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|-------------------------|---|
| <b>MEETING:</b>         | <b>PLANNING AND REGULATORY COMMITTEE</b>  |
| <b>DATE:</b>            | <b>18 JANUARY 2021</b>  |
| <b>TITLE OF REPORT:</b> | <b>202499 - PROPOSED NEW DWELLING AND DETACHED GARAGE AT LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD</b><br><br><b>For: Mr A Griffiths, 1 Water Villas, Wellington, Hereford, Herefordshire HR4 8AR</b>  |
| <b>WEBSITE LINK:</b>    | <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202499&amp;search-term=202499">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202499&amp;search-term=202499</a> |

**Reason Application submitted to Committee – Member Interest**

**Date Received: 31 July 2020**

**Ward: Credenhill**

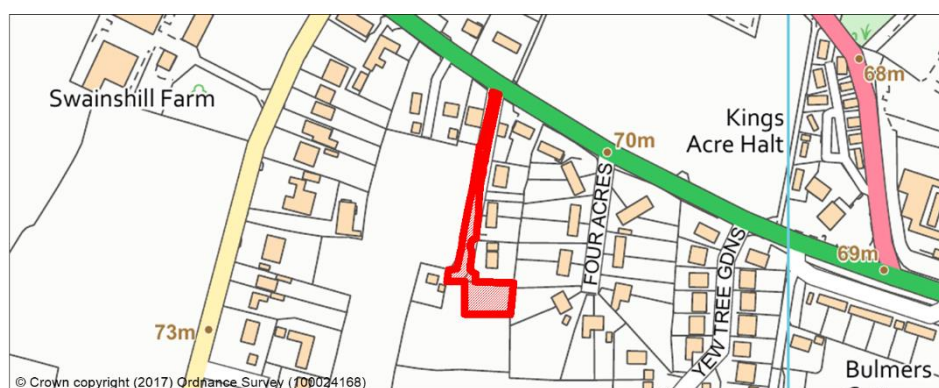
**Grid Ref: 346792,241545**

**Expiry Date: 28 January 2021**

Local Member: Councillor Bob Matthews (Councillor Sebastian Bowen has fulfilled the role of local ward member for this application.)

## 1. Site Description and Proposal

- 1.1 The application site lies to the south side of the A438, Kings Acre Road, to the west of Hereford City but within the Parish of Breinton. The site comprises a rectangular shaped portion of land (20m x 31m) that lies to the north east corner of a field. The field lies at the southern end of a private road known as Cherry Orchard. Access to the site is via Cherry Orchard and the existing field gate.



*Application site edged in red*

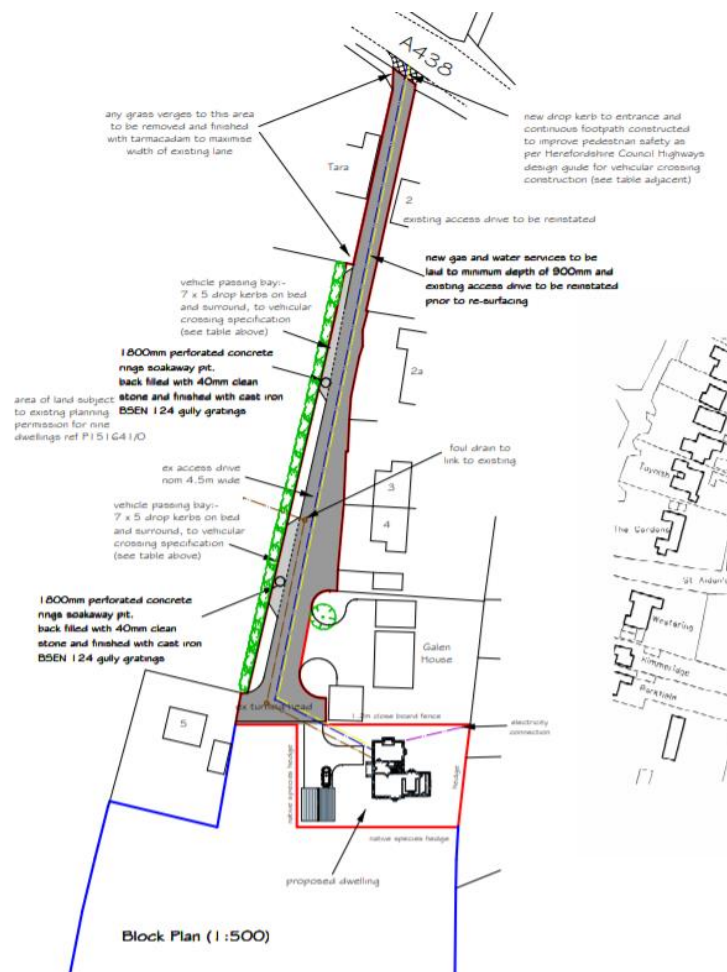
- 1.2 Outline planning permission (Ref 160741/O) was granted on 13 July 2016 for a single dwelling and garage with all matters reserved except for access. Access is via Cherry Orchard, a private road that currently serves six other dwellings. The access improvements required by the 2016 permission including widening of the access road and provision of passing places and these have been implemented.

