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| MEETING: | PLANNING COMMITTEE |
| DATE: | 15 APRIL 2015 |
| TITLE OF REPORT: | 142443 - OUTLINE PERMISSION FOR THE ERECTION OF THREE DWELLINGS AT LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY For: Mr & Mrs Lewis per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142443&search=142443 |
| Reason Application submitted to Committee – Contrary to Policy | |

Date Received: 8 August 2014

Ward: Stoney Street

Grid Ref: 345131,237146

Expiry Date: 9 October 2014

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The application site is presently a paddock to the west of Garnom Bungalow which is located at the south-eastern extremity of Clehonger accessed off Poplar Road (U73412). The site sits between the bungalow and the UDP defined boundary of the village of Clehonger. The site is bound by hedgerow to the west, south and north and fencing to the east. Garnom Bungalow is to the east of the site; dwellings fronting onto Birch Hill Road are to the west; Garfield Cottage is to the south; and agricultural fields are to the north.
- 1.2 The application seeks outline planning permission for the three dwellings with all matters save for access reserved for future consideration. An indicative layout has been provided showing three dwellings in a linear pattern on an east – west axis. The application has been amended changing the treatment of foul sewerage from the main sewer to a pack treatment plant.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

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| Introduction | - | Achieving Sustainable Development |
| Chapter 4 | - | Promoting Sustainable Transport |
| Chapter 6 | - | Delivering a Wide Choice of High Quality Homes |
| Chapter 7 | - | Requiring Good Design |
| Chapter 8 | - | Promoting Healthy Communities |
| Chapter 11 | - | Conserving and Enhancing the Natural Environment |

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

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| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S3 | - | Housing |
| S6 | - | Transport |
| S7 | - | Natural and Historic Heritage |
| DR1 | - | Design |
| DR3 | - | Movement |
| DR4 | - | Environment |
| H6 | - | Housing in Smaller Settlements |
| H7 | - | Housing in the Countryside Outside Settlements |
| H13 | - | Sustainable Residential Design |
| T8 | - | Road Hierarchy |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| LA6 | - | Landscaping |
| NC1 | - | Biodiversity and Development |
| NC6 | - | Biodiversity Action Plan Priority Habitats and Species |
| NC7 | - | Compensation for Loss of Biodiversity |
| CF2 | - | Foul Drainage |

2.3 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Local Plan Core Strategy

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| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land for Residential Development |
| SS4 | - | Movement and Transportation |
| SS6 | - | Addressing Climate Change |
| RA1 | - | Rural Housing Strategy |
| RA2 | - | Herefordshire's Villages |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| MT1 | - | Traffic Management, Highway Safety, Promoting Active Travel |
| LD1 | - | Local Distinctiveness |
| LD2 | - | Landscape and Townscape |
| LD3 | - | Biodiversity and Geo-Diversity |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| ID1 | - | Infrastructure Delivery |

2.5 The Examination in Public into the Draft Local Plan – Core Strategy (CS) has taken place and was completed on 25 February 2015. The majority of Core Strategy Policies were subject to objection and will likely be subject to modification, particularly the Rural Housing Policies which are most pertinent to this application. Therefore, the CS can only be attributed minimal weight in determining this application.

Neighbourhood Plan

- 2.6 Clehonger has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 21 November 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

3. Planning History

- 3.1 SH850447PO (Outline) & SH851033PM (Reserved Matters) Erection of one dwelling house (Now Garnom Bungalow): Approved 14 October 1985.
- 3.2 SH891037/PF Garage and conservatory: Approved 28 July 1989.
- 3.3 DCSW2001/0237F Proposed extension to Garnom Bungalow: Approved 11 April 2001.
- 3.4 DCSW2007/3863/F Conversion of existing garage to form new lounge and change of use of strip of land from agricultural to residential: Refused 5 February 2008.
- 3.5 DCSW2008/0764/F Conversion of existing garage to form new lounge and change of use of strip of land from agricultural to residential: Approved 12 May 2008.
- 3.6 DCSW2009/0216/F Proposed conversion of garage to self contained accommodation: Refused 6 April 2009.
- 3.7 DCSW0009/1401/F Conversion of ground floor part of garage to form annexe to existing dwelling: Approved 19 August 2009.
- 3.8 S122641/FH Erection of a domestic garage with loft storage above: Refused 16 November 2012.
- 3.9 141572/FH Proposed erection of garage: Approved 20 August 2014.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water objected to the initial application stating: The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore OBJECT to the development."

