

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 March 2022
TITLE OF REPORT:	<p>212357 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 182818 - SITE FOR THE ERECTION OF TWO COTTAGES WITH GARAGING. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA</p> <p>For: Mrs Watson per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212357&search-term=212357
Reason Application submitted to Committee – Redirection	

Date Received: 14 June 2021

Ward: Hagley

Grid Ref: 356351,243417

Expiry Date: 9 August 2021

Local Members: Cllr Paul Andrews

1. Site Description and Proposal

- 1.1 The site comprises part of a field located between Veldo Lane (privately owned and a PROW) and the C1129 (in part Duke Street) in Withington. It lies to the west of Oldhall House and is roughly rectangular in area. The 0.17 hectare site has a hedgerow to the lane and is open to all other aspects. Levels slope gradually down to the north before becoming steeper to the north and northeast.
- 1.2 To the south, beyond Veldo Lane, lies 20th century development at Vine Tree Close and to the east there are residential properties, including immediately to the east two dwellings built on the former village hall site, a modern infill and the converted former primary school (four units). To the north of the old school lies 'The Mintons' and two new build properties. To the west lies the site subject of a dismissed appeal for the erection of two dwellings (ref: 190008/O). To the north, approximately 100m across the field lies ribbon development along the southern side and facing Duke Street. The western boundary of the Withington Conservation Area runs alongside the western side of the C1129 and encompasses 'The Mintons', the Old School Cottages and the properties on the northern side of Veldo Lane, but excludes the site (distance from CA boundary is approximately 14m).
- 1.3 Outline permission, with access and layout included, was granted under application ref: 182818/O for the erection of two dwellings upon the site. The description of development was 'two cottages with garaging and a new access and associated works' and as set out in the Officers Delegated Report for 182818/O the reference to cottages was taken to mean dwellings, presumably because

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

there is no statutory definition of a cottage nor one contained within the NPPF or development plan.

- 1.4 The current application seeks to resolve the remaining reserved matters of appearance, scale and landscaping. The proposed dwellings are of a half dormer design with accommodation set out over two floors. Both dwellings are of the same design and include substantial living accommodation, including a home office and integral garage on the ground floor each with three bedrooms, two en-suites and a family bathroom on the first floor.

2. Policies

- 2.1 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/local-plan-1>

- 2.2 Herefordshire Local Plan – Core Strategy Policies

- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- 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
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

- 2.3 Withington Group Neighbourhood Development Plan

- Policy P4 - Local Distinctiveness - Housing Layout and Design
- Policy P6 - Transport and Traffic
- Policy P7 - Conserving Historic Character

- 2.4 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

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

3. Planning History

P182818/O - Site for the erection of two cottages with garaging. Construction of new vehicular access and associated works – Approved

P204168/F - Proposed new dwelling and garage, referencing outline permission 182818 – Refused

P214331/RM - Application for approval of reserved matters following outline approval 182818. (Site for the erection of two cottages with garaging. Construction of new vehicular access and associated works) – Undetermined

Adjacent:

112014/F - Proposed single storey extension & Change of use of land to domestic garden – Approved

P190008/O - Outline application for two dwellings with garaging with new vehicular access and associated works – Dismissed at appeal

Eastern section of wider field

174487/F - Proposed erection of two cottages and garaging. Construction of associated works and modification of existing vehicular access – Allowed at appeal

Southwest of the site:

150067/O & 180014/RM – The Coppice – The development proposed is the erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of No 5 Vine Tree Close - Approved

4. Consultation Summary

4.1 Statutory Consultations

Welsh Water

We acknowledge this application is for the approval of reserved matters of the original planning consent (ref: 182818) that established the principle of the development. We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

We note a comprehensive drainage scheme 'Proposed Site Layout' (Drawing No. 02) showing foul to discharge to the main sewer and surface water to a series of soakaways, and we offer no objections to this. We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority.

4.2 Internal Council Consultations

4.2.1 Area Engineer Team Leader:

The local highway authority has no objection to the application subject to the below condition.

Conditions: CAB (2.m x 25m)

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.2.2 Land Drainage (latest comments):

Overview of the Proposal

The Applicant proposes the construction of 2 dwellings. The site covers an area of approx. 0.17ha and is currently a Greenfield site. There are no mapped watercourses or ditches within close proximity to this site.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1.

