

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 April 2019
TITLE OF REPORT:	183951 - PROPOSED ERECTION OF TWO DETACHED DWELLINGS AND NEW VEHICULAR ACCESS AT LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK, HEREFORDSHIRE For: Mr Partridge per 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=183951&search=183951
Reason Application submitted to Committee - Redirection	

Date Received: 25 October 2018

Ward: Birch

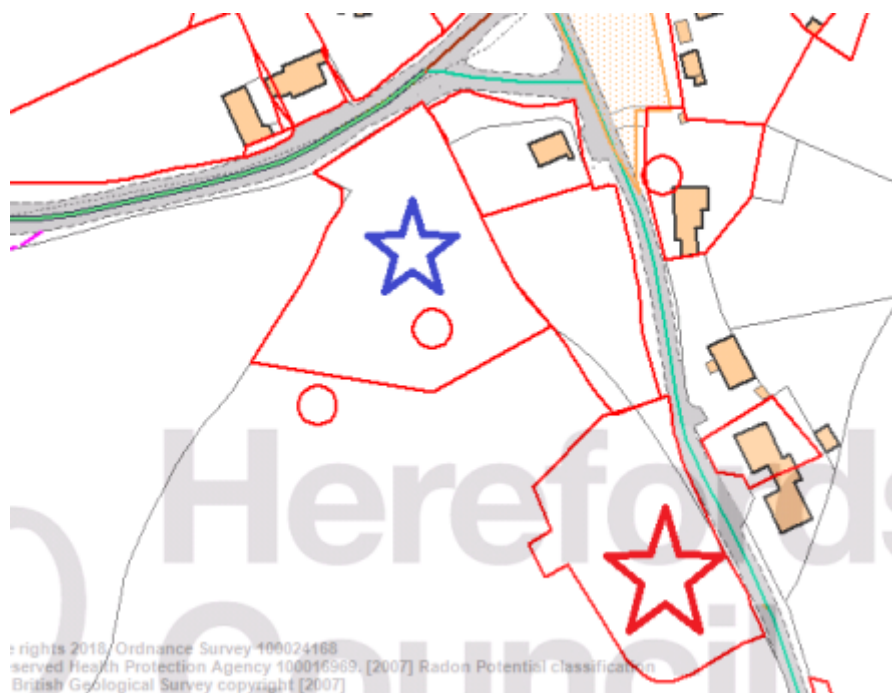
Grid Ref: 347991,221221

Expiry Date: 20 December 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site comprises of an agricultural field and lies to the south of the B4521 which runs through the centre of Broad Oak. The field is accessed by a field gate to the south (outside of the application site) and benefits from hedgerow along the boundary with the road. St Mary's Roman Catholic Church lies to the north of the site. The church is not listed but is regarded to be an undesignated heritage asset.
- 1.2 This application seeks planning permission for the erection of two detached properties (1 x 3 bedroom and 1 x 4 bedroom) to be accessed off a shared access to the south of the road. Each dwelling will accommodate a sitting room, dining room, kitchen, WC and utility on the ground floor with three bedrooms, study, one en-suite and one bathroom at first floor in house type E and four bedrooms, study, two en-suites and one bathroom at first floor in house type F.
- 1.3 To the south east of the application site, planning permission was granted for the erection of four dwellings (ref: 180061). Originally that application sought permission for the erection of 7 dwellings including three on the current application site. The three dwellings were removed from the previous scheme following concerns raised relating to scale of the scheme and the nature of the development – including its inappropriate cul-de-sac form and lacking a relationship with the road. Permission was subsequently granted for four dwellings on the adjacent part of the land. For ease of reference, this is indicated on the location plan below with the current application site identified by the blue star and permission 180061 identified by the red:



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

https://www.herefordshire.gov.uk/download/downloads/id/16834/draft_neighbourhood_development_plan_january_2019.pdf

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 **180061/F** – Proposed residential development 4 detached and semi detached dwellings. Approved (This scheme was reduced from 7 dwellings which initially included 3 on the current application site which were subsequently removed).
- 3.2 **DCSW2004/3507/O** – Site for erection of one chalet bungalow with garage. Refused (located directly to the east of the 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**

Upon receipt of a Habitats Regulation Assessment – Appropriate Assessment, Natural England have no objections to the proposal.