Upon receiving the amended drainage details Welsh Water's further comments were sought though none have been forthcoming.

Internal Consultees

- 4.2 Transportation Manager does not object, recommending that any permission which this Authority may wish to give includes conditions:

The proposal will add traffic onto the u 73412 though the impact will be small with access a short distance away to Clehonger, this is not deemed to severe though anymore than the proposed would have too much of an impact. To mitigate this development the following must be conditioned or adhered to in the RM application if you are minded to approve:

- Access visibility splays to be 2.4m x 70m to the west and 2.4m clear frontage to the east;
- Access to be clear and constructed to 5.5m wide and to highways specification to be able to be over run and passing place.
- Parking to be to highways design guide, if garages are to be used, they will need to have an internal dimension of 3m x 6m.

The internal layout must provide a turning facility as per HC design guide to enable vehicles to turn and not reverse out onto the lane.

4.3 Conservation Manager (Ecology) raises no objection subject to appropriate conditions.

Upon receiving amended drainage details, these comments were updated as follows: In addition to my comments relating to the ecology, thank you for providing me with the details of the sewage management for this proposal. I have read the documentation regarding percolation testing and the package treatment plant installation. It appears that there is to be more than adequate capacity for the soak-away system to accommodate the treated outfall from this package treatment plant for 24 people. I note that the 7200 litres discharge is approximately double the normal calculation of 150 litres per day per person and I have no concerns that there will be any resulting impacts upon the R. Wye SAC from the development residual phosphate.

4.4 The Council's Drainage consultants do not object to the application stating that: We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application or discharge of conditions:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy; and
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

Prior to construction we would also require the following information to be provided:

- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level."

5. Representations

5.1 Clehonger Parish Council raise the following concerns: The Parish Council are not opposed to the actual building of three houses as the house design fits in neatly with the adjacent built up area but they are large dwellings and we are mindful that there is a housing need in the village for smaller dwellings. Our objection is regards the access to Birch Hill where there are serious visibility issues on an ever busier road. Concerns over vehicular access is referred to in the application but it proposes to take out existing hedgerows as a means of improving visibility which is not popular. On a more general note, the sewage system is at full capacity within the village and any such development increases the pressure on the system".

Upon receiving amended drainage details, the Parish Council updated their comments: As acknowledged by the Water Authority, the present sewage system is at capacity. With the intention to install a sewage plant, neighbouring residents whose properties lie downhill from the proposed plant are concerned over any management problems which could occur, may

cause nuisance to them. As in the Parish Council's comments dating back to Summer 2014, the safety on Birch Hill Road remains a concern with regard to access. The PC acknowledge that the actual houses will not be particularly obtrusive and will fit into the built up area.

5.2 4 letters of objection were received. Their content is summarised as follows:

- There is a covenant which restricts development of the land for housing;
- It is disappointing that all open space is disappearing;
- Traffic along the lane would be hazardous given the narrowness of the lane and the sharp corner which creates a blind spot. It would also create a danger to dog walkers and families who use the lane;
- The field has an abundance of wild life including Hedgehogs and mice of all species. Adders and Grass snakes have been seen. Bats fly over the field on a regular basis. Birds of prey and Kestrels we have seen feeding on their prey in the field, also a large variety of Birds who come to feed at the bird boxes we provide;
- The design of the buildings would tower over other local dwellings;
- Privacy of neighbouring dwellings will be compromised; and
- If this application is approved, others will follow suit.

