

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 March 2019
TITLE OF REPORT:	182822 - ERECTION OF 2 DWELLINGS AND ASSOCIATED GARAGING AND REVISED VEHICULAR ACCESS FOR PLANNING APPROVAL 180075/F AT COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ For: Mr Frances per Ms Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182822&search=182822
Reason Application submitted to Committee – Re-direction	

Date Received: 16 August 2018

Ward: Birch

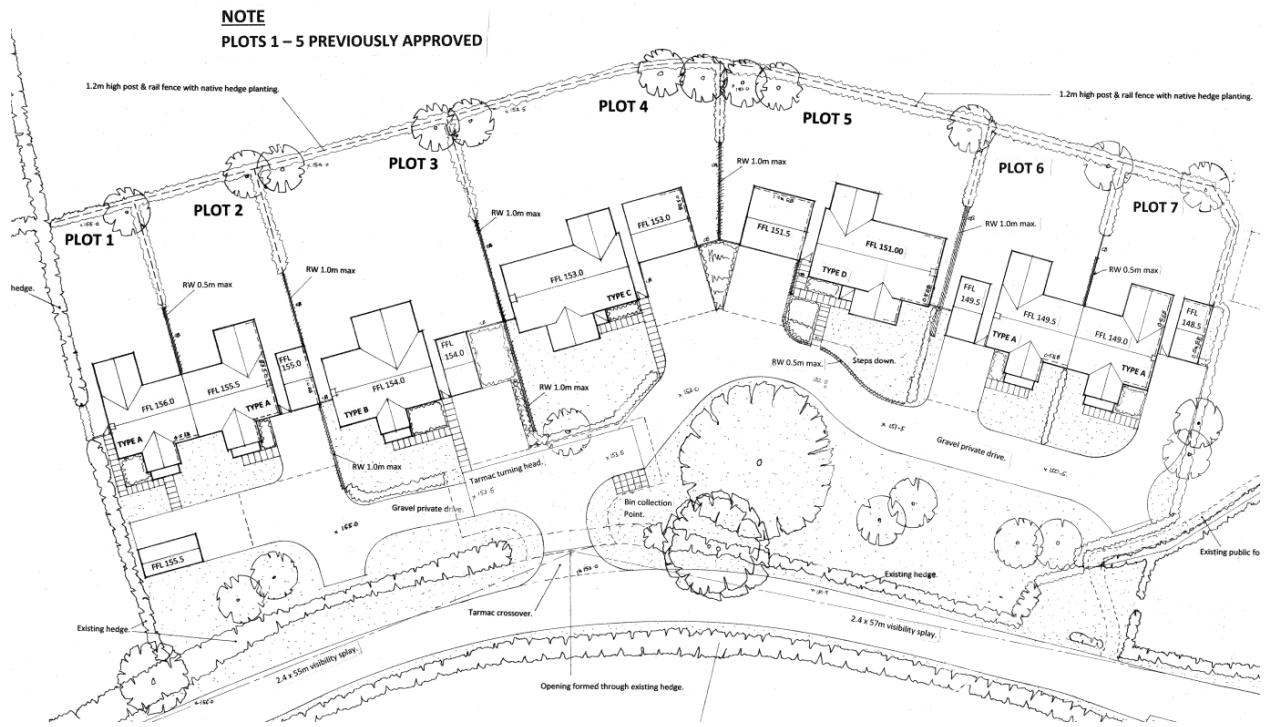
Grid Ref: 345890,222649

Expiry Date: 11 October 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 This application seeks full planning permission for the erection of two dwellings located to the south of the C1239 which runs through the centre of Garway. The site adjoins a previously approved scheme (under ref: 180071) for five dwellings and will utilise the access approved under that permission.
- 1.2 The site itself benefits from a hedgerow along the boundary with the road with a public footpath (GW32) to the west which provides the existing vehicular access into the site. This would be closed as part of the proposal. The site falls gently from east to west.
- 1.3 The scheme proposed includes two semi-detached properties which are handed versions of each other. They will each accommodate a study, sitting room and kitchen on the ground floor with three bedrooms, en-suite and bathroom on the first floor.
- 1.4 The block plan below indicates the five dwellings permitted under ref: 180071 to the north of the site (plots 1 – 5) and the proposed semi detached dwellings under the current application (plots 6 & 7).



