

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 August 2020
TITLE OF REPORT:	200299 - PROPOSED ERECTION OF TWO DWELLING HOUSES WITH SHARED VEHICLE ACCESS AT LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE For: Mr Lewis per Mr DF Baume, Studio 2, Thorn Office Centre, Rotherwas, Hereford, HR2 6JT
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200299&search-term=200299

Reason Application submitted to Committee – Redirection

Date Received: 31 January 2020 **Ward: Stoney Street** **Grid Ref: 345180,237113**
Expiry Date: 27 March 2020
Local Member: Councillor David Hitchiner

1. Site Description and Proposal

- 1.1 The application site lies within the Parish of Clehonger on the unregistered 73412, named Poplar Road, which runs out of Clehonger to the East before turning South towards Cobhall Common. The site is located on the North Eastern side of the carriageway between the existing dwelling, Garnom, and the private access drive for Birch Hill House.
- 1.2 The site is currently part of the extended curtilage of Garnom and is laid to grass. The topography of the site slopes up to the highest point in the southern site corner at the junction of Birch Hill House's access onto the Poplar Road.
- 1.3 The proposal is for full planning permission for the erection of two dwellings, one detached two storey dwelling with 4 bedrooms and detached double garage and one detached bungalow with 3 bedrooms. Included in the proposal is a new access onto the Poplar Road, approximately midway along the southern western site boundary. A section of hedgerow is proposed to be removed with another section to be translocated behind the visibility splays.
- 1.4 The proposal includes a detailed landscape plan that illustrates a newly proposed hedge on the north eastern site boundary and a range of proposed trees across the site and site boundaries.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- 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

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

2.2 **Cleghonger Neighbourhood Development Plan (under examination)**

- Policy C1 - Sustainable development
- Policy C2 - Settlement boundary
- Policy C3 - Housing mix
- Policy C4 - Natural environment
- Policy C5 - Historic environment
- Policy C6 - Design

https://www.herefordshire.gov.uk/directory_record/3044/cleghonger_neighbourhood_development_plan

The NDP has passed through Regulation 16 consultation and is awaiting Examination. The document as a whole can therefore be afforded moderate weight. However given the level of unresolved objections to the settlement boundary policy (C2) it is considered that this aspect can only be afforded limited weight.

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 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

3. **Planning History**

- 3.1 SH830474PF – Extension to dwelling - 05-Jul-1983 - Approved

4. **Consultation Summary**

Statutory Consultations

4.1 **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.

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Internal Council Consultations

4.2 **Area Engineer (Highways) – No objection**

No objections to the proposed.

CAB - Visibility Splays 2.4m x 25.7m southbound and 2.4 x 26.8m Northbound.

CAD - Access gates 5m

CAE - Vehicular access construction

CAH - Driveway gradient

CAI - Parking – single/shared private drives

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

4.3 **Principal Natural Environment Officer (Trees) – No objection**

Having viewed the plans, tree report and proposed landscape plan I can confirm that I don't have an objection to the proposed erection of two dwellings.

As stated in the Arboricultural Impact Assessment the only trees on the site are a row of early mature Silver birch located on the western boundary. I am inclined to agree that they are of a low quality but they do act as an effective screen for the adjacent property.

This proposed development provides sufficient space and protective measures to ensure the trees will be retained and protected during development.

The landscape plan contains a range of native species of varying sizes that will provide mitigation for the loss of the section of hedgerow required to facilitate access and vision splays.

Conditions

Trees & Planting In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Tree & Hedgerow Survey & Arboricultural Impact Assessment – Macklay Davies Associates Limited, Proposed Planting Plan - Macklay Davies Associates Limited

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CKA – Retention of Existing Trees (5yrs)

4.4 **Principal Natural Environment Officer (Ecology) – No objection**

The site is within the River Wye SAC and a Habitat Regulation Assessment process is triggered. The appropriate assessment completed by the LPA is subject to consultation with Natural England prior to any grant of planning consent.

The applicant has confirmed that foul water will be managed by plot specific private treatment plants with associated soakaway outfall drainage fields. This is supported by appropriate ground and percolation testing.

All surface water can be managed through on site sustainable drainage-infiltration systems.

The schemes can be secured by condition on any consent granted.

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 within each specific plot; and all surface water shall discharge to appropriate SuDS - soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

The supplied ecology report with recommendations for appropriate mitigation measures and biodiversity net gain enhancements is noted and should be secured for implementation in full by a relevant condition.

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 HEC dated November 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 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

4.5 **Land Drainage – No objection**

31st March 2020

Surface Water Drainage

The Applicant has provided a surface water drainage strategy showing how surface water from the proposed development will be managed.

Soakaway testing has been completed using the Building Regulations test. The Drainage Strategy refers to this testing which has been completed by Wye Environmental Services. We request that the original survey sheets are presented to the Council.

