

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 OCTOBER 2019
TITLE OF REPORT:	191330 - ERECTION OF A SINGLE STOREY RESIDENTIAL DWELLING (C3) WITH GARAGE, PRIVATE DRIVEWAY AND CREATION OF NEW ACCESS INTO THE HIGHWAY AT LAND TO THE NORTH WEST OF IVY COTTAGE, GARWAY COMMON, GARWAY. For: Mr Collinson per Mr Stuart Leaver, Singleton Court Business Park, Monmouth, NP25 5JA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191330&search=191330
Reason Application submitted to Committee - Redirection	

Date Received: 12 April 2019
Expiry Date: 7 June 2019

Ward: Birch

Grid Ref: 346655,222779

Local Member: Councillor Toni Fagan

1. Site Description and Proposal

- 1.1 The site comprises a roughly rectangular plot which is part of the garden curtilage of Ivy Cottage which is located to the east. To the north and east is a construction site which is being developed for 8 dwellings pursuant to Application P173224/F (same applicant). To the south are two existing properties The Cottage and Lilac Cottage and to the west beyond the established field boundaries is agricultural land.
- 1.2 The village is characterised by its linear form, orientated east to west and stretched out along C1239, occupying an elevated position set within the surrounding common and agricultural land and providing an attractive rural setting. Garway Common is a designated Special Wildlife Site.
- 1.3 The site itself is served by an unclassified road (U71413) which links Garway to Garway Hill and St Weonards to the north.
- 1.4 Planning permission is sought for the construction of a single storey detached dwelling in the northern part of the plot together with a detached double garage in the southern section. These would be served by a new access between Ivy Cottage and the approved development for the 8 dwellings under construction.
- 1.5 The 3 bed dwelling has an H-shaped layout and would have a ridge and eaves height of 5.7 metres and 2.4 metres respectively. The materials proposed are a combination of render and local stone under a slate roof for the dwelling with timber cladding and slate proposed for the garage.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 1.6 For the purposes of foul drainage, the application proposes connecting to an existing septic tank and soakaway field serving Ivy Cottage with surface water directed to a soakaway on the neighbouring development site.
- 1.7 The application is accompanied by a Planning, Design and Access Statement, Transport Statement (with associated ATC survey), an Ecological Impact Assessment (with associated Protection and Enhancement Plan) and a drainage strategy. More recently a Sustainability Statement has been submitted.

2. Policies

- 2.1 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:-

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	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA2	-	Herefordshire's Villages
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	-	Waste Water Treatment and River Water Quality

- 2.2 A Neighbourhood Area was designated on 22 November 2012 and a Regulation 14 draft plan was submitted on 18 January 2019.

The consultation ran from 23 January to 6 March 2019 and it is considered that the plan can be afforded limited weight in decision making at this stage

The following sections are considered to be particularly relevant to the application

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

- 2.3 National Planning Policy Framework (NPPF)

Achieving Sustainable Development
 Delivering Sufficient Supply of Housing
 Making Effective Use of Land
 Achieving Well Designed Places
 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Conserving and Enhancing the Natural Environment

- 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 None relevant although reference is made to P173224/F a development of 8 dwellings associated garages, parking, roads, highways access and associated infrastructure approved on 11 April 2018 which adjoins the site.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

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.

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.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Natural England's advice on other natural environment issues is set out below.

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 have¹. 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 Transportation Manager – No Objection

Whilst the site will increase the number of vehicles using the U71413, the increase would not be classed as severe.

Vehicle crossing should be built to road construction standard to allow it to be used as a passing place.

4.4 Conservation Manager – Ecology

Original comments – Object

(Note: the objection was based upon an apparent conflict between the recommendations of the Ecological Report in relation to the potential presence of Great Crested Newts and the then intended discharge of treated effluent to a boundary ditch. Subject to addressing this and securing the necessary affirmative response from Natural England the following conditions were recommended:

- All foul water shall discharge through connection to a new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.
- **Condition - Ecological Protection**

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Pure Ecology dated February

2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

- **Condition - Tree and existing hedgerow protection**

Before any work commences and, equipment or materials moved on to site, a detailed Arboriculture Method Statement and Plan (based on guidance in BS5837:2012) should be submitted and approved by the local authority and shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed. Any loss or impacts to any hedgerow or trees should be significantly compensated for by new planting of native species hedgerows/trees with a full specification and 5 year establishment-management plan supplied. All trees and woody shrubs proposed for planting should only be of locally characteristic, native species.

