

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>23 January 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>172076 – SITE FOR PROPOSED ERECTION OF NINE DWELLINGS. CONSTRUCTION OF NEW VEHICULAR ACCESS, TURNING AREA AND PRIVATE ROADS. LAYOUT AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE</b></p> <p><b>For: Mr Jackson per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172076&amp;search=172076">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172076&amp;search=172076</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 2 June 2017**

**Ward: Llangarron**

**Grid Ref: 355955,222246**

**Expiry Date: 1 February 2018**

Local Member: Councillor EJ Swinglehurst

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

- 1.1 The site is located adjoining existing residential development at Glewstone, a settlement designated under Core Strategy policy RA2 as a suitable location for appropriate residential development. The site, as is the whole of Glewstone and surrounding area, is within the Wye Valley Area of Outstanding Natural Beauty. The site is a sloping undeveloped greenfield site and covers an area of 0.8 hectares. It comprises a former orchard delineated by well-maintained hedgerows on three sides and open on the remaining eastern site boundary. Its western site boundary coincides with its sole road frontage with a single-width lane. A public footpath runs along the length of the eastern site boundary. Existing vehicular access to the site is achieved via a gap in the western boundary.
- 1.2 The proposal is an outline application for the erection of nine dwellings, comprising 2 no. 3 bed units and 7 no. 4 bed units further mixed to feature 5 no. dwellings and 4 no. bungalows.
- 1.3 Access and layout are to be assessed and considered, with appearance, landscaping and scale reserved matters. Highways improvements in the form of a pedestrian refuge and formation of passing places are proposed.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant 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	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
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	–	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

### 2.3 There is no designated Neighbourhood Planning Area and as such no emerging Neighbourhood Development Plan for Marstow Parish, which contains Glewstone. Glewstone will be considered within in the Rural Areas Development Plan Document (RASADPD) which will potentially allocate sites and settlement boundaries. The RASADPD options consultation for settlement boundaries and sites is likely to go out for consultation in summer 2019.

### 2.4 Wye Valley AONB Management Plan

## 3. Planning History

### 3.1 SH871253PO – Erection of 4 no. dwellings, Refused. Appeal dismissed.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Natural England has no objection, based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites.
- 4.2 Natural England notes *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 Special Scientific Interest (SSSI).*

#### 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.

- 4.3 Welsh Water comments *We have reviewed the information submitted as part of this application with particular focus on Section 11 and 12 of the planning application form and note that the intention is to use a private treatment plant for foul water and soakaway to dispose of surface water. As the sewerage undertaker we have no further comments to make, however, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.*

### Internal Council Consultations

- 4.4 The Transportation Manager has no objection, commenting –

As shown in previous consultations there have been a number of issues which have been raised, these are follows –

1. *The proposed visibility splays for the site are not measured to the edge of the carriageway, as is standard practise. If the visibility splays are taken to the edge of the carriageway there additional hedgerow removal is required.*

**Whilst it is standard practice for visibility splays to be measured to the edge of the carriageway, Manual for streets 2 does allow for visibility splays to be measured to the nearside edge of the vehicle track, therefore this is allowable**

2. *The lane is narrow with only small sections of carriageway which can accommodate two way vehicle movements. The lane does not have any passing bays to allow for vehicles to negotiated oncoming vehicles. The site does not allow for a passing bay to be incorporated on site due to the gradient and back fill required for the visibility splays.*

**The provision of passing bays allows for the increase in vehicles to be accommodated.**

3. *The school transport is provided for the local children to Goodrich primary school and John Kyrle high school. The pickup point for the school transport which will be associated with this development is located on the cross roads. Due to services being merged to meet the demand the route has been altered and children now wait on the cross roads. If the development is permitted there is potential for the number of school children to increase requiring school transport therefore increasing the number of children waiting at the cross roads which does not provide suitable facilities for children waiting.*

**The provision of a section of footway/waiting areas around the crossroad will provide a safe area for children to wait for school transport.**

4. *The crossroads which is associated with development has restricted visibility therefore increasing the number of vehicles using the cross roads, however it is noted that there are no recorded accidents at this junction within the last 5 years.*

**It should also be noted that Manual for streets 2 states that a reduction in visibility below recommended levels will not necessarily lead to a significant problem.**

With the additional facilities provided, the scheme is now acceptable subject to requested conditions and informatives.

