

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 February 2020
TITLE OF REPORT:	191173 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 163364/O (SITE FOR 3 DETACHED DWELLINGS WITH GARAGES AND ACCESS). AT LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORDSHIRE. For: Mr & Mrs Williams per Mr Bryan Thomas, The Malthouse, Shobdon, Leominster, Herefordshire HR6 9NL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191173&search=191173
Reason Application submitted to Committee – re-direction	

Date Received: 1 April 2019

Ward: Birch

Grid Ref: 350044,231861

Expiry Date: 26 July 2019

Local Member: Councillor Toni Fagan

1. Site Description and Proposal

- 1.1 The application site is an open agricultural field at the southern extent of the village of Kingsthorne, c.400 metres to the east of the A49 and some 6.5km to the south of Hereford. The site is bounded by Ladywell Cottage to the west, Cuckoo Cottage to the east and Ladywell Lane to the north. Dwellings set in a wayside settlement pattern about the northern flank of Ladywell Lane. The wider site setting is characterised by an undulating topography traversed by narrow, warren like lanes off which well spaced dwellings are accessed. Buildings are of a varying age, size and design giving rise to a disparate local vernacular.
- 1.2 The site rises exponentially away from Ladywell Lane in a southerly direction away from the road and towards the open countryside beyond. The site benefits from a native species hedgerow to the roadside boundary punctured at either end for two field accesses. On all other sides, the site benefits from dense vegetative boundaries. There is a permissive right of way to the western edge of the site.
- 1.3 Outline planning permission for the erection of three dwellings on the site was granted in 2017 under application ref: 163364/O. The outline permission considered access with the two existing accesses being modified and a third one wholly new. Appearance, layout, landscaping and scale are matters being considered under this reserved matters application. The application proposes 3 x 4 bedroom dwellings and amendments have been sought in relation to the design. The proposed block plan is found below:

2.3 Much Birch Neighbourhood Development (undergone Regulation 14 consultation ending 11 February 2020)

Policy MB1:	Promoting Sustainable Development
Policy MB2:	Development Strategy
Policy MB3:	Conserving the Landscape and the Natural Environment
Policy MB5:	Foul and Storm Water Drainage
Policy MB8:	Housing Development in Much Birch, King's Thorn, Wormelow and The Cleaver.
Policy MB10:	Meeting Housing Needs
Policy MB11:	Affordable, including Intermediate Homes
Policy MB12:	Housing Design and Appearance
Policy MB13:	Sustainable Design for Housing
Policy MB14:	Traffic Measures within the Parish
Policy MB15:	Highway Design Requirements

2.4 The policies within the emerging Plan are afforded limited weight.

2.5 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

3. Planning History

3.1 163364/O – Site for 3 detached dwellings with garages and access. Approved

4. Consultation Summary

Statutory Consultations

4.1 **Welsh Water** – no objection

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

We have reviewed the information submitted as part of this application with particular focus on drawing number 1867/05 which shows that foul water will drain to private treatment plants and surface water to soakaways. 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.

4.2 **Natural England** – no objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it

considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Internal Council Consultations

4.3 **Conservation Manager (Ecology)** – no objection

Subject to Natural England ‘formally approving’ the required Habitat Regulations Assessment – appropriate assessment submitted to them by this LPA the foul water drainage condition (c6) can be discharged from an ecology perspective.

It appears that condition 16 is now only valid in part as the applicant states there are now no trees on or adjacent to the site to survey or protect; and that as requested existing hedgerows will be protected as details supplied. This appears relevant to discharge this condition.

Condition 17 As specified by the applicant all lighting will be fully compliant with bat Conservation Trust specifications and guidance. This is acceptable to discharge this condition.

4.4 **Transportation Manager** – no objection

No objections to the reserve matters, However in terms of the wheel washing provision the submitted information does not tell HC how/when the hand pump is going to be used and also what the provisions are if mud is deposited on the highway, will a sweeper be used?

