

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	24 JULY 2019
TITLE OF REPORT:	182938 - DEVELOPMENT OF 2 DWELLINGS WITH GARAGES AT LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN For: Mr Moore per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182938&search=182938
Reason Application submitted to Committee – Re-direction	

Date Received: 6 August 2018

Ward: Wormside

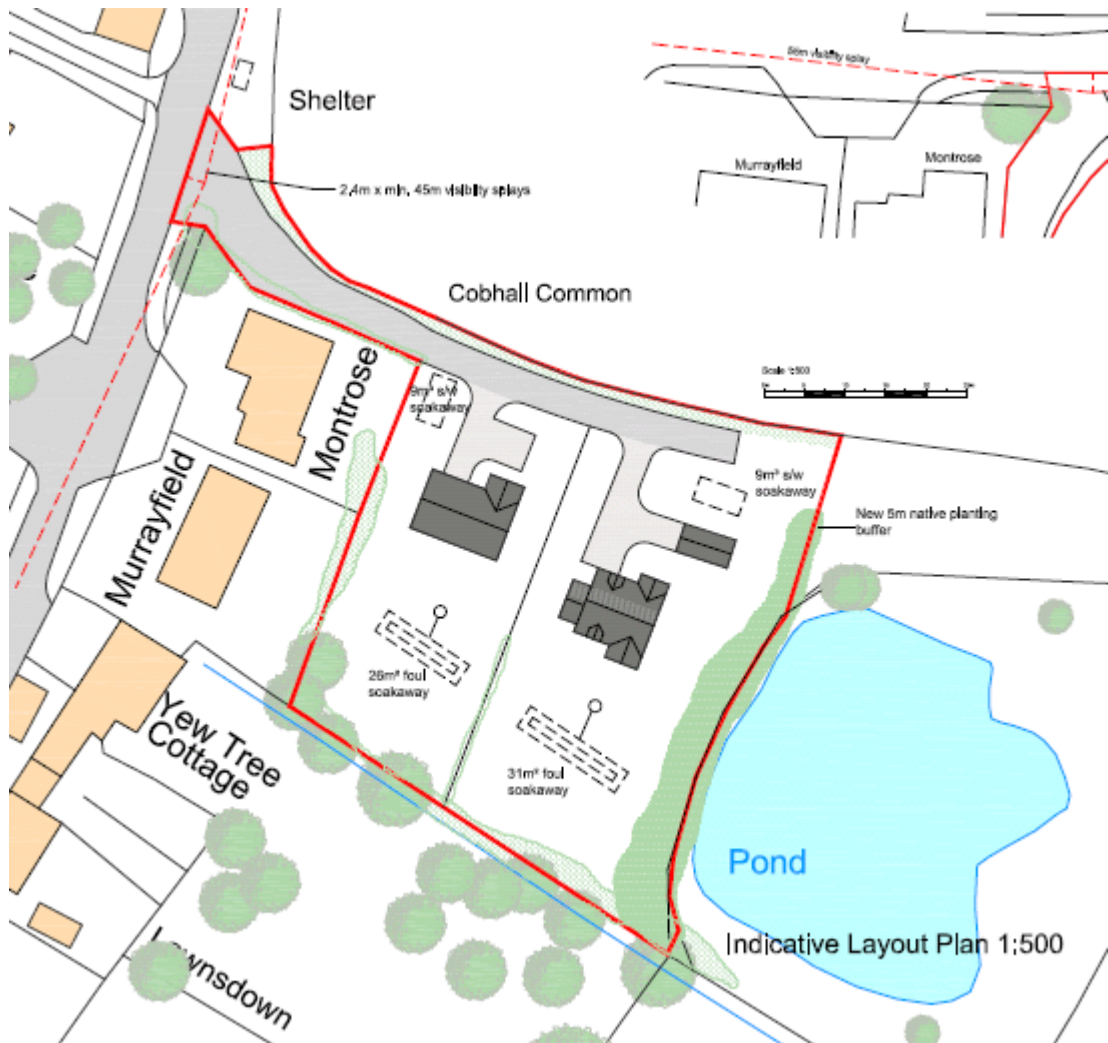
Grid Ref: 345479,235617

Expiry Date: 1 October 2018

Local Member: Councillor Christy Bolderson

1. Site Description and Proposal

- 1.1 The application site comprises of a garden curtilage (permitted change of use in 1996) and is sited to the rear of Murrayfield and Montrose, both single storey dwellings which are located to the east of Cobhall Common Road. The site benefits from close boarded fencing along the rear of the two adjacent neighbouring dwellings, trees, hedges and fencing along the southern boundary, hedging along the northern boundary and a lake to the east. The site is located within the Parish of Allensmore and within the rural settlement of Cobhall Common.
- 1.2 The topography of the site is relatively flat. There are no local or national landscape or heritage designations either within the site or the local area.
- 1.3 This application is submitted in outline for the erection of two dwellings with access to be considered and all other matters reserved for future consideration. Through the processing of the application the number of dwellings has been reduced from three and to two x 3 bedroom properties.
- 1.4 The application is accompanied by an Ecology Report and Traffic Survey.
- 1.5 Below is an indicative layout plan showing the two proposed dwellings. The neighbouring dwellings can be seen to the west and the pond to the east.



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land For Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

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

2.2 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

2.3 Allensmore Neighbourhood Development Plan (NDP):

At the time of writing this report the Allensmore NDP is currently undergoing Regulation 14 consultation (from 27 May to 12 July 2019). At this stage the Plan is afforded limited weight.

Policy A1	–	Protecting and Enhancing Local Landscape Character
Policy A2	–	Protecting and Enhancing Local Wildlife
Policy A3	–	Proposed Site Allocations