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 Special 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 Transportation Manager – no objection

The site is located within the main part of Broad oak and will benefit from the new 30 mph speed limit which is due to be installed soon. The provision of the new footway section at the front of the site will allow pedestrians a safe area rather than walking along the carriageway. With the introduction of the 30 mph speed limit and the introduction of footways for this and future developments, Broad Oak will increase the village environment; therefore have impacts on speed and drivers reactions.

4.4 Conservation Manager (Ecology) – no objection

Subject to Natural England approving the HRA appropriate assessment submitted to them an appropriate condition should be included on any planning consent granted

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water from the works approved under this Decision Notice 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. All surface water from this development shall discharge to appropriate SuDS or Soakaway features within the site boundary. The foul water and surface water management schemes shall be implemented as approved and hereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

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

From information supplied and images available to me I can see no immediate ecology related concerns with this proposal. There are no ecological records for or immediately adjacent to the site, but opportunistic protected species such as bats are recorded in the area and nesting birds could be present. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any site preparation and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further ecological information or include a generic wildlife protection Condition.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Nett Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first occupation of the dwellings approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements and FOUR bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Policy LD2 of the Herefordshire Local Plan – Core Strategy LD2, National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018)

4.5 Neighbourhood Planning Manager – comments

With regard to Garway NDP, weight can be attributed to neighbourhood development plan from the start of their Reg14 consultation.

Therefore for any NDP which have commenced their Reg14 consultation but have not concluded their Reg16 consultation the following will apply:

- a) The Garway neighbourhood plan has reached draft plan stage under Regulation14. The consultation was undertaken on 23 January 2019 to 6 March 2019
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore the decision makers are unable to evaluate the extent of any unsolved objections.
- c) The Strategic Planning team as part of the Regulation 14 consultation have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

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

4.6 Land Drainage Consultant – no objection

The drainage strategy supplied for the discharge of condition application for the neighbouring site (ref: 184499 for the previous application 180061) included the current site. The Consultant is satisfied with the details therein commenting as follows:

A hydrobrake of 107mm has now been proposed in the MicroDrainage submission and demonstrated on the site plan. It has now also been demonstrated on the drainage layout plan that the wet area is 55m2.

The drainage layout plan now also states that the distance from the pond to the headwall is approx. 181m. It also demonstrates the use of check dams in the permeable paving.

5. Representations

5.1 Garway Parish Council – object

The Parish Council met on Monday 10th December and RESOLVED: to Object to the application as the access is of concern under highway safety core strategy policy MT1 and the Parish Council concur with Natural Englands comments which say:

"We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

5.2 To date a total of 9 representations have been received comprising of 3 letters of objection and 6 of support.

The contents of the objecting representations are summarised below:

- would constitute development in open countryside
- traffic survey accompanying the proposal was carried out over a relatively short period. One accident does not record the number of near misses
- new access increases risk of accident, including for dwellings opposite when pulling out of driveways
- the size of this development, along with others already approved, results in a disproportionate development with Broad Oak. Especially if developments in Garway are taken into consideration
- field adjacent to the B4521 where dwellings will be located often sits wet over the winter. Any development will only add to drainage issues
- Council maintained ditch and underground drainage pipe located to the northern tip of the site. If this is compromised in any way neighbouring properties would be liable to flood. Existing drainage arrangements should be maintained if not improved
- None of the letters of support come from people within the village envelope
- Access will be close to layby often used by vehicles heading towards Skenfrith as this allows longer to see cars coming from the right. Vehicles emerging very closely from the left has potential to cause an accident
- Broad Oak is scattered hamlet with dwellings fairly well spaced. If permitted would create infill potential with the four dwellings already approved. This would overwhelm the current visual amenity of the village
- All very well having footpaths but at some point will have to enter onto main road to access garage/shop or hail and ride buses
- Fail to see how any future occupants will be able to use public transport to get to work, believe they will use cars like everyone else

The contents of the supporting representations are summarised below:

- Like the style and type of houses proposed – feel they add to diverse vernacular of Broad Oak. Keeps to the true feeling of historical progression of development found in old rural villages
- Add further balance to the settlements landscape their size being offset by the 4 smaller semi-detached houses recently approved which are in total contrast to each other in design and affordability
- Proposed dwellings sit well within the natural development boundary along the western axis of the settlement
- Would not encroach into open countryside but finish off nucleated feel of settlement and avoid further linear development
- Well placed for vehicular connectivity to the principle towns of Ross, Hereford and Monmouth. Located very close to main pick up point for variety of school buses
- Broad Oak is on a principle gritting route
- This combined with the approved 4 is appropriate and acceptable for the settlement
- Rather than build more large soulless estates on the edge of towns, believe priority and emphasis should be given to sustainable development in the county's villages
- Such development would help to ensure communities safeguard their amenities
- Provided development employs the latest 'ecological' techniques and materials such as PV cells, solar panels, first class insulation, heat pumps and other low energy heat sources see no reason application should be refused
- All know that farmers face difficulties with volatile market and unpredictable weather patterns and this is an excellent way for them to deploy their assets