- **Condition Nature Conservation protection – Lighting**

No external lighting should illuminate any of the adjacent habitats; boundary or enhancement features and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2018/2013).

- **Condition Biodiversity Enhancement (Net Gain)**

Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed ecological enhancements as recommended in the report by Pure Ecology dated February 2019 should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.

Reasons:

To ensure that all species and habitats are protected and enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006)

To comply with Herefordshire Core Strategy (2015) policies LD1-3, SD3, SD4 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

Updated Comments

The applicant's updated plans demonstrate that all foul water can be managed through a new private treatment system with outfall to a soakaway drainage field on land under the applicant's control. There are no watercourses within 50m indicated on latest OS Water Network mapping.

All surface water can be managed through appropriate onsite soakaway features.

The agreed mitigation can be secured through a condition on any planning consent granted.

Recommended Planning Conditions to secure appropriate mitigation:

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

4.5 Land Drainage

This response builds on our previous comments dated 16th July 2019 following the submission of the following additional information:

- Percolation Testing Results;
- Drainage Layout Plan (Ref: 19-02-02 01 Rev D);
- Email from Agent (dated 23 July 2019 15:42).

Overview of the Proposal

The Applicant proposes the construction of a single storey residential dwelling with garage and appropriate access and parking. The site covers an area of approx. 0.23ha and is currently residential curtilage to Ivy Cottage. There are many ponds in the surrounding area.

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).

Surface Water Flood Risk: Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk: Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The proposals are to dispose of surface water runoff generated by the proposed dwelling and garage into a soakaway. We previously raised that the infiltration rate was established within the adjacent site and thus we requested that the testing is undertaken within the site boundary. The soakaway has been relocated to the north which is now within the previous boundary of the adjacent site to the north.

Foul Water Drainage

Percolation testing results have now been provided. The Vp value has been established to be 15.6. It has been calculated that for 2 no. 4 bedroom houses, a drainage field of 46.8m² is required. This should be converted to linear meterage based on the trench width (see table 4, page 14 of BS6297)

The configuration of the spreaders has been amended on the drainage layout plan to demonstrate that the spreaders will be connected. As it is proposed to connect onto an existing

septic tank, it is unclear whether the spreaders are as per the existing scenario or proposed. We assume that the spreaders are proposed to be altered as the previous submission did not show this configuration as called for in Building Regulations part H.

Overall Comment

In principle we do not object to the proposals, however we recommend that our comments within 'Foul water Drainage' are addressed.

Note: Following further exchanges, the applicant has confirmed the intention to upgrade the spreaders to meeting Building Regulations requirements

5. Representations

5.1 Garway Parish Council (original consultation)

Garway Parish Council Objects to the application for the following reasons:

1. The development is back land development and is contrary to Core Strategy policy SD1
2. There is great concern regarding highway safety along a narrow road. There will be an increase in the number of vehicles from the site using the road and it is the Parish Council view that this is contrary to Core Strategy Policy MT1
3. The Parish Council also have concerns over the proposed splays in proximity to the garage and again is contrary to policy MT1 and against LD1&LD2
4. An ancient orchard has already been removed in preparation for the proposed development along with the destruction of a hedgerow
5. Garway's draft Neighbourhood Development Plan has completed regulation 14 plan has been completed and the Parish Council feel that the policies within the NDP should be given consideration relating to the special wildlife site.
5. We believe that the proposed access is over Common Land, which is under ownership of Garway Parish Council and the applicant will need to seek permission to gain access over this section of Common Land.

We are led to believe that some parishioners living in close proximity to the proposed development don't agree with the ecology statement.

