

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27th June 2018
TITLE OF REPORT:	<p>180603 - FULL PLANNING APPLICATION FOR A PAIR OF SEMI DETACHED TWO STOREY THREE BED DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE.</p> <p>For: Mr Edwards per Miss Jane Wormald, 2 Pitt Cottages, Huntsman Lane, Raglan, Usk, Monmouthshire, NP15 2BE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180603&search=180603
Reason Application submitted to Committee – Re-direction	

Date Received: 15 February 2018

Ward: Penyard

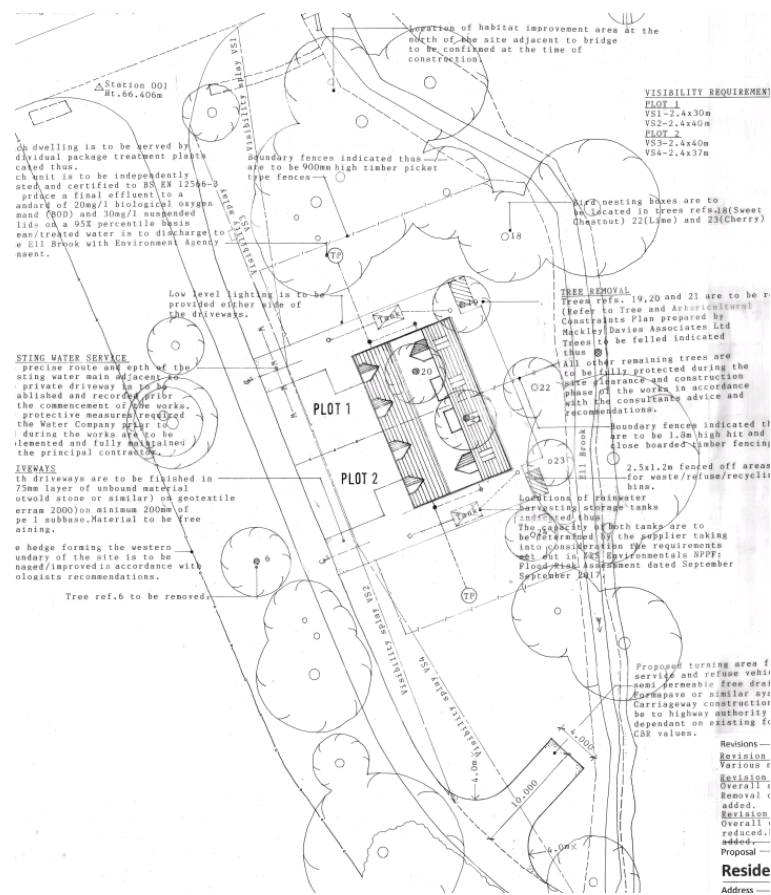
Grid Ref: 368300,223541

Expiry Date: 12 April 2018

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site lies on the approach to Aston Court and a complex of converted barns to the south of the B4222 within Aston Ingham. The site is bounded by the access road to the west and Ell Brook to the east. The Grade II* Listed St John's the Baptist Church lies to the east of the site on the opposite side of the brook, with three associated listed structures (all at Grade II) within its curtilage.
- 1.2 The site comprises a grassed area with a number of trees that are covered under a Tree Preservation Order. The site naturally falls along the east of the site towards the brook. Flood Zones 2 and 3 lie to the south east of the site and cover a number of the neighbouring dwellings but the site itself is outside of these.
- 1.3 The application seeks full planning permission for the erection of a pair of semi detached dwellings with the associated hardstanding and landscaping. The dwellings will utilise the existing access to the south of the B4222 with a parking area located off it. The dwellings proposed will be two storey measuring approximately 15m in length (across both properties) with a width of 9.3m (including the single storey leanto across the rear). The height will measure approximately 4.3m to the eaves and 7.5m to the ridge. The site layout is indicated below:



1.4 Internally, the dwellings will each accommodate a lounge, dining room, family room, kitchen and WC on the ground floor with three bedrooms and a bathroom on the first floor. They will be handed versions of each other.

1.5 As well as the proposed plans, the application was accompanied by:

- Planning statement
- Preliminary Ecological Statement
- Flood risk assessment

2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land For Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire’s Countryside
- 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 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):

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.3 Aston Ingham is not currently preparing a Neighbourhood Development Plan.

3. **Planning History**

3.1 163912/O – Outline application for two pairs of three bed, two storey semi detached dwellings. Withdrawn 14 February 2017.

This previous application was withdrawn following concerns raised by the case officer. This was in relation to additional information required by the Council's Ecologist, Drainage Consultant, Historic England, Tree Officer and concerns with regard to the number of dwellings proposed on the site.

4. **Consultation Summary**

Statutory Consultations

4.1. **Historic England – No objection**

Summary

The application for a pair of semi-detached dwellings represents a change in the setting of the Grade II* listed church of St John the Baptist. Historic England is persuaded that the principle of a building in the proposed location is acceptable but we are concerned that the materials and proportions of this proposal will result in harm to significance that could be avoided and does not comply with the requirements of paragraphs 132, 134 and 137 of the NPPF. We therefore urge you to seek amendments to the detailed design of the scheme.

Historic England Advice

Historic England provided pre-application advice to the applicant following the withdrawal of application 163912. In this advice we identified that the significance of the Grade II* listed church of St John the Baptist rests in its age, appearance, architectural quality and location which lend it high communal, evidential, historical and aesthetic value. Within the setting of St John the Baptist, the cluster of village buildings around the church including the converted range of historic farm buildings associated with Aston Court contribute to its historical and communal value being indicative of the historic social, spiritual and physical development of this agriculturally based village around the medieval church. The former schoolhouse on the opposite side of the B4222 makes a similar contribution but also adds to the aesthetic value of the church by forming an attractive visual counterpoint. The undeveloped and open land to the west and north, including the application site, provides visual links with the agricultural history of

the village and provides an attractive setting, these aspects contribute to the church's significance in terms of historical and aesthetic value.

The proposal for a pair of semidetached dwellings represents a change in the setting of the listed building. In terms of the contribution of setting to significance, this change has the potential to impact on the church's historical and aesthetic value. The application should therefore be considered in terms of the policy contained in Section 12 of the NPPF, most particularly paragraphs 128, 132, 134 and 137 and advice in Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.