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=183951&search=183951

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 As stated above, there was a previous application on the site which included the scheme for four dwellings located to the south east (for 7 dwellings in total). The current site was removed from that application following concerns raised by the case officer relating to scale of the scheme and the nature of the development – including a cul-de-sac and lacking a relationship with the road.

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 CS, 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. Broad Oak is identified as a settlement within figure 4.15.
- 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 the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the black star with the red line of the settlement boundary contained at policy GAR1 of the NDP for context. This policy states that within the defined boundaries of Garway and Broad Oak new housing will be supported where they meet a set of criteria.

Map of the settlement boundary for St Mary's Church (RC) in Southwell. The map shows a red line delineating the settlement boundary, which includes buildings such as St Mary's Church (RC), The Rectory, The Vicarage, and various cottages. A black star marks the location of St Mary's Church (RC). The map also shows surrounding roads, including A1000, and nearby features like the River Trent and the Southwell Arm. Elevation points are marked with values like 155.8m, 154.7m, and 153.9m.

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

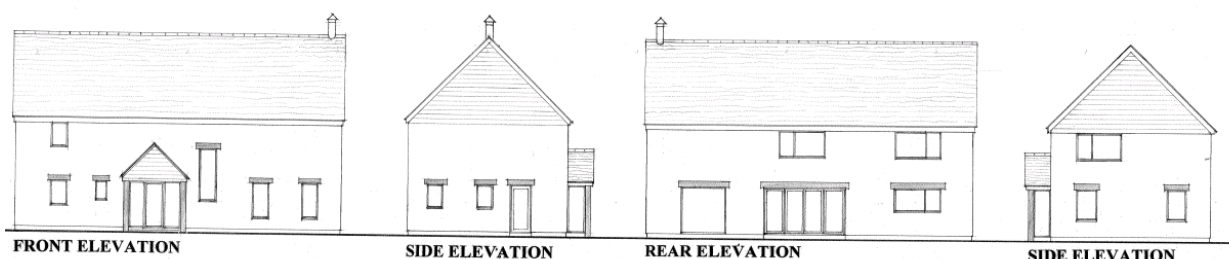
result in a development that does not relate to other built form and be out of keeping with the pattern of development, which largely benefits from dwellings with either a close relationship with the roadside or readily visible from it. Whilst it is appreciated that landscaping to the front of the site is proposed, it is presumed in order to screen the dwellings, due to the tapering of the site boundaries the development is set back and not considered to be a natural extension of the built form.

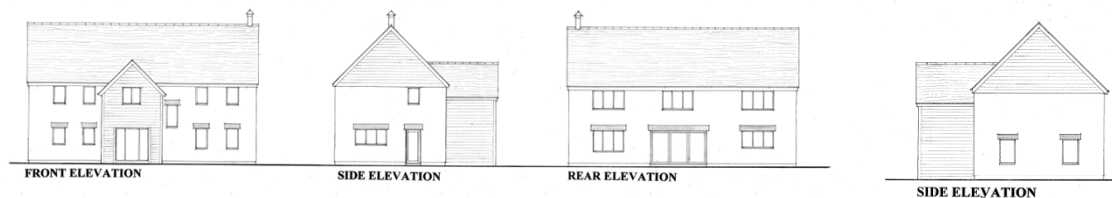
- 6.14 With criterion 1 of policy RA2 making it clear that development in the smaller settlements (i.e. those in figure 4.15 such as Broad Oak) should demonstrate particular attention to the form, layout, character and setting of the site and its location in the settlement, the proposal is found to fall foul of this given the scheme does not represent one that is reflective of the settlement which it would sit within. Conflict is therefore identified with policies RA2 and LD1 of the CS and although of recognised limited weight at this stage, GAR1 and GAR4 of the NDP.