2. Policies

2.1 Herefordshire Local Plan – Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA2 - Housing in Settlements Outside of the Hereford and the Market Towns
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

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

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

2.2 Garway Neighbourhood Development Plan (currently at Regulation 14 stage)

- GAR1 - New Housing Development in Garway Village and Broad Oak
- GAR2 - Design in Garway Parish
- GAR3 - Flooding and Drainage
- GAR4 - Protecting Local Landscape Character
- GAR5 - Dark Skies
- GAR10 - Highways and Transport

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2.3 National Planning Policy Framework (2019) (NPPF)

- | | | |
|------------|---|---|
| Chapter 2 | - | Achieving Sustainable Development |
| Chapter 5 | - | Delivering a Sufficient Supply of Homes |
| Chapter 9 | - | Promoting Sustainable Transport |
| Chapter 12 | - | Achieving Well-Designed Places |
| Chapter 14 | - | Meeting the Challenge of Climate Change, Flooding and Coastal Changes |
| Chapter 15 | - | Conserving and Enhancing the Natural Environment |

3. Planning History

- 3.1 **180075/F** – Proposed erection of 2 dwellings and associated garaging and new vehicular access. Withdrawn
- 180071/F** – Proposed erection of 5 dwellings and associated garaging and new vehicular access. Approved (directly to the east of application site)

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – no objection

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department 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.

4.2 Natural England – no objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

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 Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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.

Internal Council Consultations

4.3 Public Right of Way Officer – qualified comment

Public footpath GW32 is in close proximity to the development, particularly the drainage treatment plant. The footpath must not be affected in any way.

4.4 Conservation Manager (Landscape) - no objection

Following on from a further site visit to review the additional proposed dwellings, I have no objection from a landscape perspective the context of the built form already exists in terms of the permitted site.

I do not consider that 2 further units will impact on the residential amenity of the neighbouring Court cottage. However I would like to draw to the attention the following:

- Two additional units will encroach into the landscape surrounding the PROW. I do consider a landscape buffer is required between the two to reduce any harmful visual effects.
- The proposed hedgerow to the south of the units is not a sufficient landscape buffer to reduce harmful visual effects from long views which could experience a bank of housing.
- A landscape plan is therefore required as part of the application to encompass the aforementioned points.
- This landscape plan should include the specimen oak shown to be retained, a condition should be applied in relation to the protection of the tree and roadside hedgerow during the construction phase.
- A further condition should be applied in relation to the management of the existing and proposed planting for a period of up to 10 years.

Following the submission of landscape plans, the Landscape Officer comments as follows:

I have seen the amended strategic landscaping plans drawing no. 1620/55, I am satisfied with the planting proposals shown, please apply the appropriate condition in relation to implementation of the scheme.

A management plan should be sought via a condition in order to ensure the successful establishment of the new planting.

4.5 Conservation Manager (Arboriculturalist) – no objection

There is a mature Sycamore tree which is a significant landscape feature which must be adequately protected for the duration of the development; the proposed access road appears to be close to the rooting area of the tree.

Planning application ref 180071 is directly adjacent to this site, it contains the tree and is conditioned that a BS5837 report is submitted prior to the commencement of any development (condition 6). This report should provide sufficient information required for the protection of the tree.

4.6 Conservation Manager (Ecology) – no objection

Based on adjacent application a detailed ecology report by Janet Lomas was submitted and this can be considered relevant and appropriate to this application as well and the recommendations, including biodiversity enhancements should be secured through a relevant condition (as adjacent application).