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

- 1.3 This application seeks planning permission for a new detached 4 bed dwelling and a double garage, both with dual pitched roofs. The proposed materials include, cream / Southampton sand natural render, red brick plinth and a natural slate roof. The proposal would adjoin the existing residential developments along Cherry Orchard.



*Proposed elevations and floor plans*



*Block plan as proposed*



*Site photo looking across application site.*



*Site photos showing adjoining dwelling and garaging to the north of the proposed dwelling*



## 2. Policies

### Herefordshire Local Plan – Core Strategy 2011-2031

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

|     |   |  |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development               |
| SS2 | - | Delivering New Homes   |
| SS3 | - | Releasing Land for Residential Development                     |
| SS4 | - | Movement and Transportation                                    |
| SS6 | - | Addressing Climate Change                                      |
| RA1 | - | Rural Housing Distribution                                     |
| RA2 | - | Housing in Settlements Outside Hereford and the Market Towns   |
| H1  | - | Affordable Housing – Thresholds and Targets                    |
| 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                                  |
| SD1 | - | Sustainable Design and Energy Efficiency                       |
| SD3 | - | Sustainable Water Management and Water Resources               |
| SD4 | - | Wastewater 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/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

### Breinton Neighbourhood Development Plan

2.2 The Breinton Neighbourhood Development Plan was made on 1<sup>st</sup> December 2016 and a review of the Plan has commenced.

The relevant policies are:

|     |   |   |
|-----|---|---|
| B1  | - | Housing Development in Defined Breinton Settlements         |
| B2  | - | Kings Acre Road   |
| B3  | - | Housing in the Countryside and Rural Exception Sites        |
| B5  | - | Ensuring an Appropriate Range and Tenure of Sizes of Houses |
| B6  | - | Sustainable Design and Energy Efficient                     |
| B15 | - | Local Distinctiveness                                       |

The Breinton Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/3036/breinton-neighbourhood-development-plan-made-1-december-2016>

### National Planning Policy Framework

2.3 The following chapters of the framework (2019) are considered to be pertinent to this application:

1. Introduction
2. Achieving sustainable development
3. Plan Making
4. Decision-making
5. Delivering a sufficient supply of homes

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Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was taken on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application and in this case, the relevant policies are considered to be entirely consistent with the NPPF and can therefore be afforded significant weight.

2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Further the government's recently publish National Design Guide is considered to be material to the consideration of this application, link below:

<https://www.gov.uk/government/publications/national-design-guide>

### 3. Planning History

3.1 160741/O - Site for proposed dwelling and garage. Approved 13 July 2016

172863 – Discharge of condition 6 (access improvement) of 160741. Condition discharged 17 August 2017

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water raise no objection:

We note that the intention is to drain foul water to the mains sewer and surface water to a soakaway to which we have no objection in principle. However, if you are minded to grant planning permission we request that the following

**Conditions and Advisory Notes** are included within any subsequent consent.

#### **Conditions**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

### **Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

We note that the intention is to drain foul water to the mains sewer and surface water to a soakaway to which we have no objection in principle. However, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### **4.2 Cadent raise no objection:**

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **Your Responsibilities and Obligations**

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

### Internal Council Consultations

#### **4.3 Team Leader Area Engineer**

Initial comments:

*"The significant constraint in relation to this site is the visibility from the private access road onto the A438 which is substandard. The private access road already serves a number of dwellings therefore the local highway authority (LHA) would be unable to object to a development of a single dwelling due to the limited increase in vehicle trips generated. However, without significant improvements to the visibility at this junction the LHA would not support any further development off this access road.*

*In terms of the detail of the site itself a four bedroom dwelling should be provided with three car parking spaces, which are available to the occupants in the form of a double garage and additional parking in front of the garage. However, if a vehicle was parked in front of the garage it would make turning a vehicle within the site difficult but this could easily be rectified by moving the turning area closer towards the northern boundary and further away from the garage. This would allow two vehicles to park in front of the garage and then easily reverse into the turning area to exit the site in a forward gear.*

*Cycle parking is to be provided within the garage, which is acceptable, however, if the garage is to provide two of the three car parking space required then it should have internal dimensions of 6m x 6m to accommodate both cars and bicycles.*

*The vehicular crossing should be constructed as per Herefordshire Council's Highway Specification for New Development, please see extract below.*

## Vehicular Crossings

|                | Nom. Size | Materials   | Compacted Thickness |
|----------------|-----------|---|---------------------|
| Surface Course | 6mm       | AC 6 dense surf 100/150 to DfT SHW Clause 909   | 25mm                |
| Binder course  | 20mm      | AC20 dense bin 100/150 rec conforming to DfT SHW 906  | 60mm                |
| Base Course    | 32mm      | AC32 dense base 100/150 rec to DfT SHW 906  | 100mm               |
| Sub-Base       |           | Type 1 sub base conforming to DfT SHW Clause 803 – Thickness may be increased depending on CBR values | 150mm               |

*Should permission be granted the applicant is reminded that the reconstruction of the vehicle crossover to the publically maintained highway will require a section 184 licence and details of obtaining this can be found at:*

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

*Subject to the above the LHA has no objection in principle to the application.”*

Further comments:

*"Further to receipt of the amended plans the local highway authority has no objection to the proposed application.*

*Conditions: CAI, CAP*

*Informatives: I11, I09, I45, I47, I35”*

### 4.4 Ecologist

No comments received

## 5. Representations

### 5.1 Breinton Parish Council – Objection

*“Breinton Parish Council objected to this application in its original form (160741) in March 2016. Our concerns included inadequate sewerage provision in the area, failure to address identified local housing needs and the potential that this application would lead to a much larger development in the rest of the field to the south. However, our main objections were on highways matters, specifically difficult access to and from the then, proposed, property along a narrow driveway and the number of additional vehicles that would inevitably use what Parish Councillors and local residents considered to be a dangerous junction with the A438 Kings Acre Road. In our view this would lead to an unacceptable increase in the risks to pedestrians, cyclists and drivers alike, potentially causing accidents and casualties. We noted that there was not a cycleway along this length of main road despite claims to the contrary.*

*The following month, in April 2016, we made additional representations concerning housing provisions in the Neighbourhood Development Plan (NDP) which was then proceeding through Regulation 16 consultations. The NDP was approved later that year and is now part of the Local Development Framework but was not fully in force when this application was finally approved and could not be given appropriate weight at the time.*

*Despite the decision to approve this development the Parish Council took some comfort from the various Transportation comments and the Officers report to Committee, This identified that the key concerns in the decision were indeed access to the site itself and onto the highway and in*

*accepting the Officers recommendation the Planning Committee conditioned the approval to include (as condition 6) the requirement for works to be done to ensure 'adequate and acceptable means of access to the dwelling..... and provide improvements in the interest of highway safety.....' at the junction. Works were subsequently undertaken along the driveway and plans submitted so that this condition was eventually deemed to be discharged in August 2017 (172863). We note however that no improvements were made at this stage to the junction with the A438 itself and that this crossover to the public highway has still to be constructed to the required standard.*

*As far as the current application (202499/F) to amend the detail of the development is concerned, the Parish Council notes Council Officers restatement that 'The significant constraint in relation to this site is the visibility from the private access road onto the A438 which is substandard' and welcomes confirmation that the junction is and will remain substandard even when the required works are completed. While it is a fact that the 'private access road already serves a number of dwellings' and Councillors regret that 'the local highway authority (LHA) would be unable to object to a development of a single dwelling due to the limited increase in vehicle trips generated'; we do place considerable importance on the statement that 'without significant improvements to the visibility at this junction the LHA would not support any further development off this access road'. This addresses in part our concerns that the original application would lead to insensitive, over development in adjacent fields and seems to us to justify the original NDP policy wording for future housing provision in this area. We will include this in our considerations when we come to review our NDP in future.*

