

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 NOVEMBER 2019
TITLE OF REPORT:	191081 - PROPOSED TWO STOREY THREE BEDROOM DWELLING HOUSE AT BRYNGLAS, CUSOP DINGLE, HR3 5RD For: Mr & Mrs Garner per Mr Paul Spooner, 8 Egerton Road, Streetly, Sutton Coldfield, B74 3PQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191081&search=191081
Reason Application submitted to Committee – Re-direction	

Date Received: 25 March 2019

**Ward: Golden Valley
North**

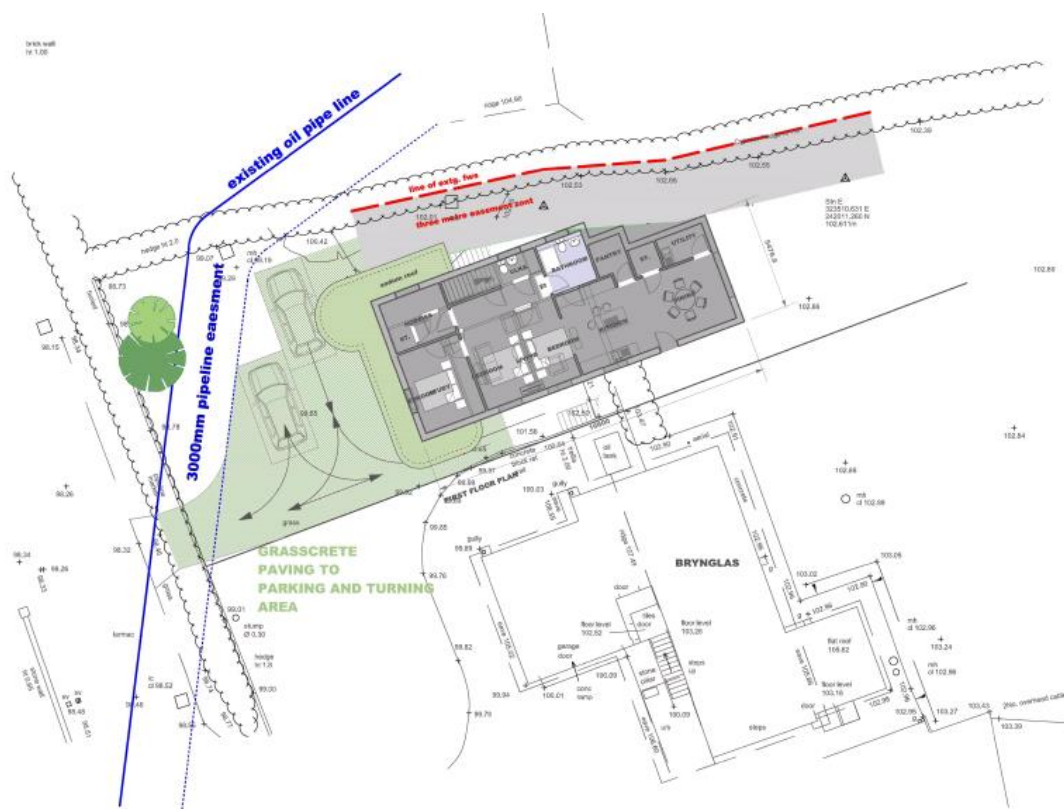
Grid Ref: 323509,242006

Expiry Date: 20 May 2019

Local Member: Councillor Jennie Hewitt

1. Site Description and Proposal

- 1.1 The application site comprises curtilage associated with Brynglas, a two storey detached property lying to the east of Cusop Dingle within the parish of Cusop. The site is bounded by hedgerow with the roadside as well as to the north and east. The boundary to Brynglas is open. Due to the topography, the site rises from west to east and by approximately 3m from the road itself to the rear of the site. This is demonstrated on the proposed elevations.
- 1.2 This part of Cusop Dingle benefits from residential dwellings on either side of the road and is located to the south of the B4348 which leads into the centre of Hay-on-Wye. While the Grade II listed Dulas House approximately 115m to the south west is noted, there are no local or national landscape or heritage designations either within the site or which affect the assessment of the proposal.
- 1.3 This application is submitted in full for the erection of a single dwelling. The proposal will create a new access onto the east of Cusop Dingle and involve a level of hedgerow removal. Through the process of the application additional information and amended plans have been received in relation to layout, drainage and design.
- 1.4 Below is the submitted block plan showing the proposed dwelling in relation to Brynglas to the south:



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

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
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
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

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

2.2 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy

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

Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

2.3 Cusop Neighbourhood Development Plan (NDP) (made 1 December 2017)

Policy 1	-	Settlement Boundary
Policy 3	-	New dwellings within the Settlement Boundary
Policy 4	-	Size of Dwellings
Policy 7	-	New dwellings within the curtilage of existing dwellings
Policy 8	-	Parking
Policy 12	-	Cusop Hill
Policy 14	-	Dulas Brook
Policy 15	-	Avoiding Light Pollution
Policy 16	-	Design

https://www.herefordshire.gov.uk/download/downloads/id/11080/neighbourhood_development_plan_august_2017.pdf

3. **Planning History**

- 3.1 183552/F – Proposed 3 bedroom dwelling. Withdrawn following concerns with the design

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** – no objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the information submitted as part of this application with particular focus on the planning application form and drawing number 1906:01 Rev A and note that the intention is to drain surface water to the public sewer, however our records indicate that the public sewer in the area is designated to receive foul water only and we would not permit the communication of any surface water to the public sewer.

We also note that the drawing shows the approximate location of the public sewer within the boundary, however it still appears that part of the building will be built over the sewer. We recommend that the drawing be amended to provide a protection zone of 3 meters either side the centreline of the public sewer. If this cannot be accommodated then the applicant is advised to contact us direct to discuss the matter further and investigate the possibility of diverting the public sewer.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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

Following the carrying out of a survey by Welsh Water to determine the exact location of the sewer, Welsh Water commented as follows:

I have now received confirmation as to the exact location of the sewer. it appears that the records were incorrect and the sewer is further away than first thought.

As long as the applicant can confirm that based on this survey that they are more than 3 meters away from the sewer then I have no objection and can support the planning application to be determined.

I would however recommend that the condition previously offered is imposed on any subsequent decision notice due to the fact that our network is designated to receive foul water only and therefore we cannot accept any surface water.

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.

4.3 Mainline Pipelines Ltd – no comments

Fisher German are agents for Mainline Pipelines Limited (MLP). MLP does not have any comments regarding the planning application - Reference Block Plan amended car park to avoid easement to pipeline - April '19 rev A and dated March 2019.

Internal Council Consultations

4.4 Transportation Manager – no objection following amended plans

No objection in principle, however turning facilities need to be provided to allow for vehicles to enter and exit the highway in a forward gear. Cycle storage needs to be covered and secured.

Following the submission of amended plans:

A properly surfaced turning area should be supplied. Please supply an updated plan showing this

Following the submission of further amended plans:

As discussed in regards to the applications visibility splay. As you can see from below, there is a verge/highway land shown. I have visited the site and actually you can see the access from further away due to the benefit of the geometry of the road. Hedges should be maintained and if there is an issue a hedge cutting notice can be issues. As the development is only for one dwelling I do not have a concern with the proposals, and the inclusion of a running lane and the provision of highway land allows for the visibility splay to be achieved.



4.5 Conservation Manager (Ecology) – no objections following additional information

The applicant has indicated two contrary options for surface water management:

Application form: Discharge to mains sewer network – this has been indicated as unacceptable by Welsh Water

D&A Statement: discharge direct to local watercourse – unmanaged discharge would likely be contrary to the Core Strategy SD3 that has a requirement to manage surface water to reduce run-off from sites with the aim to reduce the run-off flow rates to below that of the bare greenfield site.

Details of how this will be achieved eg using soakaway-infiltration or sustainable drainage systems (SuDS) are requested as this information forms part of the required Habitat Regulations Assessment that this lpa has to complete and obtain approval from Natural England for PRIOR to any grant of planning consent.

Further ecology comments and suggested conditions will be provided when the HRA is completed.

Following clarification on the drainage for the site:

Updated comments below. HRA AA sent to Natural England.

Subject to Natural England formally 'approving' the required HRA appropriate assessment submitted to them a condition to secure required mitigation is requested on any planning consent granted.