Historic England is persuaded that the principle of a building in the proposed location is acceptable. At pre-application we advised that the scale, mass and form of proposals should be informed by a thorough understanding of these aspects of existing historic buildings around the church, particularly the adjacent former farm buildings, we drew particular attention to the role of plan depth in generating gable proportions. Historic England is not entirely persuaded that this analysis has been undertaken. The plan depth of the proposed dwellings at first floor that generates the gable and roof form is 7.5m, the application does not relate this to existing buildings so lacks the evidence that the building mass and roofscape of the proposal will read in a similar fashion to that of the former farm buildings in views to and from the church. We are also concerned that the proposed materials are of a significantly lesser quality than the natural materials of historic buildings which form positive elements in the setting of the church. We are concerned that the use of reconstituted and artificial stone for the walls, concrete roofing and brown as the colour for joinery and rainwater goods are elements that will have a negative impact on the aesthetic value of the listed building.

While the requirements of paragraph 128 have been met and the stepped approach to the assessment of the impact of change in the setting of a heritage asset set out in our published advice broadly followed, we are concerned that the materials and proportions of the proposal will result in harm to significance that could be avoided and does not comply with the requirements of paragraphs 132, 134 and 137 of the NPPF. Further evidence of the plan depth and gable proportions of historic buildings in the setting of the church and amendments to the proposed materials could address these concerns.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

On the receipt of amended plans, Historic England comments on the proposal as follows:

Historic England Advice

In our letter of 14 March 2018 we raised concerns regarding the materials and proportions of the proposed dwellings and considered that for these reasons, while the principle of a building in this location was acceptable, the design did not comply with paragraphs 132, 134 and 137 of the NPPF. The amended plans propose dwellings with a narrower plan depth and materials of a higher quality (natural stone and painted timber) that better respond to the character of the adjacent converted farm buildings. Our concerns regarding the scale, mass and form of the proposed building have therefore been addressed.

Recommendation

Historic England has no objection to the application on heritage grounds.

4.2 Natural England – No comments

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.3 **Welsh Water – No objection**

Sewerage

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.

Water

The proposed development is crossed by a distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

4.4 **Severn Trent – No objection**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Internal Council Consultations

4.1 **Conservation Manager (Ecology) - No objection**

In line with previous withdrawn application comments

“The site falls within the Impact Risk Zone for the Aston Ingham Meadows SSSI – this is just approx. 1km hydrologically from this proposed development. This requires the Authority to assess any ‘potential significant effects’ (LSE) on this statutory designated nature conservation site. The identified LSE from this site is through unmanaged discharge of surface water and any onsite foul water management system. All surface water must be managed on site to ensure there is no increased run-off from site and that any discharge into the adjacent brook is appropriately screened to ensure no potential contaminants or pollutants (eg from residents cars and associated activities) are released from site, even under flood conditions. Unless connected to the mains sewer system (confirmation from statutory body required) any final outfall from a package treatment plant must be managed via a soakaway/spreader or wet’ reed bed’ system to ensure that NO residual phosphates, nitrogen or suspended particulates are released off site in to the adjacent stream and hence hydrologically to the SSSI or have a detrimental impact on other local aquatic habitats. This assessment is a statutory requirement and so I would request this detailed information is supplied before determination of this outline application.”. I am unsure why Natural England have not picked this up in their comments on this application as they have done for other development applications in the village.

I note that the currently proposed individual PTPs are to discharge directly to the brook but NO details are provided on how the Phosphates (Phosphorous that is an element NOT managed by the standard PTP processing) will be mitigated. If a direct outfall is proposed then to manage the ‘P’ levels an additional Phosphate Stripping system must be added between the PTP and final outfall (such as Klargester ‘+P’ PTP unit). Confirmation of proposed phosphate management system with relevant PIA test certificate clearly demonstrating a P level at outfall of under 1mg/litre is requested (<1mg/litre is the equivalent of the P level currently achievable and standard in the outfall from a mains sewage treatment plant).

Subject to this information being provided I would be happy to conclude that the LSEs on the Aston Ingham Meadows SSSI and local aquatic ecology are fully mitigated and consequently would be able to withdraw my current Objection.

I note the supplied ecology report which appears relevant and appropriate and the recommended mitigation and working methods should be implemented as advised.

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Abbey Sanders Ecology dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Subject to foul water being confirmed in line with NERC Act, NPPF Guidance and Core Strategy all developments should demonstrate how they are going to enhance the local biodiversity potential. To secure this I would request a relevant Condition is included on any Planning Consent granted.

Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt); TWO bird nesting boxes, ONE Hedgehog home and ONE pollinating insect habitat home built in to, or attached to each of the new dwellings or an equivalent number installed on land or buildings under the applicant’s control, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. Habitat boxes should be made of a long-lasting material such as Schwegler Woodcrete or Geenwood Ecohabitats Ecostyocrete. No external lighting

should illuminate any habitat enhancement above pre-development nocturnal illumination levels.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013

Confirmation that a unit to address additional phosphates will be installed with details conditioned on any approval has been received.

4.2 Conservation Manager (Historic Buildings Officer) – Object

Recommendation:

The proposed scheme fails to meet key requirements of national and local heritage policy, and would result in harm to the setting of the Grade II* listed St. John the Baptists Church, particularly its mediaeval tower, two Grade II listed tomb chests, situated on the west side of the churchyard, the undesignated heritage asset Aston Court, and former historic outbuildings.

Whilst the level of harm is considered to be *less than substantial*, that harm has not been clearly and convincingly justified, a requirement of paragraph 132 of the National Planning Policy Framework; nor has it been demonstrated that the selection of this site has been made on the basis of existing settlement character, or the ability for the development to enhance, or better reveal, the significance of the surrounding heritage assets, requirements of Herefordshire Core Strategy policies LD1, LD4 and SS6.

Paragraph 132 of the NPPF also requires great weight be given to the conservation of a heritage assets setting, and although the level of harm has been identified as *less than substantial*, it will be permanent and irreversible, affecting the most significant side of the church

Historic Background:

The proposed site is a narrow strip of land located on the western edge of Aston Ingham, overlooked by the Grade II* listed St. John the Baptist Church, and sitting between a branch of the Ell Brook and open countryside.

St. John the Baptist Church:

The church is mediaeval in origin, with 13th century remains and a 16th century tower; however, it was substantially re-built in 1891 by Nicholson & Son.

As a consequence of this alteration, the most significant element of fabric that remains, and the most visually prominent, is the 16th century tower, which faces west towards the proposed site.

