

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	193230 - PROPOSED DEVELOPMENT OF TWO RESIDENTIAL DWELLINGS INCLUDING NEW VEHICULAR ACCESS OFF THE HIGHWAY AT LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE For: Mr Marshall per Mr Jon White, Oak House, Stockwell Lane, Aylburton Business Park, Aylburton, Lyd, GL15 6ST
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193230&search=193230
Reason Application submitted to Committee – Re-direction	

Date Received: 12 September 2019 Ward: Llangarron Grid Ref: 353176,220980
Expiry Date: 7 November 2019

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site is located in the Parish of Llangarron and comprises partly of land that has been used by the occupant of Trejenna for the growing of fruit and vegetables. As such, there has been a degree of residential use even if there was never a formal change of use application on the land. The rest of the site has been in agricultural use and forms part of a larger field.
- 1.2 The site currently benefits from a hedgerow along the boundary with the roadside and a mixture of hedgerows, gates and fences along the other three boundaries. The Garren Brook runs along the north western boundary of the wider field and is approximately 25 metres from the rear boundary of the application site.
- 1.3 The application seeks full planning permission for the erection of two detached 3 bedroom dwellings on the site and associated works including a new access point. The block plan below shows the location of the two proposed dwellings along with the neighbouring property (Trejenna):

2.3 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
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

- 2.4 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

3. **Planning History**

- 3.1 Previous applications for dwellings on the site but all under previous planning policies (1986, 1986 and 1995). Therefore not directly relevant to this application.

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** – no objection

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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.

Internal Council Consultations

4.3 **Transportation Manager** – no objection

No objections to the proposed, whilst it would be preferred if the vehicle crossing was to a 1:12 gradient, it would not be a reason for refusal. The vehicle crossing should be built to HC road standard construction to allow for use as a passing place.

Please condition as follows: -

CAB - Visibility Splays – 22 x 2.4 m northbound, 23 x 2.4m southbound.

CAD - Access gates – 5m

CAE - Vehicular access construction – This should be built to HC road standard construction.

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CAJ - Parking - Estates

CAT - Construction Management Plan

CB2 - Secure covered cycle parking provision

- I11 - Mud on highway
- I09 - Private apparatus within the highway
- I45 - Works within the highway
- I05 - No drainage to discharge to highway
- I47 - Drainage other than via highway system
- I35 - Highways Design Guide and Specification

4.4 Conservation Manager (Ecology) – no objection (following the submission of additional information).

Initially commented as follows:

The site lies within the River Wye SAC catchment (Wye-Garren sub-catchment). The Garren Brook, a direct tributary of the Wye and a designated Local Wildlife Site is within 50m of the majority of the proposed development site.

As currently proposed the foul water drainage outfall fields are within the 50m buffer from the Garren Brook (aquatic Local Wildlife Site and known to support Otters, Crayfish and fish spawning for SAC species) and so are not compliant with Core Strategy SD4-LD2 (and retained biodiversity) policies. At this proximity to a direct tributary of the River Wye SAC a drainage field within 50m allows an unmitigated potential pathway for Phosphates to enter the watercourse and thus contribute to phosphate considerations within the River Wye SAC itself and likely effects on its conservation status. Currently available 'commercial' Package Treatment plants do not remove any significant % of phosphates through their process and secondary treatments or stripping involve the householder use of potentially hazardous chemicals that may also be released as part of the final outfall and have their own impacts on local and downstream ecology. The maintenance of these additional stripping systems is also not a securable option within the planning-Habitat Regulations Assessment process and so are not suitable to be considered as any mitigation to outfall phosphate levels.

Notwithstanding the above objection:

The supplied ecological report appears relevant and appropriate (excepting the references to foul water that are covered above). All proposed species specific mitigation – including external lighting scheme, working methods and enhancements should be secured through a relevant condition if planning consent is granted:

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 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 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

Following the submission of amended foul water disposal details, comments as follows:

The revised drainage scheme supplied by the applicant dated 08/01/2020 is noted. The supplied plan clearly shows that the required 50m buffer from the River Garren (LWS) and River Wye SAC tributary has been shown.

The required HRA appropriate assessment has been completed by Ecology based on this buffer either being checked and secured through approved plans or as an additional requirement on a standard 'HRA foul water' condition.