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

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

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

The supplied ecology report is noted and the applicant should be reminded of their own legal duty of care, but there is no reasonable cause for this lpa to include a specific ecology protection condition.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home 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 habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

4.6 Conservation Manager (Landscape) – no objections

Further to our discussions in relation to this application I have now reviewed the proposed development and have the following comments to make:

I am satisfied that the principal of development upon the site is acceptable; the proposal relates well to the existing settlement pattern. It continues the established linear pattern of individual dwellings set within strips of land and reflects the orientation and alignment of the existing built form.

The residential curtilage is in line with the existing plots either side and the plans indicate the presence of extensive mature foliage marking the rear boundary. There will be some loss of hedgerow at the forefront of the development in order to facilitate access and visibility splay however this is not shown to be extensive and I consider its loss can be mitigated through further planting.

In terms of the detail of the development shown upon the elevations; the proposed height of the two storey residence does not appear to be excessive, the external materials selected including the larch cladding will further assist with assimilating the proposal into its surroundings.

For these reasons therefore I have concluded the proposal is compliant with policy LD1 of the Core Strategy. I would recommend a landscape condition be applied to identify the root

protection areas of neighbouring trees and to ensure their protection during the construction phase, the landscape plan should also identify further tree planting to compensate for the loss of roadside hedgerow.

5. Representations

5.1 Cusop Parish Council - object:

The application contravenes several Clauses in the Cusop Neighbourhood Development Plan: -

- Clause 7 – It has a negative impact on the character and the amenity of the immediate neighbourhood.
- Clause 12 – The views of Cusop Hill and Mouse Castle from the Cusop settlement and Parish should be protected.
- Clause 16 – The Application does not respect the neighbourhood in terms of style, materials, siting, scale or massing. Owing to the lack of measurements/dimensions on the submitted plans it is not possible to make roofline or proportion assessments.
- There are concerns regarding rainwater/storm water run-off. There is a contradiction between the Application for Planning and the Design & Access Statement.
- Herefordshire Council Transportation department specify that vehicles should be able to drive on to and off the roadway in a forward gear.. The submitted plans clearly show that there is no ‘turning area’.
- There is concern about a sewer that crosses the site carrying effluent from the properties at Thirty Acres.
- No contingency plans have been specified to cover the event of a breach of the Mainline High-Pressure Fuel Pipeline that crosses the site..”

5.2 To date a total of 17 letters of objection from 10 properties have been received. The comments therein are summarised below:

- Believe proposal conflicts policy 7 of NDP and would have a negative impact on all surrounding properties. Would conflict with policies 12 and 16 of the NDP. Many hours were spent putting the Plan together
- Design is not suitable. Too large a house for a narrow site, no other timber clad properties
- Would have a negative impact on the character of the immediate neighbourhood
- Drawings difficult to use. No measurements
- Worried about works being close to high-pressure pipeline
- Dingle lane can come close to flooding during heavy rains. Loss of green natural drainage would worsen the risk. Provision of surface water drainage required
- We do not relish the prospect of being opposite a building site again with the attendant mess, noise and vehicular access/parking/loading/unloading in this quite narrow lane
- Dwelling would cut off views of Cusop Hill and Mousecastle. To infill is totally out of character in a small rural Herefordshire Village
- There is no documentation from Pipeline people or Welsh Water
- Village of Cusop has already exceeded its housing obligation. 50% of Brookers Edge is unsold and would seem sensible to full these before building more
- Substantial hedge will be removed for access and parking. Access may need to rely on hedge outside of applicants ownership
- Applicants have stated this will be the only way they can get on the housing ladder but there are a number of affordable houses being built
- Protected species survey and neighbour was never approached about pond in front garden was not inspected
- With access only being via steps it would be unsuitable for elderly or occupants with limited mobility
- Sewage was extracted via manhole cover previously within Brynglas garden and would be inaccessible behind purchased property

- Inconsistency on materials for roof
- Not only would visitors to the dwelling add to the parking on the lane, the proposal would remove one or two spaces because of the new driveway and add further burden
- Proposed dwelling would obscure view of Clyro Hill for Brynglas
- Potential loss of light and privacy to Barfield and Glannant
- Groundworks will damage the roots within Runnymede
- No consultation with neighbours. Instead neighbours were given 4 working days notice of a presentation evening
- Can applicants keep on sending amended plans or is this a special case
- Doubtful over the latest block plan and exact location of the sewer
- Would not be able to turn on the site

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=191081

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). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Cusop Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 1 December 2017. The NDP can be afforded full weight.
- 6.3 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. This 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.'

