

| | |
|--|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 10 NOVEMBER 2020 |
| TITLE OF REPORT: | 201254 - THE ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS INCLUDING THE DEMOLITION OF THE PIGGERY BUILDING AT THE PIGGERIES, LLANGARRON, HEREFORDSHIRE For: Mr & Mrs Farr per Mr Matt Tompkins, 10 Grenfell Road, Hereford, HR1 2QR |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201254&search-term=201254 |
| Reason Application submitted to Committee – Public Interest | |

Date Received: 23 April 2020

Ward: Llangarron

Grid Ref: 352972,221358

Expiry Date: 31 August 2020

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The site is a 0.15 hectare parcel of land within the village of Llangarron. The site currently hosts an agricultural building which was used as a piggery that will be demolished as part of the scheme. The site is located to the north of the village with residential properties located to the south. There is a mature hedgerow along the boundary to the east.
- 1.2 The proposed access road is to the south and serves a number of other properties. The access road is tarmacked and well maintained.
- 1.3 There has been an approval for four dwellings in 2019 (P191288/F), on the land to the east of the site and an approval for three dwelling on land to the south west in 2019 (P191276/F).
- 1.4 To the south east and adjacent to the cross roads at the centre of Llangarron is the Grade I Listed Church of St Deinst within which are numerous Grade II listed memorials
- 1.5 The application is made in outline, with all matters reserved except for access for the demolition of the piggery building and erection of two dwellings.
- 1.6 The application is accompanied by a Design and Access/Planning Statement, a Transport Technical Note and an Ecological assessment. A surface and foul water drainage strategy was received by the Local Authority on 1 July 2020.

2. Policies

2.1 **Herefordshire Local Plan – Core Strategy (CS):**

| | | |
|-----|---|--|
| SS1 | - | Presumption in favour of sustainable development |
| SS2 | - | Delivering new homes |
| SS3 | - | Releasing land for residential development |
| SS4 | - | Movement and transportation |
| SS6 | - | Environmental quality and local distinctiveness |
| SS7 | - | Addressing climate change |
| RA1 | - | Rural housing distribution |
| RA2 | - | Housing in settlements outside Hereford and the market towns |
| MT1 | - | Traffic Management, highway safety and promoting active travel |
| LD1 | - | Landscape and townscape |
| LD2 | - | Biodiversity and geodiversity |
| LD3 | - | Green Infrastructure |
| LD4 | - | Historic environment and heritage assets |
| SD1 | - | Sustainable Design and energy efficiency |
| SD3 | - | Sustainable water management and water resources |
| SD4 | - | Waste water treatment and river water quality |

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

2.2 **National Planning Policy Framework (NPPF)**

| | | |
|------------|---|--|
| Chapter 2 | - | Achieving sustainable development |
| Chapter 4 | - | Decision-making |
| Chapter 5 | - | Delivering a sufficient supply of homes |
| Chapter 9 | - | Promoting sustainable transport |
| 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 |
| Chapter 16 | - | Conserving and enhancing the historic environment |

2.3 **Llangarron Neighbourhood Development Plan**

A Neighbourhood Area was designated on 6 December 2012 and a Regulation 14 draft plan was submitted on 6 February 2017. However this version of the Plan has not progressed and a Regulation 14 draft plan was resubmitted on 29 August 2020.

At this stage only limited weight can be afforded to the Plan.

3. Planning History

- 3.1 SE2000/2138/F – Change of use of redundant buildings into two units of holiday accommodation - approved

4. Consultation Summary

Statutory Consultations

4.1 Historic England – No comment

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.2 Welsh Water – No objections

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.

Internal Council Consultations

4.3 Area Engineer – No Objection

No objections to the principle of development as the proposed increase in the level of vehicles movements would not be classed as severe, therefore would not impact the free flowing movements of the highway.