Policy A4	–	Criteria for Development in Settlement Boundaries
Policy A5	–	Housing Mix
Policy A6	--	Conversion of Former Agricultural Buildings
Policy A7	–	Drainage, Flooding and Sewage
Policy A8	–	Protecting the Church and Village Hall and Supporting Investment in Improved Facilities

3. **Planning History**

3.1 SH961272PF – Extension of garden curtilage and retention of wildlife lake. Approved

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** – no objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.2 **Natural England** – A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 1 July 2019 with a recommended condition. Response to be included within the committee updates.

Internal Council Consultations

4.3 **Transportation Manager** – no objection following amended details

The visibility splay is restricted by the bus shelter. This bus shelter is in the ownership of the Parish Council, therefore discussions regarding the changes to the bus shelter should be directed to the Parish Council. If the bus shelter can not be moved outside of the visibility splays then the required visibility splay to the north can not be achieved.

As previously stated the bus shelter is not the responsibility of HC or the applicant, therefore due to the limited service that uses the stop, HC would not look to take the new provision of a bus shelter on as highway adopted infrastructure.

Following a re-visit to the site and assessing the changes to the plotted location of the bus stop the Officer commented:

It is confirmed that the visibility splay is achievable however it should be noted that at the time of the site visit there was a single vehicle parked on the verge which reduces the visibility splay. If minded to approve please condition as possible (recommended conditions attached).

4.4 **Drainage Engineer** – no objection following amended details

Flood Risk

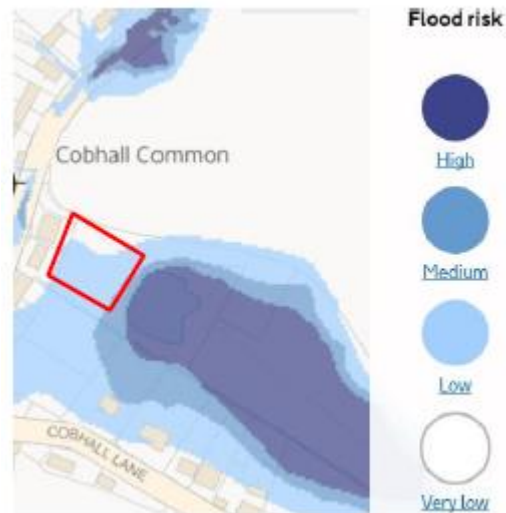
Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is located within an area at significant risk of surface water flooding. It should be noted that the watercourse, which is located to the south of the site, has been culverted. In addition to this, towards the east of the site, the watercourse has been partially diverted towards the northeast through a land drainage culvert. The risk of blockage of this land drainage culvert should be considered within the design of the development.