*The fact remains that this amendment to an existing application does little, if anything, to address highways safety. This is still an issue both at this particular point on the A438 and along the main road in either direction. It is also a fact that nothing can be done to bring this particular access up to the appropriate standard without substantial land acquisition. More generally the Parish Council does not believe any more homes can be built along this stretch of the A438 without serious consideration being given to substantial engineering improvements to the main road.*

*The potential risks are made worse in our view by the housing development only 50m west of the driveway to 202499/F. 19 new homes will shortly be completed on a site whose sole access onto Kings Acre Road is also on the southern side of the A438. The number of vehicles entering or leaving either of these closely spaced entrances is going to increase significantly soon meaning that more of the vehicles already on the A438 may have to slow down. These are all additional vehicle movements to the traffic already going to/from a third junction - Breinton Lane - only another 100m further west.*

*The failure of vehicles to stay within the existing 40mph speed limit on this stretch of road is already a concern to our parishioners and one that is generating increased correspondence as other objections to this application indicate. The Parish Council supports local people in their objections listed against this application, they are the ones most likely to be affected, and Councillors share their highways concerns"*

5.2 A total of nine letters of objection and one letter of support have been received which can be summarised as follows:

- Highway safety concerns around the access onto the A438 being constrained and the access being at capacity, with the proposal introducing additional highway movements.
- The width of the access track is narrow and constrained and it is not surfaced
- Request that the natural screening from vegetation is retained
- The existing sewage system backs up every winter



- 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=202499&search-term=202499](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202499&search-term=202499)

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>

## Appraisal

### *Policy context and Principle of Development*

- 6.1 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

*"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 (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS) and the Breinton Neighbourhood Development Plan (NDP) which was made on 1<sup>st</sup> December 2016. The National Planning Policy Framework ('the framework' henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.
- 6.3 As is set out at paragraph 30 of the framework and stipulated at Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (as amended), *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document"*. In this way should a conflict between the NDP and the Core Strategy arise, the NDP will take precedence over the Core Strategy.
- 6.4 Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.
- 6.5 Strategic policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.

- 6.6 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the framework confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.7 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2020, the supply position in Herefordshire stands at 3.69 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current framework as a whole, or if specific policies in the current framework indicate development should be restricted.
- 6.8 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.9 Policy RA1 of the CS relates to rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The CS, leaves flexibility for NDPs to identify the most suitable housing sites, through their policies and allocations.
- 6.10 CS Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built up parts of the settlement. Kings Acre Road is not identified as part of the settlements listed at Figures 4.14 nor 4.15 of the Core Strategy. However the site and adjoining residential development is noted to be contiguous with the built form of Hereford, though this is noted to be in the form of ribbon development. Policy HD1 of the Core Strategy states that Hereford will accommodate a minimum of 6,500 new homes within the plan period, predominantly through major residential developments. However remaining housing requirement is to be delivered through the implementation of existing commitments, windfall developments and the development of non-strategic sites allocated in NDP's. Thus whilst the CS is largely silent as to the spatial aspect of residential development in the Kings Acre Road area, application site is considered to accord with these broad policy ambitions of the CS and there is found to be no conflict with the CS in a spatial sense.

- 6.11 The NDP includes policy B2 which relates to the provision of housing in the Kings Acre Road area, this supports new housing development within or adjacent to the identified settlement boundary (Figure 19 of the NDP) subject to a number of criteria:

*“A. It would maintain, or provide, suitable alternative access points, such as field gates, stiles and footpaths. The incorporation of such features in to an overall scheme should maintain views of the surrounding landscape and should be designed to have natural surveillance from surrounding uses;*

*B. It would not have a significantly adverse effect on the river wye special area of conservation (sac). If such effects are identified they must be suitably mitigated. In particular, development will only be permitted when it can be clearly demonstrated by the applicant that it would not compromise the ability of the river wye sac nutrient management plan to reduce overall nutrient levels along stretches of the river wye that exceed, or are at the risk of exceeding, water quality targets;*