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

All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate infiltration or soakaway system; as detailed on plan reference 1491-C02-rev C dated 08/01/20, unless otherwise agreed in writing by the Local Planning Authority.

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

The supplied ecology report with details of proposed mitigation and biodiversity net gain enhancements is noted and appears relevant and appropriate. The complete report should be secured through condition on any consent granted.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 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 or highway feature, adjacent habitats or areas around the approved mitigation or biodiversity net gain enhancement features.

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 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

5. Representations

5.1 Llangarron Parish Council - object

1. The application is contrary to the Core Strategy Policies.
2. The site is in open countryside, **contrary to Policy RA3** of the Core strategy.
3. It is **contrary to Policy LD1** of the core strategy as no thought has been given to reflecting the building styles and history of the local area.
- 3.1 Policy LD1 requires development to 'conserve and enhance the natural, historic and scenic beauty of important landscapes and features' and 'ensure development integrates appropriately into its surroundings'.
4. It is contrary to **Policy SS6** Environmental quality and local distinctiveness which states 'development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness in particular its settlement pattern, landscape, biodiversity and heritage assets.... Development proposals should be shaped through an integrated approach to planning the following environmental components from

the outset, and based upon sufficient information to determine the effect upon each where they are relevant.'

- 4.1 landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;
 - 4.2 historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;
 - 4.3 the network of green infrastructure;
 - 4.4 local amenity, including light pollution, air quality and tranquillity;
 - 4.5 agricultural and food productivity;
 - 4.6 physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.
5. The poor and obtrusive design to out of character for the area and **contrary to Policy SD1** of the core strategy which requires that buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials.....while making a positive contribution to the architectural diversity and character of the area'. All other houses along the lane, with the exception of Trejenna, are built of local sandstone and nearly all originally formed part of the fifteenth century Treeree farmstead.
6. It is also **contrary to policy MT1** of the core strategy as the access lane to the site is narrow with no possibility of two vehicles passing each other. Traffic generated, poor visibility, substandard junctions to the adjoining road and the main road to the village and a lack of speed limit through the village make the application detrimental to highway safety.
7. **It is contrary to policy SD3** of the core strategy as the site adjacent is identified as liable to flooding. There is concern that foul water may be discharged into the Garron from water treatment areas outside the proposed garden boundaries and closer to the Garron and flood zone. Also, properties further down the Garron which have already been severely flooded will be flooded even more frequently and severely as a result of further building of houses together with their planned patios and parking areas at a steep angle above the Garron brook.
8. The site is highly visible when viewed across the village as it is set into a bank. There is also an important hedgerow running along the site frontage which is part of a field system that existed prior to the Enclosures Act and is related to a local listed building which is a fifteenth century farmstead. As the hedge contains a variety of wooded species which may date the hedge to be over 700 years old it would be an 'important hedge' as defined in the **1997 hedgerow regulations**. The proposal to remove part of the hedge would therefore be **contrary to Policy LD2** of the core strategy which states that 'Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site'
9. Planting of new hedges, if completed, will not compensate for the loss of such an ancient hedge which contributes significantly to the ecology and biodiversity of the area.

Further comments were received following a re-consultation on amended plans:

Llangarron Parish Council considered Planning Re-Consultation 193230 on the 28th January 2020 and whilst they acknowledged and welcomed the amendments to the original application but they did not consider they addressed the objections in the response provided in October 2019 especially as the proposed development is outside the village boundary contrary to Policy RA3 of the Core Strategy.

- 5.2 To date a total of 85 representations have been received to the application. This is made up of 38 objecting representations and 47 supporting.

The comments within the **objecting representations** are summarised below:

- Dwellings have no individuality. Timber cladding not in keeping
- The Flood Risk & Drainage Strategy gives the occupancy as 5 when calculating drainage field size but feel it should have been 6
- Unclear if treatment plants and drainage field will be within the flood zone
- Flooding is a frequent occurrence to property upstream
- The type of house will be expensive, executive priced dwellings. There is a need for 2 bed starter homes
- None of these residents have children – we need development to encourage a balanced population
- The access to Treerece is already overloaded and causes problems for residents. Road is a no through road
- Junction at the end of the road is on a steep hill, with very poor vision in all directions
- No provision for vehicle passing in the plans. Any proposed new provision should respect the current old hedge
- Hedgerow would suffer significant damage. This is one of the oldest in the village and should be preserved as much as possible
- Entrance and egress is onto single track lane and will be difficult. Accidents have occurred here a number of times
- Will create a lot of spoil
- Field is RA3 land under AECOM report
- Llangarron is identified as a smaller settlement
- Development would adversely affect both the character and the setting of the village and its environment. Proposal would be visible and have a negative impact on the natural landscape and built form
- Site is unsuitable for development. Outside of settlement boundary
- With development on the site, flooding will be contaminated by effluent because the village is without mains drainage
- Application is without merit and both unneeded and unwelcome in hamlet without services
- Village has already absorbed six new builds. Add this to seven further planning applications in the pipeline and one can only conclude that over-development is on course to ruin traditional little village
- Parish has already met quota for new development. Not necessary to introduce two further dwellings in an area of questionable access
- The position of the proposed houses in relation to other adjacent dwellings. The compatibility of style. The distance between existing buildings
- The site is outside the boundaries proposed in the draft Neighbourhood Development Plan
- Developer produced a pre app drawing for the Council which indicated development on the entire field and may signal that this is the eventual plan
- This application is speculative and does not meet any identified local housing needs
- Site overlooks the valley to the Garron Brook and this open 'lung' of countryside is an essential feature of the village of Llangarron and its residents and should be preserved
- Highlight the issue of light pollution
- Development will increase run off
- New housing that has already been approved has yet to fully tested and experienced
- Objectors to the proposal nearly all live within Llangarron. Nearly all supporters live outside the village and in the home village of the developer
- Public health concerns following recent flooding

The comments within the **supporting representations** are summarised below:

- Llangarron has been economically neglected over the past 50 years with all development being allowed in Llangrove. New well thought development is essential to support the village
- Application is not in flood zone and any drainage will be under strict regulations
- Llangarron benefits from varied architecture and no new development will be out of place
- Housing with similar features can be quite attractive to the eye
- Would be good to get a shop back in the village, mother and baby group and revive the village with more young people
- Llangarron has the Garron Centre with local pub at Llangrove
- Already have far too many tractors and big machinery driving through the village. Keeping these small plots does not work as agriculture or for livestock any more
- If the government needs more housing, you couldn't find a better place than using some of these plots
- Very detailed and well-constructed, modest application
- Query comment of overdevelopment – could this not be said of Llangrove where a substantial proportion of the parishes need to build housing has been placed
- Previous planning history in Llangrove has tried to address issue of properties for children but parish felt at the time they did not want to build them because of the type of people that would attract
- Applicant is a long standing member of community and has actively supported redevelopment of the adjacent property where a young family now live
- Other developments in the village with single car width roads. This is on a standard road for the area and doubt it will lead to major issues
- Would offer a much needed passing point down the lane and add protection for pedestrians when walking down the lane
- Design of development sits sympathetically in the topography of the land. Layout has embraced the concept of modern family living
- The property will be dug into the gradient and appear as single storey from the road which is in keeping. Will blend into the existing roofline along this lane
- Trees are also along the river [brook] edge and these are all being retained
- Development directly addresses the need for smaller properties being of a 3 bed design. Most of houses in the parish are large 4 plus bedrooms
- Being on the fringe of the village it does not appear to impinge on the character of the village
- Application clearly represents a net ecological benefit to the wildlife through substantive planting of additional hedgerow
- We have lots of lanes with houses
- Dwellings will bring new people to our parish and enhance the social and economic platform of the parish
- Timber cladding sits well with the vernacular of the area
- Will deliver a positive impact within what is a failing community
- While there are satellite settlements within Llangarron but this site is hardly a satellite, being separated from the centre only by the presence of the Garron Brook. Would suggest it conforms to RA2
- The now closed Three Horseshoes pub was very close to the site as well as group of council houses, two of Llangarron's industrial business units and many houses
- Nearby development are of very modern construction
- Area has no clear design vernacular until you reach the stone buildings at the top of the land some considerable distance away – these buildings have no view of Trejenna or the development
- Core Strategy states that the provision of isolated homes should be avoided
- Photos submitted of flooding do not show application site

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

- In my opinion that Garron runs through the village, not around it
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=193230&search=193230

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

- 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 Llangarron Neighbourhood area but that the NDP is afforded limited weight at this point in time noting that the Plan is being revised and is likely to undergo a new Regulation 14 consultation.