In addition, two 18th century, Grade II listed, tomb chests also overlook the site.

It is these important elements, and how they are appreciated for the western side of the settlement, that will experience the greatest harm.

Aston Court:

Historically, the site was part of an orchard field system connected to Court Farm, and the entrance to the farm, situated to the east of the brook, served both the church and the farm. Ordnance Survey mapping, revised in 1901, shows the north-easternmost section was divided to create a formal driveway to the newly re-named Aston Court.

The re-naming of the farm, and revision of its entrance, were likely connected with a change of ownership; the 1905 OS map illustrates a new boundary division between the outbuildings and original farmhouse complex. The farmhouse and adjoining structures appear to have been demolished, and a new house built on that plot.

This period of development marks the change from Court Farm, a working farm, to Aston Court, a formal residence, with associated driveway and landscaping. The visual evidence of this historic development is its key significance, and development in the proposed location would erode this.

Whilst none of the remaining buildings on the wider site are statutorily listed, and most have experienced some degree of alteration or conversion, they are considered non-designated heritage assets as they contribute positively to public understanding of this part of the settlement.

Comments:

Development Pattern:

The historic development pattern of Aston Ingham is sparse and rural in character, consisting of a series of farmsteads, surrounded by orchards and open fields, arranged around a church. Entry into the settlement, from the west, is visually framed by the presence of St. John's Church to the south, and the Victorian schoolhouse to the north.

A small quantity of late 20th century development has taken place to the east and north-east of the church. This development makes a neutral contribution to the settlement, as although its design has not been specifically informed by its rural location, its scale, form, and detachment from surrounding heritage assets, has ensured its visual impact has been minimised.

No development, other than that relating to existing historic buildings, has occurred on the western side of the settlement.

Historic Setting:

The established setting of the church has always been rural in character, especially its western outlook. Views to, from, and through St. John's Church, and its surrounding graveyard, would be compromised as a result of development in this location, permanently eroding the established character, and resulting in the significance of the 16th century tower and 18th century chest tombs being diminished.

Negative elements of the former outbuilding conversion, adjacent to the church, include the demarcation of domestic curtilages and associated domestic paraphernalia; new development would inevitably have a cumulative impact, combining to form a ribbon of domestic encroachment alien to this rural setting.

The entrance to Aston Court was clearly a designed feature - referencing the changing status of the farmhouse - with both strips of adjoining land planted with trees to provide a screened avenue, and a formal boundary wall along the main road. Development in this location would alter how the heritage assets and surrounding landscape is understood and interpreted.

Proposed Scheme:

It has not been demonstrated that the character of the landscape, and established settlement pattern, has positively influenced the site selection, and that there would be adequate protection or enhancement of the setting as a result of the development taking place.

The design of the proposed scheme has not been informed by local context, or a vernacular form that is in keeping with its location; it is more representative of terraced cottages prevalent in settlements that have developed along a linear pattern. In policy terms, this design cannot be considered to enhance surrounding heritage assets, or contribute positively to local character or distinctiveness.

4.3 Conservation Manager (Tree Officer)

Having completed a site visit I have the following comments:

I appreciate that some of the trees will be lost to facilitate the design. T19, T20, T21 are poor specimens as indicated in the tree report and I do not have any objection to their removal. They will however have to be replaced at an alternative location within the site. Because this is a wet site trees which are tolerant of such conditions shall be selected, the accompanying conditions will specify the species.

T23 & T24 which are intended for removal are in good structural condition and I'm not convinced that their removal is justifiable; they are a sufficient distance from the development that they will have minimal impact and therefore shall be retained.

Condition:

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority.

This will include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, sizes, nursery stock type, supplier and defect period. The species to be planted shall be:

X1 Betula nigra – River birch, 1 – Alnus cordata – Italian Alder 1 – Taxodium distichum – Swamp cypress.

All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with LD1 & LD3 of the Herefordshire Local Plan.

Condition:

The only trees to be removed which are shown in the approved drawings are T19, T20, T21, all other trees on site shall be retained. All trees on the site are protected by Tree Preservation Order 127/A2, any further proposed tree works will require a separate application.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy LD1 of the Herefordshire Local Plan.

Amended plans indicating the retention of trees T23 and T24 has been received.

4.4 Public Right of Ways Officer – No objection

The proposed dwellings would not appear to affect public footpath AG19, which is just west of the development boundary.

4.5 **Land Drainage_– No objection**

4.6 **Transportation Manager - No objection**

As previously comments raised the issue of the visibility splay. “The site uses an existing access, however due to the increase in the vehicle movements associated with the development a plan submitted showing the visibility splays from the access which is required within the applicants ownership should be provided.”

Please supply a plan showing the visibility splay

On receipt of a plan indicating the visibility splays, the Transportation Manager does not object to the proposal and recommends standard conditions.

4.7 **Environmental Health (Contaminated Land) – No objection**

I refer to the above application and would make the following comments in relation to contaminated land issues only.

I've no adverse comments to make.

5. **Representations**

5.1 **Aston Ingham Parish Council – Object**

The parish council discussed this application at a special meeting held on the 21st March 2018 attended by the applicant's agent, five parish councillors and 15 parishioners, and briefly at the regular parish council meeting on the 4th April when the amended plans were available. We would comment as follows.

As you are aware, this proposal replaces application no. 163912 which was withdrawn following public consultation held in January 2017. The parish council would like to thank the applicant and the applicant's agent, Miss J Wormald of Shire Planning, for listening to the concerns of the local community and for working hard to mitigate what were viewed as the negative aspects of the proposal. The revised application represents a significant improvement over the original. You may recall from our detailed response to the original application that Aston Ingham has a requirement for a number of smaller properties which would attract young families into the village, or be suitable for existing residents occupying larger properties who wish to downsize. In principle, this proposal would contribute towards meeting this need.

The reduction in the number of units from four to two and the revised design of the properties proposed is much more in keeping with the setting and the context, particularly now that changes have been made to the design to meet the concerns of Historic England in terms of the plan depth which determines the gable proportions, and the quality of the materials used. Consequently, it is the parish council's view that the proposal is unlikely to significantly detract from the church's setting and hence its historical and aesthetic value. This is also the view of the churchwarden of St. John the Baptist church, representing the PCC.