As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding, however, there appears to be a natural flow path of water through the western section of the site. The Applicant should demonstrate how the risk of ingress will be mitigated. It is noted that the FFL of each dwelling has been shown on the Amended Proposed Site Layout (Ref: 02), as 74.550mAOD, which is at least 225mm above existing ground levels.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Infiltration testing at the site produced an acceptable rate of 1.21×10^{-5} and confirmed that discharge of surface water to ground is viable. Four soakaways are proposed for each plot. It is understood that the driveways slope away from the highway, it has been confirmed that the driveways will comprise of gravel. We accept that there are no implications to having a soakaway located beneath a private gravel driveway.

Foul Water Drainage

It is acknowledged that the Applicant proposes to connect to the public foul water sewer within Veldo Lane. We note that Welsh Water have been consulted and do not have any objections to the proposed foul water drainage connection.

Overall Comment

We have no objections to the proposed development.

4.2.3 PROW

The applicant will need to ensure they have lawful authority to drive over public footpath WT10

5. Representations

5.1 Withington Group Parish Council (WGPC)

27th July 2021:

Reserved matters under 182818. Veldo Lane, Withington Objection to proposed dwellings.

1. *The application site does not correspond to the outline permission. The inclusion of Veldo lane to its junction with Duke Street is an additional area which had it been included in the outline application could have had conditions applied. No conditions can be applied in respect of sightlines, protection of the protected large oak tree outside Old Hall House, and in respect of surface treatment and maintenance, as the reserved matters do not include access. If the new application boundary is accepted, it is also in the Withington Conservation Area and the impact of the development on the conservation area and on the listed buildings abutting the lane must be assessed as to whether the proposal preserves or enhances the character. The application should be registered as a new planning application and current planning policies applied to its determination.*
2. *In order to fully assess the impact of the proposal on the landscape and conservation area cross sections through both the north south axis and east west axis are required. There are no comparative ridge height measurements, with only Old Hall House showing a roof level of 82.34 mts. asl.*
3. *Notwithstanding the above there are serious misgivings about the design relating to the scale of the dwellings and the proposed materials. There are references to the dwellings currently under construction adjacent to The Mintons on Duke Street which initially were described as 'cottages' but the later increase in the ridge height clearly removes the 'cottage' meaning. The applicant refers to the 'modest scale' of that development and implies the present proposals will be similar. It may however be argued this nearly completed development on Duke Street has totally altered the character of the approach to the conservation area and has failed to preserve or enhance that character both with the height of the dwellings and the choice of materials. The illustrative drawings with the outline application clearly indicate relatively small country cottages similar in depth to Old Hall House and in width to those initially proposed adjacent to The Mintons. The proposed dwellings are much larger and with a shallower roof pitch due to their depth. This conflicts with the argument put forward for increasing the height of the Duke Street dwellings. The proposals will also cover a substantial area of the two plots and be totally out of character in the approach to the conservation area which should be a gentle transition from open countryside to small historic rural settlement.*
4. *The proposed dwellings are too high and will have a detrimental impact on the overall environment of Veldo Lane, impacting on the skyline from many viewpoints. There has been no recognition of the need to protect the ridge line from intrusive development as was acknowledged by the applicant when the extension development of Vine Tree Close was proposed. Both this development and the original Vine Tee Close have bungalows on their northern edges which have minimal impact on the surrounding countryside.*
5. *The dwellings will also dominate the adjoining Old Hall House which as represented by the applicant's drawings is much smaller in footprint. The ridge line of the proposed dwellings should be significantly lower than Old Hall House.*
6. *The reason to not develop 1 and a 1/2 storey houses is spurious as the design clearly aims to cover as much of the plot as possible with a large reception/hall area, double sitting rooms and kitchen/diner and dining room. On the first floor there are dressing rooms and ensuite bathrooms which clearly are contrary to the advice given by Mr Wager in his response to Mr Baker's application (204168) in December 2020. To argue that the population is taller and cannot live in houses with internal sloping ceilings is not sustainable.*
7. *There is a lack of any impact assessment with the application both in terms of planning, conservation area, listed buildings and traffic (this element is relevant if the application is accepted with an extended boundary). It has already been accepted that the sight line to*

the north, exiting Veldo Lane is substandard, and the lack of ownership control of Veldo Lane resulted in the inspector on the appeal on the adjoining land (applic. 180008) refusing the proposal for a further two dwellings.