4.5 **Land Drainage** – no objection

Initially commented as follows on 20 June 2019:

As the topography of the surrounding area is sloping down towards the north, there may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress. The management of overland flow should be demonstrated. It must be ensured that no surface water runoff from the proposed development gets onto the adjacent highway (Ladywell Lane).

Surface Water Drainage

Infiltration testing has been undertaken, however it has not been demonstrated how the infiltration rate has been reached. The MicroDrainage calculations use a rate of $1.42 \times 10^{-5} \text{m/s}$ (0.0512m/hr).

There is mention of ‘Pump Outflow Control’ in the MicroDrainage submission. We largely discourage the use of pumps and request that the surface water runoff is disposed of in a gravity fed system.

Two contradicting layout plans have been provided. This is explained below:

- ☐ The ‘Site Plan (Ref: 1867/05)’ demonstrates that one surface water soakaway is proposed per property. These are to be located to the north (downhill) of the properties and thus will be gravity fed systems. This configuration is acceptable as pumping is not required.
- ☐ The ‘Foul and Surface Water Drainage Strategy (Ref: OPKT03a)’ demonstrates that two soakaways are to be provided per property. One is located uphill which is likely to require pumping – this is not acceptable.

The MicroDrainage calculations demonstrate that the soakaways have been designed for the 1 in 30 year + 30% climate change event. The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. Thus a climate change allowance of 40% should be applied for this development.

It is assumed that the drainage features will be owned (and maintained) by the respective home owners as individual systems are being provided.

Foul Water Drainage

Percolation testing has been undertaken which has generated a Vp value of 21.2. This is suitable for disposal of treated effluent via a drainage field.

Two contradicting layout plans have been provided. This is explained below:

- The 'Site Plan (Ref: 1867/05)' demonstrates that the package treatment plant will be located downhill of the dwelling then pumping of treated effluent up to the drainage field to the south of the dwelling. This configuration is largely discouraged as we do not promote the use of pumps due to the risk of foul flooding.
- The 'Foul and Surface Water Drainage Strategy (Ref: OPKT03a)' demonstrates that the package treatment plant and drainage field are to be located uphill (to the south) of the dwelling. Owing to the topography of the site, this would require the pumping of raw sewage, thus this configuration is also not acceptable.

We request that the foul water is dealt with by a gravity fed system to avoid the pumping foul water.

We appreciate that the drainage field has been calculated to be 25m² using the Vp value of 21.2. This should be converted to a linear meterage using conversion table 4 on page 14 of BS6297. The configuration of the proposed drainage field is acceptable (as the spreaders are connected), however we note that the drainage field serving plot 3 on drawing OPKT03a may be orientated incorrectly. The spreaders should not be steeper than 1 in 200, and thus the spreaders may need to be orientated east west to run parallel with the contours.

Overall Comment

As a highway authority, we object to the proposed drainage layout as this presents the risk that water may drain onto the carriageway in the event of pump failure. The highways act 1980 requires Highways Authorities to ensure that all steps are taken to prevent water getting onto the carriageway.

We request that an updated foul and surface water drainage strategy is provided which addresses our comments as above. This may require the slight re-location of dwellings to allow for space to provide a gravity fed system. We did raise this issue at the outline permission stage.

Following the submission of additional information the following response was received 5 September 2019:

Overview of the Proposal

The Applicant proposes the construction of 3 dwellings with garages. The site covers an area of approx. 0.20ha and is currently a Greenfield site. The Wriggle Brook is located approx. 52m to the north of the site. The topography of the site slopes down towards the south.

Relevant Conditions

Condition 6:

Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be 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.

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.

Flood Risk

Surface Water Flood Risk: Review of the EA's Risk of Flooding from Surface Water map (figure 2) indicates that the majority of the site is not at risk of surface water flooding, however there does appear to be a natural flow path of water in the north-western corner of the site which flows to the north. This should be considered in the design of the development.