- 6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Location of residential development

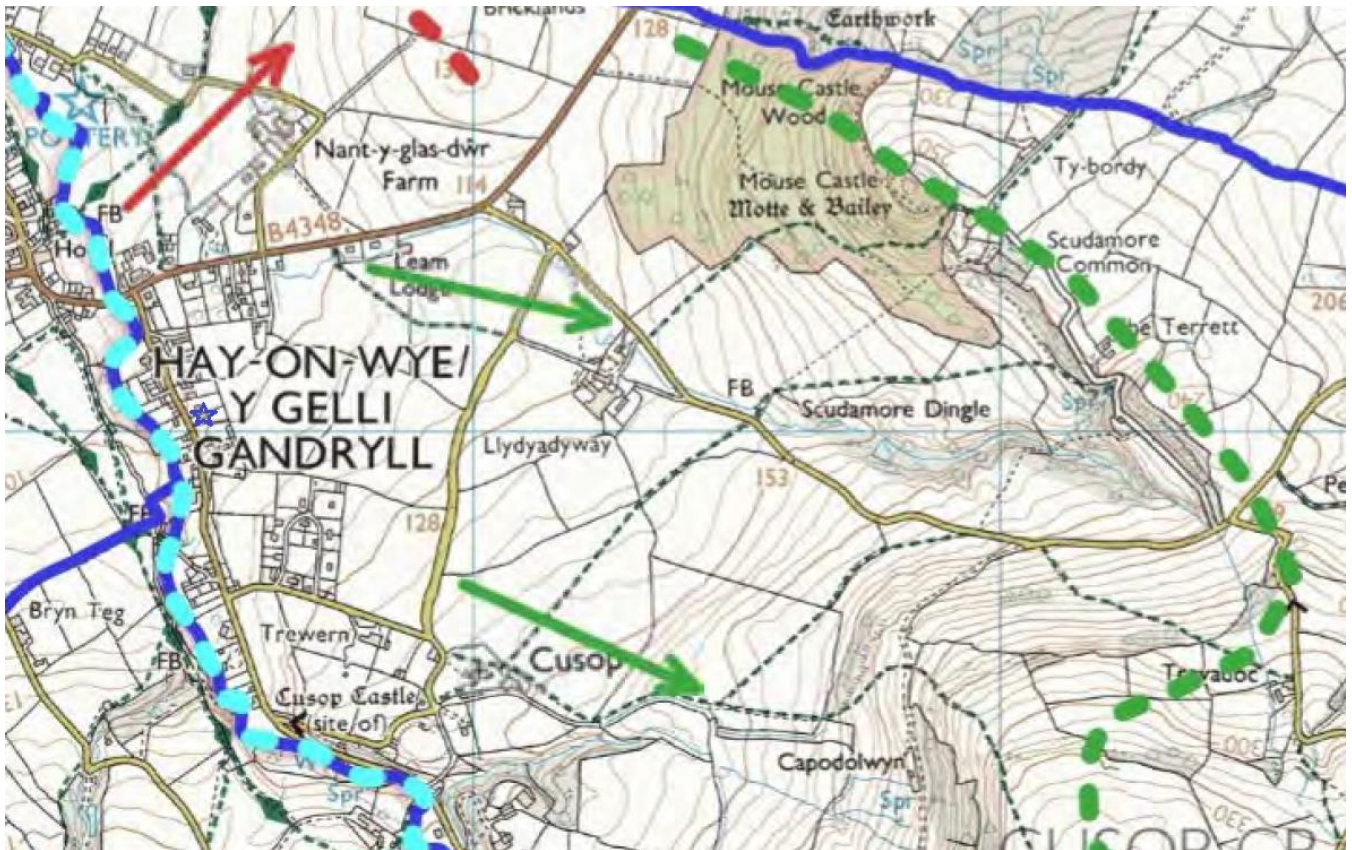
- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the housing policies.
- 6.6 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.
- 6.7 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). Cusop is within the Golden Valley HMA, which is earmarked for an indicative 12% housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 22 dwellings being required across the Parish within the plan period (2011-2031).
- 6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. With this in mind, policies 1 and 3 of the NDP are engaged in the first instance. Policy 1 includes a map (Map 2) indicating the settlement boundaries and states that new housing and other development should normally be located within these. There are two settlement boundaries in total; one to the north along Newport Street and one to the south along Cusop Dingle and the B4348. For ease the boundary to the south is found below with the site identified by the blue star:



- 6.9 From the foregoing, it is clear that the site lies within the settlement boundary and is acceptable in principle in terms of location. Rather uniquely though, the NDP has a policy relating specifically to new dwellings within the curtilage of existing dwellings. In this regard policy 7 states that *division of the curtilage of an existing dwelling within the Settlement Boundary for the development of one or more new dwellings will be permitted where it does not have a negative impact on the character of the dwelling or on the amenity of adjoining dwellings or on the character of the immediate neighbourhood.*
- 6.10 In terms of the character of the immediate neighbourhood, the site is located within a residential part of the settlement with neighbouring dwellings to the north, south and across the road to the west. The general character along this part of Cusop Dingle is largely detached properties within their own plots and individual in their design. With this in mind, the inclusion of a dwelling in this location is not found to undermine the character of the wider area. The character of Brynglas itself will also not be impacted detrimentally as a result of the proposal – it will retain its own access and adequate curtilage area. In terms of the impact on the amenity of neighbouring dwellings, this will be assessed in detail under the design and amenity section of this report.
- 6.11 Noting the above, the principle of a dwelling on the site is not found to undermine or conflict with the policies contained within both the Core Strategy and NDP.

Landscape impacts

- 6.12 Policy 12 of the NDP states that *development proposals must protect the character and scenic beauty of Cusop Hill and views of it from the Cusop settlement and Parish. The extent of this Asset and the directions of views of it for the purposes of this Policy are shown on Map 3. For ease, an extract of this map is found below with the green lines indicating Cusop Hill and views towards it, and the site again indicated by the blue star along Cusop Dingle:*



- 6.13 While not specific to Cusop Hill, policy LD1 of the Core Strategy reinforces that development proposals demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and conserve and enhance the natural, historic and scenic beauty of important landscapes and features.
- 6.14 The postscript to policy 12 of the NDP states that *developments beyond the Hill to the east or south-east may also need assessment if they would be visible above the ridgelines*. In terms of the development proposed, it is located within a built up area of Cusop that has been identified by the NDP for residential growth. The ridge of Cusop Hill is approximately 1.8km to the east of the site and the proposal will be read against the backdrop of the existing properties. It does not represent an incursion into the open countryside where there may be an impact on the views gained of the Hill or from it. In terms of from the streetscene, noting the rise in the site from the road, views of the Hill cannot be readily gained from this point. There may be some open views from the neighbouring dwellings to the west of the road but this is a private view and such a loss is not a material planning consideration.
- 6.15 Given the foregoing and noting the distance from Cusop Hill and the location of the site within a clearly residential area of Cusop, as well as the comments from the Landscape Officer, the proposal is found to protect public views both from the Hill and to it.

Design and amenity

- 6.16 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

- 6.17 The policy mentioned within the foregoing paragraph is reinforced through policy 16 of the NDP. This states that *the design of new buildings and extensions to existing buildings should deploy locally distinctive styles and materials and in particular respect their immediate neighbourhoods in terms of styles, materials, siting, scale, layout, roofline, proportions and massing. Different styles and materials will be permitted if there is clear evidence that higher energy conservation standards cannot be achieved without them.* Policy 4 of the NDP makes it clear that dwellings should generally be of three bedrooms or less. This application meets this criteria.
- 6.18 The dwelling proposed works with the topography of the site and will be built into the slope resulting in a two storey dwelling when viewed from the roadside and a single storey to the rear. This is a common form of dwelling along the eastern side of the road. The dwelling will accommodate three bedrooms, ensuite and cloakroom on the ground floor with the communal living area on the first floor including a living room, kitchen, dining room, bathroom and utility. The elevations of the proposed dwelling are found below:



- 6.19 The dwelling will be constructed from cream render and vertical timber cladding on the elevations with concrete interlocking tiles on the roof and a sedum roof on the single storey

element. The form of the dwelling is relatively traditional but it is acknowledged that the materials, along with the form of the front single storey element, do have a degree of a modern approach. This notwithstanding, there are examples of rendered elevations along the street and Brynglas itself has differentiation between the upper and lower floors, albeit render and facing stonework. In terms of the timber cladding it is acknowledged this is a material with less prominence in the street although there are small elements including on dormer features. However, it is appreciated that Cusop Dingle as a whole benefits from a mix of dwelling types, design and materials with most dwellings differing from the next. As such, the proposed are not found to be unacceptable subject to the details being appropriate – these will be conditioned on any approval and will include the finish of the timber.

- 6.20 Moving onto amenity impacts, the windows proposed on the front elevation will look onto the parking area associated with the proposed dwelling. Noting the distance of the neighbouring dwellings in this direction (Barfield and Glannant) being approximately 30m and the intervening feature of the road, issues of overlooking or overshadowing to these properties are not anticipated. This is the same for the windows on the eastern elevation and looking onto the private garden for the proposed dwelling.
- 6.21 The windows along the northern elevation will look onto the dense hedgerow along the common boundary with Runnymede (the neighbouring dwelling to the north). With this boundary treatment in mind (which will be conditioned to be retained) and noting that Runnymede is located to the north of their plot with a vehicular access between the existing and proposed dwelling, issues of overlooking as a result of the facing windows proposed are not anticipated. With this distance in mind, overshadowing experienced to a detrimental level is also unlikely.
- 6.22 The windows along the southern elevation will directly face the northern elevation of Brynglas which it is noted benefits from windows along this elevation. While comments have been received in relation to this within the representations (from neighbours other than the occupants of Brynglas – appreciating there is a relationship between these and the applicants), the local planning authority do not have specified window to window distances or guides in this regard. Notwithstanding this, the distance is measured at approximately 5m which is short. However, noting the topography of the site, it would not be unduly difficult or out of keeping to install a boundary treatment that provides some screening. This could also provide the opportunity for further ecological enhancement noting that the hedgerow that currently dissects the centre of the plot (along a north-south axis) would be removed to accommodate the dwelling. Noting that the site lies within the settlement and there is already a degree of overlooking with neighbouring dwellings in each direction, the proposed is not found to introduce new issues to a detrimental level that would justify refusal of the scheme as a whole subject to adequate boundary treatments.
- 6.23 In light of the foregoing, the design is found to have been carefully considered given the constraints of the site and while there are modern elements, this is not found to be unacceptable. The proposal is in keeping with the surrounding properties in that it represents an individually designed one such as those around it. The introduction of timber cladding is an element that is not readily found within the street but is not found to be out of keeping to a degree that would represent a reason to refuse the application.

Transport

- 6.24 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of

the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).

- 6.25 While the NDP does not have a policy relating to highways, policy 8 is specific to parking. This states that *all proposals under Policies 4, 6, and 7 must incorporate enough off-road parking spaces to meet the normal requirements of all retained and new residential units in full occupation.*
- 6.26 The proposal includes a new access into the site, retaining the existing one to Brynglas for the occupants of that dwelling. The application has been accompanied by a Traffic Speed Survey and the visibility splays required have been based on the 85%tile of this. 43m in each direction is required and based on the comments from the Council's Transportation Manager, this can be achieved. Comments in relation to the implications on hedges within third party ownership are noted but as the Transportation Manager has confirmed, in light of the scale of the proposal (for one dwelling) and noting the nature of the road, they are satisfied that a 1m running could be incorporated. This will essentially push the splays into the road and away from any neighbours' hedges.
- 6.27 Amended plans have been submitted through the application process to include the required level of car parking. Noting that the dwelling is for 3 bedrooms, a minimum of 2 car parking spaces are required. An extended parking area has been incorporated which will enable cars to turn and enter the highway in a forward gear. While the creation of the access will require some hedgerow removal and loss of an area that may be used for parking purposes at points on the road, this is not a formal parking area - its loss is not a reason to refuse an application.
- 6.28 The comments received from the Council's Transportation Manager endorse the above view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the Core Strategy.