The reported Vp value is 47 mm/s. The applicant has cited an equation in the Building Regulations that has been used to convert this Vp value to an infiltration rate.

Following a first principles review of the fore-mentioned equation we note that there is a factor of three within the equation that is used to inflate the permeability figure. The Building Regulations pre-date the BRE 365 guidance that is referred to in the SuDS Manual. We consider that the use of this equation is not consistent with the modern approach to SuDS design. There is no survey data relating to groundwater levels.

Regardless of the survey data used to support the design, the strategy demonstrates that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

Foul Water Drainage

We note that the adjacent site 142443 featured the use of a drainage field. The attached plan was issued at the time of the application, this shows a drainage field on the site of the proposed new houses.

We request that the applicant advises how the foul drainage system for 142443 will continue to function if the development proceeds.

There is a foul sewer close to the site. In accordance with Environment Agency guidance, the applicant should consider making a connection to the existing sewerage system in preference to utilising drainage fields.

The Applicant has undertaken percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal). There is however no survey data relating to groundwater levels.

We note that the drainage field has been designed in accordance with the Binding Rules, however we note that the field should be no closer than 3m from the highway.

Overall Comment

Prior to granting permission we await the provision of soakaway test results to BRE 355 and a test pit needs to be dug to establish the groundwater level.

The applicant should advise how the soakaway field for site 142443 operates and how this may be impacted by the proposed development. Subject to receipt of this information we consider that a joined up foul drainage strategy between the adjacent sites may be required.

Commented further on the 3rd April 2020

We have reviewed the drawing 06 1-200 Site Plan and now appreciate that the soakaways were designed adequately and installed adjacent to the existing properties.

We also note comments regarding the low level of groundwater in the email thread below.

We consider that there is sufficient evidence to demonstrate that the foul and surface water drainage strategies will be acceptable. A condition will however need to be included requesting soakaway testing to BRE 365 to support the surface water drainage strategy. We respect the comments regarding the sequence of approvals for the SuDS Manual and the Building Regulations documentation, however we wish to highlight that the panel members who jointly contributed to the SuDS Manual would have been aware of the formula within the Building Regulations and have chosen to omit it from the SuDS Manual.

4.6 **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.

5. **Representations**

5.1 **Clehonger Parish Council – Objection**

The Clehonger Parish Council has discussed the application and wish to OBJECT to the proposals for the following reasons:

- 1) The site is outside of the settlement boundary as identified in the emerging Neighbourhood Development Plan for Clehonger which has just passed Regulation 16.
- 2) There are concerns about the access to the site and visibility splays at the location are extremely compromised with blind corners and poor visibility.
- 3) Overcrowding of the site with consequent detriment to the enjoyment of existing properties on what is a tiny rural lane.
- 4) Loss of amenity value. The views from the top of Birch Hill are stunning and are enjoyed by the community. The building of the proposed properties will result in the loss of this viewpoint.

5.2 **Allensmore Parish Council (adjacent Parish) - Objection**

Whilst this application is not in the parish of Allensmore, it is very close to the parish boundary.

Allensmore Parish Council objects to the proposal principally on the grounds that it believes the site is not appropriate for development for the following reasons:

Firstly, it is outside the settlement boundary as proposed by the Clehonger NDP which is currently undergoing examination and therefore has moderate weight. As is made clear in para 4.10 of the NDP, land outside the settlement boundary is defined as countryside and treated as such in planning terms.

Secondly, access to this site is from a very narrow lane, close to a blind bend on the brow of the hill. The additional traffic movements will exacerbate an already dangerous situation. Thirdly, it would have a detrimental impact on the amenity of the area. From this point there are remarkable views of the village and surrounding hills which are enjoyed by people in the area and would be eliminated if this proposal were to proceed. This view is specifically identified and protected by policy C4, item 3B in the NDP.

Lastly, the site is on an elevated position on the edge of the village, the large, two storey house, in particular, would dominate the skyline.

5.3 To date a total of 18 objecting responses have been received from 12 households, with 9 supporting responses from 9 households. The comments therein are summarised below:

Objecting comments

- Local oversupply of dwellings
- Highways concerns, narrow lane, poor surface and topography
- Scale and design of the dwellings
- Landscape impact and loss of wider views from Birch Hill
- Potential commercial use of garage
- Carbon footprint

- Impact on amenity
- Outside of settlement boundary
- Heritage impact on historic field pattern and wider views
- Impact on ecology and habitats – numerous species present on the site
- Drainage and flooding
- Disruption due to construction
- Length of site notice
- Loss of hedgerow
- Erection of fence

Supporting comments

- Provision of housing for a range of people
- Site level, below the road
- Adequate visibility
- Good design
- Long standing residents
- Biodiversity enhancements
- Employment of local trades and businesses
- For family member
- Away from flood plain
- Access to school and local services

- 5.4 The consultation responses can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200299&search-term=200299

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). It is also noted that the site falls within the Clehonger Neighbourhood Area, where the draft Neighbourhood Development Plan (dCNDP) is under examination following Regulation 16 consultation ending on the 20 February 2020.