4.7 Transportation Manager – no objection

The access has been approved under the previous application for 5 dwellings. The addition of two dwellings would not be classed as severe. The turning head and access should be built to adoptable standard.

4.8 Neighbourhood Planning Manager – no objection

The Garway neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken on 23rd January 2019 and ends on the 6th March 2019.

At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore as the decision makers are unable to evaluate the extent of any unsolved objections.

We have not yet received confirmation of conformity of the plan with the adopted Herefordshire Core Strategy and the National Planning Policy Framework from the Strategic Planning team as part of the Regulation 14 consultation.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan.

5. Representations

5.1 Garway Parish Council – object

- 1) Although planning has been granted for the 5 dwellings The Parish Council requested that 1 of the dwellings were semi detached, this was to address the balance of top heavy executive development in the village, however this was not addressed and was ignored and planning permission was given as per the application.
- 2) With regard to 2 further dwellings in close proximity to the approved 5 dwellings The Parish Council consider that although they are semi detached the planning consultant has erroneously identified this green field site as being an extension of ribbon development, including a brown field site. The Parish Council wish to advise that planning permissions granted relating to the brown field sites has lapsed.

5.2 Ramblers Association – comments

Public footpath Garway 32 (GW32) appears to be affected by the development, and we wish to make the following comments.

- The Rambler's Association regrets the loss of public visual amenity available from GW 32 when walking north up the hill towards the proposed development and visual amelioration measures should be considered in any permission granted.
- It is noted that the stile proposed in the previous application (180075) is not shown on the site plan, which indicates completely open access to the agricultural land to the south. If at some later stage a gate is required to prevent livestock access to the public road, the landowner must obtain permission from Herefordshire Council to erect the gate under s147 of the Highways Act 1980.
- The 'native hedge planting' shown on the landscaping plan adjacent to the footpath should allow a minimum width of 2 metres for the footpath so that all members of the public can access the path to the south. This should be specified in any permission granted. It is recommended that maintenance of the hedge, especially any overgrowth of the footpath, be included in whatever arrangements are made for maintaining the shared areas of the proposed development, for example by means of a management company

The proposed development will not directly affect the legal line of public footpath GW32 that runs outside the application site boundary through the neighbouring property. However this route is currently inaccessible to the public and the proposal provides an opportunity to resolve public access to the full length of this wonderful footpath offering extensive views & picnic spots towards the west.

Consequently the Ramblers' Association recommends that the footpath proposed on the site layout plan be designated a public right of way, either:

- By a path creation agreement between the developer and the Council (to eliminate the need for a diversion or extinguishment order) or,
- By diversion of the existing path, currently recorded running through the neighbouring property, under the Highways Act 1980 s119 onto the line depicted on the plan.

5.3 To date a total of five representations have been received from 3 households. The comments therein are summarised below:

- Permission for five houses has already been granted which is actually way beyond where Garway Village effectively ends
- Existing planning already puts pedestrians at risk. Large farm vehicles use the lane several times a day. The traffic assessment does not seem to take this into consideration
- Apart from extra noise and light pollution at night, traffic to and from the two sites will significantly increase the present vehicle usage on the road
- Site is not in NDP
- Garway is poorly served by public transport with narrow roads and a shop at Broad Oak away from most of the sites already agreed. Socially this is a huge increase of residents
- Argument that the school site and village hall may be developed isn't relevant and adds to fact that there could be houses on brown field which will have less impact
- What would the economic benefits be and what will the environmental impact of encouraging more houses in a remote place