- 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 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 (HMAs). Llangarron is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% housing growth and is listed in Figure 4.15 under policy RA2 as a settlement where proportionate housing development will be appropriate. 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 44 commitments, an exceedance of 7 dwellings. I am mindful that there have been schemes permitted since this date also including 4 dwellings under ref: 191288 granted at Planning Committee in October 2019 and 3 dwellings under ref: 191276 granted at Planning Committee in December 2019. 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.
- 6.8 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. Noting that the NDP is to be revised and likely to undergo another Regulation 14 consultation, the policies therein are considered to attract limited weight at this point in time as directed with Paragraph 48 of the NPPF, a material consideration.
- 6.9 Policy HOU1 of the NDP states that Llangrove village will be the main focus of housing development with some limited development in Llangarron and its surrounding settlements of Herberts Hill, Tredunnock and Langstone. For Llangrove and Llangarron there are settlement boundaries drawn within the NDP and the one for Llangarron is found below with the site indicated by the blue star.



- 6.10 From the above it can be seen that the site lies outside the settlement boundary and therefore within open countryside according to the NDP. Officers are acutely 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 limited weight can be given to the original Regulation 14 version. In this context and in common with the CS, the ongoing inability of the Council to demonstrate the required 5 year housing land supply, renders the settlement strategy related policies out of date and as such, Members are advised that it is the requirements of CS policy RA2 that carry the most significant weight.
- 6.11 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.
- 6.12 It is acknowledged that Llangarron is a settlement identified under figure 4.15 (a smaller settlement) where particular attention should be paid to the form, layout, character and setting of the site and its location in that settlement. A map of Llangarron without the constraints is found below (again the site is indicated by the blue star):



- 6.13 Llangarron as a settlement benefits from development largely centred around the Church of St Deinst and the Garron Centre, a local community building. There is evidence of sporadic development in all directions away from these facilities however, and policy RA2 makes it clear that a settlement can benefit from more than one built up area. There is a clear cluster of buildings located around the junction between Parkmill Road and the C1248 to the north of the site and former local authority housing to the east of the junction. The road off which the application site is located then runs along a north-south axis away from Parkmill Road. The site will be directly adjacent to the residential dwelling, Trejenna, and a replacement dwelling behind that which is currently being constructed. With this in mind, it is clear that the site would not be isolated in the truest sense. While the roads back to the Church and Garron Centre do not benefit from footpaths or streetlighting, this is not uncommon for the majority of Llangarron village.
- 6.14 The majority of the dwellings within Llangarron benefit from a street presence and the proposed development would be similar in this respect with a shared access between the properties. In landscape terms, the proposal will appear as single storey dwellings to the front when viewed from the roadside, and two storey to the rear owing to the natural topography of the site which falls from south east to north west and down to the brook. While views can be gained back from C1248 to the north west of the site, there is natural screening in place given the vegetation along the boundary of the wider field and a distance of approximately 180 metres to the nearest dwelling in this direction (Meadow Bank Thistle). Furthermore, the dwelling will be read in conjunction with the existing built form in this location (Trejenna and the replacement dwelling) and is not considered out of keeping with the character of the wider landscape as a result. Amendments to the plans were sought, particularly in relation to the rear elevations and these will be touched on in detail below. However, it is suggested that the broad principle of residential development acceptable in principle.
- 6.15 Given the foregoing, while it is acknowledged that the site lies outside the settlement boundary indicated for Llangarron within the NDP, this does not automatically direct the decision maker to refuse the application, noting the weight of that Plan at the present time. In assessing the application against policy RA2 of the CS, the site is located directly adjacent to existing built form and arguably adjacent to a built up area of the settlement. The facilities within Llangarron would still be accessible by any future occupants on foot and there are not found to be wider landscape implications as a result of two dwellings in this location, particularly noting that the site does not lie within or adjacent to any landscape or heritage designations. With this in mind, the proposal is found to accord with the aims of policy RA2 and does not result in unnecessary isolated, non-characteristic development. As such, the principle of residential development on the site is found to be acceptable.