- 6.3 At this juncture, to evaluate the weight that can be afforded to the dCNDP in the determination of this application, it is necessary to apply the criteria set out in paragraph 48 of the NPPF. These criteria are:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking the criteria in turn:

- a) The dCNDP has not yet undergone independent examination but has passed through Regulation 16 Consultation.
- b) There remain unresolved objections to the proposed plan including a specific objection to the settlement boundary excluding the application site.
- c) The plans has not been independently examined to determine whether the Basic Conditions have been met.

6.4 Given the above the dCNDP as a whole can be attributed moderate weight, as it has undergone the Regulation 16 consultation process but has not passed through independent examination. However, given the unresolved objections to the settlement boundary (Policy C2), specific to this application site, this policy can only be attributed limited weight in the context of this specific proposal. This has been confirmed by the Neighbourhood Planning Manager.

Principle of Development

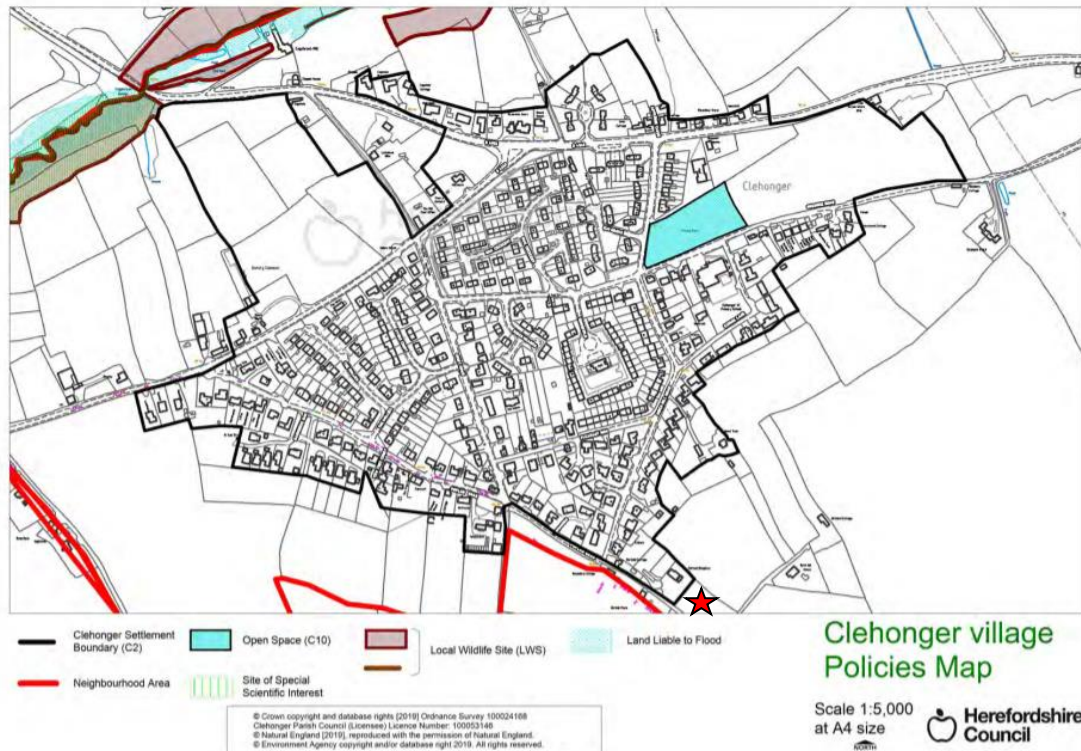
6.5 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances where the policies most important for determining an application are considered to be out of date, permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such this tilted balance in favour of development is adopted as directed by paragraph 11(d)(ii) of the NPPF.

6.6 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Clehonger is a settlement so defined by figure 4.14.

6.7 It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore considered that Policies RA1 and RA2 of the CS continue to attract significant weight in the decision making process despite being considered out of date.

6.8 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above, at this stage the NDP policies relevant to the provision of housing for Clehonger can only be afforded limited weight.

6.9 With the foregoing paragraph in mind, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the red star with the black line of the settlement boundary contained at policy C2 of the dCNDP.