- Policy of allocating a target number of houses gives until 2031 which gives another 12 years to fill quota
- Council policy does not look at neighbourhoods it looks at targets for villages. There will be a huge impact on people already living here
- Concerned about the fate of the sycamore tree. This should be retained at all costs. Ash tree growth from adjacent hedgerow needs cutting down to hedge height as it is affecting the symmetry of the sycamore crown
- Addition of two extra dwellings adds insult to injury and is an unappealing attempt to squash in as many houses as possible
- This application is just a bigger blot on the landscape
- The new Garway Community Hall was specifically aiming to attract young parishioners. Why is there no starter homes? The proposal will only attract city workers
- Would be great if application could be put on hold at least until the team at the Council looking at the Neighbourhood Plans consults with the Planning team
- Plead for sanctity of green pasture whilst brown field sites are available for appropriately priced, sensibly sized accommodation for first time buyers
- While there are only 3 objections to this application, the total of 33 representations across all applications on the site should be given full weight
- Design and access statement does not add substantially to an argument to support the application
- While the application states the proposal will enhance economic, environmental and social factors, no justification of this assertions are given
- No prospect of employment, no affordable housing so that young families can continue to live in the area they were born and rural aspect will be destroyed by addition of what is essentially a suburban development
- The fact that the foul drainage plant is very close to the footpath casts doubt on the whole development
- Previous application stated that a second access was unacceptable and extra houses could be added only if the single access is upgraded to adoptable standards. A footpath across the front of the site is also mentioned under previous comments but this would raise local objection with further destruction of existing hedgerow and would be out of keeping with rural setting
- Draft NDP should be given full support as a genuine reflection of democratic opinion
- The Landscape Officer comments mentions an oak tree. I think she refers to the sycamore tree

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182822&search=182822

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

Procedural matters

6.1 An application for two dwellings was withdrawn on the site in June 2018 following concerns regarding the achievable visibility from the access and comments received from the Council's Landscape Officer. The current application looks to utilise the access approved for the scheme for five dwellings (ref 180071) as opposed to a separate one as previously proposed and is submitted with additional landscaping measures.

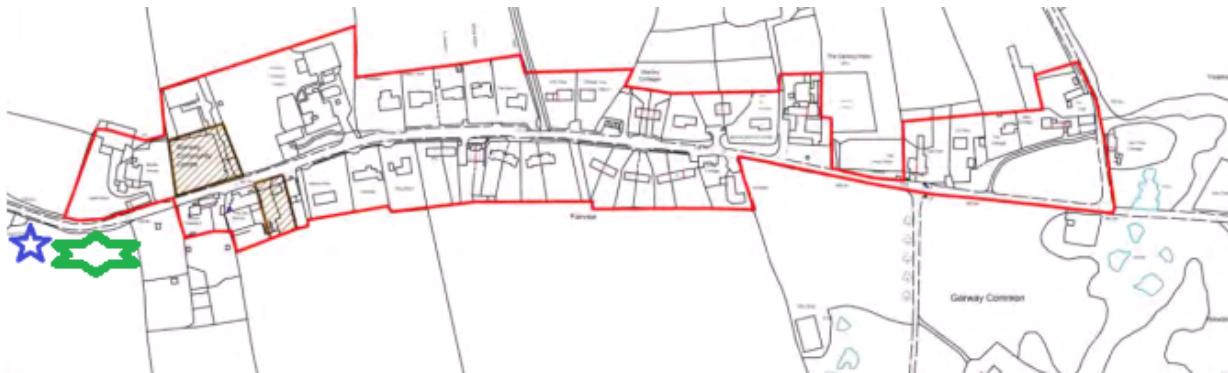
Policy context and Principle of Development

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Garway Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 18 January 2019. The consultation ran until 6 March 2019.
- 6.4 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.
- 6.5 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and 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 in this Framework 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. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.
- 6.6 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.7 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Garway is identified as a settlement within figure 4.14.
- 6.9 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above and confirmed by the Neighbourhood Development Plan Manager, at this stage the NDP policies for Garway can only be afforded limited weight.

- 6.10 With the foregoing paragraph in mind, it is the relationship between the proposal site and main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the blue star, with the red line of the settlement boundary contained at policy GAR1 of the NDP. The green star indicates the previously approved scheme for 5 dwellings.