5.3 5 letters of support were received. Their content is summarised as follows:

- New housing is needed in the village;
- Small developments like this are subtle;
- Local facilities would benefit from the influx of development;
- Change and modernisation are essential and this type of small development is preferential to larger applications;
- The village needs 8 or 9 small developments like this sprinkled around the village ensuring good community and social integration;
- The available housing stock in Clehonger is virtually non-existent;
- The village offers good services; and
- The development would fit in well with the surrounding residential development.

5.4 A further letter of representation was received, its content is summarised as follows:

- Owners of Garfield Cottage do not trim back their hedgerow which narrows the road thus compounding the restricted visibility of those turning left from Birch Hill Road up Birch Hill. The proposal would make this situation worse. Garfield Cottage should therefore be purchased and demolished to improve highways safety.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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 S38 (6) of the Planning and Compulsory Purchase Act 2004 (PCP) 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 Therefore, the first consideration is for the proposal's compliance with the development plan. The Council's current development plan is the Herefordshire Unitary Development Plan 2007 (UDP). UDP Policy H4 is a saved policy and is relevant to the principle of providing housing in main settlements of which Clehonger is one. UDP Policy H4 supports the principle of providing dwellings within the defined settlement boundary. However, in falling outside of the settlement boundary for Clehonger, albeit adjacent, the application falls to be considered against UDP Policy H7 which resists residential development in the open countryside and outside of settlements. The provision of three dwellings as per this proposal would therefore be contrary to the development plan.

6.3 The two-stage process set out at S38 (6) necessitates an assessment of other material considerations to see if they would lead to the making of an alternative decision. In this instance, and in the context of the housing land supply deficit discussed below, the NPPF is the most significant material consideration for the purpose of decision-taking. It should be noted however that the NPPF does not override the legislative requirements of PCP. Indeed the NPPF at paragraph 210 reinforces the supremacy of S38 (6) of PCP for decision taking requirements:

Paragraph 210: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.4 At paragraph 14, the NPPF sets out its relevance to and requirements of decision takers:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be restricted.*

6.5 Therefore the first question is whether or not the development plan is absent or silent or its policies out-of-date. In this regard and in the context of decision taking, paragraphs 211, 212, 214 and 215 of the NPPF are relevant – 213 relates to plan making only.

211. For the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 6.6 The UDP has a plan period of 2007-2011. However and as per the guidance of paragraph 211, the UDP and its policies are not rendered obsolete merely by virtue of its plan period having lapsed. The NPPF was published in March 2012 and its 12 month adoption period has expired. As such, the test of paragraph 215 is applicable and the UDP's policies must be appraised for their degree of consistency with the NPPF. Therefore and in the context of paragraph 14 of the NPPF, should the UDP's policies be found to comply with the NPPF then the application must be considered against the UDP. Alternatively, should the UDP's policies be found to be in conflict with the NPPF then the second bullet point of the decision taking part of paragraph 14 becomes the relevant method of determination.
- 6.7 Paragraphs 47 & 49 of the NPPF relate to a Council's supply of housing land and subsequently the soundness of the UDPs housing policies. Paragraph 47 requires that Local Planning Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.8 Herefordshire Council cannot currently demonstrate a five year housing supply, neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal – triggering the requirement for a 20% buffer. The Council's housing policies therefore conflict with the provisions of paragraphs 47 & 49 of the NPPF. On this basis, and as per the compliance tests of paragraphs 215 and 49 of the NPPF, UDP Policies H4 and H7 cannot be relied upon to determine the suitability of a location for housing in this instance.
- 6.9 Having established that the Council's housing supply policies are out-of-date, including UDP Policies H4 and H7, the second limb of paragraph 14 represents the pertinent test of a development's acceptability and permission must be granted unless:
- *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; or*
 - *specific policies in this Framework indicate development should be restricted.*
- 6.10 It is officer opinion that there are no specific policies of the NPPF which individually would indicate that development should be restricted. The first bullet point above is thus the applicable method of determining this application and permission must be granted unless harm arising from the proposal can be demonstrated to significantly outweigh the benefits of the scheme in the context of the NPPF as a whole.