Ecology and trees

- 6.29 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.
- 6.30 The application has been supported by an Ecological Report which makes several recommendations for both mitigation and during construction works. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to the proposal or the HRA AA that was sent for their consultation.
- 6.31 The comment within the representations relating to the trees within the garden of Runnymede is noted. However, appreciating the distance of these trees from the common boundary, as well as the 3m easement required from the mains sewer, it is unlikely that these will be affected. Notwithstanding this, a condition relating to the measures for their protection will be attached to any approval as recommended by the Landscape Officer.
- 6.32 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policies LD2 and LD3.

Drainage

- 6.33 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide

opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.34 During the application, clarification has been sought on the drainage arrangements for the proposed dwelling. The development will utilise the mains sewer for the disposal of foul water only and all surface water will be managed through on site soakaway-infiltration. It is acknowledged there are drainage concerns within the representations but noting there is no objection from Welsh Water in terms of the utilisation of the mains sewer (subject to a condition ensuring that this is only utilised for foul water) and the size of the site to manage surface water, these methods meet the hierarchy included within policies SD3 and SD4 and are found to be acceptable.

Other matters

- 6.35 In terms of other matters raised through the representations, the drawings are drawn to scale and are capable of being measured.
- 6.36 The implications of the site being a construction site are not reason to refuse a planning application, nor are the amenity impacts of these phase. This is temporary and an outcome not unique to this proposal. However, I find it appropriate to condition hours of working on any approval to limit the impact. Details of site operative parking will also be conditioned on any approval.
- 6.37 With regard to the housing targets for Cusop, based on the 12% indicative growth identified for Golden Valley under policy RA1 there is a minimum target of 22 during the plan period (2011-2031). It is appreciated that as of April 2019 this has been exceeded by 11. However, this alone is not a reason to refuse an application that is found to be acceptable in all other regards. There being other buildings available within the settlement that could be acceptable for applicants is also not a reason to refuse an application that meets the relevant planning policies.
- 6.38 Public consultation on the proposal by the applicant is not a requirement of a planning application. There has been adequate publicity of the application through site notices displayed by the local planning authority, including amended ones when such plans were submitted. In terms of amending plans several times, the principle of development was found to be acceptable and as such the authority has worked proactively and positively with the applicant to reach a scheme that is supportable.

Planning balance and conclusions

- 6.39 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development proposals 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.
- 6.40 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.

- 6.41 The site is located within the settlement boundary indicated within policy 1 of the NDP, where the principle of new residential development is accepted. The application seeks to subdivide an existing dwelling and curtilage to provide the dwelling and having assessed the impacts of this, the proposed is found to respect the amenity of the host dwelling, neighbouring dwellings and the character of the area.
- 6.42 In terms of landscape impacts, the proposal will be read in conjunction with the other dwellings along Cusop Dingle and within one of the main built up parts of the settlement – the impact in terms of the wider landscape is therefore limited. In terms of Cusop Hill, the site is located approximately 1.8km from the ridge and adjacent to other dwellings. The views from Cusop Hill are therefore found to be protected. In terms of views from Cusop Dingle to the Hill, these are not readily available from street level noting that the eastern side the road rises across these properties. Any loss of a private view of the Hill is not a material planning consideration.
- 6.43 The design is found to work with the topography of the site and is of a similar form to others along this side of the road. The introduction of timber cladding is arguably at odds with other dwellings along Cusop Dingle but noting that a characteristic of this area is individually designed dwellings, is not out of keeping with the general design approach locally. The design also avoids issues for the amenity of neighbouring dwellings, including Brynglas subject to adequate boundary treatments along the shared boundary.
- 6.44 Given the lack of objection from consultees, including highways, ecology, Welsh Water and pipelines the proposal is found to be compliant technically.
- 6.45 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward one dwelling with the associated economic and social benefits that small developments in rural settlements support.

