

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 December 2018
TITLE OF REPORT:	<p>181664 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PERMISSION 161771 (SITE FOR PROPOSED REPLACEMENT OF A FIRE DESTROYED DWELLING PLUS THE ERECTION OF 2 DWELLINGS (TOTAL 3 DWELLINGS)) AT THE TREES, ORCOP, HEREFORD.</p> <p>For: Mr Williams per Mr Rodney Purse, 142 Tuffley Avenue, Gloucester, GL1 5NS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181664&search=181664
Reason Application submitted to Committee - Redirection	

Date Received: 2 May 2018

Ward: Birch

Grid Ref: 348027,228009

Expiry Date: 27 June 2018

Local Member: Councillor DG Harlow

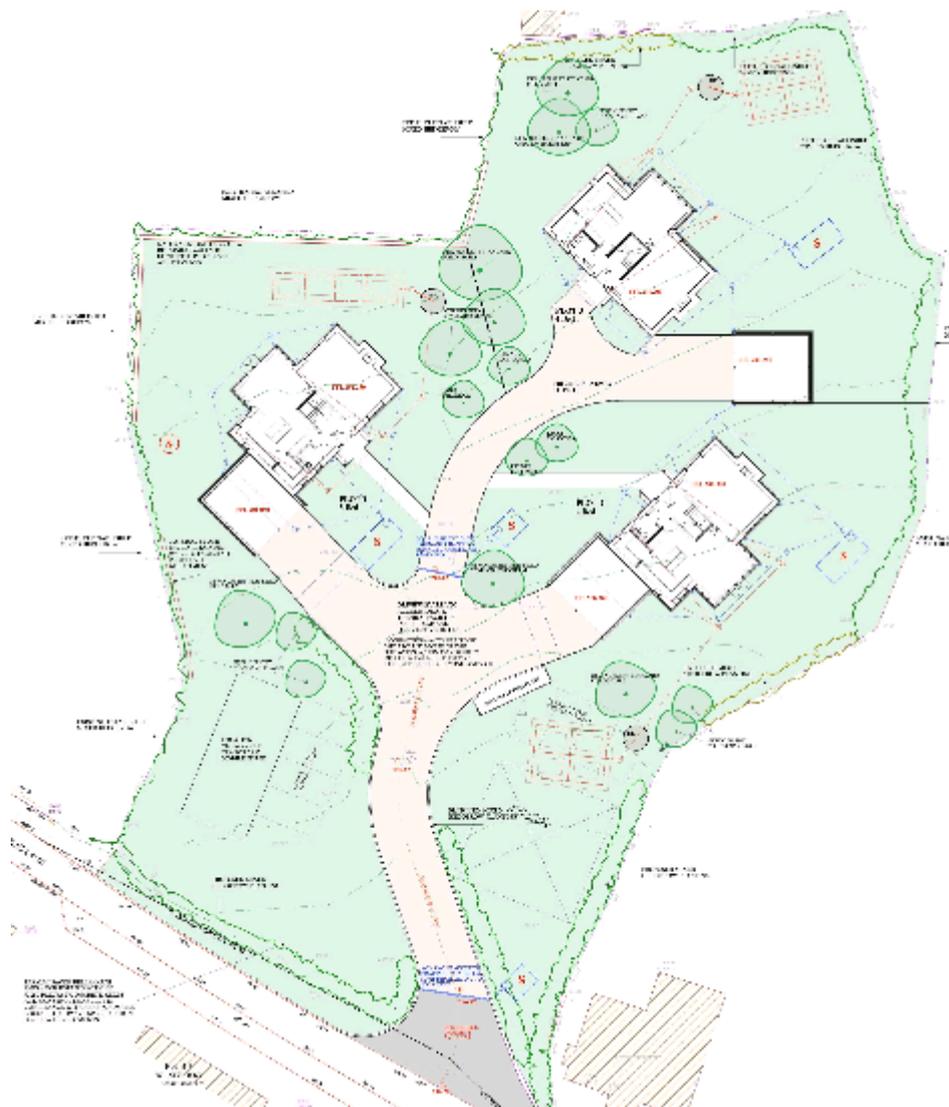
1. Site Description and Proposal

- 1.1 The application site is located centrally within Orcop Hill and accessed to the north east of the road. There was a bungalow on the site previously which was irrevocably fire damaged a few years ago. The remains of this building have now been removed from site.
- 1.2 The site is bounded by thick hedging on all sides and sits higher than the road, with the driveway inclining into the site.
- 1.3 Outline planning permission was granted on the site in 2016 for the replacement of the fire damaged dwelling as well as an additional two properties (three dwellings in total). All matters were reserved.
- 1.4 A reserved matters application was submitted to the Council in 2017 and refused for the following reasons:
 - 1) The proposal is contrary to Policies SD1 (bullet points 1 and 2 in particular) and LD1 of Herefordshire Local Plan: Core Strategy by reason of the cramped interrelationship between the proposed dwellings and their ancillary outbuildings and the incompatible building design, scale and layout.

2) The proposal is contrary to Policy SD1 of the Herefordshire Local Plan: Core Strategy (bullet point 3) in that residential amenity for existing (Ivy Cottage) and future residents would not be safeguarded due to the separation distances involved and unacceptable overlooking of the frontage approach into Ivy Cottage.

1.5 An appeal was lodged and dismissed by the Planning Inspectorate on grounds of the harm to the character and appearance of the area. The impacts on the amenity of neighbouring dwellings being found to be adequate.

1.6 The outline planning permission remains extant and this application once again seeks approval of the reserved matters for the three dwellings. The three dwellings will be located facing towards the centre of the site with the existing access being utilised. The general layout arrangement can be seen on the drawing below.