Other Considerations and Sources of Flood Risk

As the topography of the surrounding area is sloping down towards the north, there may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress. The management of overland flow should be demonstrated. It must be ensured that no surface water runoff from the proposed development gets onto the adjacent highway (Ladywell Lane).

Surface Water Drainage

Infiltration testing has been undertaken, however it has not been demonstrated how the infiltration rate has been reached. The MicroDrainage calculations use a rate of $1.42 \times 10^{-5} \text{m/s}$ (0.0512m/hr) to demonstrate that the soakaways will accommodate the 1 in 100 year + 40% climate change event (7.2m³ volume required).

The updated site plan demonstrates that 1 soakaway will be provided per dwelling and this will be downhill of the proposed plots.

It is assumed that the drainage features will be owned (and maintained) by the respective home owners as individual systems are being provided.

Foul Water Drainage

Percolation testing has been undertaken which has generated a Vp value of 21.2. This is suitable for disposal of treated effluent via a drainage field.

The updated site plan demonstrates the proposal to install treatment plants downhill of the dwellings with a pump to pump treated effluent up to the south of the dwellings (uphill). The rising main is proposed to be 63mm in diameter. The pump station is stated to have 120litres of storage below the invert level. It is likely that more storage than this is required based on the population of the dwellings. Sewers for Adoption outlines the requirements for storage in the scenario of pump failure.

The receiving drainage fields have been correctly sized to receive the treated effluent from each dwelling.

Overall Comment

As a highway authority, we object to the proposed drainage layout as this presents the risk that water may drain onto the carriageway in the event of pump failure. The highways act 1980 requires Highways Authorities to ensure that all steps are taken to prevent water getting onto the carriageway.

We request that an updated foul water strategy is provided which addresses our comments as above. This may require the slight re-location of dwellings to allow for space to provide a gravity fed system. We did raise this issue at the outline permission stage.

Following the submission of a further amended drainage strategy and details, the following was received 2 October 2019:

Surface Water Drainage

Infiltration testing has been undertaken, however it has not been demonstrated how the infiltration rate has been reached. The MicroDrainage calculations use a rate of $1.42 \times 10^{-5} \text{m/s}$ (0.0512m/hr) to demonstrate that the soakaways will accommodate the 1 in 100 year + 40% climate change event (7.2m³ volume required).

The updated site plan demonstrates that 1 soakaway will be provided per dwelling and this will be downhill of the proposed plots.

It is assumed that the drainage features will be owned (and maintained) by the respective home owners as individual systems are being provided.

Foul Water Drainage

Percolation testing has been undertaken which has generated a Vp value of 21.2. This is suitable for disposal of treated effluent via a drainage field.

The updated site plan demonstrates the proposal to install treatment plants downhill of the dwellings with a pump to pump treated effluent up to the south of the dwellings (uphill). The rising main is proposed to be 32mm in diameter. The package treatment plants are stated to have 900litres of storage above normal operating level. The pump is located in the secondary settlement section with float switches that allow 24 hour additional capacity should the pump stop working. An alarm has been proposed that would highlight the pump failure to the residents. This is compliant with the Building Regulations part H which require 150 litres of storage per person.

The receiving drainage fields have been correctly sized to receive the treated effluent from each dwelling.

Overall Comment

In principle we agree to the foul drainage strategy. However we request that the applicant prepares a Foul Maintenance Plan that will need to be issued to the residents. We await the provision of this document

Following confirmation of the foul maintenance plan, Land Drainage confirmed they do not object to the proposals on 21 October 2019.

5. Representations

5.1 Much Birch Parish Council – object

HISTORY OF EVENTS

Outline planning permission was granted in April 2017 after a Planning Committee Meeting was held.

The majority of the issues covered in the Outline Planning permission were based on the statements made in the Planning Committee report dated April 2017.

The latest application 191173 does not follow the spirit, and intent, of both the Planning Committee report and the Outline Planning.

To illustrate this, it is planned to highlight the concerns and reasons for challenging the application.

The paragraph numbers below have been copied from the Outline Planning report.