Design and amenity

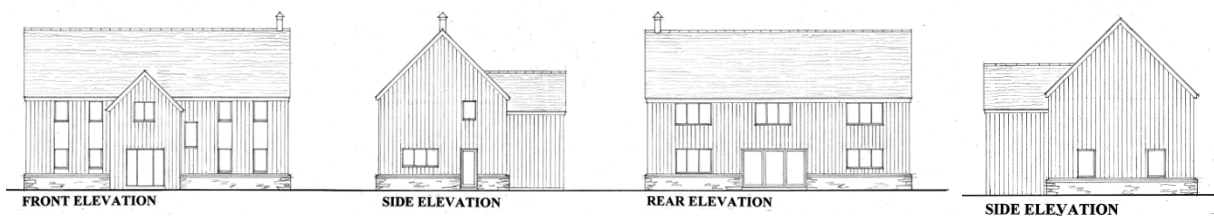
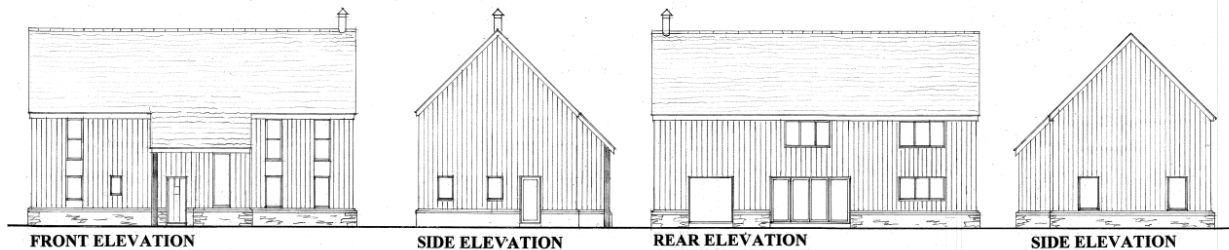
- 6.15 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the 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.
- 6.16 Again policy LD1 is relevant with regard to the design of any dwelling stating that the landscape character should positively influence this as well as the scale, nature and site selection.
- 6.17 As stated above, two detached dwellings are proposed which includes one three bedroom dwelling and one four bedroom dwelling. Both dwellings will also benefit from a detached double garage. Following concerns highlighted by the case officer in relation to the design and without prejudice to the in principle objection, amended plans have been submitted.
- 6.18 While there are a variety of dwelling types in Broad Oak, including bungalows, detached and semi-detached two storey properties, the proposed designs are not found to be influenced by the local vernacular. The elevations of the dwellings initially submitted are found below with the cladded dwellings that are now proposed underneath:

Superseded elevations:





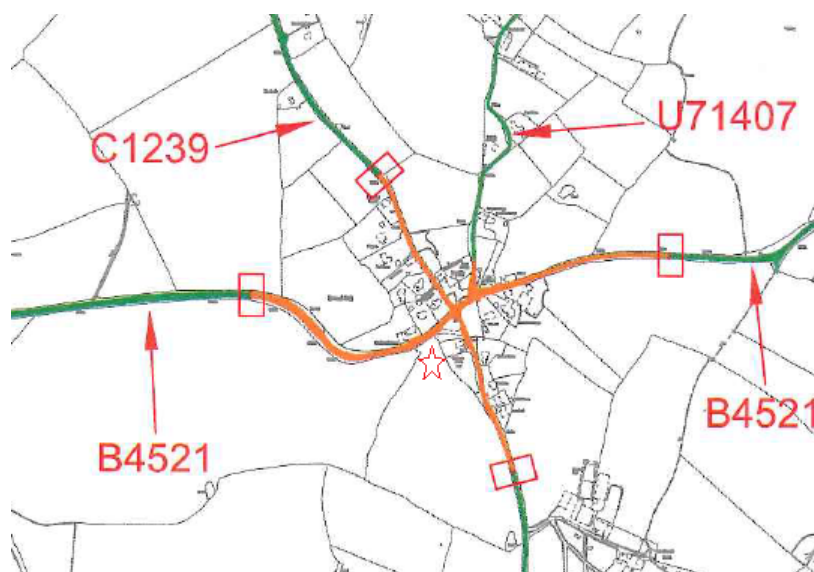
Amended elevations:



- 6.19 The dwellings will measure approximately 8.9m to the ridge, 5m to the eaves and 14.7m in length. The width of the main parts of the dwelling will measure 7.2m with the projecting gable on house type F an additional 3.1m.
- 6.20 Although the application form states that rendered and stone elevations are proposed, the amended plans reflect timber clad elevations with a stone plinth. The original elevations appeared urban in character with a variety of fenestration patterns and sizes which were somewhat ad-hoc. While there are diverse dwelling designs in the settlement, many of them benefit from a rural accent. It is acknowledged that the change in plans has taken some influence from this with the inclusion of the cladding. However, there are still found to be elements that could be further refined to avoid a compromised amalgamation of modern and rural. The orientation of the dwellings, with the projecting elements facing forward, is out of keeping with a rural vernacular - ordinarily any subordinate features would be located to the side, or in less common circumstances, to the rear. Furthermore, the fenestration is still excessive in places and out of character with a 'barn conversion' like scheme that it is assumed is trying to be pursued. It is considered that more subtle features could be incorporated that ensure a scheme that truly responds to its context.
- 6.21 The design as proposed is not found to enhance the character of the locality or result in a high quality development which makes a positive contribution to the surrounding environment and its landscape pattern. With this in mind, I would argue that the fullest opportunities have not been taken to design dwellings that respond fully to their context. As such, conflict with policies SD1, LD1 and RA2 of the Core Strategy and GAR2 of the NDP is identified in this regard.
- 6.22 Given the proximity to neighbouring dwellings, issues affecting the amenity of these occupants are not anticipated. In relation to the amenity of any future occupants of the proposed dwellings, there would be adequate private amenity space for them to function as detached properties.

Access and parking

- 6.23 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 include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.24 Given the levels of accommodation proposed as part of the scheme, a minimum of two car parking spaces is required for the three bedroom property and a minimum of three spaces for the four bedroom dwelling. Noting the area of hardstanding in front of the dwellings, it is considered that these could be accommodated, along with adequate turning areas, subject to relevant conditions being attached to any approval.
- 6.25 With regard to the access itself, a Traffic Regulation Order (TRO) was approved across Garway and Broad Oak in November 2018 and extended the 30mph areas. This is indicated on the map below.



- 6.26 In relation to the access, as touched on above, this is wholly new with the field currently being accessed to the south through a field gate outside of the application site. The application is accompanied by a Transport Statement which states that, based on the speed of the road, 64m visibility splays is appropriate.
- 6.27 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 proposal includes a new stretch of footpath to the east of the access and along part of the frontage to the site.

- 6.28 The comments received from the Council's Transportation Manager endorse the view that both the access and parking/turning areas are acceptable 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

- 6.29 Noting the nature of the site, policies LD2 and LD3 of the Core Strategy are applicable. Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.30 Noting the comments received from the Council's Ecologist, and the no objection received from Natural England to the HRA AA consultation, there are not found to be ecological implications as a result of the proposal subject to appropriate mitigation conditions being attached to any approval.

Drainage

- 6.31 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).
- 6.32 The application form states that foul water will be disposed of by package treatment plants and a sustainable drainage system for surface water. Given the size of the land under the ownership of the applicant, these are found to be acceptable methods but the details would be conditioned on any approval.
- 6.33 In relation to the comments received in the representations with regard to drainage, conditions that could be attached to any approval would ensure that the methods proposed are appropriate and can be accommodated within the site without affecting third party land. Furthermore, a drainage strategy has been received during the application process which indicates the two proposed dwellings systems will be built into that for the approved scheme for four dwellings to the south (ref: 180061). The Council's Land Drainage Consultant has had sight of this arrangement and is satisfied.
- 6.32 In relation to drains within the highway, the granting of planning permission does not affect these. The maintenance of these are controlled under separate legislation.

Conclusion

- 6.33 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the

government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

- 6.34 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.35 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.
- 6.36 Notwithstanding the relationship with the main built up part of the settlement, the layout of the scheme is out of keeping with the pattern of surrounding development, noting there is a lack of built form on this side of the road and the scheme does not display a direct relationship with it. There is an inherent landscape impact where the pattern of settlement is not respected.
- 6.37 Moving onto the design, while the amendments that have been made are acknowledged, the scheme still does not enhance the character of the locality or result in a high quality development which makes a positive contribution to the surrounding environment and its landscape pattern.
- 6.38 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 not representative of sustainable development and therefore the presumption in favour of approval is not engaged. The scheme will bring forward two dwellings in a form and layout that is at odds with the surrounding pattern of development and a design that does not enhance the locality. The application is therefore recommended for refusal in line with the reasons outlined below.

