

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 APRIL 2018
TITLE OF REPORT:	173224 - PROPOSED ERECTION OF EIGHT RESIDENTIAL DWELLINGS (C3) ALONG WITH ASSOCIATED GARAGES, PARKING, ROADS, HIGHWAYS ACCESS AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE For: Mr Collinson per Mr Stuart Leaver, Singleton Court Business Park, Wonastow Road, Monmouth, NP25 5JA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173224&search=173224
Reason Application submitted to Committee – Redirection	

Date Received: 25 August 2017

Ward: Birch

Grid Ref: 346640,222832

Expiry Date: 31 December 2017

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The site comprises a roughly L-shaped field located on the north-eastern edge of the village of Garway. The land is associated with Ivy Cottage which is located immediately to the west fronting onto common land (Garway Common). To the north and west, beyond the established field boundaries is agricultural land with levels dropping away quite significantly to the north.
- 1.2 The village is characterised by its linear form, orientated east to west and stretched out along C1239, occupying an elevated position set within the surrounding common and agricultural land and providing an attractive rural setting. Garway Common is a designated Special Wildlife Site.
- 1.3 The site itself is served by an unclassified road (U71413) which links Garway to Garway Hill and St Weonards to the north.
- 1.4 The site is bounded by open fields to the north, east and west and is bounded by a cluster of small cottages to the south. There is a line of mature trees on the western boundary and two large mature trees on the northern boundary and a smaller one on the eastern boundary.
- 1.5 There are overhead cables that traverse the site from its northern corner and these would be diverted.

- 1.6 Planning permission is sought for the construction of a total of 8 dwellings (4 no. 3 bed semi-detached properties and 4no. 4 bed detached properties). These would be served of 2 proposed access points. One serving Plots 1-4, which are semi-detached dwellings and the other serving Plots 5-8, the detached dwellings. The detached houses would be provided with shared garaging and would be set behind a large area of open space influenced by the common land setting of the existing properties to the south.
- 1.7 The layout and design of the scheme has been amended and the proposed dwellings would be predominantly rendered with some stone and artificial slate rooves. Proposed ridge heights are typically 8.5 metres with eaves set between 5.2 metres and 4.2 metres approximately.
- 1.8 Key landscaping proposals include additional tree planting to the northern boundary, the common/open space feature that would incorporate a SUDS basin and native species hedgerows planting.



(extract from Drawing No. 2246-PL01 Rev C)

- 1.9 The application is accompanied by a Planning Justification Statement, Voluntary Pre-application Consultation Summary, Design and Access Statement, Transport Statement, Drainage Strategy and Ecological Impact Assessment (with associated Protection and Enhancement Plan)

2. **Policies**

Herefordshire Local Plan Core Strategy

- | | | | |
|-----|-----|---|--|
| 2.1 | SS1 | - | Presumption in Favour of Sustainable Development |
| | SS2 | - | Delivering New Homes |
| | SS3 | - | Releasing Land for Residential Development |
| | SS4 | - | Movement and Transportation |
| | SS6 | - | Environmental Quality and Local Distinctiveness |
| | SS7 | - | Addressing Climate Change |
| | RA2 | - | Herefordshire's Villages |
| | H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| | MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| | LD1 | - | Landscape and Townscape |

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

LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

National Planning Policy Framework (NPPF)

2.2 The following sections are considered to be particularly relevant to the application:

Building a strong, competitive economy
 Supporting a prosperous rural economy
 Delivering a wide choice of high quality homes
 Requiring good design
 Meeting the challenge of climate change, flooding and coastal change
 Conserving and enhancing the natural environment

Neighbourhood Development Plan

2.3 A Neighbourhood Area was designated on 22 November 2012 but the Neighbourhood Development Plan is still at the drafting stage (Pre-Regulation 14) and as such does not attract any weight for the purposes of decision-making.

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

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

3. Planning History

3.1 None identified

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

SEWERAGE

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

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

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Internal Council Consultations

4.2 Transportation Manager

Visibility splays should be shown on a plan and submitted.

Visibility splays should equate to 40.6m to 46.3m southbound and 47.2m – 53.5m northbound, these figures are in line with Manual for Streets 2 absolute and desirable distances respectively.