8. *As the outline planning application did not have a connection to a public highway it should not have been registered nor determined. It is not acceptable to amend the boundary by the use of a reserved matters application. A new full application should be requested, and the views expressed by Mr Wager in his email of Dec 2020 should be considered. Clearly the original objection by the conservation officers, dismissed by the planning officer, should be given considerable weight in the light of the appeal decision on the adjoining land.*

It is requested that all the above points are addressed, and the legal position ascertained before the application is determined. If the consideration is only on the basis of the reserved matters then it is requested that the application be refused as being detrimental to the character of the area due to the scale of the dwellings on the ridgeline and having serious impact on the approach to the conservation area, and on the historic nature of Veldo Lane. The application details are contrary to policies RA2(3), LD1, LD4 of the Local Plan, and P4e and P7 of the Withington Group Neighbourhood Plan.

Following amended plans 19th November 2021:

*The WGPC objections previously submitted still stand.
Additional objections to amended plans*

Height of proposed houses – still too high - despite reduction in roof levels on drawings. It is noted that the floor levels have been raised following advice on drainage The ridge line is stated as being 81.825 but if correct ffl had been used it would be at 82.050. The figures need checking. Full cross sections through and across the site are therefore required. The agents' reference to need for 100% head clearance in bedrooms is undermined by the fact that the ceiling is lower in the master bedroom with vaulted ceilings, thus showing that this could easily be applied to the other bedrooms as befits a cottage style dwelling.

Size. The internal space is still extensive for a cottage, having hallways wider than the lounge areas, dressing rooms and 2 en suites. These are more like executive style dwellings than cottages befitting a 'semi-rural' area as the agent even calls it. Reference to the modern living need for more storage space to avoid frequent shopping is puzzling. Many would see modern healthy living meaning having fresh fruit and veg and a more minimal lifestyle. Attention drawn to the 2 recently built houses on Duke Street only highlights once more the unsuitability of such dwellings in this sensitive area of Veldo Lane, bordering on the conservation area of the village and leading into the countryside. These houses also originally described as cottages are not 'modest' in scale and dominate Duke Street and have obtrusive outside lighting. However we can see a better example - the one and ½ storey Meadow View Cottage, which fits in here on the edge of the conservation area and does not dominate the adjacent dwellings or the countryside. The proposal is contrary to Policy RA2, criteria 1 and 3, policy SD1, and policy LD1 of the Core Strategy. Also contrary to Policy P8 of the Neighbourhood Plan.

External Lighting It is noted that the original application was submitted with a report by Wilder Ecology, on behalf of the applicant, which recommended – if outside lighting was deemed necessary for security then these should be downlighters only and to a brightness of 2 lux maximum. We wish to see minimal impact on the wildlife and hope the county Ecologist would agree. The new Duke Street houses have many up and down lighters both rear and front, at both upper and lower levels, which light up all the surrounding area. This is contrary to Policy SD1 of the Core Strategy In the Planning, Design and Access statement submitted with the application 182818 the outline consent, it was stressed that the cottages would be of moderate size as Para 6.16 states 'the modest scale of the cottages proposed would ensure that the Proposal would remain a subordinate component to the setting of the conservation Area'. Obviously the final

design was reserved but this was a clear indication of what the applicant proposed, and is not what has now been submitted. These are now large more expensive executive style houses which will dominate the lane and the surrounding countryside as well as impinge on the setting of the Conservation Area

As the agent has referred to application P/204168 the Parish Council would draw attention to the comments by Mr Wager, the planner who dealt in depth with this application, in his email to J Baker December 2020. He dealt in depth with the proposal before leaving the council. It was eventually refused on grounds of the separate access which was not in the outline consent. Mr Wager also referred to the inspector's refusal on appeal for application on the adjacent land. P/190008/0

In support of Duke Street residents, notwithstanding the soakaways proposed on the sites, the WGPC is still concerned that these new large dwellings could lead to more surface water runoff from the field behind them down to the properties in Duke Street below, thus adding to the much increased flooding seen in recent times.

The fact remains that these large executive style dwellings do not enhance the setting in relation to the adjoining countryside and conservation area. We would again request they are refused as would have a detrimental impact on the surroundings. In summary they are in conflict with policies RA2 criteria, 1, 3 and 4, and policies LD1 and SD1 of the core strategy.

