

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 DECEMBER 2019
TITLE OF REPORT:	191276 - ERECTION OF THREE DWELLINGS AND ASSOCIATED WORKS AT LAND AT OLD TRECILLA BUILDINGS, LOWER HERBERTS HILL, LLANGARRON. For: Mr & Mrs Farr per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191276&search=191276
Reason Application submitted to Committee - Redirection	

Date Received: 9 April 2019

Ward: Llangarron

Grid Ref: 352908,221340

Expiry Date: 4 June 2019

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.35 hectare plot forming part of a larger field that extends to the north and west. The site occupies an elevated position to the east of the C1250 which links the village to Herberts Hill, Three Ashes and St Weonards further to the north-west.
- 1.2 The roadside (southern) boundary is currently defined by a mature hedgerow sitting atop a high embankment. To the east, at lower level, and opposite an existing shared access road, serving the properties and an agricultural building, are Wagoners Cottage, Barn House and Owls Nest which face the application site. Box Bush Cottage is a Grade II listed property which is accessed direct from the C1250.
- 1.3 Planning permission is sought for three detached dwellings (1 no. 3 bed and 2 no. 4 bed units) that would each have a detached double garage. The 4 bed units (Plots 1 and 3) would have a ridge and eaves height of 6.8 metres and 3.6 metres respectively and would have a footprint of 16 metres by 6 metres. The 3 bed unit (Plot 2) would have a ridge and eaves height of 7.2 metres and 4.6 metres respectively and a footprint of 13 metres by 6 metres.
- 1.4 The dwellings would be set back from the shared private road by between approximately 25 metres (Plot 3) and 29.7 metres (Plot1) and Plot 1 would be set back from the C1250 by approximately 14 metres. The distance between the proposed new dwellings and the nearest property would be 42 metres (Plot 3 to Wagoners Cottage). The distance between Plot 1 and the Grade II listed Box Bush Cottage would be 47 metres approximately.
- 1.5 The layout proposed follows a linear form with Plots 1 and 2 presented parallel to the shared private road and Plot 3 at right angles. The external treatment of all the dwellings can be described as a contemporary barn with simple rectilinear footprints. Materials comprise natural slate, Siberian larch cladding and white render (aluminium doors and windows, galvanised

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

aluminium guttering and downpipes are specified on the materials key together with solar PV panels on the garages).

- 1.6 Two new accesses are proposed. Plot 1 would have its own access and drive positioned more or less opposite the access serving Owls Nest. Plots 2 and 3 would have a shared access and driveway, slightly offset from the access serving Wagoners Cottage. The driveways would be cut into the existing embanked boundary with the existing shared access road. Additional native species hedgerow and tree planting would extend to define the entire length of the new northern and western boundaries of the site and the boundaries of the garden curtilages for the 3 plots.
- 1.7 The application is accompanied by a Design and Access/Planning Statement, a Speed Survey and Visibility Statement; a Preliminary Ecological Appraisal; a Flood and Drainage Strategy and a Sustainability Statement. A Landscape and Visual Impact Appraisal submitted in support of a previously refused application has also 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 (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
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 6 December 2012 and a Regulation 14 draft plan was submitted on 6 February 2017. However this version of the Plan has not progressed and a resubmission and further consultation is awaited.

At this stage only limited weight can be afforded to the Plan but policies relating to housing delivery cannot be afforded any weight.

- 2.3 National Planning Policy Framework (NPPF)

- 2.4 National Planning Policy Guidance (NPPG)

- 2.5 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 P181343/F Proposed erection of 8 No. 2 storey dwellings (comprising of 4 No. 2 bed houses, 1 No. 3 bed house & 3 No. 4 bed houses) with associated highways and landscaping works. Refused

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No Objection

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department who have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

4.2 Natural England – No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

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 Cooperatie Mobilisation (AKA the Dutch Case) (Joined Cases C- 293/17 and C-294/17).

The Cooperatie 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.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'.

The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

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

European site - River Wye SAC - No objection

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

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

River Wye SSSI - No objection

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

Internal Council Consultations

4.3 Transportation Manager – Initial Comments (28/5/19)

No objections to the proposals after the reduction of the number of dwellings. The number of movements associated with the proposed development would not be classed as severe and therefore would not be deemed as having road safety implications.

