

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>23 January 2019</b>
<b>TITLE OF REPORT:</b>	<b>182775 – PROPOSED ERECTION OF FIVE RESIDENTIAL DWELLINGS (C3) ALONG WITH ASSOCIATED PARKING, ROADS, NEW HIGHWAY ACCESS AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF THE ROYAL ARMS, LLANGROVE, HEREFORDSHIRE</b>  <b>For: Mr Lane per Mr Stuart Leaver, Singleton Court Business Park, Monmouth, NP25 5JA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182775&amp;search=182775">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182775&amp;search=182775</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 26 July 2018**

**Ward: Llangarron**

**Grid Ref: 352427,219355**

**Expiry Date: 21 September 2018**

Local Member: Councillor EJ Swinglehurst

## **1. Site Description and Proposal**

- 1.1 The site is currently used for agricultural purposes with no right of public access and is an undeveloped green field located within the main built form of Llangrove, a settlement designated under Core Strategy policy RA2 as one for appropriate growth. There are no landscape or heritage designations on or immediately adjoining the site, however, the Grade II listed Llangrove Cottage is located 35 metres away to the south west and the site forms part of the approach to the Grade II listed Church. The topography of the site slopes down from approximately 149m AOD in the west to approximately 143.5m AOD in the northeast.
- 1.2 The application is a full application for residential development and associated landscaping and infrastructure. The proposal offers five no. dwellings with a mix of 4 no. four bed units and two design styles, both providing 162 square metres of accommodation and one no. five bed unit offering 181 square metres of accommodation.

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

The following policies are considered to be relevant to this application:

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

2.3 The Neighbourhood Development Plan (NDP) reached the Regulation 14 draft plan stage, however, it is being reevaluated with regard to its Housing chapter. Llangarron Parish Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 6 February 2017. The consultation ran from 6 February to 20 March 2017.

It is emphasised the NDP has very limited weight due to the Parish Council reviewing the document and thereafter will go through a second Regulation 14, however the following extracts are provided for reference –

The site subject of this application is allocated within the Draft NDP under policy HOU1 and HOU3, where the former states –

*This site lies within what is perceived to be the centre of the village and within easy walking distance to existing community facilities. It is surrounded by residential properties which have grown on an incremental basis with more recent small scale development adjacent to the public house. The most recent being 6 large 3 storey, 4 bedroomed properties which dominate the surrounding homes. This development has resulted in an increase in traffic on this narrow section of the road and there is concern that a further estate scale development would put undue pressure on this section of the highway, leading to conflicts between existing vehicular and pedestrian traffic. Furthermore, development to the rear of the site could result in unacceptable levels of overlooking and loss of amenity to residential developments. It is therefore considered that frontage only development along this site would be most appropriate.*

Policy HOU3 – *Land opposite the Royal Arms Public House* outlines the 0.63 hectares of land is allocated for approximately 10 dwellings subject to the proposed development, conforming to all policies contained in the Llangarron Parish Neighbourhood Plan, the HC Core Strategy and the following site specific requirements:

- The site shall be developed for frontage development only
- The creation and implementation of a traffic-widening scheme to improve the existing highway including a proposed footway and traffic calming measures
- Two single points of access to minimise the number of vehicular access on to the public highway
- A Sustainable Surface Water Drainage (SUDS) Scheme
- Appropriate landscaping to the front and rear of the site to minimise the impact of development on the street scene, to mitigate the loss of the existing hedge and to minimise any loss of residential amenity from adjacent properties
- All development shall be no higher than 2 storey development
- The Provision of affordable housing in accordance with the requirements of the Core Strategy
- Any planning application should be supported by evidence of current demand for the type and number of houses proposed and accompanied by a working method statement showing how development should be brought forward in phases to minimise any adverse effect on the village as a whole.

### **3. Planning History**

3.1 None

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Natural England has no objection, based on the additional information submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

Natural England notes *The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI).*

European site – River Wye SAC – No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

## River Wye SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### 4.2 Welsh Water has no objection, commenting:

We have reviewed the information submitted as part of this application with particular focus on drawing reference 18-02-05 01 Rev A which shows both foul and surface water communicating to the public sewer.

We have had the opportunity to assess this proposal as part of a direct request for pre application advice from the applicant and advised that a foul water only connection could be made to manhole reference SO52194302. The proposed foul water arrangement as shown on drawing reference 18-02-05 01 Rev A is acceptable, however we cannot accept surface water into a sewerage system which is designated to receive foul water only. This matter was also outlined in the pre planning response and we suggest that an alternative option to address surface water is explored and new plan submitted to the council.