We note that there are several gullies on the road fronting the proposed plot (to the west) these have been subject to blockages in the past and the pipes connecting to the culverted watercourse are quite small. Accordingly there is a flooding problem on the highway to the west. There are also reports of surface water draining onto the road. This has caused garden flooding of properties.

We request that the finished floor levels are raised by a minimum of 300mm to prevent ingress. The Applicant has stated that this can be achieved, it has been stated that the finished floor levels will be raised, however the height has not been confirmed.

Figure 1: Environment Agency's Flood Risk from Surface Water map, September 2018



Other Considerations and Sources of Flood Risk

We are aware of a known issue with pollution of the existing watercourse.

Surface Water Drainage

A further trial pit has now been excavated. A photograph has been provided to demonstrate this. The ground is as follows:

- Made ground down to 800mm bgl
- Silty gravel clay alluvium from 800-1200mm bgl
- Dense brown clay at 1200-1650mm bgl

The proposed soakaways are to be 0.42m deep, thus will be within this permeable layer. It has been assumed in the MicroDrainage model that infiltration will occur through the base of the soakaway. In line with BRE365 guidance, infiltration through the base should be assumed to be 0.

The Applicant has also stated that the finished floor levels will be raised and thus will create a further permeable layer. It has not been stated how much the finished floor levels will be raised by. We recommend a minimum of 300mm to prevent ingress from the risk of surface water flooding as shown in Figure 1.

The Applicant has now confirmed that the maintenance responsibility of the drainage systems will lie with the respective homeowners.

Foul Water Drainage

The Proposed Site Layout Plan (Ref: P002) demonstrates the use of individual package treatment plants being served by individual drainage fields (26m² and 31 m²). A Vp value of 26 has been established.

Overall Comment

We object to the foul water proposals for the following reasons. The tests have demonstrated that the made ground and silty gravel clay is permeable. However, these materials are laid over dense brown clay which is impermeable. The treated effluent will drain sideways and will drain into the adjacent ditch. The ditch does not have a constant non-seasonal flow of water, thus in accordance with the Binding Rules, treated effluent cannot be discharged into this ditch.

Also in accordance with the binding rules, drainage fields must be located 10m from the watercourse. This has not been demonstrated on the site plan. Also in accordance with the Building Regulations Part H, "the distribution pipes should be laid at a minimum depth of 500mm below the surface" (Ref 1.42, page 33). It has not been demonstrated that this is possible at this site. No invert levels or depths have been specified.

Following the submission of an indicative layout and soakaway details the Drainage Engineer commented on 26 April 2019 as follows:

I can confirm that the proposals for the foul water drainage are now acceptable. We also note that the finished floor levels will be 350mm above existing. This is acceptable.

Details of the previous drainage comments can be found on the following link:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182938&search=182938

4.5 Conservation Manager (Ecology) – no objection (subject to Natural England’s approval)

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

All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant’s control; and all surface water shall discharge to appropriate soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

Based on supplied ecology report there is no reason for this LPA to include a specific ecological protection condition as the applicant and their contractors are already subject to the requirements of the Wildlife & Countryside Act (1981) for wildlife protection requirements and regulation.

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

Nature Conservation – Biodiversity and Habitat Enhancement

Within 3 months of completion of the works 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 TWO Bat roosting enhancements, 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 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

5. Representations

5.1 Allensmore Parish Council – object

Drainage:

Drainage in this area is extremely poor and surface water flooding occurs all too often. There are a number of areas in the parish with problems of this nature and this is one of the most problematic.

As can be seen from the minutes of the Allensmore Parish Council meetings (particularly since February 2014) flooding in this area has been a major issue and at least one house nearby has been badly flooded. Also in 2014, a length of Cobhall Common Road, including the area around the bus shelter remained underwater for an extended period of time. In the last couple of years, Balfour Beatty have conducted some partial improvements, though it is not yet known how well these will cope during extreme conditions such as those seen in 2014. It is understood that during many winters in this immediate area, there are periods with standing water covering areas of the ground and septic tanks being unable to drain. The Environment Agency classifies Murrayfield HR2 9AG as an area at medium risk of surface water flooding.