The access should be built to HC highways design guide to adoptable standards. A vehicle crossing licence is required from BBLP.

Please condition as follows: -

CAB Eastbound - 60m x 2.4m, Westbound 38 x 2.4m
CAE, CAH, CAJ, CAL, CAS, CAT, CB2, CAZ

I09, I45, I11, I05, I47, I35

Further comments (11/10/19)

The updated visibility splay plan shows that the visibility from the access is achievable. The visibility splay is also achievable within highway land.

Due to changes in the standard conditions. Please condition as follows.

CAB Eastbound - 60m x 2.4m, Westbound 36 x 2.4m

CAE, CAH, CAJ, CAQ, CAT, CB2, CAX

I09, I45, I11, I05, I47, I35

4.4 Conservation Manager (Landscapes) – Updated Comments (4/11/19)

I note the amendments to the block plan and the street scene as submitted on 26/9/2019. I am content that the revisions to the ground level will ensure that plot 1 will not dominate the existing built form.

I would recommend the submission of landscape plans and a supporting 5 year management plan via condition.

Conservation Manager (Ecology)

The site lies within the River Wye SAC catchment and so as noted by Natural England and this LPA this application triggers the requirement for a Habitat Regulations Assessment. Subject to Natural England formally 'approving' the appropriate assessment submitted to them by this LPA a condition to secure the mitigation is required on any planning consent granted.

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

All foul water shall discharge through connection to new plot specific private foul water treatment systems with final outfall to soakaway drainage fields; and all surface water shall discharge to appropriate SuDS or soakaway system; 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

The supplied ecology report is noted and although the finally submitted layout is substantially different to that assessed against the basic site level ecology assessment appears appropriate and relevant. The generic working methods and CEMP should be secured through condition.

The biodiversity enhancement plan as supplied in the ecology report is no longer appropriate due to the full change of layout – and a condition is requested to secure required biodiversity net gain enhancements.

Nature Conservation – Ecology Protection, Mitigation

The ecological protection, mitigation, compensation and working methods as recommended in the ecology report by europaeus land management services shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

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 THREE Bat roosting enhancements, THREE 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. All tree and shrub planting shall only consist of locally characteristic, native species. 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.

4.5 Conservation Manager (Building Conservation)

No objections to the scheme on heritage grounds. Whilst we note that the adjacent listed building is situated on the edge of the settlement and this forms part of its setting, it is felt that the density, set back and design of the proposals is such that the harm to the setting is minimal and would not trigger section 196 of the revised NPPF.

Background to recommendations:

Adjacent and to the South of the site, lies Box Bush Cottage, a grade 2 listed C17 timber framed cottage, ref 1099448. The building is significant historically due to age of surviving fabric and the evidence this provides, and architecturally as a picturesque rural cottage. An aspect of its setting which contributes to its significance is the rural aspect of the site and its location on the edge of settlement. It is felt that the contemporary rural design of the proposals, their low density and set back, would mean that the appreciation of the building is not harmed to any degree.

It is felt that the distance from the Church of St Deinst is such that its appreciation and understanding would not be affected by the proposals.

4.6 Conservation Manager (Trees)

Having viewed the documents I can confirm that I do not have any objections to the proposals or require any arboreal reports.

However, the soft landscaping details contained within the proposed plan are too vague.

Further information is required to demonstrate which species are going where, what nursery size will they be and how will they be maintained.

In Summary, a soft landscape plan is required which will contain the following:

- Species
- Locations
- Size
- Protective Measures

4.7 Land Drainage

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 less than 1ha and is located within Flood Zone 1, the planning application does not need to be 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

Overland Flood Exceedance Routes have been demonstrated on the drainage layout plan. It has been ensured that flows will be directed away from buildings.

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 surface water runoff generated by the development is proposed to be managed by soakaways serving individual dwellings and porous paving will be used for the access roads and car parking areas. An infiltration rate of $1.24 \times 10^{-6} \text{m/s}$ has been used in the calculations for sizing the soakaways for the roof runoff. The soakaways have been designed to cope with the 1 in 100 year + 40% climate change event; however a safety factor of 1.5 has been used.

