th March 2019.

At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore as the decision makers are unable to evaluate the extent of any unsolved objections.

We have not yet received confirmation of conformity of the plan with the adopted Herefordshire Core Strategy and the National Planning Policy Framework from the Strategic Planning team as part of the Regulation 14 consultation.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan.

5. Representations

5.1 Garway Parish Council – object

- 1) Although planning has been granted for the 5 dwellings The Parish Council requested that 1 of the dwellings were semi detached, this was to address the balance of top heavy executive development in the village, however this was not addressed and was ignored and planning permission was given as per the application.
- 2) With regard to 2 further dwellings in close proximity to the approved 5 dwellings The Parish Council consider that although they are semi detached the planning consultant has erroneously identified this green field site as being an extension of ribbon development, including a brown field site. The Parish Council wish to advise that planning permissions granted relating to the brown field sites has lapsed.

5.2 Ramblers Association – comments

Public footpath Garway 32 (GW32) appears to be affected by the development, and we wish to make the following comments.

- The Rambler's Association regrets the loss of public visual amenity available from GW 32 when walking north up the hill towards the proposed development and visual amelioration measures should be considered in any permission granted.
- It is noted that the stile proposed in the previous application (180075) is not shown on the site plan, which indicates completely open access to the agricultural land to the south. If at some later stage a gate is required to prevent livestock access to the public road, the landowner must obtain permission from Herefordshire Council to erect the gate under s147 of the Highways Act 1980.
- The 'native hedge planting' shown on the landscaping plan adjacent to the footpath should allow a minimum width of 2 metres for the footpath so that all members of the public can access the path to the south. This should be specified in any permission granted. It is recommended that maintenance of the hedge, especially any overgrowth of the footpath, be included in whatever arrangements are made for maintaining the shared areas of the proposed development, for example by means of a management company

The proposed development will not directly affect the legal line of public footpath GW32 that runs outside the application site boundary through the neighbouring property. However this route is currently inaccessible to the public and the proposal provides an opportunity to resolve public access to the full length of this wonderful footpath offering extensive views & picnic spots towards the west.

Consequently the Ramblers' Association recommends that the footpath proposed on the site layout plan be designated a public right of way, either:

- By a path creation agreement between the developer and the Council (to eliminate the need for a diversion or extinguishment order) or,
- By diversion of the existing path, currently recorded running through the neighbouring property, under the Highways Act 1980 s119 onto the line depicted on the plan.

5.3 To date a total of five representations have been received from 3 households. The comments therein are summarised below:

- Permission for five houses has already been granted which is actually way beyond where Garway Village effectively ends
- Existing planning already puts pedestrians at risk. Large farm vehicles use the lane several times a day. The traffic assessment does not seem to take this into consideration
- Apart from extra noise and light pollution at night, traffic to and from the two sites will significantly increase the present vehicle usage on the road
- Site is not in NDP
- Garway is poorly served by public transport with narrow roads and a shop at Broad Oak away from most of the sites already agreed. Socially this is a huge increase of residents
- Argument that the school site and village hall may be developed isn't relevant and adds to fact that there could be houses on brown field which will have less impact
- What would the economic benefits be and what will the environmental impact of encouraging more houses in a remote place

- Policy of allocating a target number of houses gives until 2031 which gives another 12 years to fill quota
- Council policy does not look at neighbourhoods it looks at targets for villages. There will be a huge impact on people already living here
- Concerned about the fate of the sycamore tree. This should be retained at all costs. Ash tree growth from adjacent hedgerow needs cutting down to hedge height as it is affecting the symmetry of the sycamore crown
- Addition of two extra dwellings adds insult to injury and is an unappealing attempt to squash in as many houses as possible
- This application is just a bigger blot on the landscape
- The new Garway Community Hall was specifically aiming to attract young parishioners. Why is there no starter homes? The proposal will only attract city workers
- Would be great if application could be put on hold at least until the team at the Council looking at the Neighbourhood Plans consults with the Planning team
- Plead for sanctity of green pasture whilst brown field sites are available for appropriately priced, sensibly sized accommodation for first time buyers
- While there are only 3 objections to this application, the total of 33 representations across all applications on the site should be given full weight
- Design and access statement does not add substantially to an argument to support the application
- While the application states the proposal will enhance economic, environmental and social factors, no justification of this assertions are given
- No prospect of employment, no affordable housing so that young families can continue to live in the area they were born and rural aspect will be destroyed by addition of what is essentially a suburban development
- The fact that the foul drainage plant is very close to the footpath casts doubt on the whole development
- Previous application stated that a second access was unacceptable and extra houses could be added only if the single access is upgraded to adoptable standards. A footpath across the front of the site is also mentioned under previous comments but this would raise local objection with further destruction of existing hedgerow and would be out of keeping with rural setting
- Draft NDP should be given full support as a genuine reflection of democratic opinion
- The Landscape Officer comments mentions an oak tree. I think she refers to the sycamore tree