- 6.16 The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design and amenity

- 6.17 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.
- 6.18 The two dwellings progressed under this application are detached properties benefitting from a kitchen/dining/living area, utility and office/snug on the ground floor with three bedrooms all with ensembles on the first floor. They will be handed versions of one another. While the bedrooms are undoubtedly large, three bedroom properties are the most required within the Ross Housing Market Area Study. The form of the detached properties is not out of keeping with the majority of the dwellings within Llangarron and having regard to the single storey scale to the front, they respect the character of the lane and the neighbouring dwellings without being over dominant. The height of Trejenna has also been used as a guide and the proposals are no higher than the ridge of that property (as indicated on the proposed sections plan).
- 6.19 The properties are proposed to be constructed from natural stone, render and timber cladding with slate on the roof. Appreciating the variety in the materials used across the settlement as whole, those proposed are not found to be out of keeping or unacceptable. The exact details would be conditioned on any approval however.
- 6.20 While Llangarron benefits from several historic buildings, there is evidence of newer buildings, particularly along the C1248 to the north west and to the north of the Church (as well as directly north of the site with the replacement dwelling) and so modern buildings in this vicinity are not found to be at odds with the form of buildings within the wider village. The provision of garage buildings to the front of the site is also not uncommon and these will sit lower than the ridge of the host dwellings so that they remain subservient features.
- 6.21 Noting the topography of the site, a retaining wall will be required within the centre (between the proposed garages and dwellings) and along a north-south axis. Subject to appropriate details being brought forward through condition, this is not found to be detrimental to the wider landscape and would in the main only be visible within the site itself.
- 6.22 As touched on above, the rear elevation of the proposals has been changed in order to reduce the impact of the dwellings when viewed from the other side of the valley. As part of these amendments, the projecting gable to the rear has been removed and a lower eaves height introduced along the same elevation so that some of the bulk is reduced. The materials have also been changed to include stone elevations rather than a split between render and cladding. Dormer windows are also introduced as a result of the lower eaves. Noting the presence of dormer windows on Trejenna next door, these are characteristic features. As a result of the amendments, the landscape impact is reduced.
- 6.23 With regard to amenity impacts, the proposed dwellings would benefit from private garden space to the rear of an adequate level for 3 bedroom detached properties. Subject to appropriate boundary treatments which will be conditioned on any approval, there are no overriding concerns in relation to the amenity for any future occupants.

- 6.24 Moving to existing residents, with regard to plot 1 (the one sited on the left when viewing from the roadside) the windows will look onto the driveway and garden associated with the dwelling. The windows on the south west elevation will look onto the wider field and agricultural land. As such, issues of overlooking or overshadowing as a result of this plot are not anticipated.
- 6.25 In relation to plot 2, again the windows sited to the front and back will look onto land associated with the plot and are therefore considered acceptable. The windows in the north east elevation do look in the direction of Trejenna and therefore need to be fully assessed. With regard to those on the ground floor of this elevation and serving the living area and office/snug, subject to adequate boundary treatments, these are unlikely to lead to unacceptable overlooking. The first floor window on this elevation will serve the master bedroom and will be located approximately 16 metres from the southern elevation of Trejenna. While the dormer window on the facing elevation of Trejenna is noted, the distance of 16 metres between the two is not found to be an unacceptable level and with this level of separation there would be no unacceptable overbearing effect or loss of daylight.
- 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 Design and Access statement that accompanies the submission states that the proposed dwellings will utilise low energy fittings throughout and car charging points within the garages are proposed.
- 6.27 In light of the foregoing, whilst comments have been received in relation to the design of the properties, given the wide variety within Llangarron, the proposed dwellings would not be out of keeping with the surrounding built form and will blend into the wider landscape subject to adequate landscaping details being conditioned on any approval.

Highways

- 6.28 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).
- 6.29 The proposal will require a new access to be created in the centre of the site and approximately 45 metres of hedgerow would be removed as a result. While this is unfortunate it is not considered to be detrimental. There will also be the mitigation of new hedgerows along the boundaries of the site. The Council's Ecologist has confirmed specifically with regard to the hedgerow:
- The hedgerow on the opposite side is much better condition, and appears more 'traditionally' managed to a taller height with an odd hedgerow tree etc as additional features and better links.*
- The hedge on the application side is already not linked to any biodiversity feature by the adj house, hedge is hard cut and kept, low, no indication through ecological features of being important in any form. Adding an access is not creating any significant changes or breaks at this edge of existing development location.*
- 6.30 From a highways perspective, the Transportation Manager has visited the site and while the narrow nature of the lane is appreciated, this is not uncommon for the location. With the entrance to the site being constructed in accordance with design standards, it will perform a function as an informal passing place and improve the lane as it currently is. It will also provide some relief for pedestrians.