5.2 Public representations:

Initial Consultation	
17 letters of objection from 15 individuals	
Procedural	<ul style="list-style-type: none"> Does not correspond to outline red line No cross sections provided No comparison to adjacent dwellings Lack of impact assessment accompanying application Outline should not have been approved and settlement boundary should not have been changed Consideration given to neighbouring appeal decision Current policies should be applied and application considered as a new application Dismissed appeal for 190008 found harm to conservation area and listed heritage assets No site notice erected
Visual Impact and Amenity	<ul style="list-style-type: none"> Design, scale and massing of the dwellings inappropriate for setting Not in accordance with outline 'cottage' description or indicative designs Depth of dwelling leading to shallow roof pitch uncharacteristic Dwellings are too high and will be detrimental to landscape and environment of Veldo Lane Dominate adjoining house and those on Duke Street Scale of accommodation excessive and justification put forward spurious Drawings unclear on visual impact considering site levels Will overlook dwellings on Duke Street
Heritage	<ul style="list-style-type: none"> Adversely impact character of conservation area Significant negative impact on listed buildings
Highways	<ul style="list-style-type: none"> No connection to the public highway Poor visibility exiting Veldo Lane Veldo Lane unsurfaced Connection to sewer could require closing Veldo Lane Visibility splays not achievable

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Drainage	Veldo Lane floods every winter Proposal will exacerbate existing surface water flooding issues on Veldo Lane and north side of Duke Street Mains sewer has leaked in the past and additional houses could make it worse Water springs located in the field
Trees	Oak Tree with TPO could be affected by works traffic

Following re-consultation	
17 letters of objection from 13 individuals	
Principle	Ribbon development on Veldo Lane destroying rural nature of Withington Outside NDP settlement boundary No local demand for this type of dwelling
Procedural	Not in accordance with outline plans 182818 should be considered invalid as it is ultra vires given red line did not extend to public highway Conditions should include restriction on working hours, loading and unloading, control of commercial use of garages, removal of permitted development rights, drainage arrangements, external lighting and construction management plan
Visual Impact and Amenity	Design, scale and massing of the dwellings inappropriate for setting Lighting scheme on nearby scheme harmful and should not be replicated Juliet balconies and projecting gables will impact privacy of dwellings on Duke Street Scale remains unjustified Different in height to Duke Street will lead to loss of privacy Scale of dwellings would lead to a greater pressure on housing land Lighting contrary to the Ecology report Noise and disturbance as a result of the development Reduction in ridge levels counteracted by increase in floor levels for drainage engineers
Heritage	Adversely impact character of conservation area
Highways	Hard standing should be provided on site prior to commencement Splays should be provided prior to commencement Access gates should open inward only Veldo Lane is private and has no one to enforce cleaning or repairs Veldo Lane is inappropriate for further development
Ecology	Impact on local wildlife which is varied on the site
Drainage	Soakaway features could be below the water table for parts of the year Larger dwellings will increase foul water flows Increase existing surface water flooding issues Impact on River Lugg
Trees	Oak Tree with TPO could be affected by works traffic

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=212357&search-term=212357

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

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

6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Withington Group Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

6.4 The application follows the approval of 182818/O which granted outline permission along with access and layout for the development. Given the outline permission has been granted it is not possible to re-visit the principle of development or matters that have been considered as part of that process, including the vehicular access and connectivity to the public highway. While a number of objections have cited these as concerns, they do not form part of the assessment of the appearance, landscaping and scale to which this application relates.

Appearance & scale

6.5 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (2015 Procedures Order) defines appearance as "the aspects of a building or place within the development which determines 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 Scale means "the height, width and length of each building proposed within the development in relation to its surroundings".

6.7 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is. In support of this and at a Parish level Policy P4 of the NDP seeks to maintain local distinctiveness, among other things, with consideration of garages being set behind the principle elevations, use of materials (specifically in Withington beyond the conservation area brick is considered to be predominant) and high quality waste storage.