As site to the north west has already been permitted and if that site comes forward before this site then the widening of the access road and provision of the turning head to meet the adoptable standard will have been agree and constructed, however as the proposed site will increase the number of dwelling greater than 5 using the same access road, without the other site provision it will therefore be required to be built to adoptable standard with widened of the access road and a turning head still required to be provided. Please can the layout reflect this?

Cycle storage should be provided, therefore garages should meet the Manual for Streets guidance of 6 x3 dimensions.

Recommended conditions:

CAE – Vehicular Access Construction

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CAP -Highways Improvement/off site works

CAT - Construction Management Plan

CB2 - Secure covered cycle parking provision

I11 – Mud on highway

I45 – Works within the highway

I07 – Section 38 Agreement & Drainage details

I05 – No drainage to discharge to highway

I47 – Drainage other than via highway system

I35 – Highways Design Guide and Specification

4.4 Conservation Manager (Building Conservation)

Having visited the site it is my view that there is scope for some development on the site of the redundant piggery shed. However the site is prominently positioned overlooking the centre of the village and I consider that two detached dwellings would be out of character to this part of the village. A single dwelling of single storey height and referencing the form of a detached farm building such as one would find on the outskirts of a village would sit much better here. As presented therefore it is not an application that I feel able to support.

4.5 Conservation Manager (Ecology)

30th June 2020

Habitat Regulations Assessment

The site falls within the River Wye SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to individual private package treatment plant and soakaway fields per individual property within the site boundary and surface water will outfall to on site SuDs.

Please provide a full detailed Drainage Strategy including location of proposed treatment plants and associated soakaway fields, and details of soil percolation tests to confirm that proposed package treatment plants and soakaways are achievable and compliant with Herefordshire Council SD3 & SD4 at this location.

Once this information has been supplied, a relevant condition can be included, and the Habitat Regs. Appropriate Assessment can be carried out to confirm a conclusion of ‘NO Likely Significant Effect’ on the River Wye SAC.

Site ecology

The ecology report (Ecology Solutions, dated May 2020), whilst providing information relevant to the red line boundary, does appear to omit the presence of a mature tree in the northern boundary of the existing shed, and the presence of a scrub bank immediately flanking the western edge, both visible from aerial photography of the site and with potential to support wildlife, including nesting birds, bats and cover for reptiles and amphibians, respectively.

With the exception of 5 apple trees on the eastern boundary and some improved grassland, there are limited other ecological habitats on site. The piggery building itself is assessed as not having potential to support bats or other wildlife, although it does appear that it may have been suitable for barn owl.

The ecology report and planning statement indicate that the apple trees are to be retained within the proposed scheme. As described in the ecology report, a Tree Root Protection Zone should be established to protect these trees during construction; the following Condition is recommended:

Eco-Condition – Ecology- Tree and Hedgerow protection

Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

Informative: For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree.

The ecological assessment report (Ecology Solutions, dated April 2020) provides recommendations for habitat enhancement, including planting of trees and hedgerows, wild flower grassland areas and attenuation features and these should be followed:

Condition Eco-04 – Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Ecology Solutions dated April 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

Prior to commencement, an Ecological Working Method Statement should be provided, to advice how works should proceed without any harm to wildlife that may be present on site, including nesting birds, amphibians and reptiles.

Condition Eco 12 – Nature Conservation Ecological Working Methods

Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for nesting birds, amphibians and reptiles. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.

To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

Biodiversity net gain

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. Enhancements should include consideration for bat roosting, bird nesting, pollinating insect-solitary bee homes built in to or attached to all the new building and consideration for hedgehog homes within any boundary features and soft landscaping.

Condition Eco 06 – Prove Biodiversity Enhancement (Net Gain)

Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR bird nesting boxes for a site appropriate range of bird species, FOUR Bat roosting features; ONE Hedgehog home; FOUR Insect hotels; Reptile Refugia; Amphibian Refugia should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.