- 6.11 The site is clearly outside of the settlement boundary included within the emerging NDP. Notwithstanding this, Garway as a settlement benefits from a primary school, public house and village hall situated along a linear pattern straddling both sides of the C road. Noting the extant permission for five dwellings that the proposed two would adjoin, the current application will continue the linear nature of the settlement westwards in a way that is in keeping with the pattern of development.
- 6.12 The proposal is for two 3 bedroom dwellings. Within the Ross-on-Wye Housing Market Assessment the main requirement is for 3 bedroom dwellings (at 63.2%) followed by 2 bedrooms (at 24.3%). With this in mind, the proposal accords with the hierarchy of dwelling sizes. While the comments regarding bedroom numbers within the representations are noted, and it is appreciated that across this proposal and the scheme already approved there will be a total of 5 x 3 bedroom properties, 1 x 4 bedroom and 1 x 5 bedroom, only the current application can be assessed. The majority of the dwellings however will be three bedrooms across the two schemes which is the most needed in this housing market area.
- 6.13 With the above in mind, and the limited weight of the NDP, the principle of development is found to be compliant with policy RA2 which is afforded greater weight at this time.

Landscape and visual impact

- 6.14 Notwithstanding the foregoing paragraphs, policy RA2 makes it clear that housing proposals will be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by policy LD1 which states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale nature and site selection, protection and enhancement of the setting of settlements. This is reinforced through policy GAR4 of the NDP which seeks to protect the landscape character of the settlement.
- 6.15 The settlement is largely spread along the road and while there are several examples of direct relationships between the road and dwellings along it, there are examples of joint accesses and dwellings being set further back. Dwelling types within the settlement vary - it consists of semi detached and detached properties, single storey and two storey. Given the topography, there are several instances where the dwellings sit higher than the road and as such are accessed via inclining driveways. This is the situation for the scheme of five dwellings permitted to the east of the proposal site. The extension of this with an additional two dwellings is not found to be out of character with other developments in the settlement.

- 6.16 The comments from the Council's Landscape Officer and Ramblers Association are noted, and while the proposal will be located nearer to the public right of way, subject to the amended landscaping plan being implemented the visual impact on the users of the footpath will be reduced.
- 6.17 With the presence of the five dwellings having already been assessed under that application, the addition of two dwellings is not found to affect the landscape character at this point of the settlement to a degree that would justify refusal of the application.
- 6.18 With regard to the comments of the Ramblers Association and the public right of way, this lies wholly outside of the application site and any diversion is not a pre requisite of the application. As such, an informative will be placed on any approval ensuring that the applicant is aware that the permission would not extinguish any rights of way or imply that such rights of way may be diverted or otherwise altered.
- 6.19 In light of the above, and the measures that have now been included within the application, it is found to preserve the character of the wider settlement and landscape and therefore accord with policies LD1 and GAR4.