We request that a safety factor of 2 (or 3) is used (taken from Table 25.2 of the CIRIA SuDS manual) and the soakaway sizes are recalculated with this updated parameter.

We also see that permeable paving is proposed for the access road and car parking areas. This has been designed to cope with the 1 in 100 year + 40% climate change also. The shallow infiltration rates established through ground investigations revealed low rates, however still acceptable.

Foul Water Drainage

The foul water disposal proposals are to provide individual package treatment plants served by individual drainage fields. A V_p value of 31 has been established. We have applied the formula in the Building Regulations used to convert f to V_p : $f = 10^{-3}/3 \times V_p$. Using the f values established, this would give a V_p value of approx. 268. The testing results have not been provided, thus we are unsure about the V_p value. Values between 12 and 100 are considered acceptable. We request that the results are provided to ensure that the V_p values have been correctly calculated.

We also request that the calculations for the sizing of the drainage fields are provided. This should be in accordance with BS6297.

It has been previously suggested and agreed that the drainage fields will be installed at a minimum of 1:4 slope ratio standoff from the adjacent road (i.e. where the road is 2m lower than the site, the standoff would be a minimum of 8m) to prevent lateral flow through the soil onto the adjacent road bank.

It is understood that the responsibility of the individual systems will be with the respective homeowners.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- An updated surface water drainage strategy using a safety factor of 2 for the soakaways;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Results of percolation testing undertaken in accordance with BS6297 and calculations to demonstrate the sizing of the drainage field

5. Representations

5.1 Llangarron Parish Council

Original comments

Llangarron Parish Council SUPPORT planning consultation 191276 Land at Old Trecilla Buildings Lower Herberts Hill Llangarron for the erection of three dwellings and associated works, and make the following comment: There are concerns from local residents regarding traffic and increased risk along the road

Comment following first re-consultation

Llangarron Parish Council considered the above re-consultation at a meeting on 9th September and it was resolved to support the application subject to the height of Plot one being lowered.

Comment on second re-consultation

Llangarron Parish Council met on 16th October 2019 and resolved to unconditionally support the above application in the knowledge that the height of Plot One has been lowered.

- 5.2 A total of 40 objections have been received from third parties and 15 supporting comments have been received. A number of these include follow up comments from the same individuals but and the nature of these comments is summarised as follows:

Objections

- Llangarron has already met its housing growth requirement
- Significant concerns about localised surface water flooding (a number of video clips have been provided evidencing the existing conditions during the recent heavy rainfall)
- Inadequate road infrastructure - too narrow, limited visibility in places and frequently blocked
- Danger to pedestrians and school children walking to and from bus stop
- Unacceptable increase in traffic movements
- Significant harm to setting of Box Bush Cottage and loss of views of Church
- Development would unduly impact upon privacy and outlook of box bush cottage
- Significant overbearing effect due to change in levels
- Overdevelopment would spoil the setting and character of the village
- Scale and design of dwellings is uncharacteristic, visually dominant and alien to the village
- No amenities available in Llangarron and no regular bus service
- Number and size of dwellings should be reduced
- Determination should be delayed pending the outcome of the NDP process

- Concerns over future maintenance of package treatment plants due to elevated position
- No justification for loss of prime agricultural/greenfield land
- Precedent for future development linking site to Oaklands Paddock
- Timber cladding totally inappropriate and out of keeping
- Inadequate mix of housing - smaller more affordable homes are required
- Likely glare from large areas of glazing
- Speed survey out of date and inaccurate representation
- Adverse impact on ecology

Supporting Comments

- Demonstrable and recorded need for more housing
- Growth need to support services and allow community to develop
- Small scale incremental growth is the correct approach
- Proposal has responded positively to previous refusal reasons
- Development will not increase risks of surface water flooding – no evidence to substantiate these concerns
- Impact on nearby occupiers unfortunate but villages should not be preserved in aspic
- Plot sizes are generous and houses well set back
- New families likely to live in these homes will be a welcome addition to the village
- Small scale development will not result in significant change to current traffic conditions
- No reason why development of the site would exacerbate existing surface water flooding
- Road network is no different from many rural village
- Site is well positioned in relation to existing services within the village
- Site is identified in the draft NDP
- Dwellings have been sensitively and tastefully designed