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
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 National Planning Policy Framework (NPPF):

Chapter 2	–	Achieving sustainable development
Chapter 5	–	Delivering a sufficient supply of homes
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

2.3 Orcop Neighbourhood Development Plan (NDP)

Orcop Neighbourhood Development Plan is at the drafting stage and therefore afforded no weight at the present time.

3. Planning History

3.1 180277/F - Proposed erection of a pair of lane side dwellings with detached garages and vehicular access. Withdrawn

172940/RM – Application for approval of reserved matters following outline permission 161771/O. Refused and dismissed on appeal due to the harm that would be caused to the character and appearance of the area.

172401/XA2 - Application for approval of details reserved by conditions 8 11 & 12 attached to planning permission 161771 (details of site operative parking and wheel cleaning apparatus). Approved 8 August 2017

161771/O – Site for proposed replacement of fire destroyed dwelling plus erection of 2 dwellings (3 total). Approved 16 August 2016

4. Consultation Summary

Statutory Consultations

4.1 Natural England –no objection

No objection – Subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

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

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant /septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Following amended plans a re-consultation was sent with Natural England commenting on 29 August 2018:

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

4.2 Welsh Water – no objection

We have reviewed the information submitted as part of this application with particular focus on drawing number 17.800.100 which shows foul water draining to private treatment and surface water to a nearby watercourse.

As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Following amended plans a re-consultation was sent with Welsh Water commenting the same comments on 30 August 2018:

Internal Council Consultations

4.3 Public Right of Way Officer – qualified comment

PROW do not object to the development itself, providing surface water is not allowed to drain onto public footpath OC18. We would like assurance of this.