If planning permission is granted, then it is the parish council's view that adequate protection of the setting and the context should be made by applying conditions which prevent the proliferation of other structures, such as garages or sheds which might otherwise be constructed within the curtilage of the dwelling houses under permitted development rights, prohibit solid boundary fencing and limit external lighting.

However, the parish council has two major concerns over the suitability of the site for development, namely the removal of a number of trees protected by a block Tree Preservation Order (TPO) and the risk of flooding/ground conditions.

Our understanding is that a TPO is made in order to protect trees which make a significant contribution to their local surroundings or where their loss would have a detrimental effect on the local environment and/or loss of amenity value. The block TPO covering this area was made to preserve the nature of the environs of Aston Court and yet many of the trees covered have been progressively felled or at least significantly reduced over many years. This application proposes to fell a further three trees within the footprint of the proposed dwellings (nos. 19, 20 & 21) and two other trees along the bank of the Ell Brook (nos. 23 & 24).

It is true that the three larches sited within the footprint of the proposed dwelling are showing signs of deterioration, but this is a part of the natural cycle of decay and renewal, and, in ecological terms, should be preserved. The consultant arborist estimates that two of these trees (nos. 19 & 20) still have a life expectancy of between ten and twenty years. The two trees along the Ell Brook (nos. 23 & 24) are in the best of health and the justification for their removal is highly questionable, particularly as the roots, in all probability, help to stabilise the stream bank and reduce erosion. The mitigation proposals (wildflower area, pond dredging and bat/nesting boxes) are to be welcomed, but in no way compensate for the loss of mature trees, which also absorb water and help to stabilise the ground which has a high water table and is prone to flooding. As regards the future of the remaining larch (no. 21), which has a life expectancy of less than 10 years, the parish council recommends that this should be kept under review, and that if its condition becomes unstable, then the height should be reduced as necessary with the remaining trunk allowed to decay in the vertical plane to preserve its ecological value, in accordance with Natural England guidelines.

What is at stake here is the integrity of the TPO process itself. What is the value of such an order if a developer can simply apply for permission to fell protected trees on the basis that they are, rather inconveniently, growing in the spot which he wishes to build, particularly if justified on the basis of some marginal deterioration in the natural growing cycle? The parish council feels that it is time for the local planning authority to make a stand as regards this TPO and strictly enforce its provisions.

The second major concern is flooding and the nature of the ground. There is some debate about the extent of flooding in the past. The applicant maintains that the site has not flooded before whereas other residents are adamant that it has, and submitted photographs and a video in connection with the previous application (163912). Notwithstanding the Flood Risk Assessment by KRS Environmental, the facts of the matter are that there is substantial rainwater run-off from the surrounding farmland onto the site and fluvial flooding associated with the Ell Brook, resulting in standing water on the site even in moderate rainfall. KRS has identified that the situation has been exacerbated by the flood defences constructed on the left bank of the stream, the reduced flow capacity under the bridge to the south, and the topography of the site which slopes from east to west (from the stream towards the site). The south east corner of the proposed dwelling appears to be quite close to the stream bank, whilst concerns over the potential for contamination of flood water (and hence the Ell Brook) by the solid matter which accumulates in the treatment plants persist.

The applicant has incorporated certain flood risk measures into the design of the dwellings, such as increasing the height of the floor slab and raised electrical sockets etc., but if these measures are required, this surely poses serious questions over the suitability of the site? The residents of the properties on the other side of the stream can attest to the misery of flood water ingress into their homes, and would surely not have gone to the trouble and expense of constructing the flood defences if flooding of the Ell Brook was not an issue?

There is also the question of the impact that flooding issues would have on the marketing of the properties and implications for insurance cover, and whether the additional costs of mitigating the risks would allow the developer to market the properties at a price which would attract young families into the village?

Consequently, the parish council strongly recommends refusal.

A week later the Parish Council provided additional comments as follows:

Following the submission of our original comments dated the 9th April 2018, the applicant invited the parish council chairman to visit the site, which took place on the 13th April. The applicant advises that the consultation period for this application has been extended to the 30th April, and consequently, the parish council would like to make the following supplementary and additional observations:

1. There appears to be a contradiction in the Flood Risk Assessment which states at paragraph 2.5 that the site slopes towards the Ell Brook, with a 2% slope east to west – which is in the opposite direction. The topographical survey (and also a visual inspection with the naked eye) suggests that the site is almost flat, and the parish council feels that the 2% gradient and its direction should be verified.
2. At the time of the visit the ground was saturated with some pools of standing water, supporting previous observations and reports from local residents that there is often standing water on the site, even after moderate rainfall. Drainage is clearly poor, and the 2% gradient, even if verified, clearly has limited effect.
3. It appears that the south east corner of the proposed building is approximately 37 metres up from the bridge and only 5 metres from the bank, adjacent to the flood defences which apparently deflect flood water on to the site. An inspection of the bridge revealed a sizeable culvert and two smaller overflow pipes, but even so there is a differential in water levels during fluvial flooding of the brook –i.e. the water ‘backs up’ on the upstream side (adjacent to the site). Given this situation and previous photographic and video evidence, the parish council questions whether the proposed building really is above the 1 in 100 or even 1 in 1000 year flood levels.

The parish council also wishes to comment on other responses received to date.

1. The parish council maintains its view that no mature trees should be felled in connection with this development, and in particular supports the tree consultant’s requirement that trees 22, 23 & 6 should be retained.
2. The parish council would object to any part of the proposed development which encroaches on the area of priority habitat.
3. Correspondence in support of the application has been received from three separate parties who each live a considerable distance outside the area. The parish council questions whether these submissions are material considerations.
4. Correspondence received from Mr T Dulson, who resides in the locality, clearly supports the parish council’s view that any housing approved for this site should be capable of being marketed at a price which would attract young people into the village.