- 6.10 The application site lies to the South East of a string of ribbon development, to which Garnom currently represents the last dwelling and would form a further extension to this linear development pattern. While the site lies outside of the settlement boundary it is abutting it at the boundary shared with Garnom. Given the site lies at the southern edge, outside of the identified settlement, it is not considered to be a part of the main built form. However, it is considered to lie adjacent to the main built form of the settlement and would form a natural extension of it.
- 6.11 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport, beyond that of a private motor vehicle. There is no pedestrian link into Clehonger from the site and so residents would need to walk on the road to access the village on foot. Poplar Road is narrow and unlit which would discourage future residents from utilising this route, however, it is a relatively quiet local road and does not form a common route out of the village. Nevertheless, in common with existing dwellings in the locality, it is possible to walk to Clehonger from the site to access the services and amenities provided, including public transport. Bus routes are available from the nearby Gosmore Road stops to Hereford, Brecon, Hay-on-Wye and Madley.
- 6.12 When having regard to the aforementioned policy provisions relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS policy RA2. The principle of residential development is therefore considered broadly acceptable, in line with the development plan and the sustainability of the location will feed into the overall balance.
- 6.13 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.

Landscape

- 6.14 The impact of the proposed development and layout upon the landscape character is to be primarily assessed against CS policy LD1, which seeks to ensure development proposals

demonstrate how the character of the landscape and townscape has positively influenced the nature and site selection of the proposal. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity. These aims are broadly reflected in dCNDP policy C4. Paragraph 127 of the NPPF reinforces this further by stating that development should be sympathetic to local character including the landscape setting.

- 6.15 Policy C4 contained within the dCNDP, which is attributed moderate weight, states that development proposals should protect, conserve and where possible enhance the natural environment of Clehonger. The policy then goes on to detail how proposals should achieve this aim which includes:

3. respecting the prevailing landscape character, as defined in the County Landscape Character Assessment, and protect the following public views (see illustrative photographs overleaf):

A. views looking south from Ruckhall Lane, including of Old Clehonger and Belmont Abbey; and

B. view looking north from Birch Hill Road towards hills on the other side of the River Wye; and

C: view looking west from Clehonger bridleway 16 opposite Bowling Green Farm to Hay Bluff in the distance; and

4. promoting the conservation, restoration and enhancement of other sites and features of landscape value and biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, Local Wildlife Sites, irreplaceable habitats such as ancient woodland and veteran trees, hedgerows, ponds and watercourses, and historic field boundaries; and

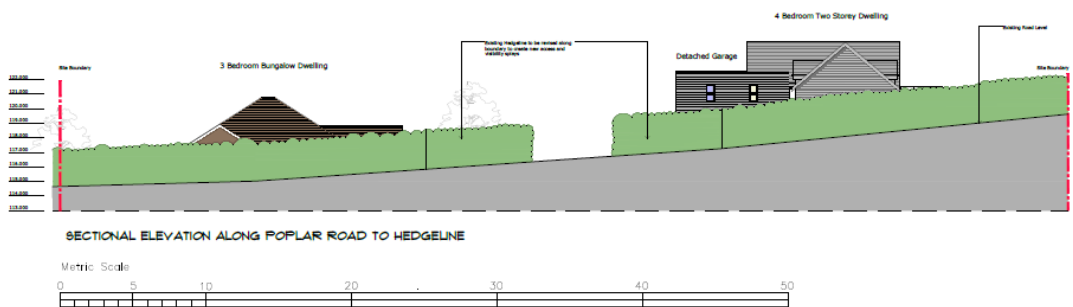
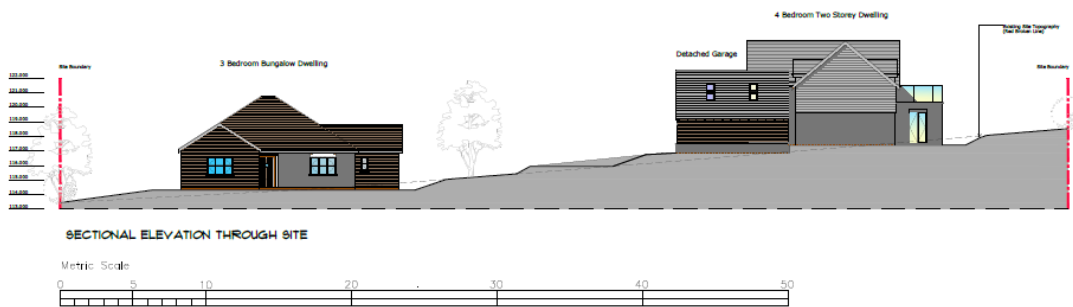
5. maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure.

- 6.16 The application site has the potential to disrupt view 3B (looking north from Birch Hill Road towards hills on the other side of the River Wye). Policy C4 seeks to protect this view and ensure development respects the prevailing landscape character. This is a long range view from Birch Hill, adjacent to the application site, across most of the settlement of Clehonger. The photo used to illustrate this public view was taken from the southern boundary of the application site and is included overleaf:



Photo taken from the dCNDP in reference to Policy C4, 3B.