- 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=191276&search=191276

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 Llangarron Neighbourhood Area. Llangarron Parish Council had submitted a draft Neighbourhood Development Plan (LNDP) to Herefordshire Council on 6 February 2017. The consultation in relation to this document ran from 6 February to 20 March 2017. However, at this stage the Parish Council is revising the plan and it is likely to undergo another Regulation 14 consultation process. At this stage, with regards to paragraph 48 of the NPPF, only limited weight can be attributed to the LNDP.

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

- 6.4 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. The policy states:

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

'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 the policies of the CS, and, where relevant, 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). Llangarron 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 Llangarron Neighbourhood Area it must be acknowledged that it has performed well in relation to its proportionate target of 64 dwellings during the Plan period. Indeed based upon the latest

published figure from April 2019 there have been 27 new dwellings built and there are 48 Commitments (accounting for the recent granting of permission for 4 dwellings at Oaklands Paddock), an exceedance of 11 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 Llangarron as a settlement where proportionate growth is appropriate and the tilted balance in favour of sustainable development as directed by the NPPF.

- 6.11 The above sets out the overarching strategic objectives. An assessment will now be undertaken in respect of the proposed site. It is understood that the emerging Neighbourhood Development Plan has identified a settlement boundary but at this stage it has not been established what its extent will be. It is understood that this site is amongst those that are under consideration but at this stage it is simply not possible to have regard to what may emerge from the ongoing local consultation process. 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 great 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 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 Llangarron NDP 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 fully aware of the progression of the LNDP process and recognise that many objection letters refer to its relevance. In this context, there is no desire to undermine this process, however, whilst the LNDP in its original form has reached Regulation 14, the further

work being carried out on the document, with regard to defining settlement boundaries has not been published, and as such the Neighbourhood Development Manager has opined that whilst limited weight can be given to the original Regulation 14 version, the AECOM report which has been prepared by consultants working for the Parish Council is not a material consideration as it has not been shared with Herefordshire Council. Notwithstanding the above and for the avoidance of doubt, the original version of the Regulation 14 document envisaged the delivery of 5 houses on land adjacent to Farr Cottages, with the currently described allocation including the site under consideration. 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 in this particular case.

- 6.15 Both the policy and pre-amble accompanying RA2 specify the need for the site to be located within or adjacent to the main built up area. The application site is located at the western edge of the village, positioned opposite Box Bush Cottage, Owls Nest, Barn House and Wagoners Cottage, with the residential cluster at Herberts Hill being in a more elevated position further to the west. In locational terms, it is considered that the application site is well related to the existing built form and the linear layout responds to the form of the and is within ready walking distance of the village hall, Church and the Garron Centre which are the only community facilities currently available. Having regard to these characteristics and the lack of any local policy that can be afforded more weight, 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 Officers have reviewed the content of emerging LNDP Policies SUS1, ENV1 and ENV2 and consider them to be broadly consistent with the objectives of the CS policies referred to above and as such limited weight is attached to these policies.
- 6.19 The application site extends to some 0.35 hectares and forms part of a field owned by the applicant. It has a significant frontage to the shared private road of some 84 metres with the roadside boundary with the C1250 measuring some 44 metres. Both boundaries are defined by a mature hedgerow that is recognised to make a positive contribution to the rural character at the edge of the village.
- 6.20 The proposal would entail the formation of two new access points off the private road to the site which would require the combined removal of approximately 19 metres of the well established and characterful hedgerow and the groundworks required to form the driveways/embankments and level plots will have a significant, although localised, impact when viewed from the public