Design and amenity

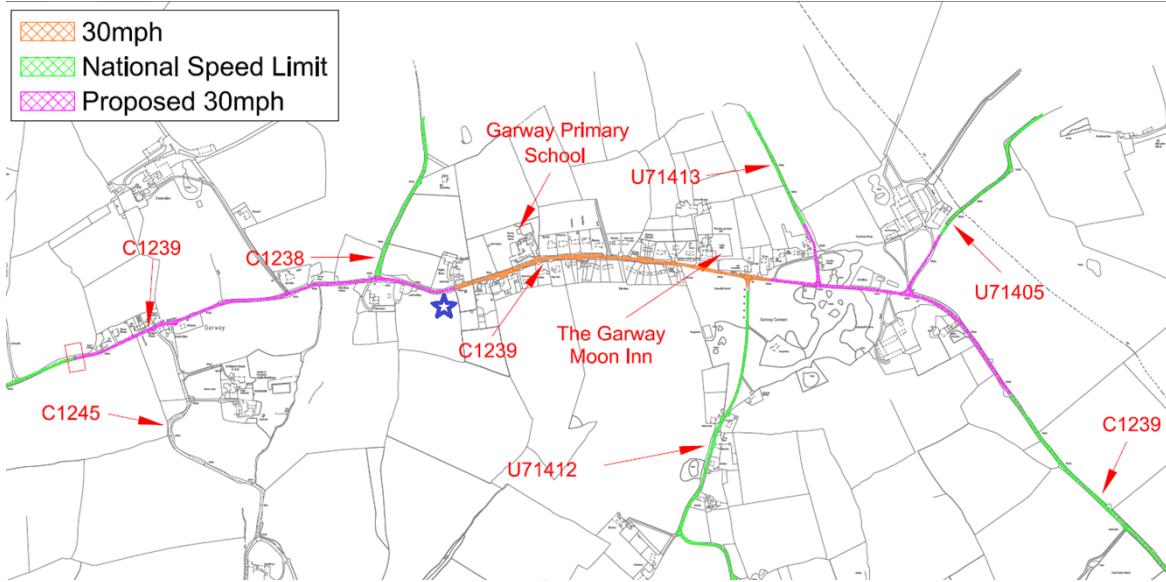
- 6.20 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact. These criteria are reflected through policy GAR2 of the NDP. Paragraph 127 of the National Planning Policy Framework reinforces this further by stating that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.21 The semi detached dwellings proposed will be constructed from stone elevations and slate roofs. There is a variety of materials within Garway as a whole, including facing redbrick, stone and rendered elevations. As such, the materials proposed are found to be in keeping but exact details will be conditioned on any approval.
- 6.22 While semi-detached, the dwellings have traditional cottage proportions with projecting gables to the front and rear and stone quoining details. The NPPF makes it clear that proposals should respond to local character and history, and reflect the identity of local surroundings and materials, however, planning decisions should not attempt to impose architectural styles of particular tastes. It is however important to promote or reinforce local distinctiveness. Noting the five dwellings already permitted and the variety of materials and dwelling types within Garway as a whole, the proposed two dwellings are found to be in keeping. For reference, the elevations of the two proposed dwellings can be found below.



- 6.23 The properties will benefit from a single garage located to the side elevation of the dwellinghouse. Given the scale and siting of these, the dwellings will be the dominant features on the site with the outbuildings being suitably subservient.
- 6.24 Moving onto the impacts of the proposal on residential amenity, the windows are mainly sited on the front and rear elevations of the properties. These will look onto the gardens and driveways associated with each dwelling. The one side window located at ground floor of each dwelling will look onto the garages. With this in mind, the proposal is not found likely to lead to overlooking issues for neighbouring properties.
- 6.25 With regard to overshadowing, noting the distance from the nearest neighbouring dwelling (Court Cottage which lies approximately 20m to the north west and is within the applicants ownership), this is not found likely to lead to issues that would be detrimental.
- 6.26 In relation to the amenity of future occupants, the dwellings will benefit from adequate private amenity space to the rear. The treatments that are proposed to demarcate the boundary of the site from the wider field include a post and wire fence with native hedgerows. The Landscape Officer has had sight of this and is satisfied that this provides an in keeping boundary that protects the wider landscape while providing an adequate screen for the use of the area as a rear garden.
- 6.27 With the site falling from east to west, and the adjacent five dwelling scheme and Court Cottage located to the west, it is found appropriate to condition slab levels on any approval to ensure that the dwellings work work the topography of the site and result in a development to contributes positively to the streetscene.
- 6.28 In light of the above, and subject to the imposition of relevant conditions, the proposal is found to be compliant with the CS and NDP policies in relation to design.

Highways safety

- 6.29 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109). Policy GAR10 of the NDP requires new development to provide safe and suitable access by focusing development on the main road that forms the spine of the linear Garway village as well as include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.30 The access approved under the adjacent permission will be utilised by the current application. This access benefits from visibility splays measuring 55m to the east and 57m to the west all accommodated within highways land or land under the ownership of the applicant. These visibility splays are acceptable and meet the standards required before a Traffic Regulations Order (TRO) was approved across Garway in November 2018 and extended the 30mph areas across the front of the site and approximately 730m to the west (indicated on the map below). The splays are therefore in excess of what is required in relation to the speed of the road.