4.4 Transportation Manager - No objection

4.5 Conservation Manager (Ecology) – initially objected

Based on latest Natural England Guidance and zoning the site falls within the River Wye SSSI (SAC) Impact Risk Zone "Any discharge of water or liquids including to mains sewer" based on this the LPA has a Duty of Care to appropriately assess the application against 'Likely Significant Effects' (Habitat Regulations, NERC Act, NPPF, Core Strategy LD2 and SD4). The identified LSE is from foul water from the new dwellings. The applicant has indicated that a PTP will be utilised with a direct outfall into an adjacent watercourse (this must also have a normally regular flow throughout the year under 'average' weather conditions to comply with basic General Binding Rules). As standard PTP systems do not remove phosphates in their processing this is passed straight through in to the outfall and it is this that has the potential to

cause significant harm locally and cumulatively downstream to the River Wye SSSI/SAC. Based on this NO direct outfall from the site without further phosphate stripping systems being in place would be acceptable given further considerations below, and this application should not be determined until such time as this matter has been satisfactorily approved.

In line with best practice and Policy SD4/LD2 the applicant should clearly demonstrate why a soakaway discharge field, including a 'mound' system cannot be implemented – this should be evidenced by a professional drainage report. If a drainage field can be shown to not be possible then the next alternative is to install a PTP system with a PIA certified final outfall mean Phosphate (P) level of under 1mg/litre - this is equivalent to current best practice and available technology and is the level equivalent to best achievable outfall from a mains sewerage treatment plant. If this is the final solution proposed then confirmation of the PTP system and phosphate stripping system should be supplied along with a relevant PIA certificate showing the mean P level at outfall and a draft 5 year maintenance plan that the applicant/occupier would be expected to implement through Condition.

There are no ecology issues that are not already managed under original approved outline application.

Following amended plans a re-consultation was sent with the Council's Ecologist commenting on 26 September 2018:

With plans now showing final outfall from individual PTP to soakaways I am happy to lift my objection as this likely significant adverse effect on the River Wye SAC can be fully mitigated. This foul water and surface water management and hence relevant mitigation should be secured through relevant conditions should planning consent be granted.

A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 5 December 2018 with a recommended condition in light of the comments received from Natural England.

4.6 **Council's Land Drainage Consultant – no objection**

In principle, we would not object to the proposals. Please review our comments below – further information is needed as part of suitably worded planning conditions.

Surface Water

Percolation testing has been undertaken in accordance with BS6297 which has produced a Vp value of 20. The Applicant has used the Building Regulations formula to establish an infiltration rate of 0.18m/hr (5x10⁻⁵m/s).

We appreciate the use of an Aco drain to capture runoff from the driveway.

- There is no mention of the use of a safety factor (a safety factor of 2 should be applied).
- The Applicant has not confirmed the responsibility and maintenance arrangements for the surface water drainage systems.

Foul Water

- The drainage field serving the BioDisc for Plot 1 appears to be going uphill. No levels have been stated on the topographic lines or on the drainage system – this must be provided. The foul system must be gravity fed.
- The ownership of the land on which the drainage fields are located must be with the respective home owner.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.

Following additional drainage details (with additional testing being undertaken in adverse conditions) the Council's Land Drainage Consultant commented on 3 December 2018:

The calculations provided (in the attached email) are acceptable. However the surface water soakaway serving Plot 1 is located partly beneath a potentially shared driveway. The Applicant should confirm that the land on which this soakaway is located is solely owned by the respective homeowner.

We note the 2 Aco drains taking runoff from the road. These drains discharge to soakaways. There has been no information in regards to the ownership and maintenance arrangements of these drains and soakaways. In particular the northern Aco drain which is taking runoff from the private driveway of plot 3. The soakaway serving this Aco drain is located beneath a shared access road.

We previously requested that the Applicant demonstrate that the foul water will be drained via gravity (demonstrated by a drawing with topographic levels). This has not been provided.

We do not object to this development. The above information could be provided as part of suitably worded planning conditions or prior to granting planning permission to remove the need for conditions.

4.7 Council's Waste Technical Officer – qualified comment

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the road it would need to meet the specification for adoptable roads. A risk assessment would also need to be passed. Alternatively, the bin collection point should be located within 25 metres of where the RCV can safely access.