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

highway and footpath that skirts the edge of Herberts Hill (PRoW LG3) in the immediate vicinity of the site. By reference to the submitted Site Section, the floor level of Plot 1 will be approximately 3.5 metres above the level of the private road and some 5 metres above the level of the C1250. Despite this relatively elevated position, it is considered that in the wider landscape, the impacts will not be significant since the combination of the retained hedgerow, the context of rising land towards Herberts Hill and the set back nature of the plots would largely mitigate the visual impact when viewed from further afield. Furthermore in views from the public footpath LG3 to the north and west, the proposed development would be seen in conjunction with existing residential development beyond the application site. In this respect, It is considered that the visual impact will not be at a significant level and it is clear that the reduction in the level of Plot 1 has now secured the support of the Parish Council. In terms of settlement character, the low density and disposition of the proposed dwellings to the road access are broadly characteristic of the settlement which would therefore be preserved. In combination with the commitment to substantial native tree and hedgerow planting along the new field boundary and between the plots and having regard to the comments from the Conservation Manager (Landscapes), it is considered that the proposal demonstrates that the landscape and townscape context has positively influenced the layout in a manner consistent with the aims of CS policies LD1 and SD1 (and to the extent reasonable at this stage in proceedings, LNDP policies SUS1, ENV1 and ENV2)

Design and amenity

- 6.21 The detailed design of the dwellings is assessed by reference to CS policy SD1 (and to a limited extent by LNDP policies ENV1 and ENV2). 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.
- 6.22 The proposed dwellings have the same simple rectilinear format and have been designed with a contemporary agricultural building aesthetic. The distinct reservations of many objectors as to the suitability of this design approach are noted and whilst there are potentially alternative solutions available, the approach adopted is considered to respond to the agricultural context that prevails at the edge of the village and since the village does comprise a wide range of architectural styles, it is not considered necessary to incorporate these in order to successfully integrate the development. Given that views of the development are essentially localised and recognising that the elevated nature of the site will make the rooves more visible in the wider landscape, the choice of natural slate will provide a material that does complement the locality whilst the more individual use of timber cladding will provide both a relevance to the agricultural context and contrast with more established historic properties.
- 6.23 As such, it is considered that the design approach would not adversely affect the character and setting of Llangarron.
- 6.24 With regard to residential amenity impacts, the existing dwellings potentially affected by the proposal are Box Bush Cottage, Owls Nest, Barn House and Wagoners Cottage. Taking these in turn, Box Bush Cottage would be some 47 metres from the principal elevation of Plot 1, Owls Nest and Barn House (a semi-detached pair) would be 47 metres from plot 2 and Wagoners cottage would be 40 metres from the end gable of Plot 3. These distances would ensure that acceptable levels of privacy would be maintained and whilst there would be additional traffic movements up and down the shared private access road these would not, in your officer's opinion, result in unacceptable impacts upon existing living conditions
- 6.25 Accordingly whilst recognising that the impact of the development will be felt by those living in the immediate locality it is not considered that there would be harm to living conditions warranting the refusal of permission. A Construction Management Plan and restriction on working hours would minimise impacts during construction.

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. The application has been accompanied by a Sustainability Statement which refers to 4 specific commitments:

• *Sustainable Materials – construction materials will be locally sourced, including natural timber. Advantages include fewer “construction miles” and less energy expended in the conversion of raw materials into construction products as with the stock globalized materials common in many housing developments.*

• *Energy Efficient Building Envelope: The building envelope is anticipated to achieve the following elemental U-Values, which are greater than those specified in the Building Regulations:*

- *Roof 0.12 W/m2K*
- *Walls 0.15 W/m2K*
- *Floors 0.12 W/m2K.*

• *Renewable Energy: Solar panels will be used on the roofs to provide hot water to each dwelling. Air Source Heat Pumps will be provided for each new dwelling, to provide power for heating the individual properties.*

• *Landscaping: A considerable amount of trees will be planted around the site, to increase bio-diversity and improve the absorption of carbon dioxide.*

6.27 In the absence of any more specific local policy, it is considered that these commitments represent a positive response to the aim to move towards reducing carbon emissions as part of the overall commitment to address the effects of climate change.

Heritage Impacts

6.28 Llangarron does not have a Conservation Area but is characterised by a number of historic buildings focussed upon the centre of the village (around the crossroads) that have both designated and undesignated heritage status. In this regard Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard for preserving the character and setting of listed buildings. A duty which is enshrined in CS policy LD4 (and to a limited extent LNDP policy ENV2) which requires development proposals to protect, conserve and where possible enhance heritage assets. Box Bush Cottage is the closest to the proposed development and as a Grade II listed property represents a designated asset and is afforded statutory protection. The impact of the proposed development upon this designated asset, those further afield and other adjacent undesignated assets has been fully assessed in the context of CS policy LD4 and the heritage impact assessment prescribed at paragraph 193-197 of the NPPF.