A summary of objections is at the end of this response.

PRINCIPLE AREAS OF CONCERN

Planning Committee Report

PARA 1.3

.....The scheme shows three well-spaced dwellings of a dormer cottage design set back from the road on an engineered plateau c. 1.5 metres above the road level.

Comments

- In the original planning the houses were spaced with gaps of 6M - the gap now proposed is approximately half of this.
- The style was dormer cottage style 3-bedroom houses – it is now two storeys with a height of 7M to the ridge. The footprints have increase and the properties now have 4 bedrooms.

PARA 2.6

As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy.....development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”

Comment

- The development plan does not favour building more 4-bedroom houses in Kingsthorne.

PARA 4.4.9

We note that the package treatment plant for Plot 3 is located within 7m of the habitable building. This does not comply with BS6297. The Applicant must relocate the package treatment plant to be a minimum of 7m away from any habitable buildings.

Comments

- The plan accompanying the latest application has still got the original non-acceptable layout in the test results but a different layout in the site plan.
- The site plan shows drain fields 7M, 8M and 9M from the dwellings but to comply with regulations drain fields need to be 15M away from dwellings.

PARA 6.12

It is your officer's opinion that there is sufficient space within the site to accommodate three dwellings whilst upholding settlement pattern of the area (described above) as demonstrated by the indicative layout and street scene. Further, the indicative street scene shows three well-spaced dwellings of a dormer cottage design with a low height and modest span which would sit comfortably amongst the varied but fundamentally traditional buildings at this part of the village. Whilst hedgerow would be punctured to provide access to individual plots, in this residential context, a robust landscaping scheme would be sufficient to overcome the very modest harm associated therewith. Therefore, from local vantage points, particularly Ladywell Lane itself, there is potential for a reserved matters submission to uphold the character and distinctiveness of the area so as to have a positive impact on its setting as required by Core Strategy Policies SS6, SD1, LD1 and the environmental dimensions of RA2

Comments

- The properties are no longer well-spaced – in addition they are larger and taller and in an elevated position which means that they will tower over nearby properties.
- The garages are larger and closer to the road which means that they are even more prominent.
- The finished floor levels of the proposed buildings are circa 171M which is level with the eaves of the nearby properties. The ridge of the proposed properties is about 7M higher than this which means that it will be about 5M higher than the roofs of the nearby properties.
- The section for the proposed site shows that the top level of the hedge will be virtually level with the floor level of the new building so the new buildings will NOT blend into the local terrain but dominate and destroy the settlement pattern in the area.
- The hedging is now virtually level with the FFL of the building so visually the buildings will not fit in with the character of the area required by Core Strategy Policies.

PARA 6.30

For the above reasons, it is my view that there is sufficient opportunity for a reserved matters submission to respond to and design out potential overlooking and overshadowing issues such that existing and proposed residential amenity would be safeguarded in accordance with the requirements of CS Policy SD1 and the core planning principle set out at paragraph 17 of the NPPF.

Comment

- The distance to the nearby properties is acceptable. However, the combination of the elevated position of the new properties and a lack of screening from the hedge line it is doubted if the requirements mentioned above can be achieved.
- The selection of finishes proposed will prevent the building blending in with the surroundings.

PARA 7 (recommendations)

Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to each residential

planning unit and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) to the distances specified on drawing no. OPKT02 in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described

Comment

Drawing OPKT02 could not be found however a summary has been included on the proposed site plan. – With the existing hedge the visibility splays will be difficult to achieve.

PARA 8 (recommendations)

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Comment

- The garages are larger and closer to the road which means that this requirement will not be met.