Garway Parish Council (amended drainage details)

Garway Parish Council reiterates its objection to this application and the previous comments made relating to the development issues and request that planning permission is REFUSED

5.2 14 letters of objection were received in response to the original consultation. The content of which can be summarised as follows:

- Herefordshire has been blotted by inappropriate modern housing
- Previous objections to 8 dwelling scheme ignored
- Quab Lane too narrow and increased traffic will place children, pedestrians, dog walkers, cyclists and horse riders at greater risk
- Garway needs affordable housing not 3+ bed executive dwellings
- The hedgerow has greater biodiversity value than recorded
- NDP policies are at an advanced stage and should be properly considered

- No safe provision for footpaths to bus stops
- Significant threat to Garway Common Special Wildlife Site – access visibility requirements will force traffic to drive over the Common to pass
- Design contrary to GAR2 of NDP – does not contribute to improving and enhancing built heritage and natural environment; is not acceptable in terms of siting; adversely affects amenity of existing residents
- Detrimental to character and landscape and does not enhance the village
- Adverse effect on local biodiversity – value is understated in Ecological Assessment
- Increased risk flooding in locality
- Northern part of site outside the settlement boundary in the NDP
- Proposal does not represent change for the better
- Access road too narrow for bin lorry
- Proposal is contrary to linear development that characterises Garway
- Potential impact of garage on ancient yew tree
- Vegetation on site removed by applicant in readiness for development
- Unacceptable suburban form of development
- Brownfield sites available in Garway
- Garway has reached its target for dwellings to 2031 – no need for further development
- No reference to design responding to the challenge of reducing carbon emissions (orientation/large windows in NW elevation)

5.3 A further 3 letters of objection received to the re-consultation in relation to the amended drainage solution:-

- There is an increased risk of flooding in the locality
- Percolation testing should be done during wetter months
- Revised proposal does not demonstrate that drainage and sewage disposal solutions are not fit for future use
- Appears to be a “sticking plaster” approach to drainage

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=191330&search=191330

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). It is also noted that the site falls within the Garway Neighbourhood Area. Garway Parish Council submitted their draft Neighbourhood Development Plan (GNDP) to Herefordshire Council on 18 January 2019. The consultation ran from 23 January to 6 March 2019. At this time the policies in the NDP can be afforded limited weight.

- 6.3 The National Planning Policy Framework is also a significant material consideration.

Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF.

- 6.4 The policy states:

'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.'

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

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.'*

- 6.5 At this moment in time, the Council is unable to demonstrate a five year housing land supply. It is therefore acknowledged policies relating to the supply of housing are out of date, as identified within Paragraph 11d of the Framework. Paragraph 11d effectively echoes the approach set out in CS Policy SS1.
- 6.6 In the context of the above, the overall assessment is whether the proposal represents sustainable development, taking account of its three dimensions (social, economic and environmental). In order to assess this reference should be paid to the NPPF as a whole.
- 6.7 In locational terms, the NPPF seeks to restrict development in isolated locations (Paragraph 79) but acknowledges that in rural locations it may be the case that development in one village supports the services in another nearby.
- 6.8 The CS recognises that proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under CS policies alongside the NPPF, notwithstanding the 'out of date' nature of the housing policies.
- 6.9 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans. Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.10 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to

contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Garway is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 1150 new dwellings over the plan period. In terms of the Garway Neighbourhood Area it must be acknowledged that it has performed well in relation to its proportionate target of 25 dwellings during the Plan period. Indeed based upon the latest published figure from April 2019 there have been 5 new dwellings built and there are 23 commitments, an exceedance of 3 dwellings. However it must also be acknowledged that the target represents a minimum growth expectation and that presently, proposals must be considered in light of the inclusion of Garway as a settlement which is a main focus for proportionate growth and the tilted balance in favour of sustainable development.

- 6.11 The above sets out the overarching strategic objectives. An assessment will now be undertaken in respect of the proposed site. The emerging GNDP has identified a settlement boundary that excludes the application site and the adjacent development site where permission for 8 dwellings is under construction. I recognise this policy conflict but can only afford the GNDP limited weight at this time. In the context of the Council's published inability to demonstrate the required delivery of housing, there is a presumption in favour of sustainable development and greater weight must be afforded to CS Policy RA2. It states:

'To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the community concerned.'

'The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets'.