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182822&search=182822

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

Procedural matters

6.1 An application for two dwellings was withdrawn on the site in June 2018 following concerns regarding the achievable visibility from the access and comments received from the Council's Landscape Officer. The current application looks to utilise the access approved for the scheme for five dwellings (ref 180071) as opposed to a separate one as previously proposed and is submitted with additional landscaping measures.

Policy context and Principle of Development

6.2 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.”

6.3 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 Garway Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 18 January 2019. The consultation ran until 6 March 2019.

6.4 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.5 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

6.6 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.

6.7 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the ‘other’ typically smaller settlements where proportionate housing will be appropriate.

6.8 There are 119 ‘main’ villages (figure 4.14) and 98 ‘other settlements’ (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Garway is identified as a settlement within figure 4.14.

6.9 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above and confirmed by the Neighbourhood Development Plan Manager, at this stage the NDP policies for Garway can only be afforded limited weight.

- 6.10 With the foregoing paragraph in mind, it is the relationship between the proposal site and main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the blue star, with the red line of the settlement boundary contained at policy GAR1 of the NDP. The green star indicates the previously approved scheme for 5 dwellings.



- 6.11 The site is clearly outside of the settlement boundary included within the emerging NDP. Notwithstanding this, Garway as a settlement benefits from a primary school, public house and village hall situated along a linear pattern straddling both sides of the C road. Noting the extant permission for five dwellings that the proposed two would adjoin, the current application will continue the linear nature of the settlement westwards in a way that is in keeping with the pattern of development.
- 6.12 The proposal is for two 3 bedroom dwellings. Within the Ross-on-Wye Housing Market Assessment the main requirement is for 3 bedroom dwellings (at 63.2%) followed by 2 bedrooms (at 24.3%). With this in mind, the proposal accords with the hierarchy of dwelling sizes. While the comments regarding bedroom numbers within the representations are noted, and it is appreciated that across this proposal and the scheme already approved there will be a total of 5 x 3 bedroom properties, 1 x 4 bedroom and 1 x 5 bedroom, only the current application can be assessed. The majority of the dwellings however will be three bedrooms across the two schemes which is the most needed in this housing market area.
- 6.13 With the above in mind, and the limited weight of the NDP, the principle of development is found to be compliant with policy RA2 which is afforded greater weight at this time.

Landscape and visual impact

- 6.14 Notwithstanding the foregoing paragraphs, policy RA2 makes it clear that housing proposals will be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by policy LD1 which states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale nature and site selection, protection and enhancement of the setting of settlements. This is reinforced through policy GAR4 of the NDP which seeks to protect the landscape character of the settlement.
- 6.15 The settlement is largely spread along the road and while there are several examples of direct relationships between the road and dwellings along it, there are examples of joint accesses and dwellings being set further back. Dwelling types within the settlement vary - it consists of semi detached and detached properties, single storey and two storey. Given the topography, there are several instances where the dwellings sit higher than the road and as such are accessed via inclining driveways. This is the situation for the scheme of five dwellings permitted to the east of the proposal site. The extension of this with an additional two dwellings is not found to be out of character with other developments in the settlement.

- 6.16 The comments from the Council's Landscape Officer and Ramblers Association are noted, and while the proposal will be located nearer to the public right of way, subject to the amended landscaping plan being implemented the visual impact on the users of the footpath will be reduced.
- 6.17 With the presence of the five dwellings having already been assessed under that application, the addition of two dwellings is not found to affect the landscape character at this point of the settlement to a degree that would justify refusal of the application.
- 6.18 With regard to the comments of the Ramblers Association and the public right of way, this lies wholly outside of the application site and any diversion is not a pre requisite of the application. As such, an informative will be placed on any approval ensuring that the applicant is aware that the permission would not extinguish any rights of way or imply that such rights of way may be diverted or otherwise altered.
- 6.19 In light of the above, and the measures that have now been included within the application, it is found to preserve the character of the wider settlement and landscape and therefore accord with policies LD1 and GAR4.