If this can be supplied please condition and informatives as follows:

CAB – 2.4 x associated visibility splays as shown on drawing no. 2246/550

CAD 5m

CAE, CAH, CAL, CAJ, CAS, CAT, CAZ, CB2.

I11, I09, I45, I05, I47, I35.

4.3 Conservation Manager (Landscapes)

I have seen the amended planning layout as well as the landscape scheme drawing no 2246-LS10. I am satisfied with the planting proposals and selection in the main. However I do consider there is scope for 1 to 2 hedgerow trees along hedge B to assist in assimilating the new built form into the surrounding open countryside.

I would not encourage the planting of Ash due to ash dieback across the country; an alternative native species should be selected.

In terms of external materials I am broadly satisfied with what has been proposed, the detail of which can be agreed with the local authority via a condition. I would recommend the applicant consider the following guidance when considering choice of render.

<http://www.malvernhillsaonb.org.uk/managing-the-aonb/guidance-documents/>

Conservation Manager (Ecology)

Thank you for consulting me on this application. I have read the ecological report together with the biodiversity protection and enhancement plan submitted in support of the application. I am happy that there are appropriate and sufficient mitigation measures for protected species with ecological enhancements proposed. To ensure that the species mitigation measures are implemented I suggest that the following non-standard condition be attached to any approval:

The recommendations for species and habitat enhancements set out in the ecologist's reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

I note that the details of SuDS drainage and the management of foul water have been laid out in the plan and I would not be expecting any Likely Significant Effects on any statutory sites in relation to the Habitats Regulations.

4.4 Balfour Beatty Living Places (Drainage)

Response to Original Consultation

Prior to the Council granting planning permission, we request a revised foul drainage strategy to accommodate individual package treatment plants and individual drainage fields.

Once the above information has been provided and approved, we recommend that the following information provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Please refer to "Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist" (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

Updated Response

A package treatment plant was proposed going to a soakage field at the new village hall a couple of years ago. The application was approved and construction began, then there were difficulties because there was inadequate soakage. The applicant had no option but to seek a connection to a highway drain. My main concern is that there will not be positive soakage at the Ivy Cottage site.

Separate to this, the applicant will need to provide answers to all of the questions that we have presented, before we accept the maintenance strategy. We would consider that the provision of a maintenance strategy that addressed all of the questions needs to be issued and approved.

5. Representations

5.1 Garway Parish Council objects to the application:

Response to Original Consultation

The application for the proposed erection of eight residential dwellings (c3) along with associated garages, parking, roads highways access and associated infrastructure is Unsupported and Objected to by Garway Parish Council as the application for the following reasons

Layout scale and appearance

Core strategy policies SD1, LD1 & LD4 set out the key principals in terms of scale, layout said appearance of new development. In summary these require proposals to demonstrate that the landscape and built environment have positively influenced design, scale nature and site selection. The setting of heritage assets (including non-designated assets) should be protected, conserved and where ever possible enhanced under CP policy LD4 and the NPPF confirms the importance and desirability of the significance of assets. Where harm would result the NPPF sets out the relevant tests to be applied. In the terms of sustainable design policy SD1 required new buildings to maintain local distinctiveness through the incorporation of local architectural detailing and materials and respecting scale, height proportions and massing of surrounding development.

The application by its design, scale, size and mass fails to demonstrate the character of the area has influenced it and it would not make a positive contribution to the architectural diversity of the area and is therefore is contrary to polices SD1 LD1& LD4 and the requirements of the NPPF

Housing in settlements outside Hereford and the market towns Policy RA2

The opening sentence of RA2, the first criterion again requires that proposals for housing development should be located within or adjacent to the main built up area .This application is not located adjacent to or within the main built up area of the parish

We would also like to comment on Mr Tompkins conclusions in the pre planning advice given in relation to NDP's. He anticipated that the NDP steering group will be minded to commence a call for potential housing sites and it was recommended that the applicant/ planning agent speak to the Parish Council .The planning agent did contact the Parish Clerk about coming to speak with the PC and the clerk advise that any discussion relating to the application would need to be at a Parish Council meeting where a presentation could be given by the planning agent, However he was reluctant to come to a PC meeting but rather wanted to meet with the PC on their own and not in a PC meeting , of which the parish clerk informed the planning agent this would not be acceptable. Nothing was asked about the NDP and where the NDP was at present in relation to how far it had got by the planning agent.