- 6.12 Policy RA2 then goes on to outline that housing proposals will be permitted 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. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;

2. Their locations make best and full use of suitable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding development 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 a particular settlement, reflecting local demand.

- 6.13 Policy RA2 also outlines Neighbourhood Development Plans will allocate new housing or otherwise demonstrate delivery to provide levels of housing. As stated above, the GNDP can only be afforded limited weight at the present time. With this in mind, it is necessary to consider the proposal in the context of Policy RA2 and the provisions set out in points 1 to 4 above.

- 6.14 Officers are acutely aware of the further progression of the GNDP process and have no desire to undermine this process. However, whilst the GNDP has reached Regulation 14, the public response to the consultation which ran until March 2019 has not been published and as such the Neighbourhood Development Manager has opined that it can only be given limited weight. In this context and in common with the CS, the ongoing inability of the Council to demonstrate the required 5 year housing land supply, renders the settlement strategy related policies out of date and as such, Members are advised that it is the requirements of CS policy RA2 that carry the most significant weight.
- 6.15 Both the policy and pre-ambles accompanying RA2 specify the need for the site to be located within or adjacent to the main built up area. The garden of Ivy Cottage is located at the eastern edge of the village and would be set back behind the property and its immediate neighbours (Lilac Cottage and The Cottage) as well as the development site that is currently under construction. The site is located along a lane of clearly rural nature (narrow, unlit with no footpaths) but its access lies closer to the main through road than the neighbouring development site and it is clearly adjacent to the built form of the village with the Public House, School and Village Hall all within walking distance via the main through road. Accordingly, it is maintained that the broad principle of residential development can be supported and that the acceptability or otherwise of the proposal must be considered on the basis of the tilted balance described by the NPPF.

Landscape and townscape

- 6.16 CS policy LD1 requires new development to 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.
- 6.17 CS policy SD1, amongst other criteria, requires development proposals to incorporate the following requirements:
- Ensure that proposals make efficient use of land – taking into account the local context and site characteristics;
 - New buildings should be designed to maintain local distinctiveness.
- 6.18 These principles are embodied with the requirements of Policy GAR2 of the emerging GNDP which can be afforded limited weight, and seeks to positively influence design within the Parish by assessing:
- a. Contribution to improving and enhancing the built heritage and natural environment of the site and its surroundings;
 - b. The overall design of the proposal in terms of siting, scale, height, proportions, massing, orientation, mix of uses, detailing, and materials;
 - c. The design does not adversely impact on existing natural horizons, and has appropriate regard to existing roof lines;
 - d. The design does not adversely impact on the residential amenity of existing and future residents;

e. Sustainable construction and design is used to minimise the use of resources and emissions and use recycled materials, renewable energy and the natural treatment of waste water and the re-use of grey water, wherever possible;

f. The use of locally-sourced or recycled natural slate tiles for roofing and local stone for walling is encouraged;

g. Use of suitable native species in any planting and inclusion of bird nest boxes and roosting opportunities for bats; and

h. Access and highway safety, including the provision of new and improved pedestrian footpaths and footways, permissive pedestrian rights of way and cycle paths, and provision of safe pedestrian road crossings where required.

6.19 The application site extends to some 0.23 hectares and forms part of the garden to the north of Ivy Cottage. It has a narrow road frontage of some 4 metres, limited to the width of the proposed new access driveway by reason of the set back nature of the plot. The western boundary is defined by a well established hedgerow. The northern and southern boundaries are less vegetated but are shared with the boundary of the new development site and Lilac Cottage and The Cottage respectively. The site is considered to be inconspicuous and is not readily visible from the C1239 or in longer distant views from the higher ground to the north of the site. Having regard to the visually contained nature of the site, it is not considered that there is any adverse impact in relation to the wider undesignated landscape or long distance views of the setting of the village and its relationship with Garway Common. Indeed the set back nature of the site and the positioning of the proposed dwelling and new garage in relation to existing and new development is such that views of the proposed buildings will be negligible and limited to only a very fleeting glimpse along the proposed new driveway in the immediate vicinity of the site.