Councillors have genuine empathy with the applicant’s personal circumstances and considerable respect for what he is trying to achieve. However, the parish council must take into account the interests and the views of all members of our community, and has concluded that the recommendation of refusal must stand

5.2 To date a total of 11 letters of support have been received to the proposal. The contents of these are summarised as follows:

- No village plan but Aston Ingham earmarked as a location for development to meet the County's housing needs. The development will help to meet the required contribution
- More affordable homes to attract younger population
- Added advantage of not using farmland or greenbelt
- Brings church nearer to the centre of the village
- Would round off village boundary and create clearer definition of the village entrance
- Has good road links for employment yet there has been no new housing or plans in process
- The heart of the village are a pleasant walk from the proposed development and would provide a welcoming community spirit for new residents
- This is an exciting opportunity to utilise land that has no other beneficial use and no negative impact
- Most of the time the ground is dry and the land is found to drain quickly during recent percolation tests
- The surface water running down the drive is due to the drainpipe under it is completely blocked

To date a total of 15 letters of objection as well as 2 letters from Consultants on behalf of local residents have been received to the proposal. The contents of these are summarised as follows:

- The plot of land is flooded by the nearby fields. The road becomes flooded and the surrounding area is waterlogged
- The site is waterlogged 6/8 months of the year
- When the stream is at capacity there is the additional risk of sewage entering the property (representation from a resident within Aston Court) from the shared sewage system which is already at maximum capacity (when conditions are dry)
- The stream is fed by a large catchment being the lowest point in the valley
- The stream rises rapidly and the high level and rapid flow is life threatening. A containment wall was constructed some years ago to safeguard the existing properties as well as additional drainage and flood shuttering on main doors
- If the application is approved who will take responsibility for the inevitable flood damage to new and neighbouring properties?
- Any removal of TPOs would only exacerbate the flooding issues and destabilise Ell Brook
- During flooding the water enters the three properties (to the east of the site), covers the majority of the area suggested in the build and over flows both sides of the bridge
- The technical flood report fails to evidence the reality of the problem and the impact on the site itself and surrounding properties
- There is no bus service, shop, school, jobs or public house in the village – only a village hall and church
- Aston Court, while not listed, is a heritage asset with its own setting as well as its shared setting with the now converted farm buildings, the church and the school
- The proposed development would damage the character and nature of the landscaped driveway which was built to go with the country house in 1904. It fundamentally alters the nature and character of the immediate setting of the church
- The harm caused is considerable and as such is not outweighed by the two new houses when weighing up the public benefit
- Detrimental to the character of the area
- No mention of the damage and disruption that would be caused to the driveway

- Problems on the plans in relation to the lack of fencing against the Ell Brook, the emptying of package treatment plants and the parking of any emptying vehicle, the outlet pipes of the plants not being on the plans – where will they go
- Due to the curve of the road and at present a driver can see if a car is coming, however, with cars parked on the proposed driveways, and fences and other obstructions, it will not be possible to see a car coming down the access road
- Issues with access onto the B4222 and the current situation only works due to the good sight lines without fences etc. The B4222 is very busy and used as a rat run
- The gardens of the proposed properties would be extremely small
- Living in the properties will bring about anxiety in relation to the drainage implications but also the lack of outside storage space, the driveway only being one car wide, coming out of each driveway would be tricky
- If the site is sold when it has obtained planning permission who will monitor the environmental plans are adhered to
- Cannot see how these houses will be 'affordable'
- Application form is incorrect in terms of applicant and agent names
- The red line is queried as the application includes 'proposals' or otherwise suggests delivery or gains or mitigation on land outside the site area. Also noted that no land is edged blue
- Conflicts between the FRA and the submitted drawings in relation to the floor levels. Based on the existing ground levels provided the finished floor level would equate to 0.82m threshold. There are implications for the buildings height and design as well as access
- The LPA is requested to share details of the TPO online. The sharing of pre-application advice would also be of assistance
- Even though Certificate A has been served with the application, the LPA is requested to enquire whether the applicant is the freehold owner of the entire site
- Concerns regarding the design in terms of materials and division of the site as well as the impact of parked vehicles and residential paraphernalia. Does not represent good design
- The scheme would harm the Principle Timber Farmland designation of the landscape to a significant degree. There will be visual amenity harm as well as to the landscape character. The land is private open space
- The proposal will have a detrimental impact on the residential amenity of existing dwellings
- The FRA states that an existing low retaining wall will be removed but this is not indicated to be within the application site or within the applicant's ownership. What is set out within the FRA is therefore incapable of being achieved
- The Tree Report seems to be provided as standalone document and has not been coordinated with the Ecology Report. The LPA may wish to request an evening/dawn survey the recommended mitigation of unknowns falls short of necessary protection and enhancement
- While special circumstances should be taken into account, the presentation of these circumstances is not convincing and not supported by a S106 'Heads of Terms'. As such, little to no weight can be attached to this
- The applicant has failed to demonstrate attention to form, layout, character and setting. The proposal does not meet policy RA2. It is within open countryside and there is no compliance with any of the 7 criteria contained within policy RA3
- As the proposed dwellings will need a raised slab level, it is assumed the drives, access path and private amenity land will be raised also. Has the additional loss in floor water storage for these areas been adequately mitigated and drainage

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=180603&search=180603

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

Principle of development

6.1 S38 (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 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 49 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. As established in recent case law (Suffolk Coastal DC v Hopkins Homes [2016] EWCA Civ 168) in practice this means that it is for the decision-maker to decide how much weight to apply to such policies, because paragraphs 14, 47 and/or 49 do not stipulate this.

6.3 An appeal decision for an outline application for up to 100 dwellings in Bartestree (LPA reference: 143771 / PINS ref: 3051153) specifically considered the weight to be attributed to the Council's spatial strategy in the context of a housing land supply shortfall; then held at 3.63 years' worth of supply (this has improved subsequently to an updated position of 4.54 years). The decision, which was endorsed by the Secretary of State, confirmed that the Council's approach to housing delivery is sound and the shortfall attributable to the delays in delivering housing on large, strategic urban extensions. Accordingly, the Inspector and subsequently the Secretary of State, determined to give significant weight to policies relevant for the supply of housing; particularly in the rural context.

6.4 Furthermore, in the context of the clarification provided by the Supreme Court re: Hopkins & Richborough, it is also the case that the correct definition of policies 'caught' by paragraph 49 is the narrow one and that the weight to go to the policies that serve to protect the countryside for its own intrinsic value can legitimately be afforded full weight.