To ensure Biodiversity 'Net Gain' and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

The boundary trees and hedgerows will form important bat foraging and commuting habitat. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

Condition Eco 09 – Nature Conservation protection – Lighting

No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

Further comments dated 22 October 2020

Habitat Regulations Assessment

The site falls within the River Wye –Garren Brook SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as 'likely significant adverse effects'. The applicant has indicated in their application that foul water will discharge to individual private package treatment plant and soakaway fields per dwelling within the site boundary and surface water will outfall to on site SuDS/soakaway.

The supplied percolation tests (H + H drainage, dated June 2020), indicate that demonstrate that drainage measures are achievable at this location. Land drainage have approved the drainage report, and requested that each dwelling should be served by separate package treatment plants and associated drainage fields (J.Hockenull, dated August 2020).

The indicated drainage layout as shown in Drawing 1654201, KODA architects, dated September 2020, should be implemented by condition. Subject to this mitigation being secured through a relevant condition, a conclusion of 'NO Likely Significant Effect' on the River Wye SAC has been returned by this LPA.

Condition Eco HRA 02 – New Private Treatment Plant per dwelling & Surface Water to SuDS

All foul water shall discharge through connection to individual private package treatment plant with outfall to soakaway drainage fields on land under the applicant's control, per dwelling as indicated in Drawing 1654201, KODA architects, dated September 2020; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority

In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

The previous conditions remain as per ecology comments dated 30/06/2020.

4.6 Land drainage – No Objection

Comments received 24 August 2020

We have reviewed the proposals. We request a drainage plan showing the layout of the proposed drainage fields and surface water soakaways. We consider that individual drainage fields and PTPs should be installed.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation. The drainage field and PTP should be at least 7m from property.

There is a ditch shown on the attached landscape plan (site 191288). The drainage fields should be built at least 10m away from ditches as outlined in BS 6297. We request clarity on the purpose of the ditch.

Latest comments received 16 October 2020

The drainage fields are outside the red lined boundary. *(officer note: the drainage fields are located within the Blue boundary and therefore within the applicants ownership.)*

The land on which the drainage fields are built will need to be owned by the home owner

The Package Treatment Plants will need to be at least 7m from the dwellings, as defined in BS 6297, Table 2. *(officer note: the proposed PTP are located in excess of 7 metres from the dwellings)*

5. Representations

5.1 Llangarron Parish Council – object

The Parish Council objected to the proposals set out in the planning application for the following principal reasons:

The Parish Council was concerned that this is the third application for planning consent submitted by the same developer for three separate developments on adjoining and connected pieces of land. So far consent for four houses has been granted on one site and three on another. A further two houses would mean 9 houses being built in this location with the possibility of further development to infill the sites thus leading to overdevelopment out of character with a very small village.

The Parish Council noted the comments of local residents who are concerned about the felling of a mature oak tree on this site in recent weeks, together with the felling of a line of mature cedar trees on the adjoining site in May. This leaves one site with planning permission together with this proposed site very exposed with no landscape screening.

This is an outline planning application; no details are given of access to the site and drainage / water management which were both issues with the adjoining sites. There is also no information on the appearance of the proposed dwellings in a sensitive location on a hill near the centre of the village.

5.2 To date a total of twelve objecting responses have been received. The comments are summarised below:

Objecting comments:

- No confidence in the Ecological report as no mention of the Oak tree nor of barn owls and other animals;
- Further development in Llangarron is not sustainable as there are no facilities nor mains drainage;
- Significant ecological impact from the development;
- Increase of run-off will increase flood risk for the village;
- The adjoining site that has been approved utilising the same access will create a severe impact upon highway safety;
- Approval of this application will result in detriment of highways safety along the narrow lanes and blind bends;
- Further applications could be submitted between the Piggeries and Old Trecilla buildings as a form of 'infill';
- Large oak tree adjacent to the site was recently felled;
- The Parish has already exceeded its target for new houses;
- Further concentration of development in the heart of the village would alter the character;
- Concerns over land drainage for the number of houses being developed locally.