SUMMARY

The principle objections are: -

- The strategy of applying for smaller houses that will blend to get Outline Planning permission and to then apply for larger houses is unacceptable. The original plan was rejected by Much Birch PC and was only granted after considerable discussion.
- The new application does not embrace the spirit and intent of the Outline planning that was granted.
- The foul water plans are not acceptable.
- The proposed buildings and garages are too large, too close together and due to the elevated position will dominate the surrounding area.
- With the increased size, positioning and elevated position of the proposed properties and garages it is no longer in line with the local plan core strategy.
- The CS Policy SD1 and the core planning principle set out at paragraph 17 of the NPPF will not be met due to the combination of the elevated position of both the houses and garages and very little screening to compensate for this.
- The proposed buildings have 4 bedrooms which is not a requirement in the Development Plan for the area.
- The difficulties with the entrances, the narrow road and the nearby junction have not been addressed in sufficient detail. - No attempt has been made to minimise the use of fossil fuels by utilising solar energy or other means of power generation. The area has a history of flooding due to water run off from the existing site. This problem will be aggravated by the amount of hard standing that is being created by the houses, garages and sloping driveways. No attempts have been made to use harvested water to help minimise water run off from site.
- The Objections and key observations from 16 people covered in paragraph 5.2 of the Planning committee were not answered and that these issues must be covered in the new application before Much Birch PC can agree to support the application.

Following the submission of amended plans the Parish Council provide the following:

The Much Birch Parish Council has looked at the amendments that have been made to the reserved matters application 191173. The Parish Council wish to reiterate the submission made in the original comments sent to you and also as repeated below. The Parish Council wish to

state that insufficient alteration to the proposal, e.g ridge height, has been made to alter the comments made previously.

5.2 To date a total of 12 representations of objection have been received from 7 households. The contents of these are summarised below:

- Work taking place from 7am – 6pm Monday to Friday is unreasonable
- The application shows 3 large 4 bedroom brick-faced houses contrary to the planning officer appraisal of outline saying they are low in height and or dormer bungalow/dormer cottage design. Out of character with area. Dilutes character of the immediate area
- The dwellings proposed are urban, modern which are inappropriate
- The dwellings proposed have amenity impacts
- Size of garages is inappropriate. A storage shed in the garden is less permanent and traditional storage feature
- All new builds of recent years in area have been constructed from stone external walls
- Makes no reference to materials/colour of window frames
- Outline stated two existing field accesses would be utilised with only one new one needed. Application indicates a new additional access to plot 1
- Hedgerow removal as a result of the accesses
- Close boarded fence should not be used as boundaries between properties as this prevents wildlife moving across natural corridor. Also a visual impact of fence across a greenfield site and detrimental to the long view of the village
- Construction management plan does not address concerns prevalent in the objections to the outline permission
- A traffic management plan should be enforced
- Issues of waterlogging locally and lanes being flooded
- Not convinced by the drainage system
- The amended designs have made cosmetic changes but are in no way sympathetic to the natural surroundings and character

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191173

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

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

6. Officer's Appraisal

Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Much Birch Neighbourhood Area, which published a draft for Regulation 14 consultation on running from 16 December 2019 to 11 February 2020. At this stage the policies within the emerging Plan are afforded limited weight.

6.3 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision taking, this means that proposals which accord with an up-to-date development plan should be approved without delay. At 11 d), it states that where

there are no development plan policies relevant or the policies which are most important for determining the application are out-of-date, permission should be granted unless policies within the framework (outlined at Footnote 6) provide a clear reason for refusing the proposal or the adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits.

- 6.4 The application here is for the approval of reserved matters with regards to appearance, layout, landscaping and scale. The policies most important for determining the application are therefore those concerned with design and character matters, and the development plan contains a number of policies of this nature which are considered to be 'up-to-date'. In applying the presumption as set out by Paragraph 11 (c) therefore, the proposal should be approved without delay provided it accords with the development plan.

Appearance

- 6.5 As defined under in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 appearance means:

the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 6.6 The design of any building is to be assessed against policy SD1 of the Core Strategy. This 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.