6.20 In this regard, and with due respect to the many opposing views expressed by the Parish Council and objectors, the localised impact is not considered to be a visual one but is essentially associated with the “backland” setting and orientation of the dwelling relative to the strongly prevailing linear character of Garway. This approach, together with the form and layout of the proposed dwelling has attracted a number of objections. The extent to which the orientation of the site is “at odds” with the linear form of the village is recognised, but having regard to the wider setting of Garway, one can find examples of properties and more frequently ancillary buildings of varying scales that occupy such set back positions (The property known as The Back of the Moon and the buildings associated with The Garway Moon public house for example). This coupled with the fact that the site is not visible on the main road through Garway from either the east or west, is such that any harm attributed to the setting and orientation of the dwelling is considered to be very limited and having regard to the “tilted balance” required by the NPPF does not, in your officers opinion, result in a significant adverse impact upon the character of the village. In this sense it is the lack of any physical manifestation of the proposed dwelling that is telling and leads officers to conclude that the harm identified in many of the objections is limited and does not warrant the refusal of planning permission.

6.21 A number of comments refer to the felling of trees and vegetation within the garden, which does not require any form of approval, but it should be noted that existing boundary planting and trees within the garden that provide screening to and from the existing dwellings are retained and it is recommended that tree protection measures should be conditioned as part of any approval.

Design and amenity

- 6.22 The detailed design of the building is assessed by reference to CS policy SD1 (and to a more limited extent GNDP policy GAR2). In essence these policies state 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.
- 6.23 The dwelling proposed is a detached, single storey property in an 'H shaped' form and will accommodate three bedrooms with 3 en-suites, a lounge, a kitchen and a dining room together with a utility and WC. It will be predominantly rendered with a natural stone plinth under an unspecified slate roof. It will feature an oak framed porch and oak joinery.
- 6.24 The single storey nature of the dwelling and its siting is such that it will not be visible from outside of the site and whilst a simpler (more agricultural) form was promoted through the pre-application process, there will be no overriding harm caused to the character of the locality. There are examples of single storey development in the village in closer proximity to the Primary School) and the choice of materials are not uncharacteristic of the eclectic mix of materials that are evident in the locality.
- 6.25 With regard to amenity impacts, the dwellings potentially affected by the proposal are Lilac Cottage and The Cottage which lie to the south of the site. The orientation, relative distance and retained vegetated boundaries are such that there would be no adverse impacts. Similarly, the proposed dwelling does not compromise the amenity of future occupiers of the dwellings under construction next to the site due to the orientation and single storey scale.
- 6.26 CS policy SD1 also encourages the incorporation of on site renewable energy generation linking to policy SS7 which seeks to mitigate the impact on climate change in broad terms to the sourcing of local materials (where available); achieving thermal efficiency in line with current Building Regulations requirements; reference is made to the potential use of rain water harvesting and the ability to use the garage for secure cycle storage (to be fitted with solar panels) and the possibility of providing an electric charging point. The Statement comments that occupation of the dwelling will support the services and facilities available within Garway. In the absence of any more specific local policy, it is advised that ultimately compliance with the Building Regulations is the legitimate fall-back position and whilst there is a limited commitment to exceed such requirements, this is not a matter that can be conditioned based upon current policy provisions.

Access and parking

- 6.27 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.
- 6.28 The proposed development would be accessed via a new access with visibility improvements secured through the realignment of the boundary wall to Ivy Cottage. It is recognised that one of the main concerns raised in local responses to the application relates to the suitability of the local road network. With regard to the cumulative highways impacts as a result of the proposed development, the addition of one new dwelling would not result in highways impacts that would be classed as severe and lead the decision maker to refuse the application

- 6.29 Moving onto parking requirements, in light of the dwelling including 3 bedrooms, a minimum of two car parking spaces are required to accord with the Highways Design Guide. The double garage and other hardstanding proposed more than meets this requirement.
- 6.30 In light of the above, and the lack of objection to the scheme from the Council's Transportation Manager, the proposal is found to be compliant with the aims of policy MT1.

Ecology

- 6.31 Policies LD2 and LD3 of the Core Strategy 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.
- 6.32 The application has been supported by an Ecological Impact Assessment and Biodiversity Protection and Enhancement Plan which has been viewed by the Council's Ecologist. The range of protective measures proposed and the mitigation measures proposed to minimise the risks associated with the proposed development are considered appropriate and subject to conditions recommended by the Council's Ecologist being attached to any approval, the scheme will accord with policies LD2 and LD3.