The reported results of the percolation tests, including the test showing groundwater being more than 2.8m below the surface are surprising. Possibly, this is due to the timing since these were conducted at an exceptional time, understood to have been in July 2018 after an extended period of extremely dry conditions - far from typical and totally different from those experienced in a wet winter. Perhaps the Balfour Beatty drainage engineers who know the area well from their efforts to address the flooding issues, will have some informative data from the "dip stick" device for measuring groundwater levels located near the bus shelter.

Impact on neighbour:

It is considered that this development would have a particularly negative impact on the neighbouring property, Montrose, with the access being close to the existing house and along the entire length of the garden. Furthermore, the site proposed for the new properties abut the bottom of the existing gardens providing loss of amenity.

Impact on the character of the area:

A development behind existing houses would significantly and detrimentally change the character of the area. With a few exceptions, almost all the properties in this area of parish are of one house deep, primarily ribbon development along the lanes. A development of three houses deep in the garden behind an existing property would make a substantial change to the existing settlement pattern in the area and harm the character of the village.

Visibility and bus shelter:

Visibility for vehicles leaving the site is restricted by the bend to the right on Cobhall Common road as well as the bus shelter which the proposal indicates would need to be moved. It is not clear that the owners would agree to this move.

Following re-consultation after the scheme was reduced to two dwellings the Parish objected as follows:

The Parish Council notes the changes, particularly of the reduction from 3 to 2 dwellings, however, this does not mitigate our previous submitted objections.

We therefore reiterate our objections on four key points as included below on the grounds of drainage concerns, the impact on the neighbour, the impact on the character of the area and the visibility when entering and leaving the site.

Further to our concerns on drainage, it appears that the percolation tests have not been conducted in accordance with Section H of the Building Regulations in so far as a minimum of two test holes are required for each of the foul and surface water tests (para 1.37) (just one appears to have been conducted for each). Furthermore, according to the regulations, the tests should not be carried out during abnormal weather conditions such as drought (para 1.37). These tests appear to have been carried out in July 2018, during a period of exceptionally dry weather. If these tests are a material consideration for this application, we would like verification that they have been conducted to the required standard or they should be repeated to the required standard.

On the matter of the impact on the character, whilst it is recognised that the neighbourhood development plan has little to no weight at its current stage, we feel that the independent site assessment carried out by Aecom on all submitted sites does add support to the Parish Council view that a development behind existing housing would substantially change the existing settlement pattern. To quote their findings for this site (Site 13), they do not recommend that this site be considered for allocating to the NDP because "Site 13 is principally constrained by the settlement pattern of Cobhall Common, as development here would be positioned behind existing dwellings, adding depth to the built area and breaking the established linear pattern of the village which is particularly strong to the east of Cobhall Common Road. It is therefore considered that development at Site 13 could harm the character of the village."

Regarding the visibility splay and the bus shelter, we note that the Transportation department cannot support the application due to the location of the bus shelter. The fact that this conclusion was reached following a site visit suggests that the agent's revision to the bus shelter location on the map does not alter this conclusion.

5.2 To date 17 objections from 8 properties. The comments therein are summarised below:

- Cobhall Common has exceptionally high water table and regularly flooded
- Local drainage system cannot cope with excessive rainfall
- Ditch which carries water from the common passes through the field where the building is proposed
- Site is an open field
- Large lake next to the site which would be very much disturbed. This lake was dug without planning permission. A drainage ditch was filled in using this soil
- Two bungalows in front of the site discharge their water through spreaders to the site
- The soil drainage tests were done in the driest summer on record
- Site entrance is on a blind bend. Bus shelter may be re-sited but the bend remains. Narrow roads
- New road to dwellings will travel within 1.5m of the side of our bungalow. Will interfere with the quiet enjoyment of our property
- New access road may also provide access to the scrapyard. This will increase traffic. Any lorries using it may cause accidental damage to our hedges and fencing
- Two working liveries are near to the site and many horses are ridden around
- This is a farming area and there is a lot of agricultural traffic
- Our land and property have been flood numerous times and included raw sewage being found in our garden
- Development would block the footpath
- Land appears to have been extended beyond the original field entrance at some point and include land that was originally the verge
- Number of dwellings is irrelevant. Any further development will only cause more problems
- Refer you to the NDP. It would be inappropriate to ignore the work that has been done to date

- Since disturbance of soil in the lane part of the lawn began to die. We are concerned about soil contamination
- Sceptical that the ground level has been raised by 1.2m. When the pond was dug were led to believe it was by 0.406m

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=182938

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

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."