5.3 A total of two supporting responses were received. The comments are summarised below:

- More houses are required to meet housing need;
- Brownfield site for 2 modest dwellings;
- Development in the village should not be stifled;
- The site is proposed within all of the draft NDP settlement boundary options;
- Should be no adverse flood risk as the site is already covered in a hard surface;
- Would be a case of betterment as the existing building is more of an eye sore than new dwellings with landscaping;
- No TPO's on site and the oak was deemed dangerous so no planning law or criminal offence committed;
- Number of comments from objectors do not relate to matters on site or relate to the application.

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=201254&search-term=201254

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Llangarron Neighbourhood Area, which published a

draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 1st September until 26th October 2020.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

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

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

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

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

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

6.5 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply, with the latest published Position Statement identifying a housing land supply equating to 3.69 years (April 2020). 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. Paragraph 11d effectively echoes the approach set out in CS Policy SS1.

6.6 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.

6.7 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

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

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. Llangarron is a settlement so defined by figure 4.14.

- 6.8 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 51 Commitments, an exceedance of 14 dwellings. However it must also be acknowledged that the target represents a minimum growth expectation and that presently, proposals must be considered in light of the inclusion of Llangarron as a settlement where proportionate growth is appropriate and the tilted balance in favour of sustainable development as directed by the NPPF. Indeed, in a recent appeal decision within Llangarron the Planning Inspector stated, 'I have nothing before me to suggest that this figure is a ceiling or limit to the number of dwellings that can be permitted. As such, I find that there would be no harm in this regard from a further two dwellings, should the principle of development have been acceptable.' (APP/W1850/W/20/3250543).
- 6.9 As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as the NDP defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement. The draft regulation 14 Neighbourhood Development Plan has identified a settlement boundary, with four potential options currently being consulted on, but at this stage it has not been established what its final extent will be. However, it is considered relevant to note that this site is located within the drafted settlement boundary for all four options.
- 6.10 With the foregoing paragraph in mind and considering the limited weight of the NDP, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The application site is located at the north western edge of the village, positioned to the north of Box Bush Cottage, Owls Nest, Barn House and Wagoners Cottage, with the residential cluster at Herberts Hill being in a more elevated position further to the west. There are further approvals for three dwellings on land to the south west and for four dwellings on land to the east. In locational terms, it is considered that the application site is well related to the existing built form.

Landscape and townscape

- 6.11 CS policy LD1 requires new development to achieve the following:
- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
 - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.
- 6.12 CS policy SD1, amongst other criteria, requires development proposals to incorporate the following requirements:

- Ensure that proposals make efficient use of land – taking into account the local context and site characteristics;
 - New buildings should be designed to maintain local distinctiveness.
- 6.13 Officers have reviewed the content of the draft LNDP Policies SUS1, ENV1 and ENV2 and consider them to be broadly consistent with the objectives of the CS policies and as such limited weight is attached to these policies.
- 6.14 The application site extends to some 0.15 hectares and forms part of a field owned by the applicant. The parcel of land is set back behind existing residential properties and to the west and north east are two parcels of land that have approved planning permission for 4 dwellings and 3 dwellings respectively. There is no road frontage but the access is off an existing private road to the south of the site. Within the indicative site layout plan a new hedgerow is proposed to the east to make a positive contribution in maintaining the rural character of this edge of village site, this is also in accordance with the emerging LNDP which states that *'new development should include suitable boundary proposals including reinstating hedging'*.
- 6.15 The site is located in a relatively elevated position, however it is not detailed within the LNDP Map 3 as an important view, which appears to be focusing on the long distance views towards the Church. In addition, the existing agricultural building already provides built form within the landscape. With the removal of the barn and provision of two well designed and suitably scaled dwellings (subject to separate Reserved Matters approval) and associated hedgerow screening and landscaping it is considered that this would be a visual betterment for the landscape.
- 6.16 Despite this relatively elevated position, it is considered that in the wider landscape, the impacts will not be significant since the combination of the proposed hedgerow, the context of rising land towards Herberts Hill to the west, and the setback nature of the site behind existing and proposed residential would largely mitigate the visual impact when viewed from further afield.
- 6.17 It is considered that the proposal demonstrates that the landscape and townscape context of the site with full layout and landscaping details to be agreed through reserve matters, is in a manner consistent with the aims of CS policies LD1 and SD1.