Notwithstanding the above, if you are minded to grant planning permission we request that the stated Conditions and Advisory Notes are included within any subsequent consent.

### Internal Consultations

### 4.3 The Transportation Manager states:

As previously mentioned the site and village would benefit from the provision of a footway along the front of this site, this is to allow pedestrians a section of highway which is not level with the carriageway, therefore increase both the safety of the pedestrians and the distance between pedestrians and vehicles. There is not a significant amount of footways within the village, therefore new developments should look either provide footways along the highway or give the land for future use. The provision of any footways will depend on the level of development proposed.

The site in question is located to the north of the village; therefore the number of pedestrians will be reduced. It should be noted that there is a small section of footway opposite the site in front of the Royal Arms. Whilst the site and surrounding village would benefit from a footway provision the carriageway through the village is not different from other rural village settings

If the applicant is unwilling to provide such a footway, then ultimately it is not considered to form a basis for refusing planning permission therefore please condition as requested.

### 4.4 The Conservation Manager (Built Conservation) states I can confirm that the submitted Heritage Statement satisfies the *Further Information Required* request made in my previous comments.

There are a number of points which I feel the statement has not satisfactorily addressed, and I have concerns that the removal of a significant proportion of hedgerow along the southern boundary will dramatically alter the character of the western end of the settlement; such an expansive, landscaped, opening can only draw attention to the schemes presence, and I consider this approach *suburban* in character and not reflective of Llangrove's established distinctiveness.

Whilst I feel that a revision of this aspect would help minimise the visual impact this scheme will have, and would be welcomed, I do not feel that an objection would carry sufficient weight to outweigh the benefits of the scheme which have no doubt been identified.

- 4.5 The Conservation Manager (Ecology) has no objection.

Natural England have now confirmed that they approve the required HRA appropriate assessment. Requested Conditions should be attached to any permission to secure mitigation. Based on this there are no ecology objections to this application.

- 4.6 The Conservation Manager (Trees states):

I have no objection to the proposed design. To ensure that the design is compliant with LD1 & LD3 of the Herefordshire Core Strategy there will be a requirement for a tree protection plan which is in accordance with BS58372012 – trees in relation to design, demolition and construction.

This is to ensure that the retained boundary hedge is protected throughout the development process. There is also a requirement for details regarding the planting scheme. My requests can be supplied as a condition.

- 4.7 The Public Rights of Way Manager has no objection.

- 4.8 The Drainage Engineer comments as follows:

#### **Flood Risk**

##### **Fluvial Flood Risk**

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). The finished floor levels have been set at between 149.00m AOD and 145.20m AOD.

##### **Surface Water Flood Risk**

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

##### **Other Considerations and Sources of Flood Risk**

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches. If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

##### **Surface Water Drainage**

The Applicant is proposing to manage surface water runoff using a dry balancing pond. The use of a flow control to direct the water into the pond is not sustainable because the pipe will silt up, this is because it needs to be laid at the correct gradient. We consider it more sustainable to install a pipe into the pond with a headwall, this would ensure that both pipes entering and leaving the pond could be laid at the correct gradient. An outlet pipe featuring a flow control would be needed at the same location shown on the plan.

The drainage layout states that it has been sized for the 1 in 100 year + 40% event however no evidence has been provided. If flows are to be attenuated, the flows should be restricted to the Greenfield runoff values. The Applicant must also demonstrate where flows are to be discharged.

We note that the surface water is proposed to outfall into the foul network. This is not acceptable and Welsh Water will not accept surface water flows into the foul network. The Applicant should explore the presence of any drainage ditches into which the surface water could discharge. Alternatively, the Applicant could explore the option of an infiltration pond.

It is not clear how the roof water will be disposed of. The pond appears to only take water from the road. The private drives could be constructed of permeable paving. As the road is serving less than 6 houses, the road could be constructed of permeable paving also.

The Applicant should provide a more detailed surface water drainage strategy. Please review the below advice:

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

Where possible, betterment over existing conditions should be promoted. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications:  
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

The Cranfield University Soils Map identifies the soils within the proposed development area to be freely draining thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential. Permeable paving could be used for the private road as it is serving less than 6 houses.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

### **Foul Water Drainage**

Existing foul water easement is being retained. There are two separate points of connection due to the steep site. The Applicant should provide evidence of confirmation from Welsh Water that a connection onto the public foul sewer is a feasible option.