6.2 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 and the NDP can be afforded limited weight.

6.3 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.

6.4 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 when the authority does not have 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.

6.5 The approach to housing distribution within the county is set out in the Core Strategy 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.

6.6 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.

6.7 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. Cobhall Common is a settlement listed under figure 4.15.

6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, at the time of writing this report the NDP is undergoing Regulation 14 consultation. At this stage, limited weight can be attached to the Plan.

6.9 Policy A4 of the NDP includes settlement boundaries for Allensmore, Cobhall Common and Winnal and states that proposals for new housing development will be within these. It is noted that the application site lies outside of the settlement boundary identified for Cobhall Common. While the tension with this policy is acknowledged, due to the policies within the NDP only being afforded limited weight at the present time, it is appropriate to assess the site's location against policy RA2 of the Core Strategy.

6.10 Policy RA2 states that:

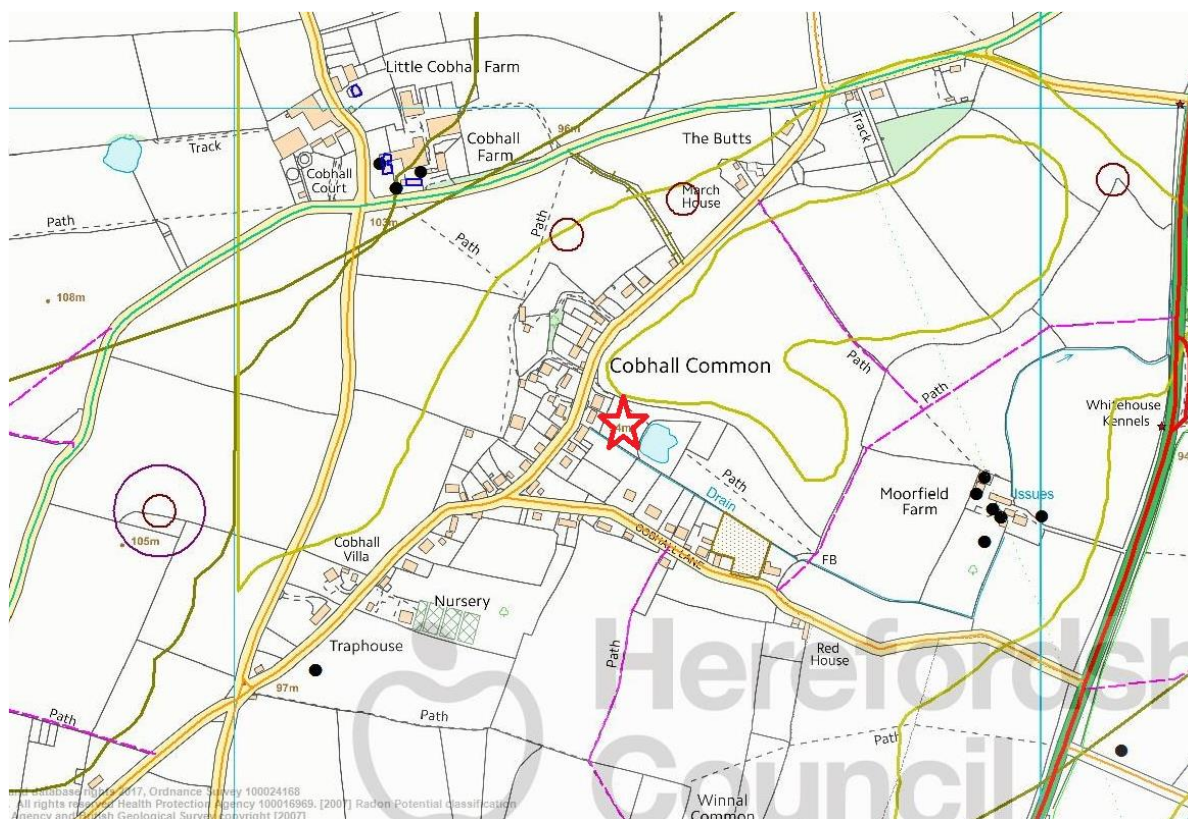
'To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the community concerned.'