The Parish Council will in the next few weeks be undertaking a call for sites as part of the NDP process for Garway.

Access

Core strategy policy MT1 and the NPPF require proposals to provide safe access, and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

The development is accessed off an unclassified single-track road on which it is not possible for 2 cars to pass of which is principally used by agricultural vehicles.

The single-track road is bordered on both sides by common land that is protected under the Commons Act 2006:

At an Extraordinary Parish Council meeting on 17//10/2017 12 Parishioners attended, all having concerns and issues relating to the planning application.

The Parish Council have requested that the Ward Councillor ask that this application is considered by Herefordshire Council Planning Committee in the light of the extent of public interest in the application concerned.

Response to Revised Consultation

Neither the Garway Parish Councillors nor the residents present at the Parish Council meeting saw any reason to change from their original objection to the above application and I therefore attach a copy of comments made in October 2017 (as above).

Please note that a call for sites has now been undertaken for the NDP and those sites are currently being assessed

- 5.2 A total of 47 representations have been received from other interested parties in respect of the application. Some 44 have raised objections and 3 have expressed support:

Response to Original Consultation

- 5.3 A total of 24 objections were received which can be summarised as follows:

- Inappropriate scale of development
- Concerns regarding impact of surface water on local watercourses and road network
- Unacceptable impact on narrow local road network
- Design and layout of proposed development not in keeping with linear character of Garway
- Unacceptable impact upon the Common and implications for Commoners rights
- Lack of engagement with Parish Council and Neighbourhood Planning team
- No provision made for smaller affordable housing which is what the village needs
- Site is not within or adjacent to the village/significant distance from heart of the village
- Inappropriate suburban cul-de-sac layout
- Detrimental to highway safety – additional traffic, pedestrians, horse riders and cyclists
- Increased noise and activity detrimental to quiet ambience of the village
- Adverse impact upon local ecology/unacceptable loss of hedgerow
- Adverse impact upon character and setting of older cottage in locality
- Will cause irreversible harm to precious landscape
- Decision should be delayed until NDP ratified
- Inappropriate modern designs out of keeping with local vernacular
- Cramped form of development, overdevelopment
- Adverse impact of construction traffic on Common
- If approved a dangerous precedent will be established for unplanned expansion
- Unjustified loss of agricultural land

Response to Revised Consultation

- 5.4 A further 16 objections/representations have been received in response to the consultation on the revised proposed. These largely reference the previous objections and refer regularly to the progress being made in respect of the Neighbourhood Development Plan. An additional number of the objections referred to the importance of prioritising brownfield sites
- 5.5 A total of 3 letters of support were received, which can be summarised as follows:
- Growth will support the village and the struggling school
 - Family homes are what is required/3 bed dwellings are most sustainable option
 - Design, layout and proposed materials much improved/concerns of key consultees addressed
 - Site well related to village services
- 5.6 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=173224&search=173224

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

Principle of Development

- 6.1 Paragraph 14 of the National Planning Policy Framework (NPPF) clearly prescribes a '*presumption in favour of sustainable development*' as the golden thread running through the NPPF and that in respect of decision making this means approving development proposals that accord with the development plan without delay 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 the NPPF indicate development should be restricted.
- 6.2 Furthermore it remains the case that the local authority is currently failing to provide a 5 year Housing Land Supply as required by paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that '*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*'.
- 6.3 In reaching a decision upon new residential development, the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission.
- 6.4 This position has been crystallised following a recent Supreme Court Decision and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC* [2017] UKSC 37 On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)
- 6.5 Of greater significance locally in terms of it being a Herefordshire-based example, an Inspector has considered this issue with regards to Lea and at a countywide level with regards to appeal APP/W1850/W/17/3174980, *Land at Castle End, Lea, Ross on Wye, Herefordshire HR9 7JY*.

The Inspector concluded:

The Council accepts that it cannot demonstrate a five year housing land supply, and so the tilting balance set out in para 14 of the NPPF is triggered. The Government's objective, as set out in the NPPF, is to boost significantly the supply of housing. The benefit of granting planning permission would be the provision of up to 10 dwellings. The provision of housing in an area where there is a shortfall in housing sites is a significant benefit which carries significant weight.