- 6.8 Additionally in respect of both appearance and scale policy LD1 of the Core Strategy seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced, inter alia, the design and scale of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management.
- 6.9 Close to the application site lies Style House (Grade II Listed), Withington War Memorial (Grade II Listed) and The Green (Grade II Listed) as well as Inglenook Cottage (Grade II Listed) and Quarry Cottage (Grade II Listed) which both face onto Duke Street approximately 150m north of the application site. Given the proximity of the site to these assets and that it lies on the edge (but beyond) the Withington Conservation Area, Policy LD4 of the Core Strategy and Policy P7 of the NDP are considered to be engaged. Which jointly state that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape and Withington Conservation Area.
- 6.10 These policies chime with the overarching objective of Chapter 16 of the NPPF which seeks to preserve and enhance the historic environment, giving great weight to the preservation of designated heritage assets. In addition there is a statutory duty imposed upon the decision maker to have special regard to the desirability of preserving and enhancing historic assets and their setting. This applies to the proposal both as it is within the setting of Listed heritage assets under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as the site lies adjacent to a conservation area under Section 72 of the same act.
- 6.11 A number of objections have cited the design and scale of the dwellings as being harmful to the character of the area. The proposed dwellings do have a deep plan and the shallow pitch of the roofs and projecting rear gable adds to this appearance of depth. However, the proposed positioning of the dwellings on the site aligns with the principle elevation of Oldhall House such that the depth of the dwellings will largely be screened when approaching from the East along Veldo Lane and as such they will have a limited impact upon the streetscape or appearance of the conservation area and do not lead to significant harm or any identified conflict with the above listed policies. Furthermore Officer's do not find this to represent poor design. The rear gables remain subservient to the main ridge of the dwelling and their positioning to one side represents a better design response than previous iterations on the site that were found to be acceptable on design grounds.
- 6.12 The plans at outline stage were indicative but envisaged a scheme of 1 x 3 bed and 1x4 bed dwellings with ridge and eaves heights of 7.2 metres and 4.4 metres respectively. The dwellings under consideration have an equivalent eaves height but are 300mm higher at 7.5 metres to the ridge. This proposed ridge height of 7.5m above FFL which is listed on the drawings as 74.55mAOD takes the proposed ridge heights to 82.05mAOD. The surveyed drawings note that Oldhall House has a ridge height of 82.34mAOD for the main ridge of the dwelling. Similarly the proposed height of the eaves is marginally lower than that on Oldhall House. I note the concerns regarding the proposed height and potential for the ridge to be seen above the skyline when viewed from Duke Street and that this could lead to a loss of privacy. However, I do not consider the height to be demonstrably harmful, they will be comparable to the existing development facing Veldo Lane, adjacent to the site, and will benefit from a vegetated backdrop with glimpsed views of the roof tops of properties in Vine Tree Close. In addition the proposed hedgerow planting and standard trees to be grown at 15m intervals along the northern boundary will serve to minimise visual impacts when viewed from the lower vantage points along Duke Street.
- 6.13 The proposed dwellings, while different to the illustrative drawings submitted at outline stage, include a number of features that align with the existing dwellings adjacent to the site, namely Oldhall House and Minton House. These features specifically include the use of facing brickwork, external brickwork chimneys and arched window heads but also the general aesthetic and proportions are of a similar architectural style such that the proposed dwellings will accord with

their surroundings and the noted predominance of facing brickwork in Withington but beyond the conservation area (Policy P4).