- 6.31 Moving to the internal layout of the proposal, with the dwellings accommodating 3 bedrooms, a minimum of 2 car parking spaces are required to meet the standards contained within the Council's Highways Design Guide. The proposed block plan indicates adequate provision in this regard as well turning space so that any vehicle can enter the highway in a forward gear. The comments from the Transportation Manager in relation to the gradient of the access are noted but as acknowledged, at the level proposed this would not represent a reason to refuse the application as a whole.
- 6.32 The concerns in relation to the utilisation of the lane are noted, but the proposal for two dwellings is not found to result in severe residual highways impacts. This view is endorsed by the lack of objection from the Transportation Manager and subject to the conditions recommended being attached to any approval the proposal is found to be compliant with policy MT1 of the CS and the guidance contained within the NPPF.

Ecology

- 6.33 CS Policies LD2 and LD3 are applicable (as is LNDP 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.
- 6.34 The application is accompanied by an Ecology Appraisal which has been viewed by the Council's Ecologist. He is content with the conclusions therein and recommends that the mitigation is conditioned on any approval. As such, the aims of policies LD2 and LD3 are found to be met. It is considered that all reasonable and responsible measures such as to ensure the LPA have fulfilled our legal duty of care have been undertaken.

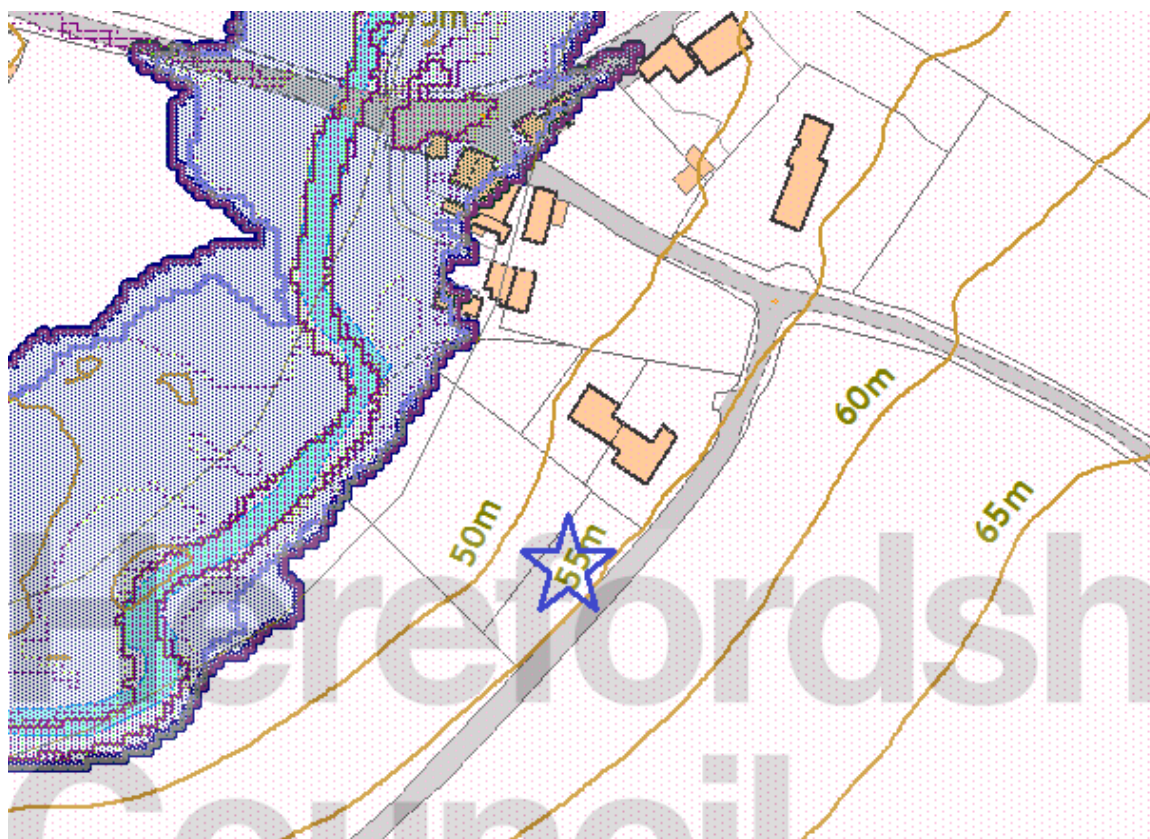
Drainage

- 6.35 CS Policy SD3 (and LNDP 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).
- 6.36 In the absence of a mains connection, the proposal looks to utilise package treatment plants with final outfall into drainage fields and surface water disposing into soakaways. These methods accord with the aims of CS policies SD3 and SD4 but noting the proximity to the flood zone and the local concerns in this regard, I find it appropriate to condition a full drainage strategy as part of any approval.
- 6.37 In light of the initial comments from the Council's Ecologist, amendments were sought in relation to the drainage fields to ensure that they are sited a minimum of 50 metres away from the Garren Brook (aquatic Local Wildlife Site and known to support Otters, Crayfish and fish spawning for SAC species). Amended plans have been received to demonstrate this and the development has subsequently been the subject of an Appropriate Assessment under the Habitat Regulations. Natural England has raised no objection to this Appropriate Assessment subject to the condition recommended by the Council's Ecologist.

- 6.38 The strategy conforms with CS policies SD3 and SD4 and will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Other matters

- 6.39 A number of representations have touched on the site flooding and photos have been submitted to demonstrate this. However, while it is appreciated that closer to the brook there is an area of land that is located within Flood Zones 2 and 3, the site is wholly outside of these (see diagram below). Furthermore, there has been exceptionally abnormal weather during the application process that has seen many places flood that have not historically. As such, and with a compliant drainage scheme in place that will add some control and mitigation to drainage routes I do not find the provision of 2 dwellings in this location, to be unacceptable in this regard.



- 6.40 While the presence of the Grade II listed building at Three Horse Shoes (to the north west) is noted, given the intervening buildings and the distance from the site, the proposal is not found to result in harm to the setting of either designated or undesignated heritage assets. It is therefore 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.