Drainage

- 6.33 CS Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk and avoid an adverse impact on water quality. 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).
- 6.34 In this case, surface water will be drained to a soakaway being installed in the garden of an adjacent dwelling under construction pursuant to Application 173224, which has been agreed with the development. Foul drainage is proposed to an existing septic tank with proven capacity to receive additional discharges from a single dwelling. The specification of the associated drainage field has been informed by percolation tests and the Council's drainage consultant has assessed the solution to be acceptable.
- 6.35 The development has been the subject of an Appropriate Assessment under the Habitat Regulations and Natural England has raised no objection subject to the condition recommended by the Council's Ecologist.
- 6.36 The strategy conforms with CS policies SD3 and SD4 and will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Planning balance and conclusions

- 6.37 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.

6.38 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.

6.39 In assessing the three elements of sustainability:

Economic

6.40 Economic benefits would be derived from the construction of one dwelling and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. That said, given only one dwelling is proposed, those benefits would be limited.

Social

6.41 The provision of housing, in the context of a shortfall, would contribute to the supply of housing and the social needs of the county. In addition occupiers could contribute to village life at the village hall and pub, as well as potentially providing pupils for the primary school. It is recognised this could help to provide the critical mass of population to sustain them. However, given only one dwelling is proposed, the social benefits would be limited.

Environmental

6.42 The site is immediately adjacent to the main built up area of the settlement and as such is considered to be locationally sustainable. The site is not in a protected landscape nor is it subject of any heritage designations. That is not to say the site is not a sensitive one in terms of its edge of village location. However, whilst it is recognised that there is opposition to the impact of the proposed development upon the character of the village, it is considered that the well screened nature of the site mitigates this and whilst officers do not consider there to be harm in this instance, were this to be identified, it would not be adverse nor would it outweigh the NPPF presumption in favour of development. The Sustainability Statement does not make any significant commitments in relation to addressing climate change but in the absence of specific policy requirements, this is not considered to be a basis for withholding planning permission at this point in time.

6.43 Having undertaken an overall assessment of the proposal in light its economic, social and environmental impacts as required by the NPPF, it is considered any economic and social benefits would be limited. The environmental impacts are limited for the reasons set out above and lead officers to conclude that the proposal is representative of sustainable development and approval is therefore recommended.

RECOMMENDATION

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

1. **C01 - Time limit for commencement (Full Permission)**
2. **C06 - Development in accordance with the approved plans (drawing nos. CLL19.01 02, 03, 04 and 05 and 19-02-02 01 D)**
3. **C13 - Samples of external materials**

4. CE6 - Efficient use of water

- 5. All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.**

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

- 6. Before any work commences and, equipment or materials moved on to site, a detailed Arboriculture Method Statement and Plan (based on guidance in BS5837:2012) should be submitted and approved by the local authority and shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed. Any loss or impacts to any hedgerow or trees resulting from the construction phase should be compensated for by new planting of native species hedgerows/trees with a full specification and 5 year establishment-management plan supplied. All trees and woody shrubs proposed for planting should only be of locally characteristic, native species.**

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No external lighting should illuminate any of the adjacent habitats; boundary or enhancement features.**

Reason: To comply with Herefordshire Core Strategy policies LD1 LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 8. Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed ecological enhancements as recommended in the report by Pure Ecology dated February 2019 should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.**

Reasons: To ensure that all species and habitats are protected and enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006)

9. CK3 - Landscape Scheme

10. CK4 – Implementation

11. CAB - Visibility splays (2.4 X 39.8m - Southbound, 2.4 x 43.5m northbound)

12. CAE - Vehicular access construction

13. CAH - Driveway gradient

14. CAI - Parking - single/shared private drives
15. CAL - Access, turning area and parking
16. CAT - Construction Management Plan
17. CBK - Restriction of hours during construction
18. CBN - Drainage in accordance with approved plans

INFORMATIVES:

1. IP2 - Application Approved Following Revisions
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. I47 - Drainage other than via highway system
7. I35 - Highways Design Guide and Specification

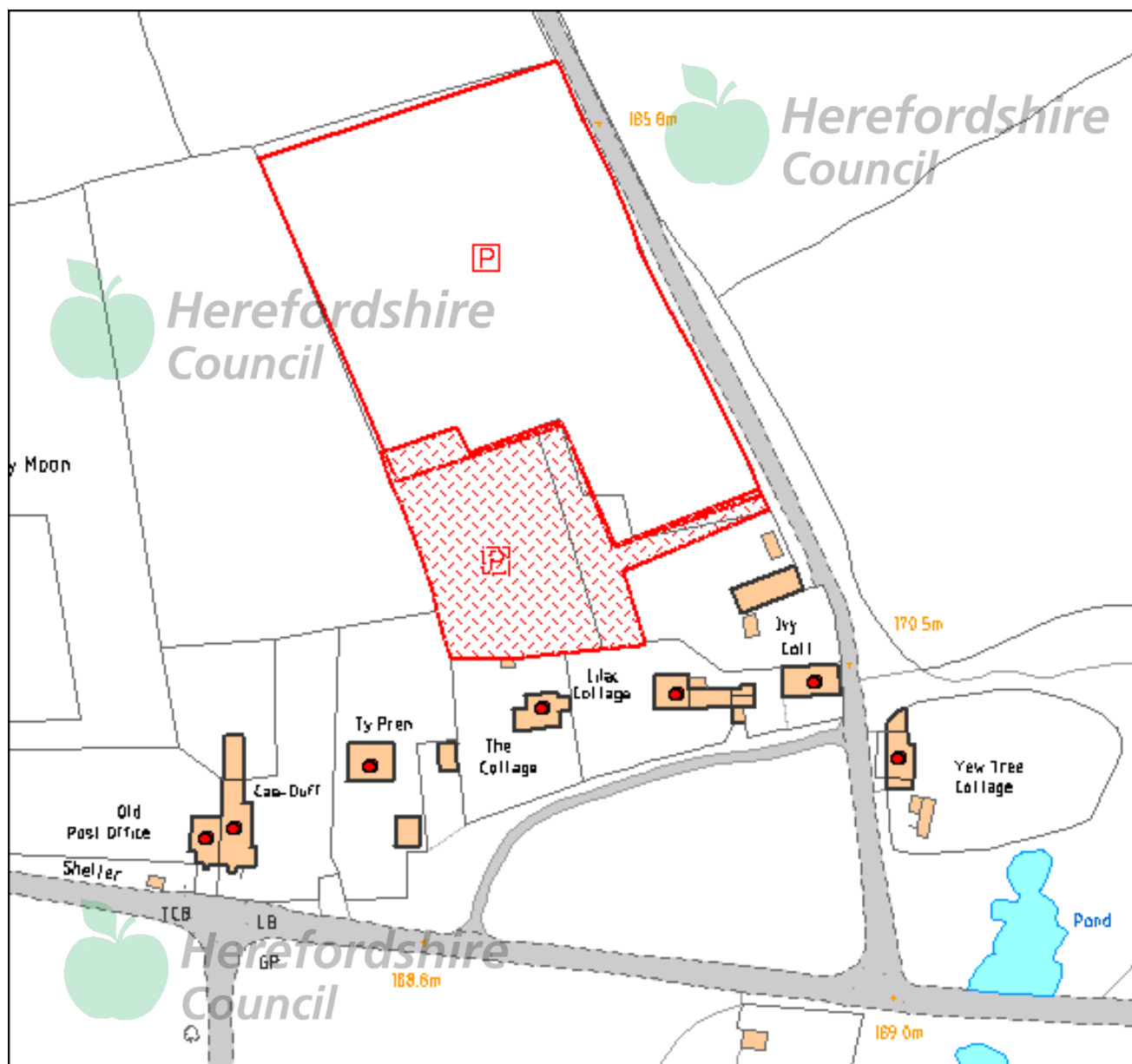
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 191330

SITE ADDRESS : LAND TO THE NORTH WEST OF IVY COTTAGE, GARWAY COMMON, GARWAY

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