The settlement of Lea is situated within the Ross on Wye rural housing market area (HMA) and is identified in CS as providing a minimum of 43 dwellings during the plan period. Currently 90 dwellings are committed in Lea, which is significantly more than the minimum and contrary to the 14% expected growth in this HMA sought by CS Policy RA1. There is however no demonstrable five year housing land supply and, as a result of the shortfall, any restriction imposed by CS Policy RA1 is out of date. I therefore give the incompatibility between the proposal and CS Policy RA1 limited weight.

I have not found any other harm that should be weighed against this benefit. I therefore consider that the adverse impact of granting planning permission in this regard would not significantly and demonstrably outweigh the benefits of the proposal. The proposal would therefore constitute sustainable development as defined in the NPPF and benefits from the presumption in favour of sustainable development as set out in para 14.

- 6.6 Core Strategy (CS) Policy SS1 echoes the Framework's presumption in favour of sustainable development, setting out the strategy for delivery of new homes. CS Policy SS2 provides that in the rural areas housing will be acceptable within identified settlements where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of the community.
- 6.7 CS Policy SS3 reinforces the importance of ensuring a plan-led supply of housing land. CS Policy RA1 identifies a minimum proportionate growth target for housing of 14% within the Ross on Wye Rural Housing Market Area, equating to a minimum number of 25 dwellings for Garway Parish (including Garway and Broad Oak). Based upon the latest available information, there remains a deficit for the delivery of 17 further dwellings by 2031.
- 6.8 The Neighbourhood Development Plan (NDP) for the Parish is still at an early stage in its preparation and has no weight with regards the assessment of this application. Accordingly, it is considered that there is no fundamental conflict with CS Policy RA2, which confirms that adopted NDPs will allocate sites for housing, but in the interim applications will be assessed against their relationship to the built form of the settlement. In this case, the site shares a common boundary with Ivy Cottage which fronts onto Garway Common and is clearly adjacent to the village with the Public House, School and Village Hall all within walking distance via the main road through the village. Accordingly, it is maintained that the broad principle of residential development can be supported and that the acceptability or otherwise of the proposal must be considered on the basis of the tilted balance described by the NPPF.

Landscape and Townscape

- 6.9 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.

- 6.10 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.
- 6.11 The application site extends to some 0.65 hectares of agricultural land to the north of Ivy Cottage. It has a road frontage of some 115 metres which is defined by a well established hedgerow. The northern and western field boundaries are characterised by mature hedgerows and a number of mature trees that would be retained and supplemented by additional planting proposals. The site is considered to be relatively inconspicuous and is not readily visible from the C1239 or in longer distant views from the higher ground to the north of the site where it can be glimpsed in the context of the established dwellings at the eastern edge of the village, intervening properties and farmsteads and the large range agricultural buildings at Yew Tree Farm. Having regard to the visually contained nature of the site, it is not considered that there is any adverse impact in relation to the wider undesignated landscape or long distance views of the setting of the village and its relationship with Garway Common. Any impact is considered to be localised, relating to the immediate vicinity of the site.
- 6.12 This localised impact is focussed on the orientation of the site relative to the strongly prevailing west-east linear form of Garway, which together with the scale and layout of the proposed eight dwellings has attracted a significant number of objections. The extent to which the orientation of the site is “at odds” with linear form of the village is recognised, but having regard to the wider setting of Garway, whilst at a clearly greater density, the arrangement of the proposed dwellings is not dissimilar to the looser group of dwellings located on the south side of Garway Common (Newlands, an extant outline permission for two dwellings 162120/O; Newholme, The Forge, Heronden and Oakdene inclusive). This coupled with the fact that the site is not visible on the main road through Garway from either the east or west, is such that any harm attributed to the perpendicular orientation of the dwellings is very limited and having regard to the “tilted balance” required by the NPPF does not, in your officers opinion, result in a significant adverse impact upon the character of the village.
- 6.13 Officers are acutely aware of the fact that a “call for sites” is currently under consideration as part of the NDP process and have no desire to undermine this process. However, the NDP is not at a stage where it can be afforded weight; is some 9 months away from a point at which the Neighbourhood Development Manager considers it would be at Regulation 16 stage; the application at hand has been valid since September 2017 and there are genuine concerns about the delivery of sufficient infill developments within the village whilst applying a strict interpretation of the linear form of the village.
- 6.14 Turning to the detailed design and layout of the proposal, this has been informed by pre-application advice, which evolved following the initial exchanges, accounting for some of the misconceptions that are referred to in the objections referring to advice given in respect of the site’s capacity. The site is considered to provide an opportunity to make a valuable contribution to the required housing for the Parish, in a location which is considered to have limited visual implications and minimises the extent of impact upon individual residents living conditions.