#### 4.5 The Conservation Manager (Landscapes) comments –

I note the amended plans submitted January 2017 including the proposed cross sections which were helpful. The proposed revision to the entrance and turning head is welcomed, the crib wall will be reduced from 4m to 2m with the soil graded back behind it to account for the remaining difference. This will reduce the visual impact of the proposal from the site entrance. A further measure in my view would be to introduce stone walling with planting in front.

I recognise the measures taken to ensure every effort has been made to comply with LD1 of the Core Strategy, given the topography of the site the proposal will inevitably required engineering works.

At this point therefore I defer to the planning officer who's role it is to weigh up the planning balance of the various benefits against the associated impacts.

As previously stated 29<sup>th</sup> August 2017, *On balance therefore, whilst I do not object to the principle of development upon the site, the necessary engineering works to facilitate the access in conjunction with the loss of hedgerow will have potentially harmful effects to both visual amenity and landscape character and is therefore not considered to comply with LD1 of the Core Strategy.*

#### 4.6 The Conservation Manager (Ecology) has no objection commenting –

The updated foul water management strategy is noted. Subject to approval of the required Habitat Regulations Assessment Appropriate Assessment by Natural England this application can be determined if subject to approval a number of Conditions are suggested to secure the approved mitigation. The supplied ecology report is noted and a Condition is suggested to secure relevant mitigation, compensation and biodiversity enhancements.

#### 4.7 The Drainage Engineer comments –

##### Overview of the Proposal

The Applicant proposes the construction of 9 dwellings and vehicular access. The site covers an area of approx. 0.80ha and is currently used for agricultural purposes (previously an orchard). The topography of the site slopes down from approx. 75m AOD in the southeast to approx. 67m AOD in the northwest. An ordinary watercourse is located on the western side of the adjacent road.

##### Other Considerations and Sources of Flood Risk

Local residents have raised concerns in regards to surface water flooding of the adjacent road (to the west of the proposed development site). It has been stated by members of the public that the stream flood frequently due to silt build up and causes to get onto the highway. The Applicant has taken measures to ensure that no additional surface water runoff will get onto the highway.

The adjacent lane (to the west of the site) reaches a low point. Surface water on the road may naturally flow to the lowest point. The surface water flood map reflects the presence of the stream. Maintenance of the watercourse lies with the riparian owners.

##### Surface Water Drainage

The Applicant has given consideration to the management of overland flow as this site is sloping.

- Infiltration channels are placed along the South and East boundaries to intercept and infiltrate the off-site water flows coming from top slope.
- Open channels will be placed at the bottom of the orchard to intercept and infiltrate the surface water runoff from higher land.
- Humps alongside the northwest boundary are placed under trees to be consistent.
- Channel drain across the entrance to prevent runoff onto highway.

Runoff from the impermeable access road will be managed by two chamber soakaways which have been designed in accordance with the Herefordshire SuDS handbook. It is stated that the soakaway serving the road is to be the responsibility of Herefordshire Council.

It has been clarified that the section of road serving plots 6 to 9 will be constructed of permeable paving. A low road hump will be constructed between the permeable section and tarmac road to allow water to infiltrate in the permeable section and prevent water getting onto the tarmac road. Responsibility of the permeable paving will fall with the property owners.

##### Foul Water Drainage

Plots 1 – 5:

Foul water outflow from the sewer treatment plant (or eventually reed bed) for plots 1-5 will be discharged into the Luke Brook by pipework under the road. Interface between conveyance pipework and the watercourse will be designed in accordance with HC standards.

Plots 6 – 9:

It is proposed that foul water from dwellings 6 – 9 will be directed individual package treatment plants served by individual drainage fields of approx. 30.53m<sup>2</sup> for each dwelling. The drainage fields are to be located in the orchard to the west of the proposed dwellings. It has not been demonstrated on the foul drainage layout that the spreaders will be laid out in the following:

- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

The Applicant has provided a cross section showing the drainage field, sandstone bedrock. This demonstrates that a minimum of 0.6m of soil will be below the gravel bed of the drainage field (minimum of 0.95m from the base of the perforated pipes). This cross section does not demonstrate all drainage fields. It should be demonstrated that each drainage field proposed has sufficient depth of soil above the sandstone bedrock.

#### Overall Comment

We request that a cross section of all drainage fields serving plots 6-9 is provided to demonstrate that the sandstone bedrock is sufficiently far below the drainage field. This can be conditioned.