- 6.14 The fenestration is such that no first floor side windows are proposed looking out towards the adjacent Oldhall House thereby ensuring an acceptable level of residential amenity is retained. The garage element on Plot 1 is positioned to the north east such that the main two storey element of the dwelling is well spaced from the shared boundary, thereby ensuring the proposal will not lead to an overbearing structure along the common boundary with Oldhall House.
- 6.15 The proposed dwellings will face onto Veldo Lane and look towards the dwelling known as Framley House, 16 Vine Tree Close which is set perpendicular to the proposed dwellings. While there is the potential for the proposed development to overlook the private rear garden given the separation distance, that the local topography slopes away from 16 Vine Tree Close to the proposed siting, the mature front hedgerow will largely be retained and that the fenestration to the front of the proposed dwellings is relatively modest in nature it is not considered to adversely impact the residential amenity of the mentioned dwelling or neighbours of.
- 6.16 To the rear the fenestration is more indulgent and will look out over and across the field towards properties on Duke Street. The back to back distances would be in excess of 130 metres and will therefore not lead to a sense of overlooking that would differ from the established dwellings adjacent to the application site. Furthermore, as above, the proposed planting on the northern boundary will help to mitigate any perceived loss of privacy.
- 6.17 The proposed lighting has been amended to accord with the recommendations of the Ecology Report prepared in support of the outline permission (Wilder Ecology report dated July 2018) which stated that all lighting should be downward facing and a maximum of 2 LUX. It is recommended that this be added as a condition of any approval of the reserved matter of appearance to ensure the lighting remains in accordance with those recommendations and to avoid wider landscape impact and impacts upon protected species.
- 6.18 In the context of the extant outline permission and considering the appearance and scale of the proposed dwellings I find that they would positively contribute to the street scape in a manner that conserves the conservation area; they are not considered to adversely impact the character or setting of the listed heritage assets at the end of Veldo Lane; they adequately protect/provide for the amenity of existing and proposed residents and they do not lead to adverse landscape character issues. As such the proposal is considered to accord with Policies SS6, SD1, LD1, LD2 and LD4 of the Core Strategy as well as Policies P4 and P7 of the NDP.
- 6.19 Officer's are mindful of the findings on the adjacent appeal site by the Planning Inspector. However, that application (190008) was for a further two dwellings in addition to the application site and included Veldo Lane up to the junction with the C1130 which appeared to be material in the assessment of heritage matters. Additionally the current application follows an approved outline permission within which matters of heritage were covered in regards to the principle of development, access and layout.

Landscaping

- 6.20 As set out in the 2015 Procedures Order, in this context, landscaping is taken to mean “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;"

- 6.21 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced, inter alia, the design, scale and nature of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.
- 6.22 The proposed landscape plan is set out on drawing 459-02-C and illustrates that boundaries will be laid with new native hedgerows, maintained to a minimum height of 2m and width of 1.5m with Oak and Crab Apple trees planted at 15m intervals and left to grow as standards. In addition there is a range of new tree planting that is considered to be locally appropriate, including Rowan, Wild Cheery, Field Maple, Crab Apple and Woodlands Hawthorn.
- 6.23 While the erection of two dwellings will result in a change to the character of the field that was a matter to be considered under the outline, the proposed landscape scheme is considered to help to mitigate that change in character and integrate the development with the surrounding landscape and dwellings along Veldo Lane. Officers identify no conflict with CS LD1.

Drainage

- 6.24 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.25 The proposed surface water drainage strategy was subject to condition 15 on the outline approval requiring detailed information to be submitted in support of the Reserved Matters application. These details have been forthcoming in the form of infiltration testing, a detailed surface water drainage design which includes on site attenuation and an active rainwater harvesting system. The proposed strategy has been reviewed by the Council's consultant Land Drainage Engineers who have confirmed that the proposal accords with policy and the associated guidance of the SuDs handbook.

Other matters

- 6.26 The details submitted with the Reserved Matters application have been sufficient to consider a number of conditions attached to the outline permission and these can accordingly be treated as discharged. For the avoidance of doubt these conditions are as follow and are also covered in recommended informative note 2:

Condition 7 – Submission of slab levels
Condition 9 – Surfacing details of parking area
Condition 13 – Water consumption
Condition 15 – Surface water drainage strategy

Conclusion

- 6.27 While Officer's acknowledge the high level of public interest and the Parish Council's objection to the scheme, no material harm as a result of the proposed dwellings, has been identified and it is considered that the proposal is a suitable response to the local context in regards to the appearance, landscaping and scale to which consideration is restricted under the current application. Officer's therefore consider the proposal to accord with the development plan and recommend accordingly.
- 6.28 A number of conditions were requested in the public comments on the application however conditions on a reserved matters application need to relate directly to one of those matters under consideration. As such the conditions recommended below are restricted to controlling the development with regards to the appearance, landscaping and scale only.

RECOMMENDATION

That reserved matters consent be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 459-01-B, 02-C and 03-C) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **At no time shall any external lighting, except in relation to safe use of the approved or existing buildings, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.**

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals as well as the recommendations of the Wilder Ecology report dated July 2018 and submitted in support of the outline permission 182818/O.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

3. **Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D and E of Part 1 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality including the Conservation Area, to maintain the amenities of adjoining properties, to control the scale of dwelling and to comply with Policies SD1, LD1, LD4 and H3 of the Herefordshire Local Plan – Core Strategy, Policies P4 and P6 of the Withington Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **The garages hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling houses as such and not for the carrying out of any trade or business.**