6.29 It is acknowledged that the field upon which this development is sited does form part of the rural setting of Box Bush Cottage. A view which is primarily reached having regard to public view from the public right of way but having regard to the comments from the Conservation Manager the low density and set back nature of the scheme are such that the setting is preserved

6.30 Accordingly, having considered that there would be no harm to the setting of either designated or undesignated heritage assets, it is considered that the statutory duty of the decision-maker would be fulfilled should permission be granted and that there would be no requirement to assess the public benefits of the proposed development in the context of its impact of heritage assets. In this regard CS policy LD4 (and emerging LNDP policy ENV2) is satisfied.

Access and parking

- 6.31 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.
- 6.32 The proposed development would be accessed via two new access points off an existing private road used by existing dwellings and agricultural traffic. Visibility at the existing junction with the C1250 has been shown to meet the specific requirements of the Transportation Manager and is deliverable within the extent of the highway. 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 in terms of its narrowness; the speed and volume of vehicles using the C1250; its use by school children and pedestrians; a pinch point and bend in the road adjacent to 1 and 2 Trecilla Cottages and on road parking at times when the Church/Garron Centre and village hall are in use. With regard to the cumulative highways impacts as a result of the proposed development, this was one of the main reasons why the previous scheme for 8 dwellings was refused. This much reduced scheme has been carefully scrutinised by the Transportation Manager has considered the Speed Survey and Site Visibility Assessment and concluded that the addition of 3 new dwellings would not result in highways impacts that would be classed as severe. The double garages and other hardstanding proposed more than meets the requirements of the Council's Highways Design Guide.
- 6.33 Whilst acknowledging the many concerns expressed in relation to the suitability of the road network, 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

- 6.34 CS Policies LD2 and LD3 are applicable (as is LDNP policy ENV1 to a limited extent) in relation to ecology and the impact on existing hedgerow and identified biodiversity value. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.35 The application has been supported by a Preliminary Ecological Appraisal 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

- 6.36 CS Policy SD3 (and LDNP policy ENV3 albeit limited in weight at this stage) 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).

- 6.37 In this case, a Flood Risk and Drainage Statement has been provided. This proposes that surface water will be drained to plot specific soakaways installed in the gardens of each proposed dwelling. The associated porosity testing has been scrutinised by the Council's drainage consultant who has raised no objection subject to condition securing final details. The Statement demonstrates that the hierarchical approach required has been carried out and for reasons underpinned by the porosity testing and the space available within each plot individual Package Treatment Plants with secondary drainage fields can also be accommodated within each of the individual plots. Similarly the views of the Council's drainage consultant have been considered and subject to a condition aimed principally at ensuring that the secondary drainage field is appropriately sized, there is no technical objection to this proposal on flooding or drainage grounds
- 6.38 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.
- 6.39 The strategy conforms to 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.

Loss of Agricultural Land

- 6.40 It is recognised within NPPF guidance and CS policy SS7 that the best agricultural land should be protected for both its intrinsic character and beauty and for its associated economic value. In this instance it has been established that the site lies within an area defined as Very Good (Agricultural Land Classification). For the purposes of this assessment it has been assumed that the land is classified as Very Good. The best agricultural land would be classified as Excellent by reference to the scale of quality which runs from Excellent, Very Good, Good to Moderate, Poor and Very Poor. It is recognised that the land does have value in terms of its rural character and economic contribution, but the proposal does relate to only part of the wider field which would be retained in agricultural use and would continue to be accessed from the west. It is difficult to make a direct comparison between the terminology used in the CS and NPPF which refer to the protection of the "best" and "most versatile" land and that used on the Agricultural Land Classification which suggests that the site is Very Good but it is considered that the limited loss will not result in significant economic dis-benefits and that this would be outweighed in this context for the economic and social benefits associated with residential development set out below.
- 6.41 Similarly, the loss of this agricultural land in terms of its contribution to the character of the village has been assessed in the Landscape and Townscape section above which concludes that the site can accommodate new development within significant harm.