5. Representations

5.1 Orcop Parish Council – object

We would like to make comment in regard to:

Proposed dwellings- The Parish Council reiterate again that they would prefer to see bungalows at this location (this request was made when the outline application was responded to by The Parish Council) .The proposed dwellings would have an adverse, detrimental impact upon the character of local area.

Drainage- The Parish Council states that as the owners of Copy Well (village green) NO discharge of storm or treated effluent must be allowed to run into Copy Well .The spring at copy well runs for the majority of the 365 days of the year, and to allow any discharge of water where storm or treated effluent would have an environmental impact on copy well. We request notification that NO discharge of water whether storm or treated effluent will be allowed into copy well.

Footpath ; 0C18 We concur with the PROW officers revised comments that surface water is not allowed to drain onto the public footpath 0C18 of which the PROW officer has asked for assurance of this.

5.2 **To date a total of 40 representations have been received to the proposal from 15 households. The contents of these are summarised below:**

Drainage

- Applicant intends to discharge surface water onto the footpath (OC18). *This is no longer the proposed arrangement*
- The collective surface water from the ACO channel, along the bell-mouth entrance shows discharge to the curtilage of Copywell Cottage. Unsure if a third party agreement for this
- No indication of weather paving or gravelled areas will be used for patios and pathways etc. This will increase area of hard landscaping
- While Orcop Hill is not subject to river flooding it does suffer from flash flooding.
- Where would wheel washing etc drain into and later such things as residents washing cars
- Insufficient water percolation testing to design the soakaways
- No details given for soil structure or water table
- Certain proposed landscaping tree roots will interfere with drains in future
- Arguably most soakaways on the plan contravene the 'General Binding Rules'. Site is not large enough to satisfy these conditions. The outline is unsafe
- Planning's drainage engineers require surface water soakaway to be designed for a 100 year store rainfall plus a safety factor of 2 not a 10 year storm with no safety favour as in this case (stated in Balfour Beatty's report from Newcastle Farm application 173885)
- The percolation test as described in the document 'Soakaway/percolation test details' does not conform to the requirements of Building Regulation Part H2
- The site falls at an average gradient of 1 in 10 from north to south. The concerns relating to drainage do not relate to the exceptionally dry conditioned that prevailed when the tests were carried out but to periods following heavy rainfall when the water table is known to be very close to the surface
- The soakaway facilities will not work in high water table conditions and runoff will instead flow down gradient with inevitable pollution impacts on Wilkes Row and properties further downslope

Design

- Doubtful there is a requirement for large urban-style high rise 3 & 4 bedroom residences
- Proposed development is an opportunity to satisfy the local demand for single storey properties. Would follow the built context of existing low rise dwellings on the high side of Wilkes Row and be more in keeping with the build form located on the west to northwest of the site
- Land is elevated and the sizes of the houses would loom over existing properties. More appropriate for a city suburb. Cul-de-sac is not in keeping
- Although dwellings have been reduced and some green landscaping there is still an urban appearance
- Still massing between plots 2 and 3
- More sustainable would be low occupancy 2 or 3 bedroom bungalows noting that the previous building was a bungalow
- The sight lines and light for dwellings along Wilkes Row would be impacted because of the height of the homes
- Plot 3 was originally 14m from Ivy Cottage and considered too close by the previous planning officer – now estimated at 11m. Proximity of plot 1 to Holmland is also estimated at 11m. Policy SD1 should safeguard amenity of existing and proposed residents
- Nothing to stop plot 1 (a 3 bed) into a four bed due to similar footprint. *This has been reduced*

Access

- Revised road is very steep and hazardous in winter. Original proposed access is more practical and should be retained. Access would affect amenity of existing residents living opposite as vehicles exit during night time hours. Would have implications for existing dwellings who have to reverse onto the road. *The access has now reverted back to the existing*
- Road is very narrow and quite busy particularly at early mornings and evenings
- There is a need for yellow lines on Wilkes Row Lane junction with Lyston Lane and in front of and opposite the school bus shelter to improve road safety
- Originally proposed that off road parking for Wilkes Road would be available. This seems to have disappeared
- Relocation of access is much better but hedgerow required along full length of the drive to shield car headlights and protect amenity of Wilkes Row Cottages