Design and amenity

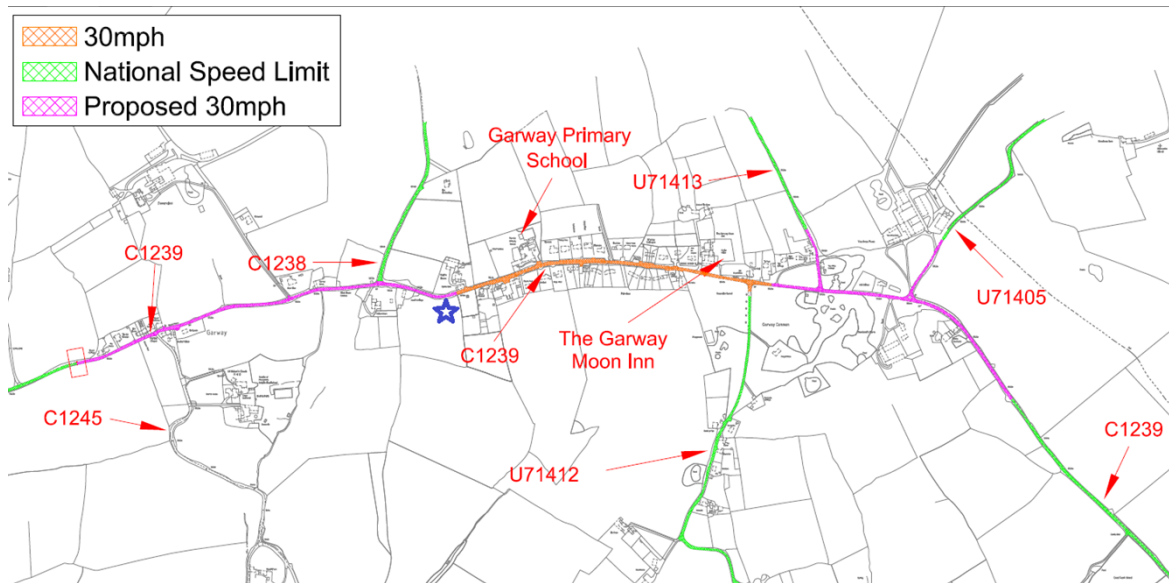
- 6.20 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact. These criteria are reflected through policy GAR2 of the NDP. Paragraph 127 of the National Planning Policy Framework reinforces this further by stating that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.21 The semi detached dwellings proposed will be constructed from stone elevations and slate roofs. There is a variety of materials within Garway as a whole, including facing redbrick, stone and rendered elevations. As such, the materials proposed are found to be in keeping but exact details will be conditioned on any approval.
- 6.22 While semi-detached, the dwellings have traditional cottage proportions with projecting gables to the front and rear and stone quoining details. The NPPF makes it clear that proposals should respond to local character and history, and reflect the identity of local surroundings and materials, however, planning decisions should not attempt to impose architectural styles of particular tastes. It is however important to promote or reinforce local distinctiveness. Noting the five dwellings already permitted and the variety of materials and dwelling types within Garway as a whole, the proposed two dwellings are found to be in keeping. For reference, the elevations of the two proposed dwellings can be found below.



- 6.23 The properties will benefit from a single garage located to the side elevation of the dwellinghouse. Given the scale and siting of these, the dwellings will be the dominant features on the site with the outbuildings being suitably subservient.
- 6.24 Moving onto the impacts of the proposal on residential amenity, the windows are mainly sited on the front and rear elevations of the properties. These will look onto the gardens and driveways associated with each dwelling. The one side window located at ground floor of each dwelling will look onto the garages. With this in mind, the proposal is not found likely to lead to overlooking issues for neighbouring properties.
- 6.25 With regard to overshadowing, noting the distance from the nearest neighbouring dwelling (Court Cottage which lies approximately 20m to the north west and is within the applicants ownership), this is not found likely to lead to issues that would be detrimental.
- 6.26 In relation to the amenity of future occupants, the dwellings will benefit from adequate private amenity space to the rear. The treatments that are proposed to demarcate the boundary of the site from the wider field include a post and wire fence with native hedgerows. The Landscape Officer has had sight of this and is satisfied that this provides an in keeping boundary that protects the wider landscape while providing an adequate screen for the use of the area as a rear garden.
- 6.27 With the site falling from east to west, and the adjacent five dwelling scheme and Court Cottage located to the west, it is found appropriate to condition slab levels on any approval to ensure that the dwellings work with the topography of the site and result in a development that contributes positively to the streetscene.
- 6.28 In light of the above, and subject to the imposition of relevant conditions, the proposal is found to be compliant with the CS and NDP policies in relation to design.