Heritage Impacts

- 6.18 There is no Conservation Area designation within Llangarron but there are a number of designated and undesignated heritage assets within the locality. The Grade I listed Church of St Deinst and the Grade II listed Box Bush Cottage are worthy of note as designated assets whilst Trecilla House and its associated outbuildings as well as the other converted buildings to the south of the site can also reasonably be regarded as undesignated heritage assets. In this regard there is a statutory provision pursuant to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to their setting. This provision is underpinned by the requirements of CS policy LD4 to protect, conserve and where possible enhance the character and setting of heritage assets.
- 6.19 I note the concerns identified by the Building Conservation Officer, but in the context of this site and the understanding of extant planning permissions in the immediate vicinity of the site, I am satisfied that an appropriately designed scheme for two dwellings can be accommodated which would at the very least preserve the setting of the identified assets in accordance with the statutory duty and policy requirements.
- 6.20 In my view given the relative distances, topography, and intervening vegetation and built form, the proposed development will have no harm to the setting of heritage assets and would therefore accord with National policy and the CS policy LD4.

Access and parking

- 6.21 Policy MT1 of the CS and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.
- 6.22 The proposed development would be accessed via an existing private road to the south of the site with established use by existing dwellings and agricultural traffic. The Area Engineer has no objections to the principle of development as the increase in movement from the proposed two dwellings would not be classed as severe and would not impact upon the free flow of the traffic. However, due to the increased use of the private road to more than five dwellings, the layout of the site (as part of any future Reserved Matters application, would need to reflect adoptable standards in terms of the increase width of access and a turning head. The Area Engineer acknowledges that this was a requirement for the adjacent site to the south west (for three dwellings), however it may be that work on this site could commence before the adjacent site is implemented and therefore the highway standards would need to be in place for any additional dwellings.
- 6.23 It is recognised that one of the main concerns raised in local responses to the application relates to the suitability of the local road network in terms of its narrowness; the speed and volume of vehicles using the C1250; its use by school children, pedestrians, cyclists and horse riders and a pinch point at the bend in the road near to the church. However, with regard to the cumulative highways impacts as a result of the proposed development, the Area Engineer has concluded that the cumulative addition of two new dwellings would not result in highways impacts that would be classed as severe.
- 6.24 Whilst acknowledging the many concerns expressed in relation to the suitability of the road network, in light of the above, and the lack of objection to the scheme from the Area Engineer, the proposal is found to be compliant with the aims of policy MT1.

Ecology

- 6.25 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.
- 6.26 The application has been supported by an Ecological Report which has been viewed by the Council's Ecologist. The range of protective measures proposed and the mitigation measures proposed to minimise the risks associated with the proposed development are considered appropriate and subject to conditions recommended by the Council's Ecologist being attached to any approval, the scheme would accord with policies LD2 and LD3.

Drainage

- 6.27 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).

- 6.28 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).
- 6.29 A Foul and Surface water Drainage Statement has been provided, detailing percolation testing and infiltration testing. This proposes that surface water for each proposed dwelling should be drained to a specific soakaways location where the drainage was on sandy soil (location IFT2 within the drainage report). The Drainage report also details the existing roof area of the agricultural will be more than the proposed roof area of the dwellings, and all associated hardstanding around the site will be of a permeable material. The report and testing has been scrutinised by the Council's drainage consultant who has raised no objection.
- 6.30 The drainage report also details that there is space available within each plot for individual Package Treatment Plants with sufficient space and percolation test calculations for drainage fields within the applicant's ownership. Similarly the views of the Council's drainage consultant have been considered and there is no technical objection to this proposal on flooding or drainage grounds.
- 6.31 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the River Wye SAC. Natural England has been consulted on the completed HRA with details of the condition recommended by the Council's Ecologist. Natural England's response is awaited at the time of writing the report and the recommendation below reflects this outstanding requirement.
- 6.32 The strategy conforms to CS policies SD3 and SD4 and subject to Natural England agreement will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Planning balance and conclusions

- 6.33 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.34 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.35 In assessing the three elements of sustainability:

Economic

- 6.36 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 disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. The impact of two new dwellings as proposed would result in modest benefits and this is considered to outweigh any limited economic losses in terms of agricultural production on the land.