- 6.7 Policy SD1 of the Core Strategy is reinforced through policy MB12 of the emerging NDP. This policy states that new housing development will be required to achieve good standards and variety of architecture and design, particularly where there is a need to respect local distinctiveness and the traditional qualities and characteristics of the area within which it is to be located. This will be achieved through the following measures:

1. utilise a range of materials and architectural styles that are sympathetic to the development's surroundings, including other dwellings, and incorporating appropriate locally distinctive features;
2. with regard to new innovative design or features, be of high quality and fit sensitively within the area concerned;
3. to ensure dwellings are of a scale, massing, density, building line and layout compatible with the character, size and form of the part of the settlement within which they are located;
4. where appropriate, be similar to established building heights, frontages and plot sizes;
5. in relation to parking arrangements, maintain the village street scene by ensuring off-street parking is designed as an integral part of the overall scheme;
6. avoid the subdivision of gardens where this would result in an uncharacteristic form of development;
7. protect the amenity and privacy of adjacent existing residential properties and ensure new residential development avoids locations where residents may suffer significant adverse effects from adjacent uses;

8. provide sufficient space for each property to maintain a functioning garden;
 9. avoid consolidation between settlements and also development boundaries;
 10. where appropriate, undertake visual landscape assessments in order to retain important views, vistas and panoramas and inform appropriate landscape schemes.
- 6.8 The three dwellings will all be detached, two storey properties and constructed from natural slates or red clay tiles on the roof. The elevations will all feature elements of facing brick, stone and render with feather edge timber cladding but each front elevation will be different (brickwork on plot 1, render on plot 2 and stonework on plot 3). The agent has confirmed that the windows will be flush timber casements in light grey. Within Much Birch as a whole, as well as within the direct vicinity of the development site, there is a variety of dwelling types, designs and materials used. With this in mind, those proposed are not found to be out of keeping with the character of the settlement and the differentiation acknowledges the ad hoc way in which Much Birch has grown.
- 6.9 While the form of the dwellings will not vary greatly from one another, there are subtle differences including plot 1 being a handed version of plots 2 and 3. With the variety in the application of the proposed materials the character that makes up Much Birch is found to have influenced the proposal. While there are arguably modern elements within the design, this is not unacceptable in principle. Furthermore, this is something encouraged by the NDP where it is appropriate.
- 6.10 Each dwelling is laid out to accommodate a kitchen, dining area, utility, study and living room on the ground floor with four bedrooms, ensuite and bathroom on the first floor. With regard to amenity impacts, the windows located on the front of the dwellings will look towards the parking area and garage associated with each property. While the bungalows to the north of the road are noted, these lie approximately 30m from the facing elevations of the proposed dwellings. As such, issues of overlooking are not anticipated as a result.
- 6.11 Moving onto the windows to the rear of the dwellings, these will look onto the private gardens at the back of each property. Subject to satisfactory boundary treatments between the dwellings, these will not lead to issues impacting upon the amenity of any future occupants.
- 6.12 In assessing the relationship between plot 1 and Ladywell Cottage to the east, I am mindful that there is an intervening private track leading to the property named The Bank. Furthermore, given the offset relationship between the proposed and Ladywell Cottage and the distance of approximately 20m, issues of both overshadowing or overlooking are considered unlikely.
- 6.13 Turning now to Cuckoo Cottage to the south west of plot 3, it is noted that there are a number of windows facing towards the plot with it being sited offset to the road and orientated along an east-west axis. While this is acknowledged, and the private view of the occupants of Cuckoo Cottage will arguably change, a loss or change of a private outlook is not a material planning consideration. In assessing the impacts of the proposal on the amenity of Cuckoo Cottage occupants, owing to the orientation of that dwelling and the lack of windows on the gables at first floor of plot 3, I do not find it likely that issues of overlooking will be experienced to a detrimental degree that would justify refusing the application.
- 6.14 With regard to private amenity space for each dwelling proposed, there will be parking and turning to the front (along with a detached garage/car port) and garden to the rear. Due to the topography of the site the gardens will each have a 1m retaining wall running through them and individual drainage fields on the higher part. While this is not ideal, it is preferred over engineering works to level the sites out which would require cut and fill and would be out of keeping with the natural landscape.