- 6.31 With the access now serving a total of 7 dwellings it will be built to adoptable standards. A tarmac turning head is proposed at the front of the site with a turning area proposed at the eastern end of the two plots for consideration under this application. With the scheme being for two 3 bedroom properties a minimum of two car parking spaces are required per dwelling. The block plan indicates a double parking area for each dwelling which is adequate and meets the standards contained within the Council's design guide.
- 6.32 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change. The site is in close proximity to the facilities that Garway has to offer and while there are no pavements directly adjacent to the site this is not uncommon for a rural settlement.
- 6.33 As stated above, the access has already been approved and the intensification of this (once built to adoptable standards) is found to be acceptable. The comments received from the Council's Transportation Manager endorse this view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS and GAR10 of the NDP.

Ecology

- 6.34 Policies LD2 and LD3 of the CS are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.35 While not submitted with this application, reasonably, the ecology survey that accompanied the adjacent development is relevant (this included the current application site). The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections to a HRA AA that was submitted for their approval.

Drainage

- 6.36 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). The need for new developments to include adequate surface water drainage measures (including Sustainable Drainage Systems) to protect existing and new development from flooding is also a requirement of policy GAR3 of the NDP.
- 6.37 The application form accompanying the proposal states that private treatment plants will be utilised for foulwater and soakaways for surface. Given the size of the land within the ownership of the applicant these are found to be acceptable methods but exact details will be conditioned on any approval.

Summary and conclusions

- 6.38 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.39 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.40 The site is found to be located adjacent to the main built up part of the settlement and while it is outside of the settlement boundary included within the NDP, as this has limited weight at the present time, the benefits of the proposal as a whole are to be assessed.
- 6.41 Highways and landscape concerns that were identified under the previous (withdrawn) application are found to be overcome with the utilisation of the approved access and additional landscaping. The design of the dwellings continues the vernacular of the already approved scheme and is in keeping with the variety of the dwellings within the settlement as a whole.
- 6.42 While the concerns within the representations are noted, the development is not found to give rise to harm that outweighs the benefits of the scheme. In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward two dwellings in a location that is adjacent to the built up part of the settlement with the associated economic and social benefits that small developments in rural hamlets support.
- 6.43 Officers are content that there are no other matters of such material weight that would justify withholding planning permission and the application is accordingly recommended for approval.

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. C01 Time limit for commencement (full permission)
2. C07 Development in accordance with approved plans and materials
3. C13 Samples of external materials
4. C96 Landscaping scheme
5. C97 Landscaping scheme implementation
6. C90 Protection of trees/hedgerows that are to be retained
7. CCK Slab level details
8. CC2 External lighting
9. CBO Scheme for surface water disposal
10. All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or Soakaway features.

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

11. CE6 Efficient use of water
12. C65 Removal of permitted development rights
13. CAB Visibility splays
14. CAH Driveway gradient
15. CAP Junction improvement/off site works
16. CAJ Parking - estate development (more than one house)
17. CAK Parking and turning
18. CAS Road completion in 2 years
19. CAT Wheel washing
20. CAZ Parking for site operatives
21. The ecological protection, mitigation, compensation and working methods scheme including the Habitat Enhancement Strategy and Management Plan, as recommended in the reports by Janet Lomas dated November 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

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 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I11 Mud on highway
3. I09 Private apparatus within highway
4. I45 Works within the highway
5. I05 No drainage to discharge to highway
6. I43 Protection of visibility splays on private land
7. I47 Drainage other than highway system
8. I35 Highways design guide and specification
9. I18 Rights of way