### **Overall Comment**

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- Redesign of the surface water drainage strategy in line with our comments above;
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- 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;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;

- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

Any discharge of surface water or treated effluent to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

#### 4.9 The Waste Manager comments:

Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin.

The area is currently accessed by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the private road it would need to be constructed to the specification for adoptable roads as specified in “Highways Design Guide for New Developments” and “Highways Specification for New Developments”. A risk assessment would also need to be passed.

If road is not to be constructed to adoptable standard, a suitable site needs to be identified where bins can be placed on collection day, for example an area of hard standing to one side of the entrance to the development. Collection points should be in accordance with ‘Guidance Notes for storage and collection of domestic refuse and recycling’.

## 5. Representations

#### 5.1 Llangrove Parish Council comments:

Whilst there is no objection to the application and the reduction of houses from 10 to 5 is supported, it is strongly suggested that the hedge be kept to retain the rural character of the area as well as the public house. A country feel is vitally important for the economic viability of the public house which fears for its future if it's outside area faces an urban view of buildings and tarmac rather than the current countryside hedgerow. Furthermore, on the grounds of road safety it is suggested that the proposed access should be moved to a more suitable area.

#### 5.2 28 letters of objection have been received, comments are summarised as:

- The area has been ruined by development
- Impact on landscape
- Impact on character of village
- Llangrove has taken enough development
- Concern regarding access
- Loss of hedgerow
- Impact on viability of the public house
- Highway and pedestrian safety
- Loss of amenity
- Criticism of developer consultation exercise
- Concern regarding sewerage and surface water drainage
- Impact on heritage assets
- Loss of open green space
- Housing proposed does not meet needs of Llangrove
- Loss of views



- Impact on area during construction phase
- Should be left as open space
- Impact and harm to ecology and biodiversity

5.3 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=182775&search=182775](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182775&search=182775)

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

### Legislation

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." The development plan is the Herefordshire Core Strategy.

With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the build its setting or any features of special architectural or historic interest which it possesses."*

### Herefordshire Local Plan Core Strategy

- 6.2 Core Strategy Policy SS1 – Presumption in favour of sustainable development, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.3 Core Strategy Policy SS2 – Delivering new homes sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.4 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.5 Core Strategy policy SS7 – Addressing climate change describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- Focussing development to the most sustainable locations
  - Delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.6 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.

6.7 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Llangrove is one of these settlements and is within the Ross on Wye HMA. Policy RA2 sets and housing proposals will be permitted in the identified settlements where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Core Strategy policy LD1 criteria require new development must 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.

#### National Planning Policy Framework

- 6.8 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.9 Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.10 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.11 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.12 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing 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. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.13 This position was crystalised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasise here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*
- 6.14 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.15 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*. Paragraph 127 outlines planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.16 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

- 6.17 Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.18 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

#### Background

- 6.19 It is important the Committee is aware of the circumstances which have led to the proposal taking the form, scale and layout proposed. Extensive pre-application discussions for ten dwellings, which included consultation with the local community, has underpinned the proposals. Through this process the density of development has halved and open space and landscaping components significantly increased.
- 6.20 The Housing Market Area Assessment (HMA) for the Ross on Wye HMA within which Llangrove is located, identifies particular need as follows:

<u>Type/size</u>	<u>Additional homes 2011-2031</u>
1 bedroom	80
2 bedroom	303
3 bedroom	703
4 bedroom	31

- 6.21 It would normally be anticipated that an application site of this size would deliver a higher density of development than that proposed. Furthermore in line with CS policies SS1, SS2, H3, RA1 and RA2, a greater mix, so as not to be conflict in with those policies, particularly in the context of the not insignificant delivery of four bed units both within Llangrove and the Ross on Wye HMA.
- 6.22 In the context of the initial pre-application discussion, the salient points were confirmed to the applicants as follows:
- Ten houses represented a potential under development of the site and an avoidance of triggering affordable housing and s106 contributions and the housing mix proposed would not have satisfied CS policies
  - 'open space' should be coherent with the village and be usable to the wider community
  - Development here must enhance the setting of the village or act or reinforce a gateway location
  - A high quality proposal that enhances the village in appearance and functionality is crucial and expected
- 6.23 This informal advice notwithstanding the current proposal was evolved following careful consideration of the community's aspirations and to meet competing demands. The result was that a far lower density of development was preferred with more open space proposed both for functional and contextual gains.