Other matters

- Increase of light pollution
- What guarantee is there that the property owners will replace any failed planting?
- Aspects of sustainable design should require electric car charging points and secure cycle storage
- The developer has again included a temporary mobile home and vehicle cleaning area but not confirmed exactly who will own this land, maintain it and what it will be used for
- Issue of the three houses becoming five (following withdrawn application 180277)
- Smell from two existing treatment tanks is already hard to escape to add another would be ludicrous
- Muntjac Deer inhabit the area and was not identified in the Ecologist's report. Habitat has already been destroyed by the developer in clearing the site
- With regard to conditions on the outline permission, developer has cleared/cut down all trees and shrubs during nesting season and burned in situ with no ecological supervision
- Absence of wheel cleaning and inadequate site parking has meant considerable mud on road. Is the Planning Department capable of monitoring/controlling the situation?
- Has Japanese knotweed been entirely eradicated from the site?
- Proposed hedge along north boundary of the site but there isn't one there at present due to septic tank immediately adjacent to that boundary (on the neighbours side)
- 4 proposed trees between Ivy Cottage and most northern dwelling will definitely threaten the septic tank
- Where are oil tanks to be located?
- Given governments intent to ban new diesel and petrol cars from 2040 should there not be at least 2 car points per dwelling
- Application form states meeting had been held with planning department and appears to show commitment to give approval before proper consultation with public and various agencies
- Large garden space below plot 1 should be protected from future development to avoid overcrowding

5.2 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=181664&search=181664

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

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

6. Officer's Appraisal

Procedural background

- 6.1 As stated within the site description and proposal, a previous reserved matters was dismissed on appeal on the site (LPA ref: 172940). The proposal was dismissed due to the impact on the character and appearance of the area. For ease, the relevant part of the Inspector's decision is found below with the block plan of the dismissed scheme underneath:

The site is located centrally within a cluster of development in a rural setting. The other houses nearby are mostly detached and display a wide variety of forms, sizes, ages, and positions on their plots. However, overall, a distinctive verdant and relaxed character prevails due to the proximity of open fields, a number of large gardens, significant spaces between some dwellings and extensive vegetation throughout. The character of the area is also informed by the topography, which slopes down from north to south, resulting in the appeal site being considerably higher than the road it faces.

The three proposed dwellings would be large, detached buildings similar in appearance to each other. Though they would be 1½ storey, they would be taller than many of the other nearby detached houses including the two-storey houses at Copywell Cottage and Ivy Cottage as illustrated by the site section drawing. Additionally, they would be substantially wider than most of the other surrounding properties. Consequently they would have a greater bulk and scale than most of their neighbours and, in combination with their elevated position above the road, would appear prominently in the street scene. Indeed, in the context of the modest scale of the adjacent houses to either side, at Homelands and Copywell Cottage, they would stand out as incongruously large dwellings.

Furthermore, the proposal includes three detached double garages. When added to the houses, the result would be a vast swathe of development across the width of the site with the only meaningful gap being that between the garage at the top of the site and the dwelling on the western half of the site. Indeed even this gap would be interrupted by a 1.8 metre high close boarded fence. Also, the gap between the two houses in the east of the site would not be discernible from the road. Due to the spread of built form, and the significant scale of the houses, the development would appear cramped.

Moreover, the large area of hardstanding in the centre of the site would add to the impression of a distinctly urban development which would contrast with the low-key character of its context. The use of stone, render and slate in the materials of construction, which would be in keeping with the surrounding houses, would not mitigate for this contrast.

There are examples of houses with large garages in their curtilages nearby, but it is the cumulative effect of three large dwellings and three double garages which would lead to a cramped, urban appearance.

I note the reference to a planning permission for a new house on the adjacent site at Homelands, but as this has not yet been built, I can give it limited weight in terms of its influence on the character and appearance of the area.