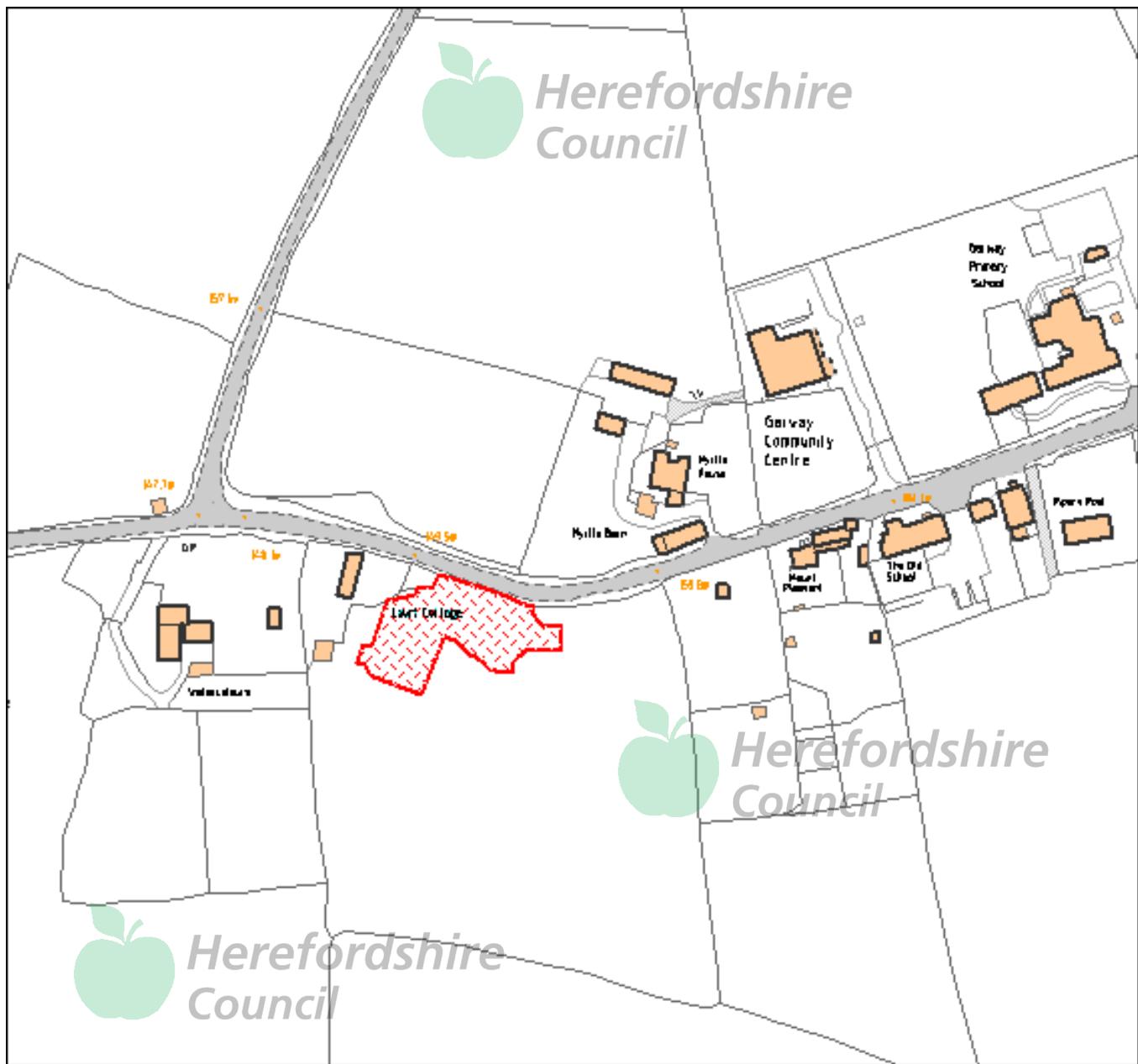
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182822

SITE ADDRESS : COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ

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