4.8 The Public Rights of Way Manager has no objection. The development would not appear to affect public footpath M015.

4.9 The Waste Manager has no objection, commenting –

*The collection vehicle will not travel the private drive to the properties. Due to the gradient, collection points are needed for all properties to place bins on collection day. This should be adjacent to the turning head. A collection point(s) is needed for all properties to place bins on collection day. This should be an area of hard standing that is large enough to accommodate the required number of bins on collection day and be located adjacent to the turning head.*

#### **5. Representations**

5.1 Marstow Parish Council objects, commenting –

A special planning meeting was held on 18 July 2017 where 21 residents from Glewstone attended. The main concerns given to the Council were as follows:

1. Traffic and road visibility. The road is narrow and the proposed development would generate further traffic to this area.

2. The nearby cross road is a problem with poor visibility - again increased traffic flow will further add to this problem.
3. Regarding items 1 and 2 this adds greater concerns for the safety of school children who have to use this area to meet the school run bus.
4. Road surface water concerns. Surface water occurs on the road of the intended development and freezes during the winter months. Drainage from this road is poor.
5. The proposed development is basically in a valley and there are concerns as to water drainage from this land.
6. There appears to be 1 sewage treatment plant for the proposed development and concerns were given as to where any overspill / soak away will go. The stream can regularly dry up in summer months.
7. There is no public transport for Glewstone and subsequently private transport has to be used.

The Parish Council support these concerns and objections.

However should planning permission be granted the Parish Council strongly recommend that items 2 and 4 are addressed before any build work and associated work is started.

5.2 31 letters of objection have been received, comments are summarised as:

- The site is in an AONB
- The site is in open countryside
- It is an unsustainable location
- Concerns regarding highway and pedestrian safety
- Increase in traffic on local roads
- Capacity of local road network and local roads used as a cut through
- Sewerage and surface water
- Houses proposed are not needed
- Other sites in and around Glewstone suggested as preferable locations
- Reference to 1987 refusal and appeal decision
- Impact of adjoining residential amenity
- There are no services or facilities at Glewstone
- Impact on biodiversity and ecology
- Does not meet local housing requirements
- Only land owner and developer will benefit
- Proposed highway improvements do not address highway safety and capacity concerns
- The existing road floods

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=172076&search=172076](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172076&search=172076)

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*

#### Legislation

- 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.*” The development plan is the Herefordshire Core Strategy.
- 6.2 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. Of particular relevance to the proposal are the following sections:
- Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.
  - Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.
  - Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 6.3 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

#### Herefordshire Core Strategy

- 6.4 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.5 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.6 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.7 Core Strategy policy SS7 – *Addressing climate change* describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- focussing development to the most sustainable locations

- delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport

- 6.8 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.
- 6.9 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Glewstone is one of these settlements and is within the Ross on Wye HMA. Policy RA2 states housing proposals will be permitted in the identified settlements where the following criteria are met:
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
  2. Their locations make best and full use of suitable brownfield sites wherever possible;
  3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
  4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.10 Core Strategy policy LD1 criteria require new development must achieve the following:
- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
  - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

#### National Planning Policy Framework

- 6.11 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.
- 6.12 Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The social objective requires planning 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.
- 6.13 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means 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 of the NPPF 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.

- 6.14 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.15 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.16 This position was crystalised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*
- 6.17 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.18 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*. Paragraph 127 outlines planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.19 Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172. This states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*
- 6.20 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.21 Paragraph 193 advises that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.22 Paragraph 197 states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

#### Wye Valley AONB Management Plan

- 6.23 The Wye Valley AONB Management Plan is a material consideration in the assessment of this application. The following policies are particularly applicable –
- 6.24 WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment. *[see also WV-L3, WV-D4, WV-U1, WV-U3, WV-T2, WV-S4 and WV-P5]*
- 6.25 WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important. *[see also WV-L3, WV-F3, WV-U1, WV-U3, WV-T2 and WV-S4]*

#### Assessment

- 6.26 Marstow Parish is within the Ross on Wye Housing Market Area (HMA) and Glewstone is its only settlement designated under CS policy RA2. The parish has an indicative minimum delivery target of 24 dwellings for the Plan period. As there is no NDP proposed there are no forthcoming allocations to meet this target. There were 6 completions between 2011 – 2018 with a further 4 commitments as dated 1<sup>st</sup> April 2018. As such there is a remaining shortfall of 14 dwellings to be delivered within the parish.
- 6.27 The proposal is for 9 no. dwellings comprising of 2 no. 3 bed units and 7 no. 4 bed units, with a mix of 5 no. dwellings and 4 no. bungalows. The location is set within Glewstone, on a site that is located within in the Wye Valley AONB. The proposal lies within landscape character type *Principal Settled Farmlands* where *'a dispersed pattern of farmsteads and hamlets capable of accommodating limited new development... low densities of dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside pattern.'*
- 6.28 The site is currently a pasture field, formerly orchard, bounded by hedgerow on 3 sides. The landform rises significantly from the western field boundary which runs parallel with Glewstone

Road before reaching a plateau along the eastern section of the site. The original field pattern which was once subdivided has altered over time with the infill of 20th century residential development.