In summary, the proposal's contrast with the character and appearance of the area would be to its detriment. The development would therefore fail to accord with Policies LD1 and SD1 of the Herefordshire Local Plan Core Strategy which aim to ensure development takes account of the character of the local context in terms of its design and scale.

Principle of development

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

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

6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.4 Despite the relatively recent adoption of the CS, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.5 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

6.6 The principle of development on this land is established via the outline planning permission and the RM submission is submitted in accordance with the relevant conditions. In this instance the outline application reserved all matters so this application is for access, appearance, scale, layout and landscaping.

6.7 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and CS, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits and my assessment focusses on each Reserved Matter in turn

Access

6.8 Policy MT1 of the CS and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where ‘the residual cumulative impacts of development are severe.’(NPPF para. 109).

6.9 During the application process the access has been amended from centrally located within the site to utilising the existing access which lies in the south corner of the plot and gradually inclines into the site. Utilisation of the existing access avoids unnecessary engineering works and, with a new mixed hedgerow located behind the visibility splay, the character of the

streetscene will be retained given light of the minor amendments required to facilitate the use of the existing.

- 6.10 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.
- 6.11 The nearest amenity to the site is the Fountain Inn Public House to the south. While there are no public footpaths along the road to access this, there is a lack of paths along the lanes and street lamps within the settlement as a whole and therefore not unusual.
- 6.12 The comments received from the Council's Transportation Manager raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the Core Strategy.

Appearance

- 6.13 A number of objections received comment on the design of the proposal and your officers are mindful of the previously dismissed appeal on the site in light of the harmful impact the previous reserved matters scheme was found to have on the character and appearance of the area.
- 6.14 The three dwellings will face towards the centre of the site and all be one and half storey. Plots 2 and 3 will both be four bedroom properties with plot 1 being three bedrooms. They will be constructed from rendered elevations with elements of timber cladding and slate roofs. Each dwelling will benefit from a single storey double car port.
- 6.15 While the NPPF confirms that good design is indivisible from sustainable development, it goes on to acknowledge that Local Planning Authorities should not impose architectural styles. Having regard to the local context, officers are of the opinion that the house-types proposed, whilst not innovative or exemplar, are not uncharacteristic of the area. To this extent I consider that the approach to appearance is acceptable and in accordance with CS policies LD1 and SD1.

Scale

- 6.16 Since the dismissed appeal and noting the concerns of the Inspector in relation to the scale and massing of the proposed dwellings, the scheme submitted has been reduced.
- 6.17 Under the current application, all three dwellings will be slightly different from one another with plots 1 and 2 benefitting from attached car ports and plot 3 being detached. The external elevational treatments will also vary between the dwellings. While the scale of a scheme should be seen in context of the surrounding development, regard is had for the specific comments of the previous Inspector. With this in mind, below are the approximate average measurements of the dwellings now proposed alongside those of the dismissed scheme:

	Proposed scheme	Dismissed appeal scheme
Ridge Height	7.8m	8.4m
Eaves Height	4.1m	4m
Width of main part of dwelling	7.4m	8.6m
Length of main part of dwelling	12.3m	15.2m

- 6.18 As can be seen the scale of the dwellings has been reduced. The height of the buildings is also now lower than Ivy Cottage, the neighbouring dwelling to the rear of the site and the relationship specifically commented on previously, as can be seen by the section drawing below with Ivy Cottage on the left-hand side:



- 6.19 Noting the comments of the Inspector on the previous scheme and the amendments that have now been made, your officers are content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with CS policies LD1 and SD1 in particular.