- 6.15 This to a large extent informed the subsequent uplift in the number of dwellings proposed. Currently the eight dwellings provides for a satisfactory mix of 3 and 4 bed units arranged around 2 access points with an interpretation of a small piece of Common land (incorporating SuDS) set behind the road side boundary hedge providing a focal point. Plots 1-4 have been redesigned and slightly re-orientated to reduce their perceived scale and specifically to reflect the form of The Old Post Office and Cae-Duff. The remaining detached properties are arranged in a relatively loose form facing “the Common” and now have shared garages and much reduced and softened boundary treatments.



(extract from drawing no. 2246-200-40)

- 6.16 The mix of materials has been changed and now excludes brick in favour of render and stone and the porches have been enhanced, which combined are considered to be more in keeping with the grain of Garway and are considered to demonstrate that appropriate consideration has been given to the townscape and local distinctiveness in accordance with CS policies LD1 and SD1.
- 6.17 The height of the individual dwellings, at 8.5 metres, and their apparent scale has been the subject of objections and whilst a reduction in overall height would be welcomed, it is not considered that the currently proposed designs result in any measurable harm to the character of the locality and the wider landscape and as such would not warrant a recommendation of refusal in this context.
- 6.18 The new dwellings would be accommodated within a well screened field parcel and whilst the loss of some 28 metres of hedgerow is regrettable, the impact of this loss will be localised and can be appropriately mitigated by the additional hedgerow planting proposed.
- 6.19 Finally on the issue of the landscape implications of the proposed development, attention is drawn to the comments of the Conservation Manager (Landscapes) who does not object to the revised layout subject to some additional hedgerow tree planting and careful attention to render colour, which are matters that can be addressed by condition.

Access and Highway Safety

- 6.20 CS policy MT1 requires new development to demonstrate that the local highway network can absorb the traffic impacts of development without adversely affecting the safe and efficient flow of traffic. This issue is clearly of concern to local residents who have drawn attention to the narrow nature of the unclassified road from which access would be derived, the lack of passing places and the fact that it is a well-used “rat run” through to Garway Hill and St Weonards.

- 6.21 These concerns notwithstanding, the Transportation Manager raises no objection to the proposed development subject to a range of conditions, including most importantly the retention of the visibility splays in accordance with Manual for Streets 2. These are achieved whilst minimising the removal of hedgerow.
- 6.22 In other respects the nature of the local road network is considered sufficiently safe to support additional pedestrian activity and the recommended pedestrian warning sign can be secured by condition. Furthermore, in light of the relative proximity of the nearest bus stop (370 metres from site) and primary school (750 metres) away it is maintained that the site is sustainably located and well related to the village and its services.

Biodiversity

- 6.23 The Conservation Manager (Ecology) has reviewed the Ecological Report (Swift Ecology) and the associated Biodiversity Protection and Enhancement Plan and raises no objection. Accordingly, subject to attaching the recommended conditions, CS policy LD2 is satisfied. The Ecologist has considered the proposed foul and surface water drainage and on the basis that this is to be managed within the site and in light of the distance of the site from protected habitats, he has carried out a Habitat Regulations Assessment concluding that the development would not have Likely Significant Effects upon any statutorily protected biodiversity sites in accordance with CS policy SD4.
- 6.24 The proposed drainage arrangements are covered in more detail in the section below.