*C. It would not allow any further westward expansion of the ribbon development or any substantial incursion into open countryside to the south that would not be sustainable;*

*D. It would not significantly constrain options for the route of the Hereford Relief road;*

*E. It would comply with the requirements of policy RA2 of the core strategy.”*

- 6.12 The site of the proposed dwelling adjoins on three sides the identified settlement boundary and is contiguous with the built form of the area, thus passing this gateway test for the NDP policy. The proposed development in this case is considered to accord with all the provisions of the above policy criteria, given its location adjoining existing residential development, maintaining the existing access to the field, connection to the mains sewer network and being reflective of the existing built form of the area. Thus the proposal is considered to accord with the development plan in spatial terms.

### *Highways*

- 6.13 The framework sets out (at paragraph 108) applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 109 the framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.14 The access is in private ownership and serves six existing properties. The access is single width, located between properties Tara to the west and 2 Cherry Orchard to the East that are both accessed from Kings Acre Road. The visibility at this junction is noted to be constrained and below the expected standards, in particular to the east, site photos showing this access and the block plan are included below for reference.



Site photos looking west and east (respectively) from the private access onto A438



Block Plan as proposed



- 6.15 Officers note the comments from the Council's Highways Engineer, in particular that *"the significant constraint in relation to this site is the visibility from the private access road onto the A438 which is substandard. The private access road already serves a number of dwellings therefore the local highway authority (LHA) would be unable to object to a development of a single dwelling due to the limited increase in vehicle trips generated. However, without significant improvements to the visibility at this junction the LHA would not support any further development off this access road."* It is also notable that the Local Planning Authority has previously granted an outline consent for a dwelling on this site though that was not implemented it does form a material planning consideration for this subsequent proposal, as the intensification of the access was previously considered to be permissible. Officers therefore consider that whilst there would be an intensification of this sub-standard highway access with its constrained visibility onto the public highway, on the basis of technical advice, there would not be an unacceptable impact on highway safety nor a severe residual cumulative impact on the road network; the impacts of development cannot be considered to be severe and as such refusal could not be directed.
- 6.16 The concerns of the local residents and Parish Council are noted, however many of the issues raised are existing problems that will not be made significantly worse with the introduction of one dwelling. The proposal includes sufficient parking can be provided within the curtilage of the new dwelling to prevent indiscriminate parking in the area. Refuse lorries will already be serving the dwellings and as such no additional trips will be necessary.

#### *Design & Impact on character of the area*

- 6.17 In regards to the design of proposed developments, the LPA has a statutory duty under Section 39 of the Planning and Compulsory Purchase Act 2004 to have regard to the desirability of achieving good design.
- 6.18 When considering the design and landscape impact of a proposed development, Policy SD1 of the CS is significant as it requires that development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Specifically regarding landscape matters, Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

- 6.19 The framework is a key material consideration for the proposal, it includes a chapter focused on achieving well-designed places (chapter 12), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally paragraph 98 of the framework sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.
- 6.20 The scale, mass, appearance and form of the proposed dwelling is noted to be reflective and in keeping with the local area, with the massing of the proposal reflective of the adjoining dwellings. The proposal is considered to be of an acceptable design which is reflective of the existing built form and would not be harmful in visual terms. The dwelling is set within an ample curtilage, thus not appearing constrained in the streetscene with the principle elevation being aligned with that of the adjoining dwellings. The vernacular and fenestrations of the dwelling are traditional in form but offer visual interest by way of the dormer windows and window detailing. The proposal is considered to accord with the expectations of the development plan in this regard.
- 6.21 Considering the landscape character of the area, Kings Acre is often described as being linear ribbon development but is interspersed with cul-de-sacs and historic developments that emerge southwards such as those on Cherry Orchard, Yew Tree Gardens and Four Acres. The proposal would extend the development along Cherry Orchard to its east side. It is therefore considered that this site is well related to the built form of the surrounding area and with sensitive landscaping and design would be integrated, as organic growth, into the surrounding area in accordance with the requirements of the relevant Core Strategy policies, including LD1 & SD1.