Reason: To ensure that the garages are used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP2 – Positive and proactive working**
2. **As part of the processing of this Reserved Matters application it has been possible to determine that conditions 7, 9, 13 and 15 attached to the outline permission reference 182818/O can be treated as discharged. Condition 6 remains outstanding, the discharge of which is required prior to works progressing beyond groundworks and site clearance.**

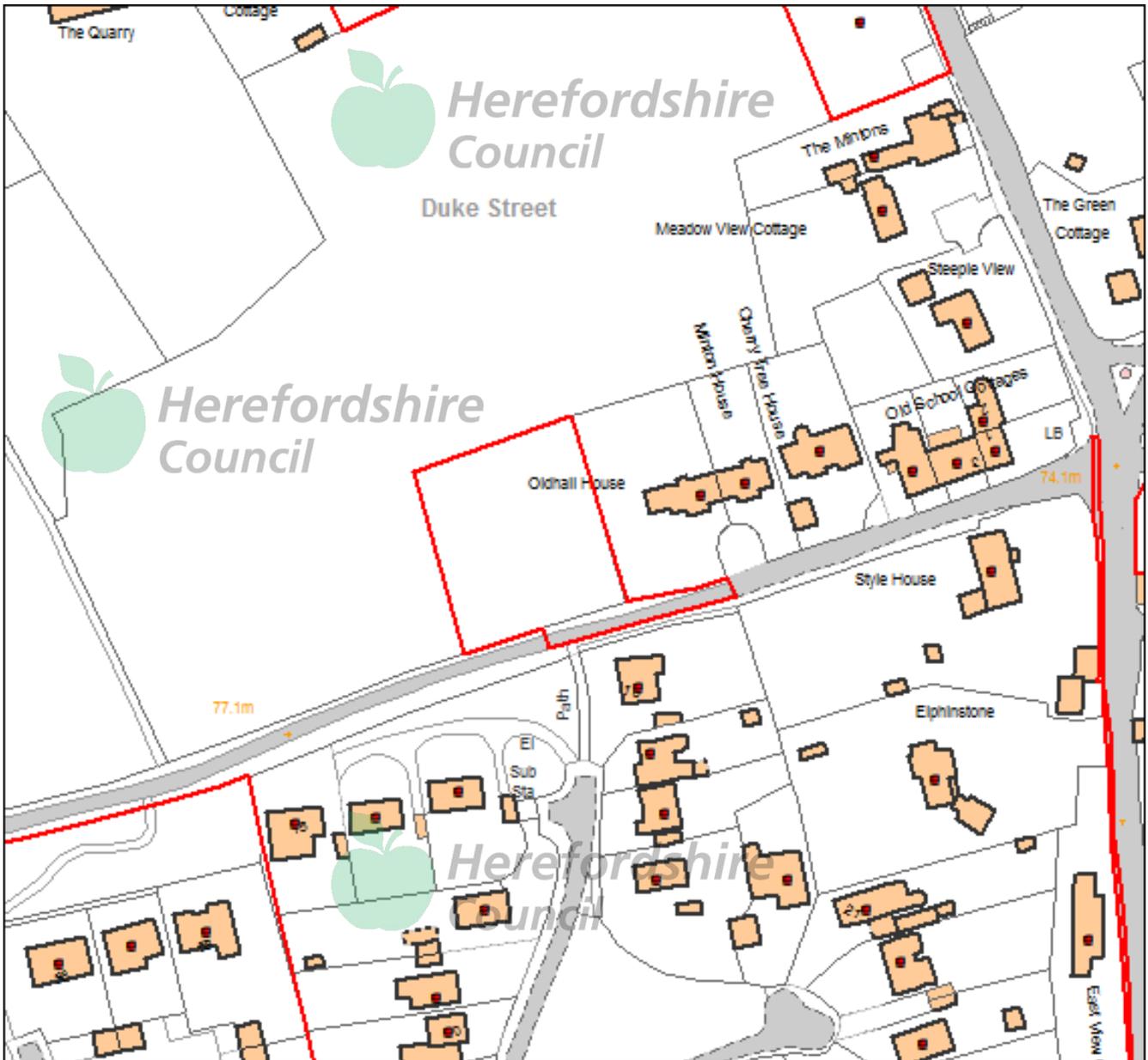
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 212357

SITE ADDRESS : FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588