Planning balance and conclusions

- 6.42 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.
- 6.43 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.

6.44 In assessing the three elements of sustainability:

Economic

6.45 Economic benefits would be derived from the construction of 3 dwellings 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. The impact of 3 new dwellings as proposed would result in modest benefits and this is considered to outweigh any limited economic losses in terms of agricultural production.

Social

6.48 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, Church and Garron Centre, as well as potentially supporting other facilities in other villages in the locality (the primary school and public house at Llangrove for example). It is recognised that this could help to provide the critical mass of population to sustain them and 3 new dwellings would make a modest contribution in this regard.

Environmental

6.49 The site is immediately adjacent to the main built up area of the settlement identified as being suitable for proportionate growth and as such is considered to be locationally sustainable within the current policy framework. In landscape terms, the site is not in a protected landscape nor is it the subject of any site specific heritage designations, although the setting of designated and undesignated heritage assets has been carefully assessed. Whilst it is recognised that there is significant opposition to the impact of the proposed development upon the character of the village, there is also some support and it is considered, on balance, that the well screened nature of the site mitigates the visual impact and whilst officers do not consider there to be harm in this instance, were this to be identified, it would not be adverse nor is it considered that it would outweigh the NPPF presumption in favour of development. The Sustainability Statement also makes clear commitments in relation to addressing climate change.

6.50 Having undertaken an overall assessment of the proposal in light of its economic, social and environmental impacts as required by the NPPF, it is considered any economic and social benefits would be modest. 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 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. P1.003 Rev C, P1.10 Rev C, P1.020, P1.100 Rev B, P1.101 Rev A, P1.102 Rev A0, VA002 Rev A, the Sustainability Statement PF 301, 1396 C05 Rev B, the Flood Risk and Drainage Statement – Rev B dated 4 March 2019) and the Preliminary Ecological Appraisal dated March 2018)**
3. **C13 - Samples of external materials**
4. **C65 - Removal of permitted development rights (Class E)**

5. **CK3 - Landscape Scheme**
6. **CK4 – Implementation**
7. **CAB - Visibility Splays Eastbound - 60m x 2.4m, Westbound 36 x 2.4m**
8. **CAD - Access gates**
9. **CAE - Vehicular access construction**
10. **CAH - Driveway gradient**
11. **CAI - Parking – single/shared private drives**
12. **CAJ - Parking - Estates**
13. **CAT - Construction Management Plan**
14. **CB2 - Secure covered cycle parking provision**
15. **CBK - Restriction of hours during construction**
16. **Prior to the occupation of any of the dwellings hereby approved details of a foul and surface water system incorporating an updated surface water drainage strategy using a safety factor of 2 for the soakaways; results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice; results of percolation testing undertaken in accordance with BS6297 and calculations to demonstrate the sizing of the drainage fields shall be submitted to and approved in writing by the local planning authority. The implementation of the drainage system shall be carried out in accordance with the approved details and maintained thereafter.**

Reason: To prevent pollution of the water environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
17. **CCK - Details of slab levels**
18. **All foul water shall discharge through connection to new plot specific private foul water treatment systems with final outfall to suitable soakaway drainage field on land within each plot; 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 Plan Core Strategy policies LD2, SD3 and SD4.
19. **The ecological protection, mitigation, compensation and working methods scheme including the europaeus land management services shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.**

Reason: To ensure that all species are protected and habitats enhanced having

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

regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Local Plan Core Strategy, National Planning Policy Framework and NERC Act 2006.

20. 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 three Bat roosting enhancements, three 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.

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, Herefordshire Local Plan Core Strategy Policy LD2, National Planning Policy Framework, NERC Act 2006 and Dark Skies Guidance Defra / NPPF 2013/2019.