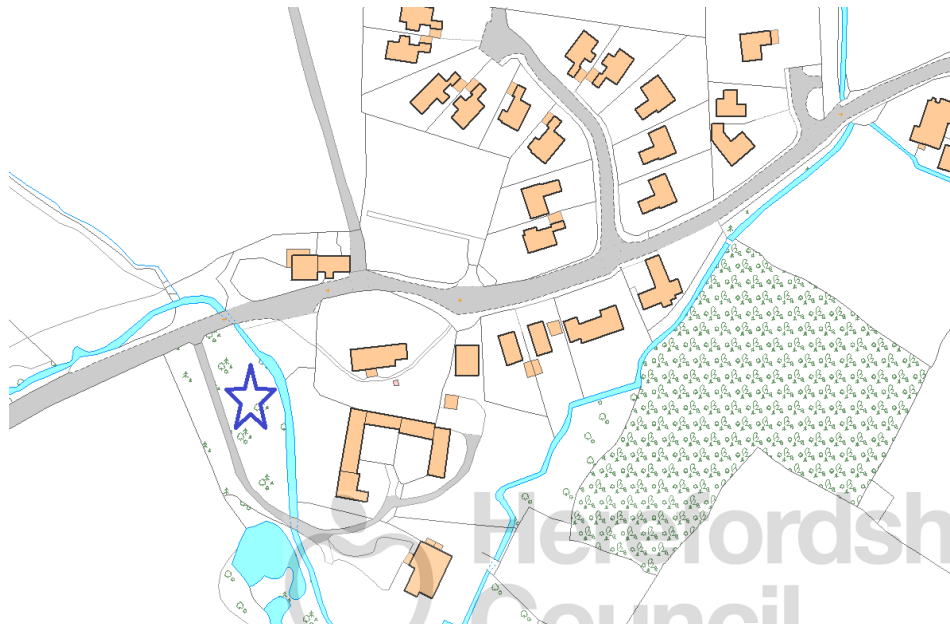
6.5 Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 55). It is therefore considered that Policies RA1, RA2 and RA3 of the Core Strategy continue to attract significant weight.

6.6 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.

6.7 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.

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

- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Aston Ingham is identified as a settlement where housing growth is considered to be appropriate and necessary and appears in figure 4.14. With the settlement lying within the Ross-on-Wye Rural Housing Market Area, where there is an indicative housing growth target of 14%, based on the 180 houses within the parish there is a minimum of 25 houses required in the parish during the plan period (2011-2031). In the past 6 years there has been permission granted for a total of 6 houses. As such, at the present time there is an under provision of dwellings coming forward within the settlement.
- 6.9 Notwithstanding the above, the preamble to Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, Aston Ingham are not progressing an NDP. As such, it is the relationship between the site and the main built up part of the settlement that is to be assessed.
- 6.10 The site is indicated on the two maps below by the blue star and shown in relation to the settlement:





- 6.11 With the above in mind, the proposal is considered to be within or adjacent to the built up part of Aston Ingham. Policy RA2 goes on to make it clear that housing proposals will be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by policy LD1 which states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale nature and site selection, protection and enhancement of the setting of settlements.
- 6.12 Aston Ingham is made up of a variety of dwelling types in a sporadic form – there are examples of both single storey and two storey dwellings, converted barns and old school, a former private residence subsequently subdivided into flats as well as wayside development adjacent to the road and a cul-de-sac. Given the varied pattern and types of development, the erection of a pair of semi-detached dwellings in the proposed location is not found to be out of keeping with the character of the settlement as a whole. As such, the proposal is found to comply with the broad aims of policies RA2 and LD1.
- 6.13 Notwithstanding the above, given the Grade II* listed status of St John's the Baptist Church and associated listed structures, S66 of the Listed Building Acts Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged requiring the decision-maker to have special regard for the desirability of preserving the setting of such assets
- 6.14 Policy LD4 of the Core Strategy is also relevant in terms of local planning policies. This policy states that development proposals affecting heritage assets and the wider historic environment should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design in particular emphasising the original form and function where possible.
- 6.15 Regard is also to be had for paragraphs 132-134 of the NPPF. This was dealt with by Gilbart J in Pugh v SSCLG 2015 stating that: *'There is a sequential approach in paragraphs 132-4 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in paragraph 134'*. This test results in weighing up any harm caused against the public benefits of the scheme. If significant harm to a designated heritage asset is identified then planning permission should be refused as per paragraph 133.

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

- 6.16 Case law has established that paragraph 134 is a restrictive policy within the meaning of footnote 9 of the NPPF i.e. a policy that indicates development should be restricted. In practice paragraph 134 acts to 'restrict' development by requiring that less than substantial harm to significance be placed into an unweighted balance. All that is required, in reflection of the statutory provisions described above, is that harm to significance outweighs the public benefits in a straight forward assessment i.e. it is not necessary to demonstrate that the harm significantly and demonstrably outweighs the benefits – merely that it outweighs them.
- 6.17 For decision-making contradictory advice from experts in the same field is potentially problematic. In this instance, Historic England, who are a statutory consultee, do not object to the proposals in relation to the impact on the listed heritage asset (the Church), following revisions to the scale and massing of the proposed dwellings.
- 6.18 However, if the advice of the Council's Historic Buildings Officer is preferred, he has clear objections and fails to be convinced that the proposals would comply with the requirements of paragraphs 132 and 134 and Section 7 of the NPPF in relation to the impact on the Church. As expressed above, in both cases this amounts to less than substantial harm but a significant material consideration that directs that refusal should ensue unless the public benefits of the proposal, outweigh the harm.
- 6.19 In this instance, the Council's Historic Buildings Officer not only objects to the proposal in relation to the impact on the setting of the listed/desinated asset but also the undesignated asset of Aston Court, a formal residency in its latter years that has since been subdivided into a number of residential flats.
- 6.20 Notwithstanding the paragraph 134 test touched on above, as harm has also been identified by the Council's Historic Buildings Officer in relation to the undesignated heritage asset, Aston Court, paragraph 135 of the NPPF is also applicable. This Paragraph states the following:
- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 6.21 As directed by paragraph 135, this harm is then to be weighed up in the planning balance. Both this and the paragraph 134 test will be covered below having regard for all the factors of the planning application.

Design and amenity

- 6.22 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact.
- 6.23 The materials proposed for the dwellings are interlocking concrete tiles in Old English Dark Red on the roof with sandstone masonry wall. The windows will comprise of brown aluminium casements with a mix of matching door casements as well as timber ones. Given the variety of materials within the vicinity consisting of facing brickwork, stone and timber clad elevations, the proposed materials are not found to be out of keeping within this location.
- 6.24 As commented upon above, there is a variety of dwelling types within Aston Ingham, but the proposed dwellings are redolent of a traditional cottage design, both in proportions and scale. The use of dormer windows also enables the overall height of the dwellings to be relatively

modest at 7.5m to the ridge. There are also several examples of pitched and flat roof dormers when travelling along the main road through Aston Ingham. With this in mind, these are not a foreign feature in the locality.