## Assessment

- 6.24 The site is by virtue of its location and context clearly within the main built form of Llangrove (described by the emerging NDP(Reg 14) as being within the village centre). Furthermore the site is allocated within the emerging NDP for housing development. Upon assessment of the site and Core Strategy policy RA2, the site is considered to be appropriately and sustainably located and suitable for development. In principle development would also satisfy the sustainability aims and objectives of the Core Strategy and NPPF.
- 6.25 There are several historic, although undesignated, buildings located around the proposed site boundary which are detailed on the earliest Ordnance Survey mapping. Given their age, historic associations, and evidential value, they are considered non-designated heritage assets in planning terms. They include the Royal Arms public house; Hazelnut Cottage; The Sycamores; Bannut Tree; Oak Cottage; and Wyeseide.
- 6.26 It is considered that the proposed layout echoes aspirations of the emerging NDP, featuring a linear form of two storey development, set back from the road behind significant green landscaping which along with ecological and drainage benefits, has the dual purpose of creating a sense of width along this section of road, where currently there is a feeling of enclosure and a 'tunnel' like effect. The layout allows both suitable visibility splays and pedestrian refuge. It also maintains the amenity of the existing frontage dwellings and public house on the south side of the road opposite the site. The layout arrangement also protects and retains numerous views through and across the site.
- 6.27 In respect of the public house, which is considered to be an undesignated heritage asset by virtue of its age and historic social function, and its outdoor patio area which fronts the highway, significant separation between it and the proposed dwellings is afforded. The nearest dwellings on plot 2 and 3 being 23 – 25 metres away on the opposite side of the highway with a planted green landscape buffer in-between. It is also noted there is a 16 metre width gap between plot 3 and 4 due to a sewer easement which enables views from the patio area to the countryside beyond.
- 6.28 The setting and amenity of Oak Cottage and Bannut Tree, located to the north east of the site has been an important consideration based upon the local heritage value of the dwellings and their size, scale and relationship to the application site. There is separation of some 30 metres between the cottage and nearest proposed dwelling on plot 5, with retained hedgerow and significant open green space areas providing further screening and protection of setting and amenity.
- 6.29 In addition to the frontage open space, significant land is given over to the eastern section of the site which features a balancing pond and fully accessible amenity landscaping.
- 6.30 It is considered that a positive sense of openness and greenness is retained despite accommodating vehicular access and five dwellings. It is considered in both landscape and built form terms that the proposal provides not only an appropriate response to context, but also enhances what is a gateway location and wider setting of Llangrove. The removal of the existing hedgerow enables an enhanced visual experience, and sense of widening the road. Whilst valued by many objectors, the hedgerow is of limited and low ecological merit and the compensatory and overall planting and landscaping offered represents a significant enhancement in ecological and landscaping terms. Indeed, the existing hedgerow obscures mid and long range views whilst the proposal opens up the site and enables these views to be experienced from street level.
- 6.31 The five dwellings are formed of three different designs all with a rural vernacular aesthetic with a common use of materials – coursed stone, render, fibre cement slates, stained timber and design detail elements for a cohesive appearance.

- Design Type A (Plot 2 and 4) has a T shape plan with asymmetric front gable design and dormer window on the principal elevation. The dwellings measure 11.2 x 9.9 metres over maximum extent with a height to ridge 7.9 metres.
- Design Type B (Plot 3 and 5) has a broadly square plan, with principal elevation featuring bay windows linked to an open timber framed porch with three dormers within the eaves line. The dwelling measures 10.9 x 9.2 metres over its maximum extent with a height to ridge 7.9 metres.
- Design Type C (Plot 1) has a rectangular plan, with principal elevation featuring stone porch with dormers at first floor level incorporated flush into the principle elevation. The dwelling measures 11.9 x 9.6 metres over its maximum extent with a height to ridge 8.1 metres.