- 6.17 The proposed bungalow aligns with the scale of dwellings seen at Garnom and the recently constructed 3no. dormer bungalows to the North West of Garnom (reference P142443/O and P160645/RM). This dwelling will not affect the wider landscape views from or to Birch Hill, given the positioning and height of the dwelling. The proposed two storey dwelling is on the Southern half of the site, which is elevated above the rest of the site. As such there will be an impact upon the views from Birch Hill North across Clehonger, which are sought to be protected via policy C4 contained within the dCNDP.
- 6.18 The extract from the proposed plans overleaf illustrates the height of the two proposed dwellings taking into account the site topography and existing roadside hedge:



- 6.19 While the two storey dwelling is visible above the existing hedge there is proposed planting which will help to further screen the dwelling from wider landscape views. The modest scale of the two storey dwelling also seeks to limit the disruption to the protected view.
- 6.20 Therefore, given the public view from Birch Hill will be disrupted by the erection of the two storey dwelling on the southern portion of this site, despite the mitigating factors identified in regards to scale and landscaping, there is an identified tension with Policy C4 of the dCNDP, which is attributed moderate weight.
- 6.21 In regards to the more general provisions of CS policy LD1 the application site is formed of a parcel of land that is contained to the North West by existing residential development and to the South East by the private residential access of a neighbouring property. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside.
- 6.22 The site layout is responsive to the decreasing density of development on the southern edge of Clehonger, as seen along Poplar Road. In this vein the proposal is considered to demonstrate that the character of the landscape and townscape has positively influenced the design, scale and nature of the proposal.
- 6.23 The application proposes a range of landscaping on the site to help mitigate any harm and integrate the proposed dwellings with the wider setting and increase the level of tree cover. This includes the retention of the existing boundary trees at Garnom, a range of new trees planted along the NE, SE and SW boundaries as well as the proposed internal boundary between the dwellings. The tree planting includes Field Maple, Crab Apple, Oak, Damson, Cherry, and Callery Pear. The details of the planting scheme have been reviewed by the Council's Tree specialist who was satisfied with the range and mix of trees proposed.

- 6.24 The loss of a section of hedgerow and relocation of another section will adversely affect the character of Poplar Road, which is a narrow hedge lined lane. However, the section to be removed is small and the proposed planting, referenced above, will help to mitigate this loss to an acceptable degree.
- 6.25 Overall the proposal is considered to be positively influenced by the landscape and townscape and increases the tree cover locally. However, there remains an adverse landscape impact associated with the disruption of a protected public view identified in the emerging dCNDP. As such there is a conflict with Policy C4, which is attributed moderate weight. No conflict has been identified with the more general provisions of CS Policy LD1 as a result of the scale of the dwellings, site layout and proposed landscaping.

Design and Amenity

- 6.26 CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard the amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.27 This is supported by Policy C6 within the dCNDP which seeks to maintain and enhance the local distinctiveness of Clehonger by ensuring development respects and responds positively to the character of adjoining development with regards to siting, scale, height, massing, detailing, materials and means of enclosure.
- 6.28 The design of the proposed bungalow is simple in form. The result is an unobtrusive dwelling that retains some similarities to the surrounding built form by way of the proposed scale, massing, positioning on the site and materials, namely the proposed facing brickwork and timber clad exterior. The design of this dwelling while not distinctive does not conflict with the guidance of the either policy SD1 or C6.
- 6.29 The two storey dwelling has a more detailed design and incorporates additional architectural features such as dormer windows, a part glazed gable end and a roof terrace with glass balustrade. The dwelling is large for this area of the settlement and the massing is accentuated by the uniform ridge height. However, there is a range of proposed planting surrounding the dwelling which will help to assimilate it and the architectural interest of the aforementioned aspects will help to break up the visual impact of the design.
- 6.30 There is no uniform character to dwellings local to the application site but a large proportion utilises facing brickwork. As the development plan and the dCNDP seeks to control aspects of the design only by reinforcing local character and not through a prescriptive design guide there is some flexibility to the acceptable style and materials. Overall the proposed dwelling design is considered to align with the requirements of both CS SD1 and dCNDP C6.
- 6.31 The single storey nature of the 3 bedroom property, which is closest to the existing dwelling at Garnom, helps to avoid adverse impacts in regards to overshadowing, overlooking and overbearing to said property. Hill Top located to the south west of the application site, on the opposite side of Poplar Road is sufficiently separated by distance and intermittent planting along either side of the carriageway, which the proposed planting scheme will strengthen.