- 6.25 There are not many semi-detached properties within the settlement, although there are examples of adjoining properties including the complex of converted barns to the east/south east of the site as well as The Old School and attached (but separate dwelling) The School House. As such, the proposal is not found to be out of keeping with the surrounding pattern of development, nor is the associated demarcation of the plot in order to provide curtilage space for each dwelling at odds with this.
- 6.26 With regard to the impact of the proposal on the amenity of neighbouring dwellings, the rear of the property will be approximately 25m from the west elevation of the converted barns. With this distance in mind, as well as the intervening feature of the brook and the trees to be retained (covered below), a level of detrimental overlooking is not anticipated. The distance also avoids issues of overshadowing.
- 6.27 Moving onto the amenity of any future occupier, the dwellings will benefit from private amenity space to the rear of the properties. Boundary treatments would be conditioned on any approval to ensure that they are appropriate for the area while providing adequate screening for any future occupant.

Access and parking

- 6.28 The highways implications of any proposal are to be assessed against Policy MT1 of the Core Strategy. This policy states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposal without adversely affecting the safe and efficient flow of the traffic, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Council's Highways Design Guide.
- 6.29 The Council's Transportation Manager initially had concerns with the proposal given the lack of visibility splays indicated on the submitted plans. On receipt of this plan, the proposal is compliant in this regard and the utilisation of the existing access onto the south of the B4222 is found to be acceptable.
- 6.30 With the proposal being for two three bedroom dwellings, a minimum of 2 car parking spaces are required each in order to meet the standard contained within the design guide. The site plan that accompanies the proposal indicates the area for parking but the exact details will be conditioned on any approval.
- 6.31 The comments raised within the representations in relation to the proposed dwellings blocking views south along the driveway are noted. However, as there is a large area of hardstanding at the junction with the road, it is unlikely that vehicles would be having to wait on the road whereby this could lead to a highways safety implication. The vehicles will be off the adopted highway and on a private road.
- 6.32 A turning area for refuse vehicles has been included within the scheme to the south of the proposed dwellings. Having informally consulted with the Council's Technical Waste Officer, a refuse vehicle already travels down the private road to access the existing dwellings within the converted complex and Aston Court. The inclusion of a turning area will only be of benefit.

Trees & Ecology

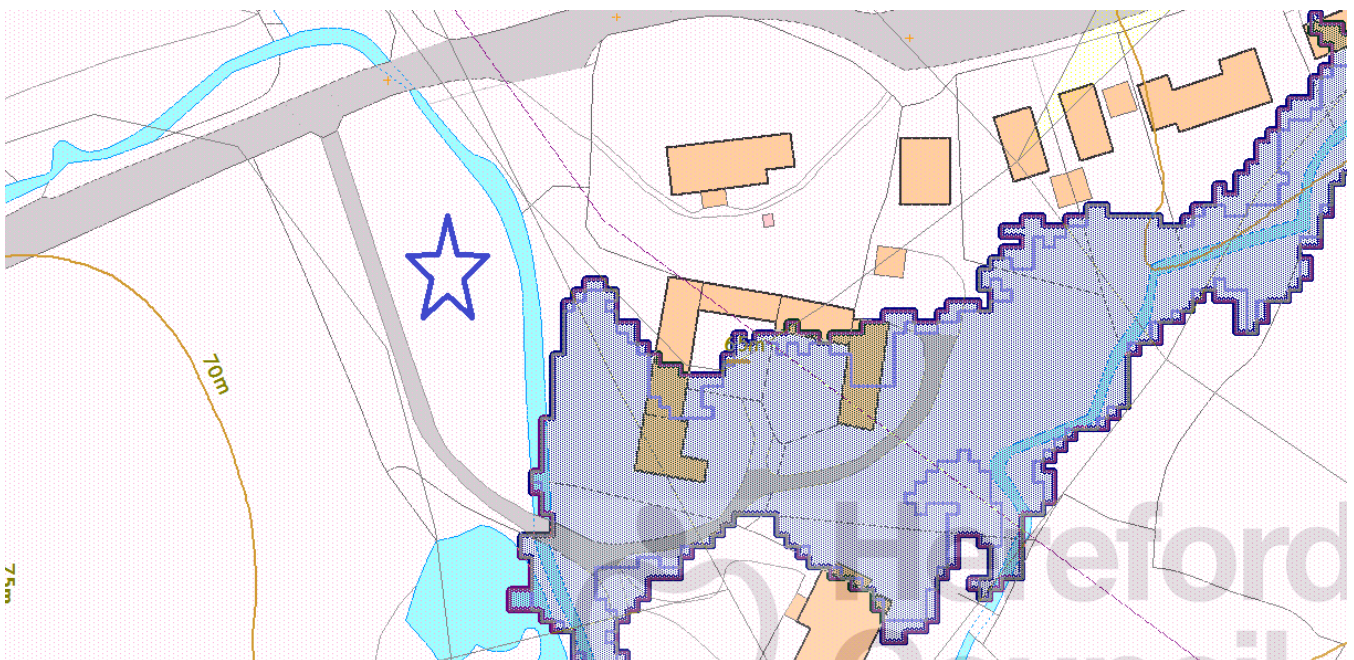
- 6.33 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the

biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

- 6.34 The site benefits from a number of trees protected by an Order although this scheme looks to remove three of them (nos. 19, 20 and 21 on the site plan). The number to be removed has been reduced in light of comments received from the Council's Tree Officer as some appear in good condition and the development does not justify their removal. While the Tree Preservation Order looks to protect the trees within it, it does not mean that with the relevant permissions they cannot be removed. This permission would override the Order and authorise their removal.
- 6.35 Moving onto the ecological impacts of the scheme, the application was accompanied by a Preliminary Ecological Statement. While potential impacts of the proposal have been identified within the Statement, with recommended mitigation in place these will be offset. The Council's Ecologist has had sight of the Statement and agrees with its conclusions. In this regard, a standard condition ensuring that the mitigation therein is carried out would be attached to any approval.
- 6.36 Clarification has been sought in relation to the disposal of foul water and the potential ecological impacts of this. On confirmation that the phosphates will be treated before final outfall, the Ecologist is satisfied that the ecological impacts of the proposal will be fully mitigated.

Drainage

- 6.37 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).