Highways safety

- 6.29 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109). Policy GAR10 of the NDP requires new development to provide safe and suitable access by focusing development on the main road that forms the spine of the linear Garway village as well as include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.30 The access approved under the adjacent permission will be utilised by the current application. This access benefits from visibility splays measuring 55m to the east and 57m to the west all accommodated within highways land or land under the ownership of the applicant. These visibility splays are acceptable and meet the standards required before a Traffic Regulations Order (TRO) was approved across Garway in November 2018 and extended the 30mph areas across the front of the site and approximately 730m to the west (indicated on the map below). The splays are therefore in excess of what is required in relation to the speed of the road.



- 6.31 With the access now serving a total of 7 dwellings it will be built to adoptable standards. A tarmac turning head is proposed at the front of the site with a turning area proposed at the eastern end of the two plots for consideration under this application. With the scheme being for two 3 bedroom properties a minimum of two car parking spaces are required per dwelling. The block plan indicates a double parking area for each dwelling which is adequate and meets the standards contained within the Council's design guide.
- 6.32 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change. The site is in close proximity to the facilities that Garway has to offer and while there are no pavements directly adjacent to the site this is not uncommon for a rural settlement.
- 6.33 As stated above, the access has already been approved and the intensification of this (once built to adoptable standards) is found to be acceptable. The comments received from the Council's Transportation Manager endorse this view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS and GAR10 of the NDP.

Ecology

- 6.34 Policies LD2 and LD3 of the CS are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.35 While not submitted with this application, reasonably, the ecology survey that accompanied the adjacent development is relevant (this included the current application site). The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to a HRA AA that was submitted for their approval.

Drainage

- 6.36 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). The need for new developments to include adequate surface water drainage measures (including Sustainable Drainage Systems) to protect existing and new development from flooding is also a requirement of policy GAR3 of the NDP.
- 6.37 The application form accompanying the proposal states that private treatment plants will be utilised for foulwater and soakaways for surface. Given the size of the land within the ownership of the applicant these are found to be acceptable methods but exact details will be conditioned on any approval.

Summary and conclusions

- 6.38 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.39 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.40 The site is found to be located adjacent to the main built up part of the settlement and while it is outside of the settlement boundary included within the NDP, as this has limited weight at the present time, the benefits of the proposal as a whole are to be assessed.
- 6.41 Highways and landscape concerns that were identified under the previous (withdrawn) application are found to be overcome with the utilisation of the approved access and additional landscaping. The design of the dwellings continues the vernacular of the already approved scheme and is in keeping with the variety of the dwellings within the settlement as a whole.
- 6.42 While the concerns within the representations are noted, the development is not found to give rise to harm that outweighs the benefits of the scheme. In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward two dwellings in a location that is adjacent to the built up part of the settlement with the associated economic and social benefits that small developments in rural hamlets support.
- 6.43 Officers are content that there are no other matters of such material weight that would justify withholding planning permission and the application is accordingly recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01 Time limit for commencement (full permission)
2. C07 Development in accordance with approved plans and materials
3. C13 Samples of external materials
4. C96 Landscaping scheme
5. C97 Landscaping scheme implementation
6. C90 Protection of trees/hedgerows that are to be retained
7. CCK Slab level details
8. CC2 External lighting
9. CBO Scheme for surface water disposal
10. All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or Soakaway features.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

11. CE6 Efficient use of water
12. C65 Removal of permitted development rights
13. CAB Visibility splays
14. CAH Driveway gradient
15. CAP Junction improvement/off site works
16. CAJ Parking - estate development (more than one house)
17. CAK Parking and turning
18. CAS Road completion in 2 years
19. CAT Wheel washing
20. CAZ Parking for site operatives
21. The ecological protection, mitigation, compensation and working methods scheme including the Habitat Enhancement Strategy and Management Plan, as recommended in the reports by Janet Lomas dated November 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

approved unless otherwise agreed in writing by the LPA.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