Foul and Surface Water Drainage

- 6.25 The proposed drainage strategy incorporate SuDS techniques and includes a single shared Package Treatment Plant (PTP) and soakaway for foul drainage and a combination of individual soakaways, an infiltration basin and swales to deal with individual dwellings and road drainage. The Land Drainage Consultant has raised some concerns about the site's porosity and would generally recommend the use of individual PTPs. However, no formal objection is raised and subject to a condition requiring the submission of a detailed drainage strategy with supporting calculations and details of the proposed maintenance arrangements, it is considered that the requirements of CS policies SD3 and SD4 are satisfied.

Other Matters

- 6.26 Having regard to other concerns raised by objectors, the development proposed is not at a scale where affordable housing can be secured and under current policy arrangements this is unlikely to be possible on sites in and around Garway. This is unfortunate but currently unavoidable. Criticism is levelled at the lack of public engagement by the applicant, and whilst this is not a requirement of an application, it is worth considering the detailed summary that has been set out in the Voluntary Pre-application Consultation Summary which accompanies the application. At face value this demonstrates a willingness to engage which has not been taken up prior to the submission of the application itself.
- 6.27 A number of concerns raised relate to the impact of the development on Garway Common and the rights of Commoners. These are separate legal rights that are not material to the determination of the application but it is important to stress that should permission be granted, the applicant would be required to comply with any separate legal requirements.
- 6.28 By reason of the site's location and position in relation to existing dwellings, it would not have any direct impact upon the privacy, daylight and sunlight enjoyed by the nearest properties.

There would clearly be some disruption during construction, but subject to conditions regarding hours of construction and the parking of site operatives, this would be satisfactorily mitigated in my view.

Conclusion and Planning Balance

- 6.29 It is very clear from the level of local response to this application that objectors consider the site in general is not well related to the village and the proposed design and layout of the development is inappropriate and out of keeping. However in the context of the Council's continuing 5 year housing land supply deficit and the absence of an NDP, it is clear that the NPPF's tilted balance in favour of sustainable development is engaged.
- 6.30 It is considered that the site is well related to the village, with the facilities and services available, readily accessible by foot and comparable in this respect to many other properties in Garway. In locational terms there is considered to be no conflict with CS policy RA2. Thus, having regard to the absence of a five year supply of housing land, the balance to be struck is whether the harm to the landscape character of the area, in the context of CS Policies LD1 and SD1 is so pronounced that it significantly and demonstrably outweighs the benefits of the scheme when assessed against the development plan taken as a whole.
- 6.31 In my view the benefits of the scheme can reasonably be considered to amount to the following:
- a) The economic benefits arising through the construction phase of the development and then via the lifetime of the development i.e. through increased expenditure in the local economy and potential underpinning of local services as a consequence;
 - b) The social benefits associated with delivering smaller 3 bed dwellings within the development;
 - c) The delivery of a significant contribution of housing towards the Parish's proportional growth target where there is currently uncertainty.
- 6.32 Considering the environmental impacts of the development, it is considered that the proposal has limited visual and landscape impacts and/or implications for the living conditions of existing residents and in absence of harm in other areas (e.g. flooding, highways and design approach), my overall conclusion is that in the context of the decision-making approach set out above the adverse impacts associated with the development that are attributed by third parties, do not significantly and demonstrably outweigh the benefits. As a consequence and in these circumstances, I am of the view that the development is representative of sustainable development and it is recommended for approval accordingly.

RECOMMENDATION

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

- 1. A01 - Time Limit for Commencement (Full Permission)**
- 2. B01 - Development in Accordance with the Approved Plans**
- 3. C01 - Samples of External Materials**
- 4. D05 - Details of External Joinery Finishes**
- 5. G04 - Protection of Trees/Hedgerows that are to be Retained**

6. **G10 - Landscaping Scheme**
7. **G11 - Landscaping Scheme - Implementation**
8. **H03 - Visibility Splays**
9. **H06 - Vehicular Access Construction**
10. **H09 – Driveway gradient**
10. **H13 - Access, Turning Area and Parking**
11. **H17 – Junction improvement/off site works**
12. **H21 – Wheel washing**
13. **H27 – Parking for site operatives**
14. **H29 - Secure Covered Cycle Parking Provision**
15. **I16 - Restriction of Hours During Construction**
16. **I18 - Scheme of Foul Drainage Disposal**
17. **M17 - Water Efficiency – Residential**
18. **The recommendations for species and habitat enhancements set out in the ecologist’s reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework.