RECOMMENDATION

That planning permission be refused for the following reasons:

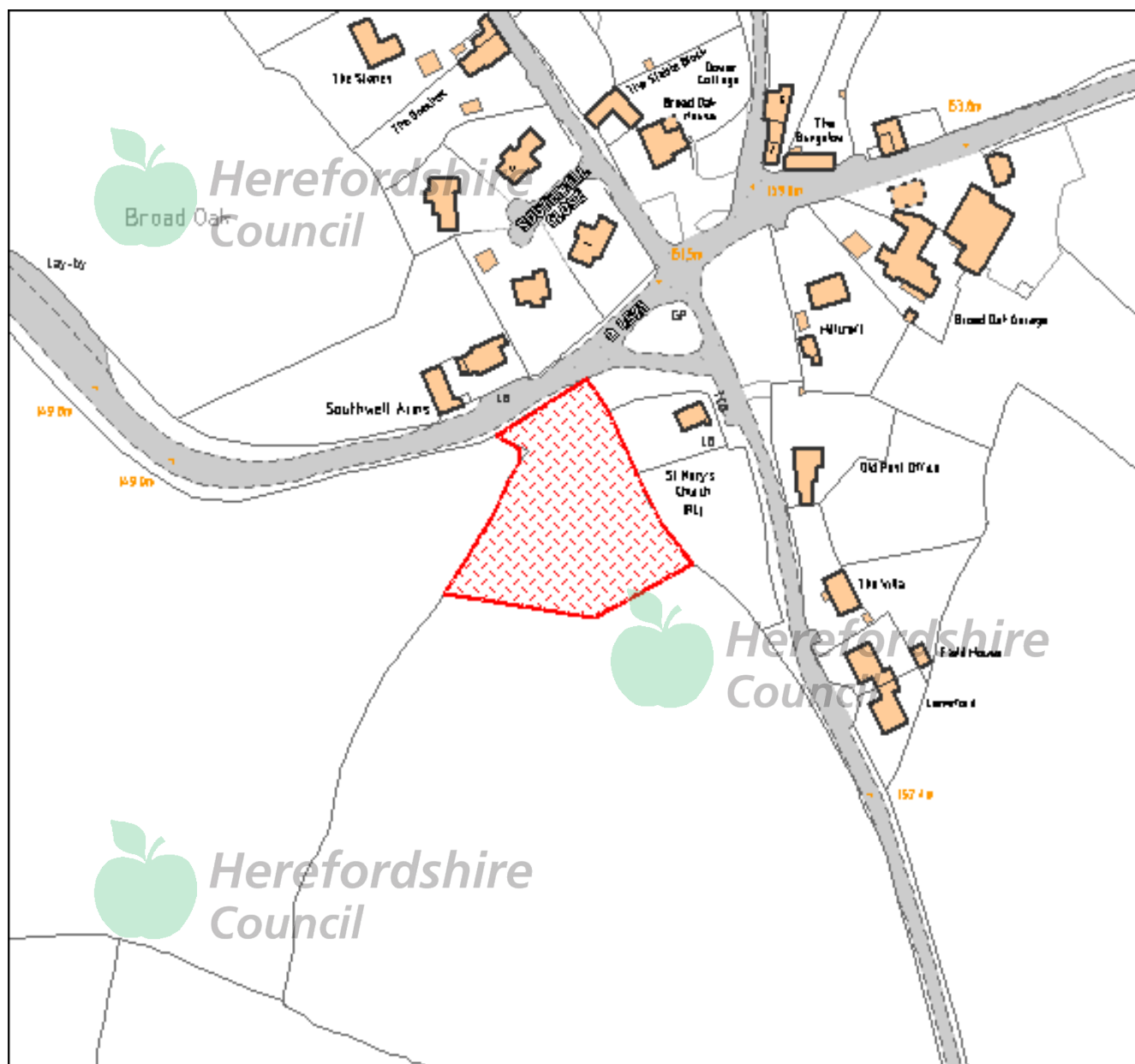
- 1. By virtue of the lack of built form on the side of the road, the design and nature of the layout proposed, the development results in a scheme that is out of keeping with the surrounding development; has not demonstrated that the form, layout, character and setting of the development has been positively influenced by settlement character and results in landscape harm. The proposal is therefore contrary to policies RA2, LD1 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

Informative

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 183951

SITE ADDRESS : LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK

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