- 6.15 On balance, and given the foregoing, the proposal is found to be acceptable in terms of the appearance of the dwellings noting its location and the surrounding built form.

Layout

- 6.16 As defined under in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 layout means:

the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 6.17 The above is covered within policy SD1 of the Core Strategy in regards to how a development sits alongside landscape and existing built form but is also included with policy LD1. This states that development proposals should demonstrate that the character of the landscape has positively influenced the protection and enhancement of the setting of settlements. This is reinforced through bullet point 3 of policy MB12 of the NDP.
- 6.18 The three dwellings will be located approximately 14m back from the roadside, each benefitting from a detached garage/car port which have been amended through the application process and reduced in size.
- 6.19 The provision of three individually accessed dwellings is in keeping with the surrounding built form and given the length of the site when measured back from the roadside, the proposal utilises the site in the most efficient way – ensuring adequate parking to the front and private amenity space to the rear.
- 6.20 Comments have been received in relation to the presence of garages at the front of the dwelling, their dominance and out of keeping nature with the character of the settlement. However, it is noted there are several instances of garages located to the front of dwellings within the vicinity meaning that this layout is not a foreign feature. Furthermore, noting that outline permission for 3 dwellings has been granted on the site, the garages being located to the front of the properties would be the only realistic location for their siting. Their removal for sheds would not be encouraged given that garages can provide car parking provision as well as storage.
- 6.21 The layout to the front of the dwellings and providing the parking area is sufficient for the scale of the developments. This is reinforced through the lack of objection to the scheme from the Council's Transportation Manager.
- 6.22 In light of the above, the proposal will result in a wayside layout that is in keeping with surrounding development. This is aided by the individual accesses. The provision of garages to the front of the dwellings is not found to be unacceptable and the dwellings will remain the dominant features given the rise into the site.

Landscaping

- 6.23 As defined under in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 landscaping means:

the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

- 6.24 Policy LD1 of the Core Strategy acknowledges that incorporating new landscaping schemes and their management can ensure that development integrates appropriately into its surroundings. This approach is reinforced through bullet point 10 of policy MB12 of the NDP.
- 6.25 The application is accompanied by a plan which indicates both hard and soft landscaping. The area to the front of the dwellings will be surfaced with gravel in order to provide the parking and turning area. This is a material used locally and avoids an overly urban appearance.
- 6.26 Amendments have been made to the landscaping during the course of the application in light of representations received, and in particular with regard to close boarded fencing. This is now only proposed between the plots with post and wire fence demarcating the dwellings to the front. There will be hedge along the boundary with the road and the east and west boundaries of the site as a whole. While the comment within the representation in relation to close boarded fencing preventing wildlife moving across a natural corridor is noted, the level proposed to be used is not unacceptable.
- 6.27 In light of the amendments that have been made and the main landscape feature seen from public viewpoints being hedgerow, this is found to be acceptable.

Scale

- 6.28 As defined under in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 scale means:

the height, width and length of each building proposed within the development in relation to its surroundings

- 6.29 The three proposed dwellings are all two storey in height but have been reduced during the application process from a ridge height of 7.7m to 7m and an eaves height of 4.6m to 4.1m. Noting the topographical survey included on the site plan, the ridge of Cuckoo Cottage will be approximately 3.4m higher than plot 3 (the plot within the development with the highest finished floor level). The scheme will then gradually step down travelling east across the site through plot 2 and then plot 1. While the bungalows on the north of the road are noted, given the set back from the road in terms of the proposed dwellings and the development directly adjacent being of a higher level, the height of the scheme is not found to be out of keeping to a degree that represents an unacceptable form of development.
- 6.30 The proposal includes 3 x 4 bedroom properties. It is noted that within the Ross Housing Market Area (within which Much Birch is located) the most required size is 3 bedrooms followed by 2 bedrooms. This is reinforced through policy MB10 of the NDP. While there is clearly a conflict with the emerging NDP in this regard, this is only afforded limited weight at this stage and a conflict does not automatically direct a decision maker to refuse a scheme at this point in time. I am mindful that the scheme is relatively small being for three dwellings and that at less than 10 dwellings affordable housing cannot be sought. This conflict will be weighed up in the planning balance.
- 6.31 While the comments within the officer's committee report for the outline application are noted, these were based on indicative plans. The scale of the dwellings proposed is to be assessed in full under this reserved matters application and is found to be compliant.