- 6.29 The site by virtue of its location and context is considered to be adjoining the main built form of Glewstone, which with its dispersed settlement pattern has no clear core. The site is however adjoining an established cluster of existing housing and is readily accessible to the limited services and facilities the village has. On this basis, the principle of development is considered acceptable and satisfies the sustainability aims and objectives of CS policies SS1 and RA2 and the NPPF. The overall acceptability of the proposal is therefore assessed against material considerations, including but not limited to highway safety, landscape impact, ecology and drainage.
- 6.30 Officers conclude on the basis of the scale of the scale of the proposal and existing scale of housing at Glewstone, the proposal does not represent major development in an AONB.
- 6.31 The housing mix in terms of size and type proposed is considered to satisfy CS policy RA2 and H3. Although the proposal is not obligated to and makes no provision of affordable housing, it includes two smaller semi-detached dwellings providing more affordable houses in this location. It is suggested permitted development rights are removed from these units so to ensure such smaller affordable properties remain available within the locality. The provision of bungalows whilst not a policy requirement does meet a demand that officers and committee will be aware of from previous experience. Furthermore the proposal will deliver a significant contribution to the Parish's housing delivery target.
- 6.32 Dwellings 1-5 of the proposal continue the roadside pattern which exists either side of the site, Dwellings 6-9 are 3 to 4 bedroom bungalows. It is noted housing already exists hereabouts in the form of *Lambourne* and *Ribstone*, however the existing properties are accessed via a track immediately to the east. The new proposals will necessitate a new access road cutting through the site. Whilst it is noted that dwellings 6-9 are bungalows and that the surrounding landscape, whilst sloping is well contained by orchard, there are a number of key considerations.
- 6.33 The PROW MO15 runs parallel with proposals 6-9, the containment provided by adjacent orchard could potentially be removed and views opened up if suitable conditions are not imposed and enforced. If the proposed community orchard were removed at a later date it would be difficult to avoid incremental increase in housing which would result in a housing estate at odds with the settlement pattern.
- 6.34 The proposal has a number of positive landscape elements to recommend it. In terms of location it relates well to the existing built form and follows the established linear settlement pattern. The consideration given to the heights of buildings thereby minimising the visual effects of the proposal is welcomed, as is the proposed reinstatement of both the orchard and the hedgerow along the eastern boundary in line with management guidelines for its landscape character type.
- 6.35 However, several aspects of this proposal have the potential to be detrimental to local character and must be considered in the planning balance against accepted gains and wider compliance with policies:
- The proposed private drives dilute the existing linear pattern along Glewstone Road, creating two cul de sacs.
  - The additional private drive which cuts across the field is an incongruous feature within this natural landscape and whilst visual effects can be confined to near views it does represent an erosion of the character of the landscape.

- The addition of a retaining wall –cross sectional drawings illustrate a minimum of 3m – at the entrance to the site to allow for the proposed private drive and turning head, indicate extensive engineering works which conflict with this predominantly rural landscape.
- Finally whilst the Landscape Visual Impact Assessment (LVIA) indicates minimal loss of hedgerow along the western boundary, the highways engineer’s comments indicate the visibility splays required will result in extensive hedgerow loss, with potential for further loss if passing places are added.

6.36 The landscape impacts identified are noted. However, these must be balanced against the planning merits of the case and other material considerations. The most prominent landscape impact is that of the access and private drive, however this is confined to localised views as one passes the site along the lane. Equally the engineering works and retaining wall, whilst impactful, are reduced to a localised impact with the retaining wall designed to enable green growth, overtime, to reduce its impact.

6.37 Given the sensitivity of the AONB generally hereabouts, the site is well contained and enclosed in terms of mid and long range views and adjoins existing development. Indeed from the elevated eastern public footpath there is an unimpeded view of the eastern and mid- sections of the field but not of the road frontage due to the site gradient descending steadily down to the road. From the road frontage, the open field is screened in large part by the tall roadside hedge and embankment and views are only made through the access point, where a passing view of the western sector of the field is available. As noted, it is the change to the latter situation around the access point where the most change to and experience of the locality will occur in landscape terms.