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. C01 Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. C13 Samples of external materials**
- 4. CE6 Efficient use of water**
- 5. CBK Restriction of hours during construction**
- 6. All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.**

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

7. Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home 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 habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

9. CA1 Landscape scheme
10. Protection of trees/hedgerows that are to be retained
11. CKB Protection during Construction
12. C65 Removal of permitted development rights
13. CAB Visibility splays (2.4m x 43m with a 1m running lane)
14. CAE Vehicular access construction
15. CAD Access gates (5m)
16. CAI Parking – single/shared private drives
17. CAH Driveway gradient
18. CAT Construction management plan (including parking for site operatives)
19. CB2 Secure covered cycle parking provision
20. CCK Slab level

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

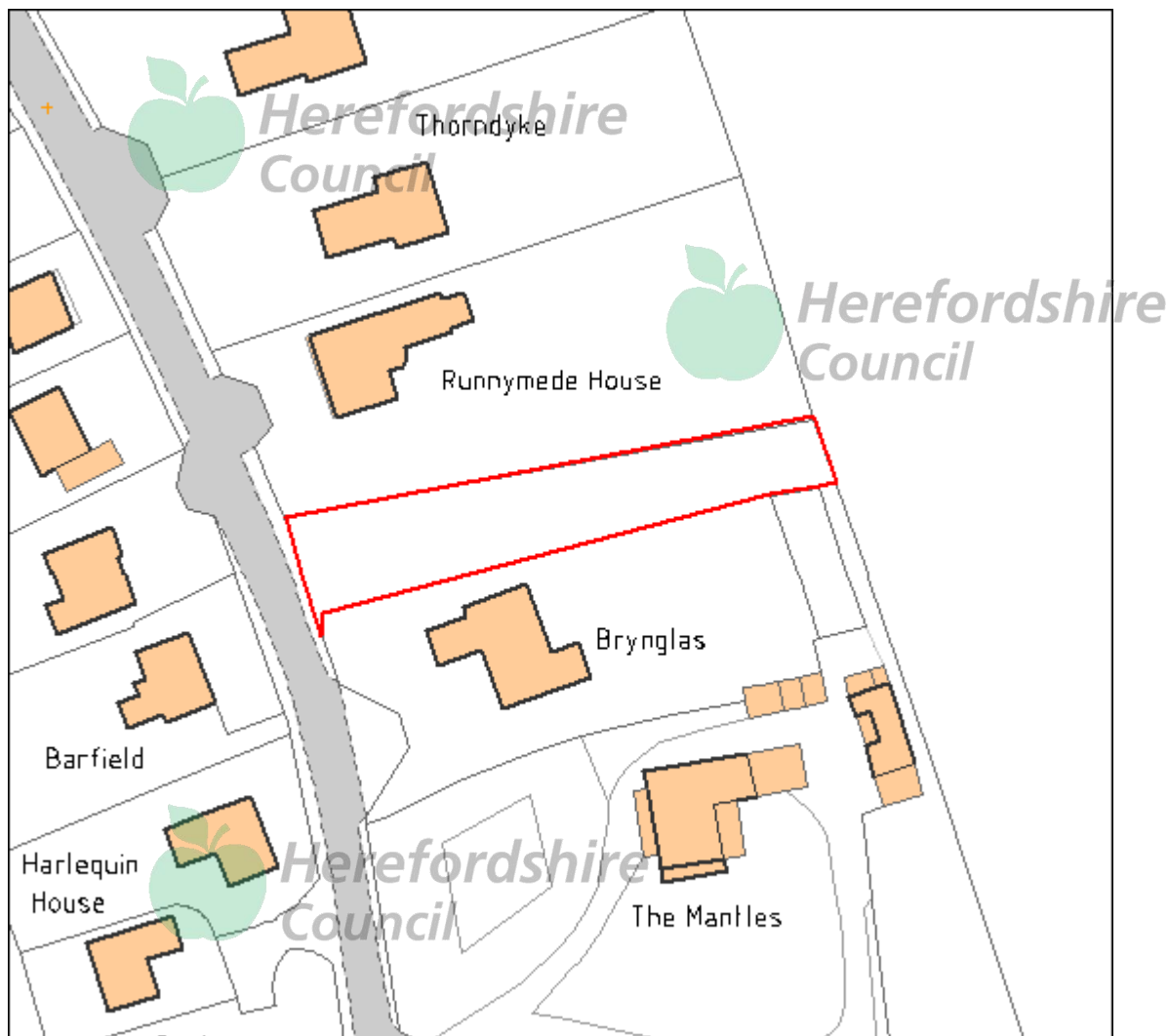
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 191081

SITE ADDRESS : BRYNGLAS, CUSOP DINGLE, HAY ON WYE, HR3 5RD

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