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. In relation to Condition 16, above the following information has been provided:**
 - **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
 - **Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
 - **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
 - **Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;**
 - **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN24 - Drainage other than via highway system**
- 8. HN28 - Highways Design Guide and Specification**
- 9. N11C - General**

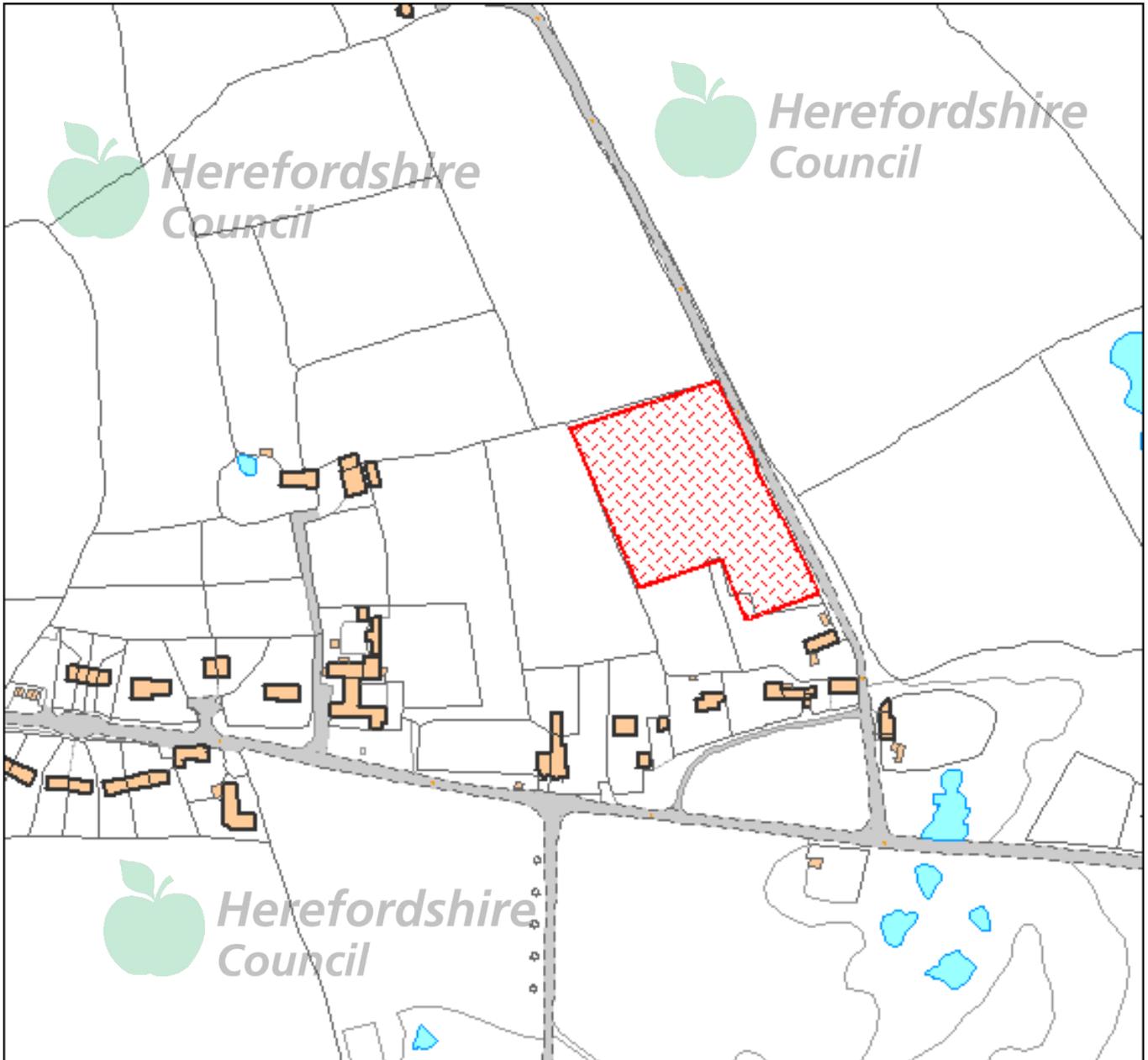
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 173224

SITE ADDRESS : LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE

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