Layout

- 6.20 Moving onto the layout, as stated previously, the three dwellings will face towards the centre of the site creating adequate private amenity spaces to the rear of each. The dwellings under this proposal are staggered across the site and the inclusion of simple car ports rather than two storey detached garages also provides visual breaks.
- 6.21 When viewing from the public viewpoint of the road, or the footpath running to the east of the site, the development is found to be adequately broken up so that the 'swathe of development' the Inspector referred to will be avoided. The inclusion of vegetation between each plot will also aid this and soften the built form.
- 6.22 The previous layout included a large hardstanding area in the centre of the site to provide turning areas but resulted in an over engineered development that was urban in character and therefore jarred with the context of the site. This element has been reduced and combined with the changes to the siting and scale of the dwellings, is found to result in a scheme that is not out of keeping with its locality.
- 6.23 With regard to the impact of the proposed scheme on the amenity of neighbouring dwellings, due to the reorientation of the dwellings none of them will be sited directly opposite neighbouring dwellings.
- 6.24 The relationship between plot 3 to the rear of the site and Ivy Cottage to the north is now staggered so that the nearest elevation facing towards Ivy Cottage will consist of one window at ground floor serving the kitchen. There are windows proposed to a dining room but this is set back from the end elevation on a small projecting gable. Given the rooms these will serve and being at ground floor, issues of overlooking as a result are not anticipated.
- 6.25 The main part of the dwelling on plot 3 is approximately 11m from the boundary. While this is slightly reduced from the appeal scheme, given the change in the siting and it being now offset from Ivy Cottage their amenity is found to be preserved.
- 6.26 Moving onto the amenity of the properties along Wilkes Row, with these lying approximately 45m from the proposed plots 1 and 2 and the utilisation of the existing access with a hedge proposed along the boundary with road, overlooking issues to a detrimental level that would justify refusal of the application are unlikely to be experienced.

- 6.27 In relation to issues of overshadowing, given the siting of the dwellings on the site and the distance from neighbouring properties, these are not likely
- 6.28 In light of the amendments that have been made since the dismissed reserved matters application, the scheme is now found to respect the character of the wider settlement as well as ensure residential amenity of both existing and future occupants is protected. As such, the application is found to accord with policy SD1 of the CS.

Landscaping

- 6.29 The block plan that accompanies the proposal includes a landscaping scheme indicating mixed hedgerow planting along the boundary of the site with the road and filling in gaps on the other site boundaries. A retaining wall will be installed along the rear boundary of the site to allow for plot level adjustments. Given the nature of this work, it is found reasonable to condition the details of this to ensure the wall is of an appropriate height and construction for this location.
- 6.30 A full landscaping scheme is indicated on the original block plan but omitted from the revised one, which was submitted to overcome drainage concerns. Given the lack of boundary treatments between the plots and the additional details required in relation to the retaining wall, it is found reasonable to condition additional details in this regard and a timescale for its implementation.
- 6.31 In relation to the comments regarding the planting of a hedge along the driveway, this is not found to be in keeping with the street scene and would have the potential to create rather a grand entrance to the development – something not found in this locality. The utilisation of the existing access to the site also helps avoid engineering works that would require potentially excessive landscaping mitigation. Given the amendments to the driveway, returning back to the existing access, it is also not necessary further protect the amenity of neighbouring occupants along Wilkes Row.
- 6.32 Subject to the recommended conditions, it is considered that the proposal is acceptable in landscape terms and accords with Policy LD1 of the CS.

Other matters

Drainage

- 6.33 While not conditioned to be submitted on the outline planning permission, it was suggested that drainage details accompany the re-submitted reserved matters given the local issues in this regard. There is no mains drainage within the locality and there has been evidence of local flooding. The applicant has agreed to provide further detailed information in recognition of the local concerns.
- 6.34 CS Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.35 The scheme initially proposed for the disposal of foul water included the utilisation of individual package treatment plants with the outfall of both these, and the surface water being into a watercourse to the east of the site. However, upon inspections and following representations being received from local residents in relation to this, this was found to be a public footpath with no constant flow of water and therefore an unacceptable arrangement for the outfall.
- 6.36 Following percolation tests on the site, the outfall from individual package treatment plants are now proposed to utilise drainage fields. Storm water soakaways are proposed for the disposal of surface water with drainage channels being included across the driveway directing the water run off into those soakaways.
- 6.37 Additional percolation tests were carried out after heavy rainfall to ensure that the initial tests were a true representation of the infiltration rates.
- 6.38 The Council's Drainage Consultant has viewed the initial tests and the further ones alongside the proposed methods of drainage and revised site layout. They do not object to the proposals, which indicate that the proposed drainage methods are acceptable for the site, but recommend conditions to be attached to any approval in relation to the ownership of the soakaways and a topographical drawing indicating that the foul water drainage will be drained via gravity. It is reiterated that there was no condition on the outline permission in relation to the drainage methods and that these details have been submitted given the known local issues.