#### *Amenity*

- 6.22 Representations also suggest that the new dwelling and its associated use would adversely impact upon amenities currently enjoyed by local residents. However, given the small scale and nature of the development, impact would be minimal and could not be considered a reason for refusal. Having regard to the above, the proposals would comply with the requirements of policy SD1 of the CS and with paragraph 127 of the framework which seeks to protect the amenities of existing and proposed residents.

#### *Ecology & Habitat Regulations Assessment*

- 6.23 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 ('Habitats Regs.' henceforth). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.24 The application proposes to connect to the mains sewer discharging to the Eign treatment works and then to the River Wye, there is not considered to be the possibility of a likely significant effect on the Special Area of Conservation at the point of consideration, thus the development is considered to be acceptable from a HRA perspective and accords with the provisions of policy LD2 of the Core Strategy. Further the provisions of paragraph 177 of the framework are not considered to be triggered in this regard, as the application is screened out.

- 6.25 In regards to ecology & biodiversity matters generally on the site, Policy LD2 of the CS is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures. Policy LD3 also requires that proposals should protect, manage and plan for the preservation and provision of green infrastructure, whilst policy LD1 states that developments should maintain and extend tree cover where they are important to amenity. All of these policies are in line with the dictum set out by Chapter 15 of the NPPF. The application site is a greenfield site adjoining existing residential dwellings, it does not have any ecological designation and the proposal includes the addition of native species hedgerows. Officers recommend a biodiversity enhancement condition, for bird/bat boxes as is standard and so the proposal is considered to be acceptable in ecology and biodiversity terms, according with the development plan in this regard.

#### *Climate Change*

- 6.26 The Core Strategy at strategic policy SS7 requires focused on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.27 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The framework sets out at paragraph 108 that LPA's in assessing sites for specific applications for development should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change. The government has reaffirmed by way of a Written Ministerial Statement on 18th November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the effect provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

#### *Drainage*

- 6.28 In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. The proposal is for foul water to be managed via the mains sewer network and surface water managed via soakaways. The comments of a number of representations about drainage capacity are noted but the Statutory Consultee, Welsh Water, have raised no objection to the proposed development. The drainage arrangements are considered to be acceptable and a condition is recommended to secure such arrangements, thus the requirements of policy SD4 are met.

## *Conclusion*

- 6.29 The National Planning Policy Framework has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting.
- 6.30 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, with decisions planning any active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.31 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.
- i. 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
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.32 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.
- 6.33 The application is considered to constitute a sustainable form of development, it is contiguous with the built form extending from Hereford city and is identified in the NDP as an area for residential development. The proposed development is considered to accord with the policies and provisions of the development plan, which carries a statutory presumption and the proposal would bring some economic benefits to the area from capital investment in the development as well as contributing to the housing supply for the area in a modest manner; further there are no adverse



impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the framework as a whole. Therefore the application is accordingly recommended for approval as per the recommendation set out below.

## **RECOMMENDATION**

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

- 1. C01 – Time limit for commencement (full permission)**
- 2. C06 – In accordance with approved plans**
- 3. C13 – Details/samples of materials**
- 4. CCK – Details of slab levels**
- 5. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating:**
  - a) a Construction Traffic Management Plan (CTMP),**
  - b) Construction Phasing and Routeing Plans, including construction traffic arrival and departure times,**
  - c) onsite construction working hours**
  - d) a method for ensuring mud is not deposited onto the Public Highway**

**shall submitted to and approved in writing by the Local Planning Authority. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety, neighbouring amenity and to conform to the requirements of Policies MT1 & SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 6. CAI – Parking – single/shared private drives**
- 7. CAP - Highways Improvement/off site works**
- 8. CKJ – Foul drainage to Mains Sewer & Surface Water to Soakaway**
- 9. CK3 – Landscaping Scheme**
- 10. CK4 – Landscape scheme implementation**
- 11. CE6 – Water efficiency 110l per day**
- 12. With the exception of any site clearance and groundworks; written and illustrative details of the number, type/specification and location of Electric vehicle charging points of atleast one per dwelling, shall be submitted to and approved in writing by the local planning authority. The Electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the**

**Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 & 110 of the National Planning Policy Framework.**

**13. CKR – Biodiversity Net Gain**

**INFORMATIVES:**

- 1. IP2 - Application Approved Following Revisions**
- 2. I11 - Mud on highway**
- 3. I09 - Private apparatus within highway**
- 4. I45 - Works within the highway**
- 5. I47 - Drainage other than via highway system**
- 6. I35 - Drainage other than via highway system**

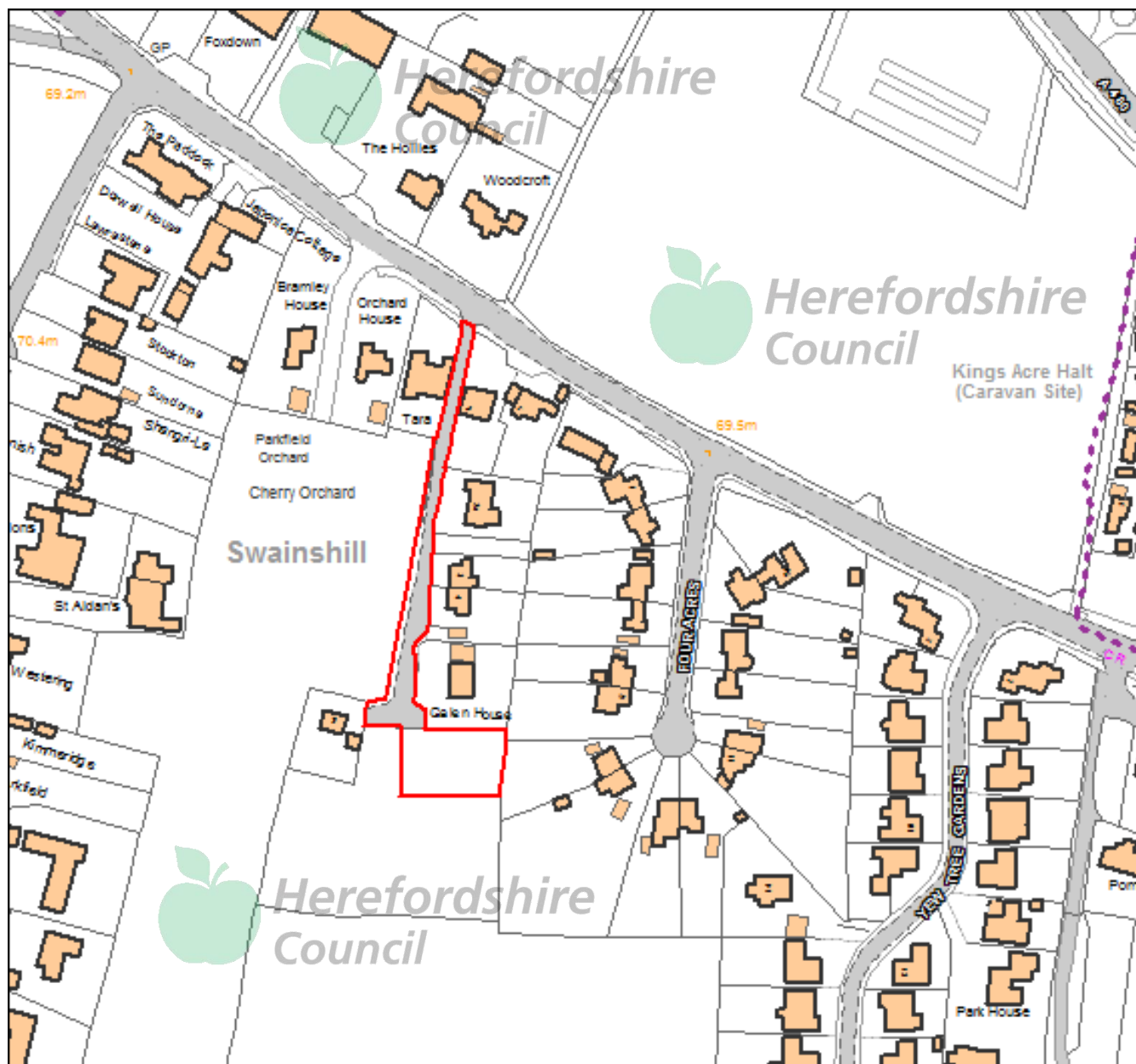
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 202499

**SITE ADDRESS :** LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD

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