Principle of Development

- 6.11 Within the foreword to the NPPF the purpose of planning is described as being to help achieve sustainable development. The Government's definition of Sustainable Development is considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles, and crucial to the determination of this application, are that decision taking should:
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable; and

- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

6.12 Leading on from the first 'core principle' highlighted in paragraph 6.11 of this report, Chapter 4 of the NPPF represents the government's more detailed guidance on movement. Of particular relevance to this application are paragraph 32, which advises that safe and suitable access to a site should be achieved for all people, and paragraph 29, which advises that people should be given a real choice about how they travel. Moreover, paragraph 55 of Chapter 6, requires that development be sited so as to enhance or maintain the vitality of rural communities and paragraph 69 of Chapter 8 requires development to be safe and accessible, containing clear and legible pedestrian routes.

6.13 Although based on expired government policy, similar aims to those of the NPPF are manifested in UDP Policies S1 and DR2 which require, amongst other things, that development proposals should be directed to locations which reduce the need to travel, securing safe and convenient accessibility between land uses by modes other than personal motor transport. Given their level of consistency with the NPPF, UDP Policies S1 and DR1 continue to attract considerable weight in this regard.

6.14 In determining the application site's ability to represent a 'sustainable location' within the context of the above two paragraphs, the following are relevant considerations:

- The level of amenities within a walking distance of the site;
- The nature of the route and its ability to provide safe and convenient access to those amenities; and
- The availability of truly usable public transport.

It should however be noted that the NPPF concedes that some use of the private motor vehicle is likely to be necessary in rural localities.

6.15 The application site is at the south-eastern extent of the nucleated settlement of Clehonger. The following facilities and services are within reasonable proximity of the application site with the distance to the facilities from the site in brackets, measured approximately and as one would walk rather than as the crow flies:

- Newsagents and post office (400 metres);
- Primary school (600 metres);
- Village Hall (700 metres); and
- Seven Stars Public House (750 metres)

6.16 A number of bus stops are provided along the B4349 Hay-on-Wye to Hereford Road, the closest of which is 700 metres from the site. The number 39 and 449 bus services provide, cumulatively, approximately 19 no 20 minute trips a day to and from the more extensive facilities found at the county's major serviced settlement of Hereford. It is officer opinion that the above represents a good level of facilities for a rural village and that these facilities are within a distance which one could regularly walk. The frequency and journey times of buses to the largest serviced settlement in the County represents a truly usable alternative to the private motor vehicle.

6.17 The most part of one's journey between the application site and the aforementioned amenities would not benefit from a designated pedestrian footpath, neither is the route lit. However, Birch Hill Road, of which the majority of one's journey would be along, is of a residential character, subject to relatively low volumes of traffic, good forward visibility with many pedestrian refuge points in the form of flat grass verges and private drives. To reach Birch Hill

Road from the application site, one would be required to walk a 100 metre stretch of Poplar Road. Poplar Road is narrower and without verges, though not unduly restrictive to pedestrian movement by virtue of the wide private drives and the short distance of road along which one would be required to travel and the low numbers of vehicles using the road.