Planning balance and conclusions

- 6.41 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 should be approved where it accords 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.

- 6.42 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. Paragraph 14 of the NPPF is not engaged given that there are no site allocations within the NDP. 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. In assessing the three elements of sustainability:

Economic

- 6.43 Economic benefits would be derived from the construction of two dwellings and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposal income to the local economy.

Social

- 6.44 The provision of housing, in the context of a shortfall, would contribute to the supply of housing and the social needs of the county. Future occupants would add to village life by utilising the village hall, Church and Garron Centre and while there is arguably a lack of facilities in terms of schools and pubic houses within Llangarron itself, there would be social benefit for surrounding settlements. The NPPF makes it clear that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Environmental

- 6.45 The proposed dwellings would be located adjacent to existing residential properties and would not be isolated in the truest sense. While the site would be located outside the settlement boundary indicated within the NDP, the site is adjacent to another built up part of Llangarron and policy RA2 of the Core Strategy makes it clear that a settlement can benefit from more than one built up part. In landscape terms, the site is not in a protected landscape nor is it the subject of any site specific heritage designations but the dwellings have been amended in order to respect that views can be gained of the rear elevations from across the valley. However, noting the variety across Llangarron as a whole, those proposed are not found to be detrimental to the character of the wider landscape. While the removal of the hedgerow to accommodate the access is noted, this is found to be mitigated for with the additional planting around the site.
- 6.46 In terms of technical consultee responses, no objections have been received to the proposal.
- 6.47 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward two dwellings 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 other 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 (including retaining wall)**
- 4. CE6 - Efficient use of water**

5. **CBK - Restriction of hours during construction**
6. **All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate infiltration or soakaway system; as detailed on plan reference 1491-C02-rev C dated 08/01/20, unless otherwise agreed in writing by the Local Planning Authority.**

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

7. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 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 or highway feature, adjacent habitats or areas around the approved mitigation or biodiversity net gain enhancement features.**

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 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

8. **CAB - Visibility Splays – 22 x 2.4 m northbound, 23 x 2.4m southbound.**
9. **CAD - Access gates – 5m**
10. **CAE - Vehicular access construction – This should be built to HC road standard construction.**
11. **CAH - Driveway gradient**
12. **CAI - Parking – single/shared private drives**
13. **CAJ - Parking - Estates**
14. **CAT - Construction Management Plan**
15. **CB2 - Secure covered cycle parking provision**
16. **CBM - Foul and surface water drainage strategy**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I11 - Mud on highway**