The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets'.

6.11 Policy RA2 then goes on to outline that housing proposals will be permitted 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. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
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 development 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 a particular settlement, reflecting local demand.

6.12 The site is identified on the map below by the red star:



- 6.13 As can be seen from the map, the site is located adjacent to the built up part of Cobhall Common and while there is a strong presence of wayside development facing towards the road, there are examples of tandem development with dwellings to the north west of the site being located to the rear of dwellings directly facing the road. It is appreciated that the proposed development pattern is at odds with policy A4 of the NDP which states that dwellings should be single in depth and not behind others. However, noting the limited weight of the NDP at this stage, the proposed location of the dwellings is not found to be unacceptable in terms of policy RA2 – it is in keeping with the surrounding pattern of development and located within the built up part of the settlement. The application is only in outline and the detail of design and form would come forward as part of any reserved matters application but the principle of two dwellings on the site is not found to be out of keeping with the surrounding pattern of development.
- 6.14 The scheme has been amended during the application process and reduced from three dwellings to two following concerns of the case officer in relation to achieving a development that was in keeping. 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%). This approach is also largely reflected through policy A5 of the NDP. With the proposal seeking permission for 2 x 3 bedroom dwellings it accords with both the Core Strategy and emerging NDP.
- 6.15 Given that the site is considered to be acceptable in terms of its general location, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Highways safety

- 6.16 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).
- 6.17 The existing access into the site will be utilised as part of the proposal and noting the traffic survey which accompanies the application, visibility splays of 45m in each direction will be provided. In light of the speed of the road, this is found to be adequate and meets the standards contained within the Design Guide. Upon further survey work by the agent, it has come to light that the bus shelter is plotted incorrectly on the OS map and does not need to be relocated to ensure the adequate visibility splays, as originally thought. Amended plans have been received through the application process to reflect the accurate situation on the ground.
- 6.18 The comments received within representations in relation to the nature of this road and the users are noted. However, the provision of two additional dwellings at this point in the settlement, utilising an existing access, is not found to amount to severe highways implications. 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 Core Strategy.

Impact of the development on the landscape

- 6.19 The site is not located within an area where there is either a national or local landscape designation. It is part of an attractive rural setting and within the built up part of a settlement that has been identified for residential growth. Policy LD1 of the Core Strategy states that proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements.
- 6.20 Policy A1 of the NDP reinforces many of the points contained within LD1 stating that development proposals will be required to demonstrate how siting and design have taken into consideration local landscape character. Policy A4 also comments on specific design criteria and when followed should result in a development that assimilates into the wider rural landscape.
- 6.21 Comments have been received in relation to the density of the proposal, notably from the Parish Council. Policy SD1 of the Core Strategy makes it clear that proposals should ensure there is efficient use of land taking into account the local context and site characteristics. Noting the surrounding development, there is a variety of plot sizes and dwelling types although detached properties are more prevalent. Two appropriately designed and sited dwellings are not found to be out of keeping with the locality. As stated previously, these details would come forward as part of a reserved matters application.
- 6.22 It is also appreciated that the lawful use of the site is as garden curtilage benefitting from permitted development rights. With this in mind, outbuildings and enclosures (subject to meeting the conditions of the General Permitted Development Order) could be erected on the site without needing the benefit of planning permission.

Drainage

- 6.23 CS Policy SD3 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).
- 6.24 The application proposes to utilise package treatment plants for the disposal of foul water with a sustainable drainage system for surface water. As can be viewed above, the Drainage Engineer has been consulted on the proposal several times requiring additional information including foul and surface water soakaway test results, photographs of trial pits and an updated drainage submission. In light of this, and subject to ensuring that the floor levels are 350mm above existing levels, the Drainage Engineer is happy with the proposed scheme.
- 6.25 While the site lies within flood risk zone 1, it is acknowledged through comments within the representations relating to drainage there are localised issues. The Engineer has been aware of the representations in this regard. This notwithstanding, in light of a lack of technical objection in this regard following additional information being submitted, the proposal is found to accord with policies SD3 and SD4 of the Core Strategy and therefore be acceptable.