- 6.32 The two storey dwelling has been positioned to the southern side of the application site and is therefore well separated from the existing dwellings of Garnom and Hill Top. The window positioning is such that no windows are proposed in the South West elevation, facing Hill Top, thereby negating any privacy concerns, which again is further helped by the mature roadside boundary hedges and separation distance.
- 6.33 There will be a degree of overlooking within the application site from the North West elevation of the two storey dwelling down to the private amenity space of the bungalow. However, this is not severe due to the proposed boundary planting and separation distance of approximately 20m between the dwellings. In either event the caveat emptor principle is relevant here and the proposed scheme is not considered to propose an unacceptable level of amenity for future residents.

Highways

- 6.34 The application proposes a single shared access in the approximate centre of the site, directly onto Poplar Road. Internal to the site there is a shared private driveway leading to gates for each dwelling, behind which there is parking and turning areas proposed. The larger 4 bedroom dwelling would also benefit from a detached double garage to the south west of the dwelling.
- 6.35 Policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.
- 6.36 Furthermore MT1 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).
- 6.37 The NDP does not have a policy specifically relating to highways and while policy C6 comments that arrangements for access should be made without undue local environmental impacts and include the provision for pedestrians, cyclists and powered disability vehicles.
- 6.38 The application is supported by a 7 day speed survey on Poplar Road which was used to inform the required visibility splays. The Local Highways Authority Area Engineer has reviewed the speed data and visibility splays and was satisfied that they met the requirements of the Core Strategy and NPPF.
- 6.39 Some local objections to the scheme have cited the narrow nature of Poplar Road as a potential hazard to creating a new access onto the lane. However, the applicant has demonstrated that the visibility splays are sufficient for the speed of vehicles travelling along the road. Furthermore a condition is recommended which secures the visibility splays prior to commencement, with the exception of site clearance which can be achieved via the existing access at Garnom.
- 6.40 The internal layout of the application site provides sufficient parking and manoeuvring space so as to ensure the impact on the local highway network is acceptable and in line with both the CS and NPPF.
- 6.41 Recommended conditions include the provision of secure and covered bicycle storage for both dwellings to ensure there is a genuine range of transport options available to future occupants. This is supplemented by the public transport available in Clehonger, as covered above. Further

conditions require the submission of the technical details of the access and driveway construction and drainage details. Finally a condition has been recommended for the submission of a construction management plan which includes parking for site operatives and wheel washing facilities. This will ensure safe access and parking is provided to minimise the impact on the local highways network.

- 6.42 The applicant has demonstrated that the proposed layout and access details align with the requirements of both the CS and NPPF and conditions secure the provision of cycle storage which aligns with not only the CS and NPPF but also C6 of the dCNDP.

Ecology and Biodiversity

- 6.43 The application is supported by a Phase 1 Ecological Survey which includes recommendations for appropriate mitigation and biodiversity net gain enhancements and an arboriculture impact assessment.
- 6.44 Policy LD2 covers the conservation, restoration and enhancement of biodiversity and geodiversity assets in Herefordshire. The policy states that development will not be permitted where it has potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features is also actively encouraged. Furthermore LD3 states that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.45 This is supported by Policy C4 within the dCNDP which states that proposals should avoid likely harm to the River Wye Special Area of Conservation (SAC) while promoting the conservation, restoration and enhancement of other sites and features of landscape value and biodiversity interest in accordance with their status. Furthermore C4 states that proposals should seek to achieve the following principles: 'maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure'.
- 6.46 The Ecology report found the application site to be generally of low ecological value, but identified moderate value in the associated hedge boundaries. It was concluded that the small field made a limited impact upon the local species populations. The recommendations included:
- Bats – Control of lighting during and post construction
 - Pre-construction badger walkover
 - Bird and bat boxes
 - Construction of habitat pile and insect hotel
- 6.47 The loss of hedgerow removes some wildlife connectivity however the range of enhancements and proposed planting on the site will sufficiently compensate for this loss.
- 6.48 The Council's Ecologist has reviewed the report and found the mitigation and biodiversity enhancements to be appropriate and relevant for the development and application site. The recommended conditions include securing these elements of the design.
- 6.49 The protection measures and separation distance of the development from the existing Silver Birch trees on the shared boundary with Garnom is considered sufficient to protect their long term viability. While they are noted to be of low quality they do provide effective screening of the site from the adjacent dwelling and vice versa.
- 6.50 In regards to the proposed development and its impact on the local ecology and biodiversity it has been considered by the technical consultants who have concluded that subject to conditions the proposal would have an acceptable impact and align with the requirements of in CS LD2 and LD3 as well as dCNDP C4.

Habitat Regulations Assessment

- 6.51 The application site is located within the Cage Brook sub-catchment of the wider River Wye SAC and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no likely effects upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for review who returned a no objection response.