- 6.18 Recognising that sustainable transport solutions will vary from urban to rural areas as highlighted by paragraph 29 of the NPPF the application site is considered to offer reasonable opportunity to utilise a good level of local facilities along a safe pedestrian route as well as being well connected to the County's major service centres. It is officer opinion that occupiers of the proposed dwellings would be given a genuine choice about how they may travel. For these reasons the proposal is considered to fulfil the NPPF's locational sustainability requirement of development.
- 6.19 The second core principle cited in the paragraph 6.11 of this report requires decision taking to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 55 expands on this seeking to resist new isolated homes in the countryside other than in special circumstances. Paragraph 58 of the NPPF requires development to respond to local character and history and paragraph 61 requires development to integrate with the existing natural, built and historic environment.
- 6.20 These national requirements are reflected locally in UDP Policies S1, DR1 and H13 which require development to protect and enhance the natural environment, to safeguard the quality and character of the landscape and to promote or reinforce the distinctive character of the locality respecting the context of the site. UDP Policies S1, DR1 and H13 are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight for this purpose.
- 6.21 The application is for outline permission and details of access. Matters of landscaping, scale, layout and appearance are reserved for later consideration. It must therefore be considered whether the site offers *potential* for an appropriate layout; scale and design of building; and landscaping scheme to be forthcoming having regard for the distinctiveness and history of the locality and the appearance and character of the landscape.
- 6.22 The application site is immediately adjacent to the settlement boundary of Clehonger. Three sides of the site are bound by residential development with an open field to the north. When viewed in plan form and from local public rights of way, particularly Poplar Road, the site relates well to the existing settlement. The site itself, whilst undeveloped, is both in location and nature clearly distinct from the matrix of fields to the north of the site and as such, I do not find it to be an integral part of the character of the surrounding open countryside. Views of the site from the west, particularly from Birch Hill Road, would be screened by existing development. Views from the south along Poplar Road would be well filtered by vegetation between the site and the carriageway, though as one approaches the site and the village along Poplar Road from the east, the development would be visible over the low hedgerows and through the wide, open access to Garnom Bungalow. When viewed from the fields in proximity to the site, development would be seen against the existing residential backcloth of this part of Clehonger. It should be noted that there are no public rights of way located through these fields. It is officer opinion therefore that there is potential for a well designed scheme not to have an undue negative impact on the appearance of the landscape or the setting of the settlement.
- 6.23 The above notwithstanding, the development will act as a gateway to the village having potential to affect its setting. Therefore when the application is made for the outstanding reserved matters, the design of the dwellings will be of amplified importance.

- 6.24 The site is of a size which affords opportunity for dwellings of an appropriate design and scale to be forthcoming as illustrated on the indicative layout provided with this application. It's location within the wider settlement does however, to a certain extent, dictate its ability to provide development which would acquiesce with the existing pattern of built form. Clehonger is a nucleated village with the sites immediate context being of a character of a typical residential estate. This development has potential to be in keeping with the perceivable pattern of the settlement and provides organic growth.

Highways Safety

- 6.25 The Transportation Manager does not find the proposal to pose an undue risk to highways safety. Three dwellings is considered to equate to the maximum number of vehicle movements which Poplar Road should be subjected too. Acceptable visibility can be provided in both directions through the translocation of a hedgerow to the east of the site along the frontage of the applicants land. Visibility along the entire length of the land under the applicant's ownership in an easterly direction and a 70 metre splay in a westerly direction shall be provided. A condition should be appended to any permission given to ensure that this visibility is retained in perpetuity. Conditions should also be appended to a permission to ensure that the internal layout and parking arrangements which comes forward as part of a reserved matters application is appropriate from a Highways perspective.

Residential Amenity

- 6.26 Layout is not a matter before the Council and as such, it is not possible to ascertain exact distances between the proposed dwellings and neighbouring dwellings to ensure that privacy and amenity are definitively acceptable. The three closest dwellings to the application site are no. 61 Birch Hill Road, no. 63 Birch Hill Road and Garfield Cottage. The indicative layout illustrates that the dwellings would be circa 19, 16 and 18.5 metres from the closest proposed dwelling respectively. It is officer opinion that these indicative distances allied with an orientation perpendicular to the dwelling fronting Birch Hill Road are sufficient to preclude undue reduction to daylight and outlook from the aforementioned dwellings, subject to appropriate design.

Drainage

- 6.27 UDP Policy DR7 requires that development does not pose a flood risk to potential occupants of the site or increase risk to others located downstream of the site. Being located in Flood zone 1, the scheme is not considered to increase fluvial flood risk.
- 6.28 In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the scheme's drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. The applicant intends to dispose of surface water via a sustainable drainage system, the principle of which is in accordance with the aforementioned drainage requirements. A detailed surface water drainage strategy shall be provided with the reserved matters submission including to ensure that the SUDS is capable of ensuring the development causes no surface water flooding up to the 1 in 30 year event; no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change.
- 6.29 The scheme initially intended to dispose of foul water to the mains sewer. However upon Welsh Water objecting to the application on the grounds that the local Waste Water Treatment Works does not have sufficient capacity for the development, the scheme was amended to show foul water being discharged to ground through a soakaway. This method of disposal is considered acceptable, though infiltration testing, in accordance with BRE 365, should be undertaken at the location of the proposed foul soakaways and the results submitted to the Council for approval as part of the reserved matters application. It should be noted that whilst

Welsh Water have failed to respond to a request for their updated comments on the amended method of foul water drainage, in precluding foul water discharge to the mains sewer, Welsh Water's initial concerns are inherently overcome.