Ecology

- 6.26 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.
- 6.27 The application has been accompanied by an Ecology Report which includes mitigation and recommendations. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. There is a formal requirement to await the final confirmation from Natural England in relation to the Habitat Regulations Assessment carried out by the Council's Ecologist and this is reflected in the recommendation below.

Other issues

- 6.28 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is however found to be appropriate to condition working hours during the construction phase of any development on the site. With regard to the access travelling along the northern boundary of Montrose (the neighbouring dwelling located to the north west of the site) any issues experienced are not found to undermine the scheme as a whole – these will be relatively low key noting that the development has also now been reduced to two dwellings and the access already exists.
- 6.29 As stated above within the site history section of this report, the lake to the east of the proposal site does benefit from planning permission granted in 1996 under the same application to change the use of the site as a whole to garden curtilage.

- 6.30 With regard to the scrapyard mentioned within a representation, this is located approximately 160m to the south east of the site and accessed off the U73417. I find it unlikely that the proposed development being considered under this application would lead to a new access to the rear of the scrapyard given the relationship between the two and the intervening field. Tracks across this are likely to require planning permission in their own right. For the purposes of this application the access will serve the two proposed dwellings.
- 6.31 With regard to a footpath across the site, this is not recorded as a right of way on the Definitive Map. Having checked with Balfour Beatty there is currently no modification application in to include this on the map.
- 6.32 Accidental damage as part of the construction phase is not for consideration under the planning process but the granting of planning permission does not override other legislation and the developer should ensure they are working with best practice.
- 6.33 While the work that has gone into the NDP is acknowledged, at this stage (Regulation 14 consultation) it can only be afforded limited weight as set out within the National Planning Policy Framework.
- 6.34 With regard to the original field entrance and whether this has been extended at some point, the proposal has been assessed fully in terms of highways implications above. It is found to be compliant and in light of the correct plotting of the bus shelter, the required visibility splays can be achieved leading to a safe entrance.
- 6.35 The concerns in relation to soil contamination are acknowledged but given there is no constraint in this regard on the mapping system, as well as noting the level of works that could be undertaken on the site without requiring planning permission (given the lawful use of the site) investigative works in this regard are not found to be necessary for the determination of this application.

Conclusion

- 6.37 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.
- 6.38 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.
- 6.39 It is acknowledged that the site lies outside of the settlement boundary for Cobhall Common as included within the NDP. However, noting that the NDP can only be afforded limited weight at this point in time it is necessary to assess the proposal in relation to the Core Strategy policies which are afforded greater weight. The site is found to be located adjacent to the built up part of Cobhall Common, a settlement identified for residential development under policy RA2. With this in mind, the principle of development is found to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policies RA2, SD1 and LD1 of the Core Strategy.

- 6.40 In light of the accurate location of the bus shelter being understood, adequate visibility splays that meet the speed of the road can be provided and therefore comply with the requirements of policy MT1 of the CS and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been considered and the Council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.41 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 adjacent to the built up part of the settlement with the associated economic and social benefits that small developments in rural hamlets support.
- 6.42 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 subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. C02 Time limit for submission of reserved matters (outline permission)**
- 2. C03 Time limit for commencement (outline permission)**
- 3. C04 Approval of reserved matters**
- 4. C06 Development in accordance with the approved plans**
- 5. CAB Visibility splays**
- 6. CAE Vehicular access construction**
- 7. CAH Driveway gradient**
- 8. CAT Construction Management Plan**
- 9. CB2 Secure covered cycle parking provision**
- 10. CBK Restriction of hours during construction**
- 11. All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

12. **Within 3 months of completion of the works 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 TWO Bat roosting enhancements, 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 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

13. **CBM Scheme of foul and surface water disposal**
14. **CAP Bus stop relocation**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