Flooding and Drainage

- 6.52 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). Furthermore the Land Drainage Engineer has confirmed it is not at risk of surface water flooding.
- 6.53 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.54 The surface water drainage strategy proposes the use of a soakaway system. This strategy was supported by soakaway testing and reviewed by the Council's Consultant Drainage Engineer. It was concluded that the strategy demonstrates that there is no increased risk of flooding to the site or downstream of the site. The soakaway testing undertaken in support of the size of the required soakaways was conducted to Building Regulations Standards and not the SuDs manual and as such a recommended condition will secure revised soakaway testing and calculations to determine the required size. However given the size of the application site there is no overriding concern in regards to the deliverability of this element of the scheme.
- 6.55 The foul drainage strategy proposed utilises individual package treatment plants for the two dwellings with final outfall to an on-site soakaways. This has been supported by infiltration testing. The Council's Consultant Drainage Engineer confirmed that the scheme aligns with CS SD4 and raised no concern on this element.

Conclusion and Planning Balance

- 6.56 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.57 At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2.
- 6.58 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. The dCNDP is an important material consideration, and as set out before it can be afforded moderate weight, except for the

policies relevant for the provision of housing, namely C2 which can only be afforded limited weight due to the specific unresolved objection regarding the application site.

- 6.59 As identified earlier there is conflict with dCNDP Policy C4 because development of the site would affect protected view (3B). The location of the two storey dwelling is such that it would interrupt the protected view from Birch Hill across Clehonger to the hills on the other side of the River Wye. Policy C4 is attributed moderate weight.
- 6.60 The other key material consideration is the NPPF. As the application is for the supply of housing, specifically up to three dwellings, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.05 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted 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 proposed; 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.
- 6.61 Given the proposal is for housing the policies most important for determination of the appeal relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker. There is a requirement, over the plan period (2011-2031) to provide a minimum of 109 new dwellings in the Parish of Clehonger. As of April 1st 2019 those built and existing commitments amount to 188 dwellings. While, it is acknowledged the indicative housing growth target is a minimum threshold and not a maximum target the figures demonstrate there is no lack of local housing land supply. These figures demonstrate that the CS housing policies have achieved substantial growth in the first ten year period of the plan and significantly boosted the supply of housing in this part of the County.
- 6.62 Given 11(d)(i) does not apply to this application site and proposal it's necessary to apply the commonly referred to 'tilted' planning balance set out in paragraph 11(d)(ii). The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits. At the local level the minimum growth target has been well exceeded and there is local concern that such expansion would have a harmful impact on the community. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result of increased residents in the village and support for local facilities. Further social benefits are noted as a result of the proposed bungalow which is an inclusive design. It is considered that these benefits of the scheme for 2 dwellings would only be moderate.
- 6.63 In terms of identified harm, there would be a degree of localised visual harm resulting from the creation of the access and construction of the dwellings, which would disrupt a view that is proposed to be protected via the emerging dCNDP. Furthermore the scheme conflicts with the emerging settlement boundary, which currently can only be attributed limited weight.
- 6.64 The scheme provides a range of enhancements to the local biodiversity through net gain enhancements and the proposed landscaping, so this does not weigh against the scheme in environmental terms. Furthermore there is a good range of services in Clehonger including a

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

school and local and long distance bus routes which would help to reduce reliance upon the private motor vehicle.

- 6.65 Bringing all of the above together whilst there is conflict with the dCNDP as the scheme would disrupt a view that is sought to be protected as part of the emerging plan, this can only be attributed moderate weight given its current stage. While there is a local oversupply of housing and the site lies outside of the emerging settlement boundary only limited weight can be attributed to this. The scheme is of a small scale and is considered proportionate to its surroundings and aligns with the requirements of the current development plan. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is therefore recommended that planning permission be granted subject to the below conditions.

RECOMMENDATION

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

- 1. C01 - Time limit for commencement (full permission)**
- 2. C07 - Development in accordance with approved plans and materials**
 - **Proposed Site Plan 7501-11 and Site Sections and Street Scene 7501-12A dated 09.10.19**
 - **Proposed Garage 7501-15 dated 11.10.19**
 - **Proposed Dwelling – 3 Bed Bungalow 7501-02 dated 17.06.19**
 - **Proposed – 4 Bed Dwelling 7501-16A dated 03.12.2019**
 - **Proposed Planting Plan 20/732/03 dated January 2020**
 - **Site Access and Visibility Splays 21198-01 dated March 2020**
- 3. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**
 - **A method for ensuring mud is not deposited onto the Public Highway**
 - **Construction traffic access location**
 - **Parking for site operatives**
 - **Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. CAB - Visibility Splays - 2.4m x 25.7m southbound and 2.4 x 26.8m Northbound**
- 5. CB2 - Secure covered cycle parking provision**
- 6. CAE - Vehicular access construction**
- 7. CAH - Driveway gradient**