- 6.32 It is considered that the design and form is of a scale, mass and appearance reflective and responsive to its rural context and is of a suitably high standard so that the design aims and objectives of CS policies RA2, LD1 and SD1 are satisfied. Combined with the landscaping and layout details this provides a positive contribution to the character and appearance of the village. Conditions ensure the materials and finishes proposed are utilised.
- 6.33 The nearest listed buildings are some distance from the site. The nearest is the Grade II Llangrove Cottage, a former rectory, now farmhouse dating from 1824, set back on the south side of the highway and around 50 metres from the nearest proposed dwelling with intervening buildings obscuring direct visibility. The Grade II listed Christ Church dates from 1854/6. The nearest part of the site is around 150 metres from the Church with nearest proposed dwelling over 180 metres distant, with no direct views due to intervening development and landscaping.
- 6.34 On the basis of the above there is no harm to the setting of designated heritage assets and with regards to all of the above, no heritage grounds to resist the development. As described above, the setting of unlisted heritage assets, particularly the public house and Oak Cottage, has been taken into account and informed the proposal. Indeed it is considered with regards the public house and Hazlenut Cottage, their setting has been enhanced. The proposal is therefore considered to satisfy the heritage criteria of policies RA2, LD1 and LD4 and the relevant heritage aims and objectives of the NPPF.
- 6.35 Technical matters regarding highway safety, access and drainage have been assessed and no technical grounds identified to resist development. The proposal, through its proposals and conditions listed below, will mitigate its impact and in a number of scenarios, be an improvement over the existing situation. Although the road is not to be widened, the opening of the site reduces the enclosed nature of the pinch point hereabouts, pedestrians are able to walk off the road and the access would act as an informal passing place.
- 6.36 With regards to impact on the viability of the public house no evidence is provided to support these claims. Housing is directed to RA2 settlements such as Llangrove in part to support local services and facilities. As Llangrove is neither in an AONB, on the main tourist routes or a main tourist location within the county, Officers are not convinced given no evidence has been provided, that the development would undermine any perceived tourist enjoyment of the village or its facilities.

#### Summary

- 6.37 As outlined within the background section above, to deliver the preferred low density of development and retain more open space the delivery of smaller and affordable units could not be secured. A number of highway and pedestrian improvements have been secured. It is noted in addition to the above, emerging aims and objectives regarding development of the site as

one designated within the emerging NDP are also met with regards form, layout, drainage and landscaping.

- 6.38 The ecological enhancements and infrastructure are of an exemplar nature and combined with landscaping and built form design, are considered to result in a high quality development which enhances the gateway nature of this part of the village and setting of Llangrove. The loss of hedgerow to facilitate the access specification is more than compensated for by comprehensive new planting, improvements to the experience of the immediate area and is considered to contribute to the overall raft of enhancements from the proposal.
- 6.39 As such the proposal is considered to be a high quality response to context which delivers tangible enhancements to the character, appearance and setting of Llangrove. There are no technical reasons to resist development, and given the Council's housing land supply position, limited weight to the emerging NDP and locational sustainability of the proposal, approval is recommended.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans**
- 3. All foul water from the dwellings approved under this Decision Notice shall discharge through a connection to the local Mains Sewer network unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

- 4. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

- 5. The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended in the submitted ecology report by AVA Ecology dated July 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 6. Prior to commencement of any site clearance or works on site a detailed hedgerow translocation and establishment plan; and a Wildlife Pond Method and Management**

**Statement, should be supplied to this planning authority for approval. The approved plans shall be implemented in full as stated and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.**

- 7. H03 - Visibility splays, 2.4m X 42m eastbound, 35m x 2.4m westbound**
- 8. H06 - Vehicular access construction**
- 9. H09 - Driveway gradient**
- 10. H13 - Access, turning area and parking**
- 11. H20 - Road completion in 2 years**
- 12. H21 - Wheel washing**
- 13. H27 - Parking for site operatives**
- 14. H29 - Secure covered cycle parking provision**
- 15. C01 - Samples of external materials and finishes**
- 16. F14 - Removal of permitted development rights**
- 17. F16 - No new windows, dormers or rooflights in any elevation or roof slope**
- 18. G02 - Retention of trees and hedgerows**
- 19. G04 - Protection of trees/hedgerows that are to be retained**
- 20. G10 - Landscaping scheme**
- 21. G11 - Landscaping scheme – implementation**
- 22. G14 - Landscape management plan**
- 23. G15 - Landscape maintenance arrangements**
- 24. G16 - Landscape monitoring**
- 25. Drainage condition**

#### **INFORMATIVES:**

- 1. IP1 - Application approved without amendment**
- 2. HN01 - Mud on highway**
- 3. HN04 - Private apparatus within highway**



4.        **HN05 - Works within the highway**
5.        **HN10 - No drainage to discharge to highway**
6.        **HN24 - Drainage other than via highway system**
7.        **HN28 - Highways design guide and specification**

Decision: .....

Notes: .....

.....

### **Background Papers**

Internal departmental consultation replies.