Ecology

- 6.30 The Conservation Manager (Ecology) does not object to the proposal. The site has a low biodiversity value though some precautionary suggestions regarding site checks prior to clearance and development are required. Checking the site by an ecological clerk of works will be necessary and a condition will be needed to ensure this is undertaken. In addition, habitat and species enhancements including retention of, and improvements for, hedgerows will be necessary.
- 6.31 The second ecological issue relates to Habitat Regulation Assessments which have become particularly pertinent upon the change from mains drainage to a private treatment works. The soak-away system would provide more than adequate capacity for the soak-away system to accommodate the treated outfall from this package treatment plant for 24 people. The 7200 litres discharge is approximately double the normal calculation of 150 litres per day per person and there are no ecological concerns for resultant impacts upon the R. Wye SAC from the developments residual phosphate output.

Other Matters

- 6.32 It is mentioned in two letters of objection that the application site is part of a parcel of land on which a covenant restricts development. This is not a material planning consideration but a civil matter and does not preclude the determination of this planning application.

Conclusion

- 6.33 Given the Council's lack of a published five-year housing land supply, the housing policies of the UDP are considered out of date. The appropriate method of determining this application is therefore the 'planning balance' required by the first limb of the second bullet point of the decision taking part of paragraph 14. Unless it can be demonstrated that the harm associated with the scheme would substantially outweigh its benefits, then the development must be considered sustainable and the positive presumption engaged.
- 6.34 The NPPF, at paragraph 7, offers a structure within which the potential benefits and harm of development should be assessed. Development must essentially fulfil the three dimensions of sustainable development: Social, Economic and Environmental. It is important to note that whilst this framework is provided, in weighing up the scheme the three dimensions of sustainable development should not be considered in isolation. Indeed paragraph 8 requires that gains in all three dimensions should be jointly sought meaning that a scheme which robustly fulfils two dimensions may be unacceptable for its failure to fulfil the outstanding dimension – thus the planning balance.
- 6.35 The scheme's economic benefits include short term job creation in the construction industry during the building phase and the long term support for local businesses. Likewise the new homes bonus afforded to the Council should be regarded as a material consideration. In providing a greater supply of housing in a location which offers the opportunity to contribute to the community of Clehonger, the scheme also fulfils the social dimension of sustainable development. In terms of its environmental role, the proposal is not considered to represent development which would unduly harm the appearance or character of the landscape or the village's setting. Furthermore, the site's location provides potential occupiers of the proposed dwellings with genuine alternative methods of transport to the private motor vehicle, thus helping to minimise the carbon output of the development. Therefore, in failing to identify

demonstrable harm, it is officers' opinion that the application is representative of sustainable development and that outline planning permission should be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site at an appropriate time of year and ensure there is no impact upon protected species during vegetation clearance of the area. The results and actions from the inspection shall be relayed to the local planning authority upon completion.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

- 7. The recommendations set out in the ecologist's evaluation from the ecology practice dated July 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 8. H04 Visibility over frontage
- 9. H06 Vehicular access construction
- 10. H13 Access, turning area and parking
- 11. H17 Junction improvement/off site works
- 12. H27 Parking for site operatives
- 13. H29 Covered and secure cycle parking provision
- 14. I18 Scheme of foul drainage disposal
- 15. I20 Scheme of surface water drainage
- 16. Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.
- 17. C01 Samples of external materials
- 18. G10 Landscaping scheme
- 19. G11 Landscaping scheme – implementation
- 20. I51 Details of slab levels
- 21. I16 Restriction of hours during construction

Informatives:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN01 Mud on highway
- 3. HN04 Private apparatus within highway
- 4. HN05 Works within the highway
- 5. HN08 Section 38 Agreement & Drainage details