3. I09 - Private apparatus within the highway
4. I45 - Works within the highway
5. I05 - No drainage to discharge to highway
6. I47 - Drainage other than via highway system
7. I35 - Highways Design Guide and Specification

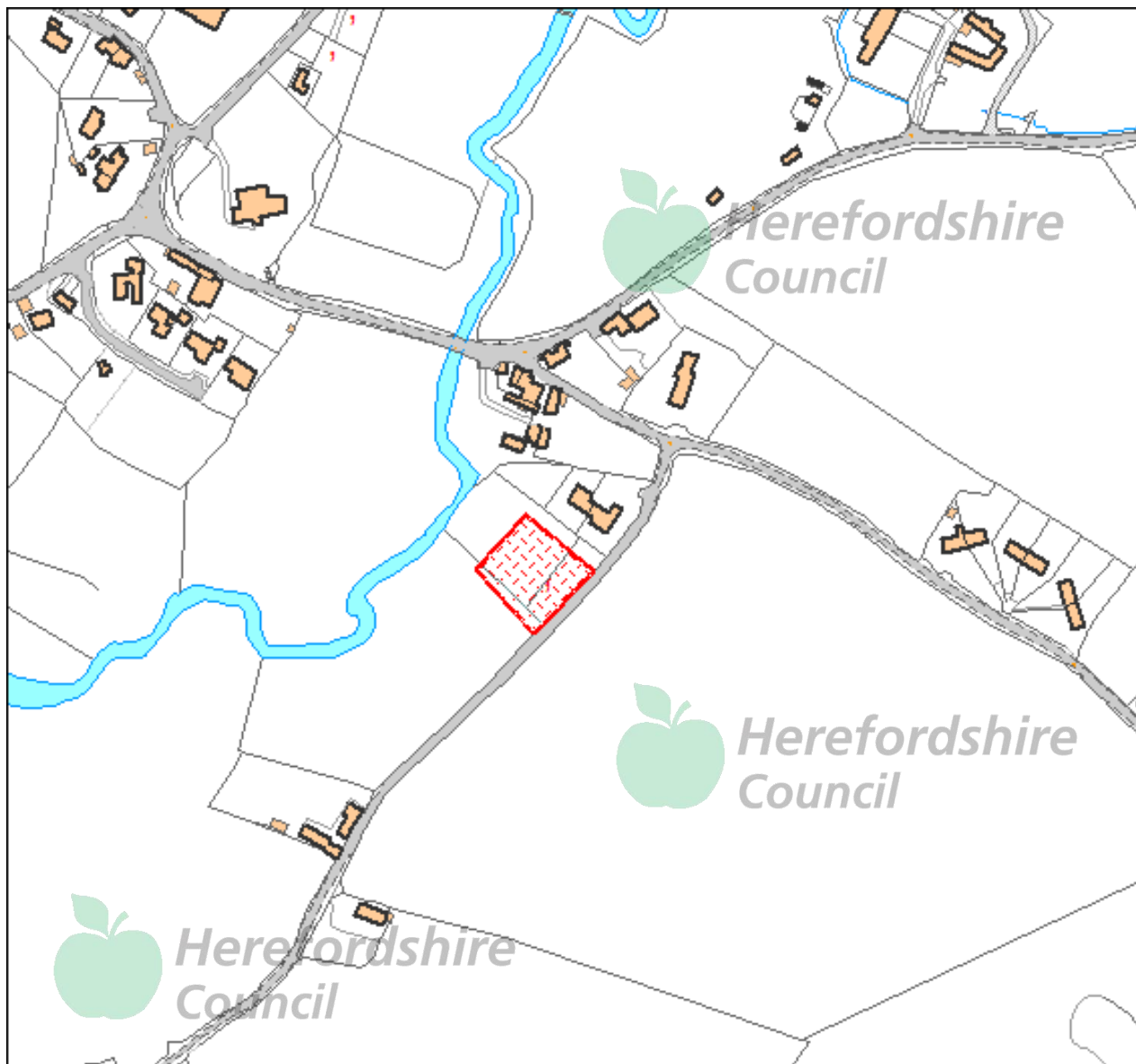
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193230

SITE ADDRESS : LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE, HEREFORDSHIRE

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