8. **CAI - Parking – single/shared private drives**
9. **No development approved by this permission shall be occupied until a scheme for the provision of a surface water attenuation system, supported by testing to BRE365, has been approved in writing by the local planning authority and subsequently implemented.**

Reason: To prevent the increased risk of flooding and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
10. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.
11. **The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
12. **No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the dwellings, other than in accordance with the approved plans and particulars.**

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
13. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**

Tree & Hedgerow Survey & Arboricultural Impact Assessment – Macklay Davies Associates Limited, Proposed Planting Plan - Macklay Davies Associates Limited

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
14. **CAD - Access gates - 5m**
15. **All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land within each specific plot; and all surface water shall discharge to appropriate SuDS - soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

16. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by HEC dated November 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 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

17. All planting, seeding or turf laying in the approved landscaping scheme (Proposed Planting Plan 20/732/03 dated January 2020) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP1 - Positive and proactive working reason 1
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

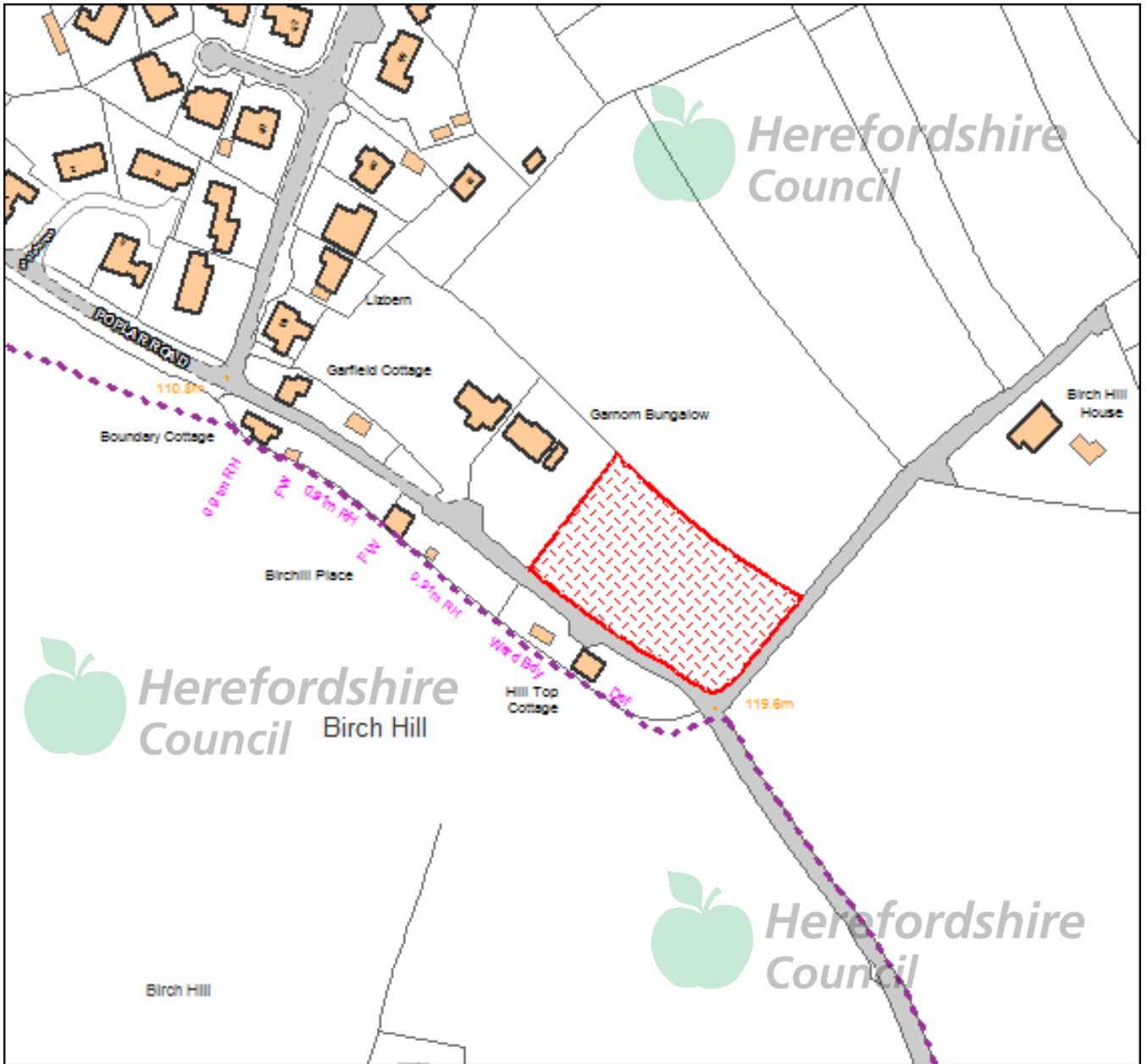
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 200299

SITE ADDRESS : LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE

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