6.38 The layout has bungalows on the highest part of the site thus further integrating the development into its setting, working with the landscape and preventing intrusion into wider views from afar. Conditions are recommended to restrict these plots to bungalows. Furthermore, substantial landscape planting is proposed in the form of an orchard, which would have public access, over a significant part of the site. The orchard would create an appropriate backdrop to the road frontage development and screen the bungalows above.

6.39 With regard to existing adjoining amenity, Officers are satisfied by the combination of the layout proposed which features separation between existing and proposed dwellings, careful orientation, landscaping zones and differing house types, recommended conditions, and the reserved matters process, this will be protected to satisfactory levels and standards.

6.40 The historic refusal of planning permission and Inspector’s decision from 1987 is noted, however there has been significant change in planning policies at local and national level since then. Most significantly Glewstone is now allocated as a settlement where appropriate development is directed. This leads the decision of this application not to be bound by those previous findings.

6.41 The Drainage Engineer is satisfied with the drainage details provided, which will form part of the approved plans and details if permission is granted. On this basis and with the conditions requested by the Drainage Engineer and other technical consultees, there are no technical grounds to resist the proposal on highways, ecological and drainage matters.

#### Summary

6.42 The proposal will deliver a significant amount of the Parish’s housing requirements for the Plan period and includes a range of house types and, albeit limited, mix of house sizes. Technical matters regarding highways, drainage and ecology have been assessed as being acceptably addressed and mitigated and a number of planning gains and enhancements are secured, including but not limited to highway upgrades, ecological and biodiversity and a public orchard. Whilst the houses themselves are of an appropriate form and they can be successfully designed

and mitigation incorporated to respond to and respect the existing context and AONB location, it is acknowledged that to facilitate the access arrangements through the associated engineering requirements, there will be landscape harm.

- 6.43 Weighing the planning balance, the harm identified is localised to the immediate area around the access point and the enjoyment and experience of that limited location. The provision of housing within a settlement designated for such development, which has some way to go to meet its indicative Plan period target and the Council's lack of an up to date housing supply weigh heavily in favour of the development. The lack of an emerging NDP or technical objections regarding highways, drainage and ecology also weigh in the proposal's favour as do the enhancements and planning gain identified.
- 6.44 On the basis of all of the above, the merits of the proposal are considered to outweigh the identified localised landscape harm and approval is recommended.

## **RECOMMENDATION**

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

- 1. A02 - Time limit for submission of reserved matters (outline permission)**
- 2. A03 - Time limit for commencement (outline permission)**
- 3. A04 - Approval of reserved matters**
- 4. A05 - Plans and particulars of reserved matters**
- 5. All foul water from the dwellings approved under this Decision Notice shall discharge through a Package Treatment Plant with additional phosphate removal system and reed bed before final discharge to local watercourse as indicated in the supplied Foul Drainage Strategy dated September 2018, unless otherwise agreed in writing by the Local Planning Authority. All works must also be compliant with Building Control and General Binding Rule requirements. The installed system shall be hereafter maintained in compliance with manufacturer specifications.**

**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.**

- 6. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within development on land under the applicants control as detailed in planning application form and approved plans and documents. The surface water management shall be maintained hereafter 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.**

- 7. The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended in the submitted ecology report by Wilder Ecology dated January 2017 shall be implemented in full as stated and hereafter maintained 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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.**

- 8. H03 - Visibility splays, 2.4 x 60M**
- 9. H06 - Vehicular access construction**
- 10. H09 - Driveway gradient**
- 11. H13 - Access, turning area and parking**
- 12. H11 - Parking - estate development (more than one house)**
- 13. H17 - Highway improvement/off site works**
- 14. H18 - On site roads - submission of details**
- 15. H20 - Road completion in 2 years**
- 16. H21 - Wheel washing**
- 17. H27 - Parking for site operatives**
- 18. H29 - Secure covered cycle parking provision**
- 19. G02 - Retention of trees and hedgerows**
- 20. G04 - Protection of trees/hedgerows that are to be retained**
- 21. G10 - Landscaping scheme**
- 22. G1 - Landscaping scheme – implementation**
- 23. G14 - Landscape management plan**
- 24. G15 - Landscape maintenance arrangements**
- 25. G16 - Landscape monitoring**
- 26. Restriction on Density**
- 27. Drainage condition – demonstrate that the sandstone bedrock is sufficiently far below the drainage field**
- 28. Restriction on house types and height to ridge**