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, including any representations that have been received. 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.
2. I11 Mud on highway
3. I09 Private apparatus within highway
4. I45 Works within the highway
5. I05 No drainage to discharge to highway
6. I43 Protection of visibility splays on private land
7. I47 Drainage other than highway system
8. I35 Highways design guide and specification
9. I18 Rights of way

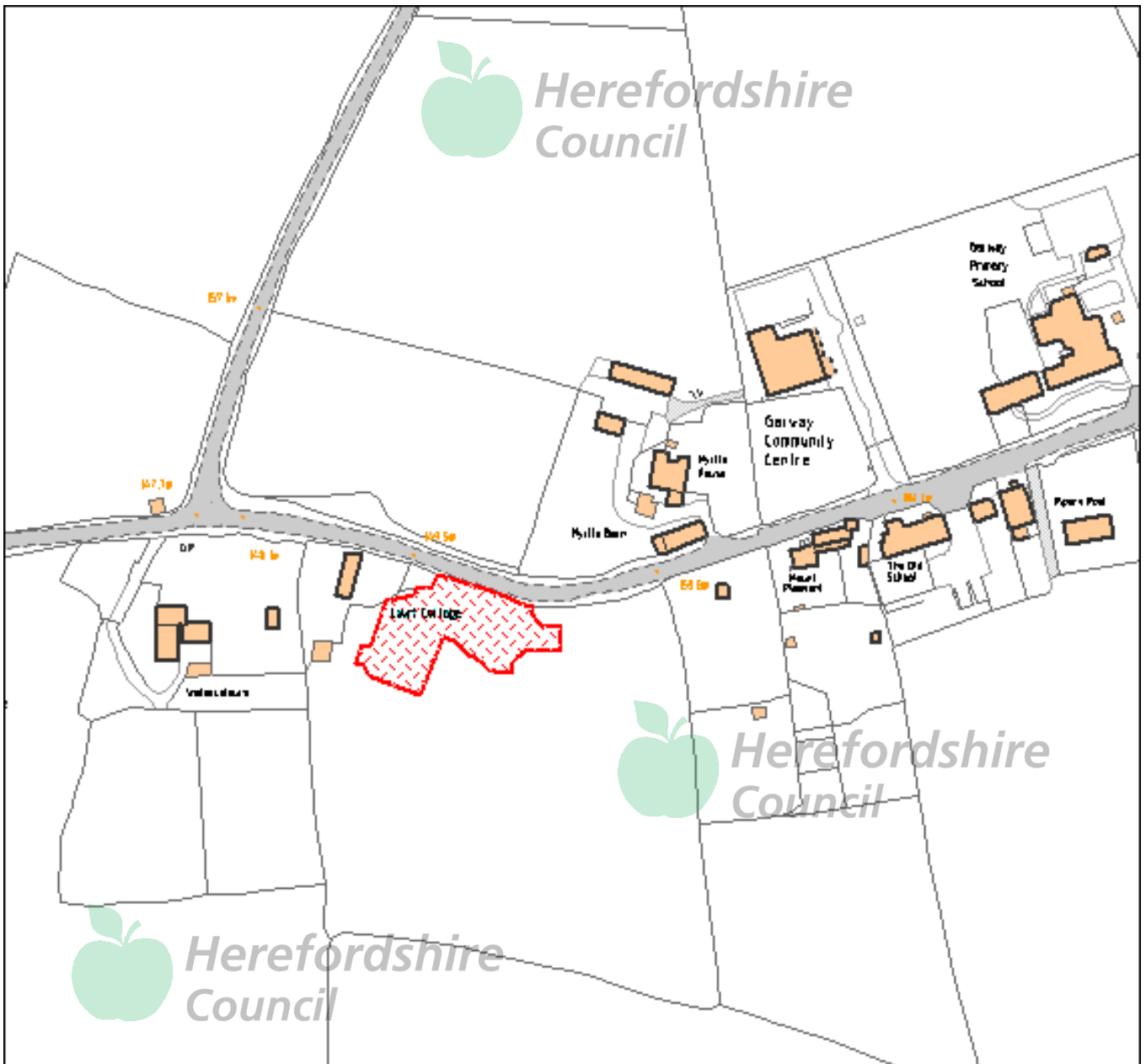
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182822

SITE ADDRESS : COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ

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