Other

- 6.32 It is noted that on the outline permission details of foul and surface water strategies were conditioned (no. 6). Rather than submit these as a discharge of condition application (which does not necessitate public consultation) the details have been included with this reserved matters application. The proposal looks to utilise private treatment plants and drainage fields for

foul water and on site infiltration for surface water. While the Council's Land Drainage Consultant had concerns initially in relation to the strategy put forward, additional information has been supplied in terms of both the strategy and maintenance plan. The Consultant has confirmed they are now satisfied with the scheme and condition 6 of the outline permission can be discharged. While the comments received locally are noted in this regard, the principle of 3 dwellings has clearly been established. The application puts forward a technical strategy that is both policy compliant and appropriate for the site and is therefore found to be acceptable.

- 6.33 In terms of hours of working, these are stated on the outline permission and it would not be reasonable to alter these now. Furthermore, the times conditioned are relatively standard and I do not find there to be specific reasons for why they are unacceptable in this location.
- 6.34 With regard to the accesses, these were approved under the outline permission. Under that permission the planning statement touched on the two existing accesses into the field being modified for plots 1 and 3 with a wholly new one for plot 2. During the process of the current application the agent has used the site plan approved under the outline permission to calculate the approved locations of the accesses and to provide the required (and conditioned) visibility splays. While there will be some hedgerow removal to provide these, this was approved under the outline permission.
- 6.35 The submitted Construction Management Plan (conditioned under the outline permission) is noted and has been viewed by the Council's Transportation Manager. Additional details have been sought in relation to the wheel washing provision and what action will be undertaken should mud be deposited onto the highway. In light of the additional details, the Council's Transportation Manager considers this condition to be discharged. It would not be reasonable, as suggested within representations, to condition details such as a traffic management plan at this stage noting that this application is for the approval of appearance, landscaping, layout and scale.
- 6.36 The agent for the application has confirmed that the dwellings will benefit from air source heat pumps and while the properties are orientated to face south, with the inclusion of dormer windows to reduce the ridge height, the area is not practical for the use of solar panels.

Conclusion

- 6.37 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development proposals should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.38 While the application is for housing, the principle of development has been established through the granting of the outline permission. This application seeks approval of details relating to appearance, landscaping, layout and scale. The policies most important for the determining the application are therefore those concerned with design and character matters, and the development plan contains a number of policies of this nature which are considered to be 'up-to-date'. In applying the presumption as set out by Paragraph 11 (c) therefore, the proposal should be approved without delay provided it accords with the development plan.
- 6.39 As set out above, the dwellings proposed are found to respond positively to their context, resulting in buildings that differ from one another and have some architectural interest. The layout ensures that the amenity of both existing and future occupants is safeguarded and is in keeping with the surrounding pattern of development. Although the scheme puts forwards 3 x 4 bedroom dwellings which conflicts with the aims of the Local Housing Market Assessment for Ross, across a development of 3 dwellings the harm is not found to amount to significant or demonstrable. While the comments within the representations are noted, following the

submission of amended details there is a lack of objection to the scheme proposed from technical consultees.

- 6.40 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development. There are not found to be material considerations that render the scheme as put forward to be unacceptable in design and character terms.

RECOMMENDATION

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

1. **C07 - Development in accordance with approved plans and materials**

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. **For the avoidance of doubt, conditions 1, 2, 5, 7, 8 and 18 on outline permission ref: 163664 are all matters of compliance. This reserved matters application approves the details under conditions 6, 9, 10, 11, 12, 13, 14, 15, 16 and 17.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