- 6.38 As indicated above, the site, while bounded by Flood Zones 2 and 3 to the south east, does not lie within a flood zone itself. However, anecdotally, it is understood that the site has experienced flooding due to the brook along the eastern boundary.
- 6.39 The application was accompanied by a Flood Risk Assessment which concluded that, while it acknowledges that there has been flooding within the vicinity of the site in the past, the risk of fluvial flooding is considered to be of low significance.
- 6.40 The application form that accompanies the proposal states that foul sewage will be disposed of by package treatment plants (utilising a unit to remove phosphates) and surface water disposed into the existing watercourse. These methods satisfy the requirements stated under policy SD3 and SD4 although details will be approved by condition.
- 6.41 The Land Drainage Consultant has provided comments on the scheme, as well as been made aware of the representations in relation to the drainage and flooding of the site. While discrepancies have been touched upon within the representations, the finished floor level can be conditioned on any approval and reviewed by the Land Drainage Consultant. At the level that has been proposed within the FRA, however, this is acceptable and sufficient to mitigate the risk of surface water flooding.
- 6.42 The Land Drainage Consultant does not object to the proposal but does recommend conditions in relation to a detailed surface water strategy, a detailed foul water strategy, the adoption and maintenance of the drainage systems and a flood warning and evacuation plan.

Other matters

- 6.43 Outstanding issues raised within the representations received are covered below.
- 6.44 The application form and location plan are adequate for the application to be valid and enable it to be fully assessed. Certificate A has been completed with the application stating that the site lies within the ownership of the applicant. This has been further confirmed by the agent.
- 6.45 The personal circumstances of the applicant (including the health of family members) have been touched upon by the agent within the submitted Planning Statement. While these are acknowledged, weight is not attached to these circumstances. The application is to be assessed on its own merits as any social benefit to the applicant's family is not guaranteed to continue in perpetuity based on the information submitted with the application.
- 6.46 In relation to the implementation of any planning permission and the adherence to environmental plans, any planning permission goes with the land as opposed to the person. As such, the conditions imposed on any decision will need to be adhered to by any future owner. The change in ownership will not affect the conditions placed on any approval.
- 6.47 With regard to any disruption or damage caused to the access road, as this is a private road, this is a civil matter. The granting of planning permission does not override any rights of access.

Planning balance and conclusions

- 6.48 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development 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
- 6.49 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 14 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; it being the case that there are no footnote 9 restrictive policies applicable.

- 6.50 The site is located within or adjacent to the main built up part of Aston Ingham which benefits from public transport and is a settlement identified for residential development under policy RA2. Officers are mindful that without an NDP for the parish, there are no allocated sites that are expected to come forward during the plan period. As identified above, there is also an under provision of new dwellings coming forward in relation to the target of houses for the parish as a whole.
- 6.51 Whilst officers have had regard to the comments of the Council's Historic Building Officer, regard must also be had to the public benefits accruing from the development proposal and as such whether the scheme passes the test under paragraph 134 of the NPPF. There are clear social and economic benefits of additional housing within the parish and contribution to the supply of available housing land within the County. With housebuilding there is associated economic activity both in terms of the construction phase and supply chain and activity of residents thereafter. In terms of social benefits, the proposal will provide two three bedroom properties which are the most required within the Ross-on-Wye Housing Market Area (indicated by the Local Housing Market Assessment 2012). The environmental impacts in this case are considered to be neutral. Having identified these public benefits, given that in my view, the harm identified is at the lower end of the scale, these are found to outweigh the less than substantial harm to significance. As such, officers conclude that the test within paragraph 134 is passed.
- 6.52 Moving onto the impact of the proposal on the undesignated asset of Aston Court, the 'balancing judgement' contained within paragraph 135 of the NPPF is engaged. While the comments received within the representations are noted, no technical objection has been received from any other consultee bar the Historic Buildings Officer. As such, weighing up the harm that has been identified on the undesignated asset against all the other areas of an application, it is not found that this harm outweighs the benefits of the scheme.
- 6.53 In relation to the drainage impacts of the proposal, no technical objection has been received from the Council's Land Drainage Consultant. The site lies outside of a flood risk zone and while it is not doubted that the site may experience flooding, on receipt of the Flood Risk Assessment, refusal of the application is not found to be justified.
- 6.54 With regard to other technical areas, the impact on the highways and the protected trees on the site have been fully assessed, and while concerns raised locally are noted, the proposal is found to accord with the development plan.
- 6.55 In terms of the overall planning balance, I am content that in the context cast by the lack of housing land supply, the absence of demonstrable adverse impacts and the benefits arising in the social and economic dimensions, that the scheme is representative of sustainable development.

RECOMMENDATION

That planning permission be granted subject to the following conditions below and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C13 Samples of materials**

4. **C65 Removal of permitted development rights**
5. **C96 Landscaping Scheme**
6. **C97 Landscaping scheme implementation**
7. **CBK Restriction of hours during construction**
8. **CCK Details of slab levels**
9. **CAH Driveway gradient**
10. **CAL Access, turning area and parking**
11. **CAZ Parking for site operatives**
12. **CB2 – Secure covered cycle storage provision**
13. **CC2 – External lighting**
14. **CBM – Scheme of foul and surface water drainage disposal (including the size of the rain water harvesting tanks and confirmation of the proposed authority for adoption and maintenance of the drainage systems)**
15. **CDD – Evacuation Management Plan**
16. **The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Abbey Sanders Ecology dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

17. **Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt); TWO bird nesting boxes, ONE Hedgehog home and ONE pollinating insect habitat home built in to, or attached to each of the new dwellings or an equivalent number installed on land or buildings under the applicant's control, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. Habitat boxes should be made of a long-lasting material such as Schwegler Woodcrete or Geenwood Ecohabitats Ecostyocrete. No external lighting should illuminate any habitat enhancement above pre-development nocturnal illumination levels.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013

18. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with LD1 & LD3 of the Herefordshire Local Plan.

19. C88 – Retention of trees and hedgerows
20. C90 – Protection of trees/hedgerows that are to be retained

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.
2. I05 - No drainage to discharge to highway
3. I09 - Private apparatus within the highway
4. I11 - Mud on highway
5. I35 - Highways Design Guide and Specification
6. I45 - Works within the highway
7. In relation to condition 15, this will include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, sizes, nursery stock type, supplier and defect period. The species to be planted shall be: X1 Betula nigra – River birch, 1 – Alnus cordata – Italian Alder 1 – Taxodium distichum – Swamp cypress.

All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