Social

- 6.37 The provision of housing, in the context of a shortfall, would contribute to the supply and the social needs of the county. In addition occupiers could contribute to village life at the village hall, Church and Garron Centre, as well as potentially supporting other facilities in other villages in the locality (the primary school and public house at Llangrove for example). It is recognised that this could help to provide towards the population to help sustain them and two new dwellings would make a modest contribution in this regard.

Environmental

- 6.38 The site is immediately adjacent to the main built up area of the settlement identified as being suitable for proportionate growth, the site is also within all four options of the draft NDP settlement boundary and as such is considered to be locationally sustainable within the current policy framework. In landscape terms, the site is not in a protected landscape nor is it the subject of any site specific heritage designations, although the setting of designated and undesignated heritage assets has been assessed. Whilst it is recognised that there is significant opposition to the impact of the proposed development upon the character of the village, the set back and existing developed nature of the site mitigates the visual impact and whilst officers do not consider there to be harm in this instance, were this to be identified, it would not be adverse nor is it considered that it would outweigh the NPPF presumption in favour of development.
- 6.39 Having undertaken an overall assessment of the proposal in light of its economic, social and environmental impacts as required by the NPPF, it is considered any economic and social benefits would be modest. The environmental impacts are limited for the reasons set out above and lead officers to conclude that the proposal is representative of sustainable development and approval is therefore recommended.

RECOMMENDATION

That subject to receipt of comments from Natural England confirming agreement to the Council's Appropriate Assessment 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. **C02 – Time limit for submission of reserved matters (outline permission)**
2. **C03 - Time limit for commencement (outline permission)**
3. **C04 - Approval of reserved matters**
4. **C06 - Development in accordance with the approved plans**

Drawing No: 1654 201 Rev C

5. **Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.**

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1-3.

6. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Ecology Solutions dated April 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.**

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

7. **Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for nesting birds, amphibians and reptiles. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.**

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

8. **Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR bird nesting boxes for a site appropriate range of bird species, FOUR Bat roosting features; ONE Hedgehog home; FOUR Insect hotels; Reptile Refugia; Amphibian Refugia should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.**

Reason: To ensure Biodiversity 'Net Gain' and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

9. **No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

10. **CBK - Restriction of hours during construction**
11. **CE6 - Efficient use of water**
12. **All planting, seeding or turf laying in the approved landscaping scheme (required by condition 3) 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.

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

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.

- 13. CAE - Vehicular access construction
- 14. CAT - Construction Management Plan
- 15. CAH - Driveway gradient
- 16. CAI - Parking – single/shared private drives
- 17. CB2 - Secure covered cycle parking provision
- 18. CAP – Highways Improvements / Offsite works
- 19. All foul water shall discharge through connection to individual private package treatment plant with outfall to soakaway drainage fields on land under the applicant’s control, per dwelling as indicated in Drawing 1654201, KODA architects, dated September 2020; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

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

- 20. CBO – Scheme of surface water drainage
- 21. C98 – Hedgerow Planting

INFORMATIVES:

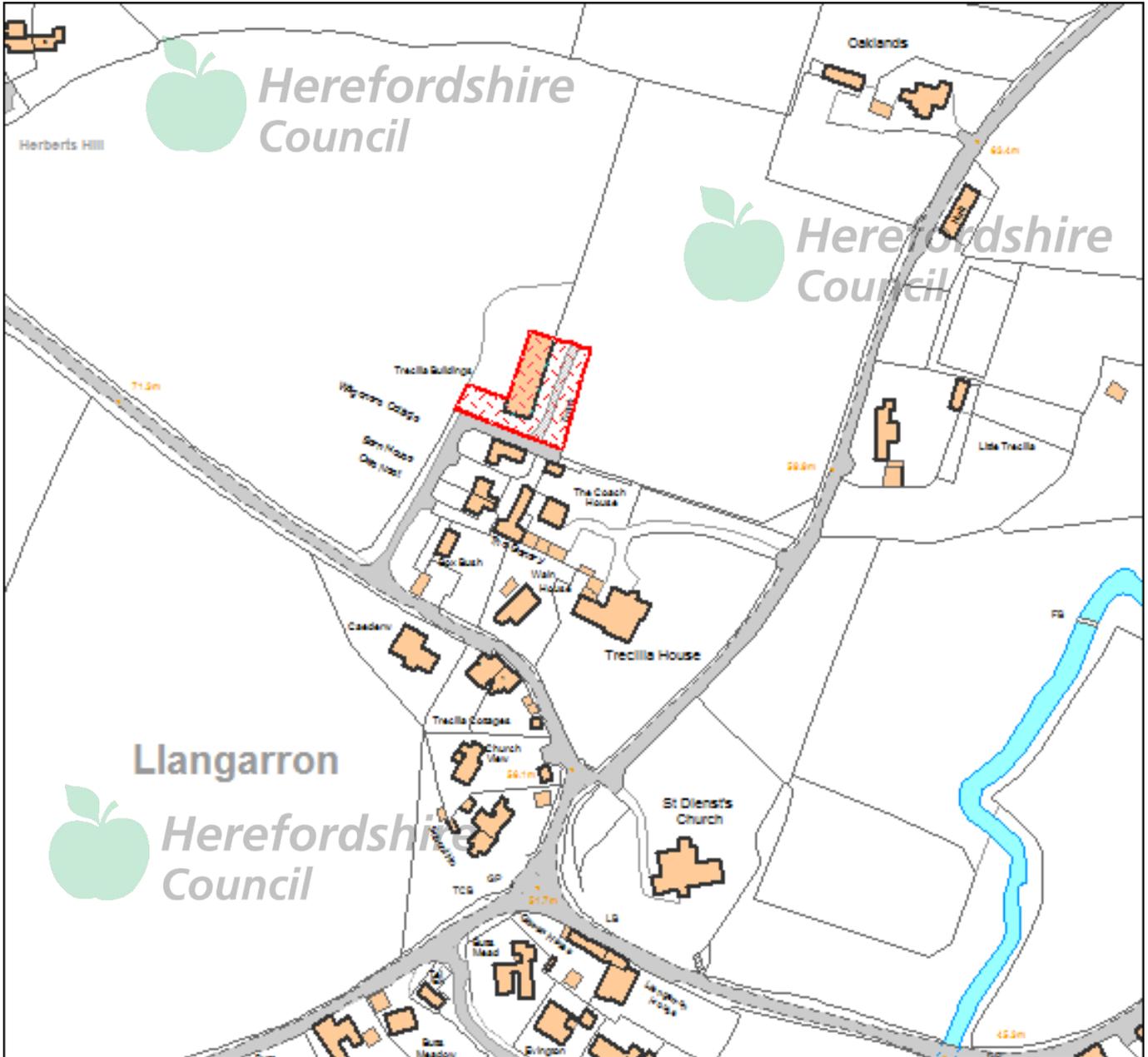
- 1. IP1 Application Approved Without Amendment
- 2. For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree.
- 3. I11 – Mud on highway
- 4. I45 – Works within the highway
- 5. I05 – No drainage to discharge to highway
- 6. I47 – Drainage other than via highway system
- 7. I35 – Highways Design Guide and Specification
- 8. I07 – Section 38 Agreement & Drainage details

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 201254

SITE ADDRESS : THE PIGGERIES, LLANGARRON, HEREFORDSHIRE

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

Further information on the subject of this report is available from Mrs G Webster on 01432 261803