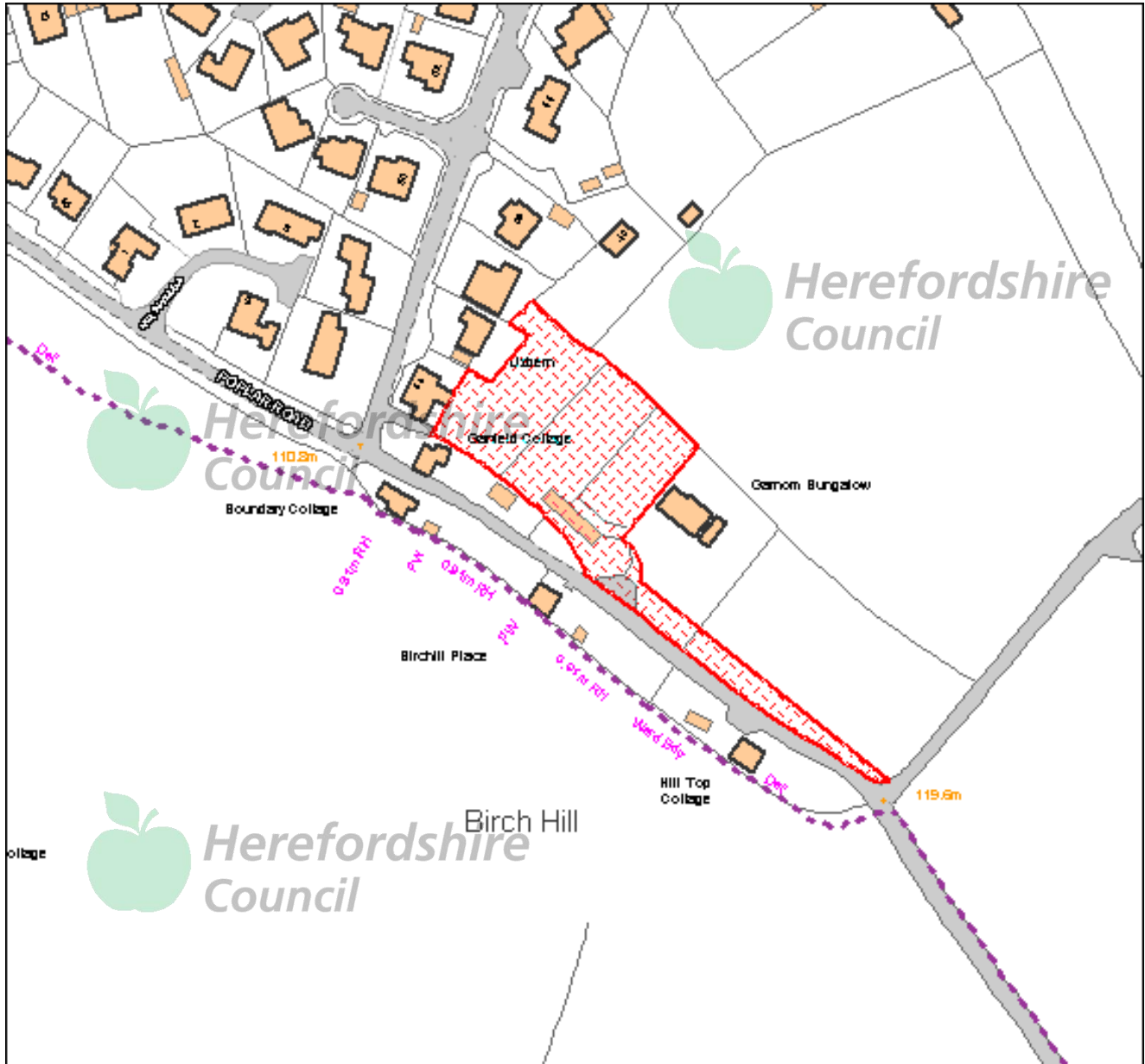
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142443

SITE ADDRESS : LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY

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