**INFORMATIVES:**

- 1. IP1 – Application approved with amendment**
- 2. HN01 - Mud on highway**

- 3. **HN04 - Private apparatus within highway**
- 4. **HN05 - Works within the highway**
- 5. **HN10 - No drainage to discharge to highway**
- 6. **HN24 - Drainage other than via highway system**
- 7. **HN28 - Highways design guide and specification**
- 8. **HN07 - Section 278 agreement**

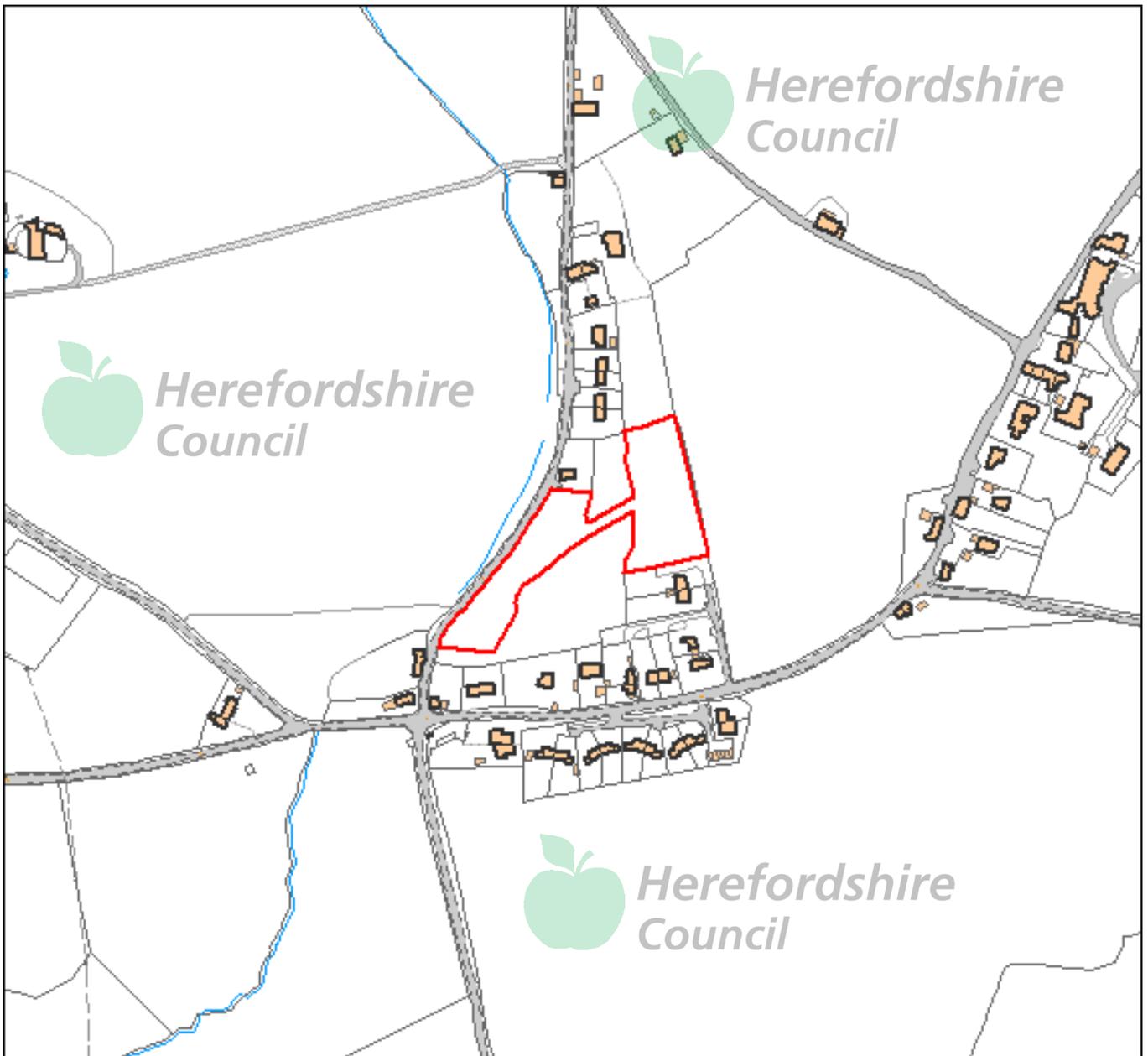
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 172076

**SITE ADDRESS :** LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE, HEREFORDSHIRE

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