Ecology

- 6.39 The outline permission was accompanied by an ecological inspection. Conditions were attached to that permission stating that the conclusions and mitigation therein should be followed. Given the granting of the outline permission in 2016, the findings are still relevant and therefore the ecological impacts have been covered by that permission. With this in mind, the proposal is compliant with CS policy LD2, endorsed by the "no objection" from the Council's Ecologist. There is a formal requirement to await the final confirmation from Natural England in relation to the Habitat Regulations Assessment carried out by the Council's Ecologist and this is reflected in the recommendation below.
- 6.40 Notwithstanding the foregoing paragraph, comments regarding the disposal of Japanese knotweed on the site have been received. While the ecology survey that accompanied the outline application did cover its presence, it is not something that is considered under a planning application. Rather, it is something that the owner/developer should be mindful of and should deal with appropriately, outside of any planning permission.

Further planning applications

- 6.41 There was a subsequent planning application for two dwellings sited at the front of the site, submitted while the appeal decision for the previous reserved matters was being awaited. This application was withdrawn prior to any discussions with officers. However, the current reserved matters is only for three dwellings following the outline permission. This application cannot be assessed on what may come forward in the future and should be considered on its own merits. A condition requiring no further applications cannot lawfully be applied.

Summary and conclusions

- 6.42 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. The scale of the three dwellings has been reduced following the dismissed appeal and now represents an in keeping scheme that respects both the character of the area and the amenity of neighbouring dwellings.

- 6.43 The appearance of the development is acceptable. The submission includes details of materials which is considered to be acceptable, subject to a condition to require the precise details to be agreed. However, the principal intention to use render and slate finishes is reflective of the surrounding area. The layout has been amended and now provides adequate visual breaks to ensure that the site does not read as an urban development out of keeping with a rural setting.
- 6.44 Your officers are satisfied that the application provides the requisite level of detail required for determination and following the submission of additional drainage details, the arrangements are found to be acceptable and appropriate.
- 6.45 There are no other material planning considerations of such weight that would justify the refusal of planning permission. The application is therefore recommended for approval on the basis that it complies with the relevant provisions of the adopted development plan.

RECOMMENDATION

That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant Reserved Matters Approval, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers.

- 1. C07 Development in accordance with approved plans and materials**
- 2 C13 Samples of external materials**
- 3 C96 Landscaping scheme (including retaining wall and boundary treatments between plots)**
- 4 C97 Landscaping implementation**
- 5. CAB Visibility splays**
- 6. CAE Vehicular access construction**
- 7 CAH Driveway gradient**
- 8. CAL Access, turning and parking area**
- 9. CB2 Cycle storage**
- 10. Notwithstanding the additional details required by condition 11 below, the drainage arrangements shall include the use of individual private treatment plants for foul water with drainage fields and surface water using storm water soakaways unless otherwise approved in writing by the local planning authority.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Apart from site clearance and groundworks, the development shall not commence until the additional details in relation to the proposed foul and surface water drainage arrangements are submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted. The information shall include the following:

- The sole ownership of the land of the surface water soakaway for plot 1
- The ownership and maintenance arrangements of the two ACO drains along the driveway
- A topographical drawing to indicate the use of a gravity fed foul water drainage system

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