21. CE6 - Efficient use of water

INFORMATIVES:

1. IP2 - Application Approved Following Revisions
2. I11 - Mud on highway
3. I09 - Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)
4. I45 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)
5. I35 - Highways Design Guide and Specification
6. I47 - Drainage other than via highway system
7. I05 - No drainage to discharge to highway

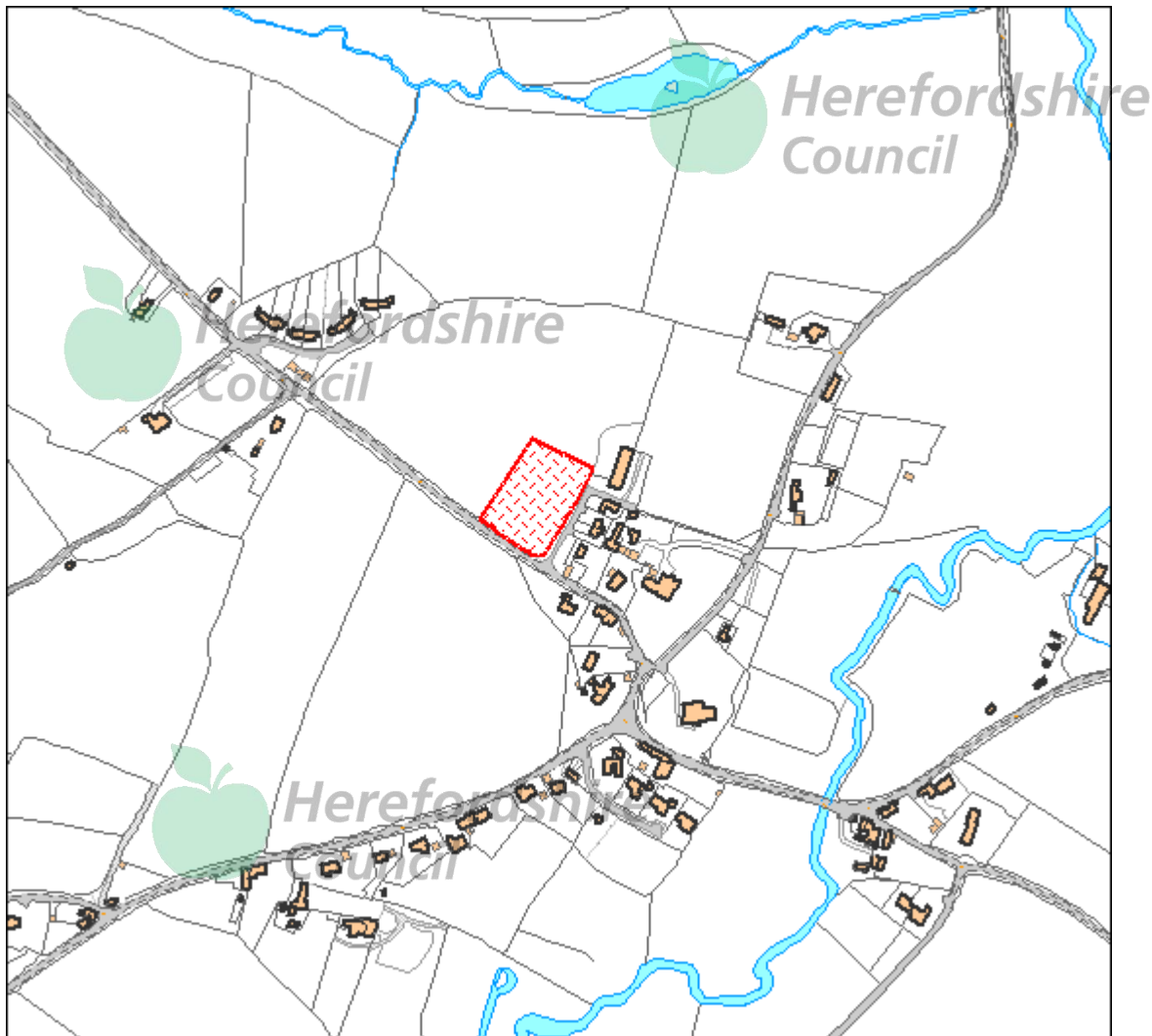
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 191276

SITE ADDRESS : LAND AT OLD TRECILLA BUILDINGS, LOWER HERBERTS HILL, LLANGARRON

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005