

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>16 AUGUST 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>212518/RM - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 191541/O (OUTLINE FOR THREE OR FOUR BEDROOM DWELLING ON A PLOT OF LAND CURRENTLY PART OF HILLCREST'S GARDEN) AT LAND SOUTH OF YEW TREE FARM, RUCKHALL COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX</b></p> <p><b>For: Mrs James per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212518&amp;search-term=212518">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212518&amp;search-term=212518</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 24 June 2021**

**Ward: Stoney Street**

**Grid Ref: 344893, 239396**

**Expiry Date: 28 January 2022**

Local Members: Cllr David Hitchiner

### Update

The application was considered by the Planning and Regulatory Committee on 18 April 2023 and was deferred. The recorded minutes to the meeting reflect the Committee's requirement and further detail regarding the following matters was requested for submission:-

- Drainage and flood mitigation; and
- The construction management plan, including parking for site operatives and access for vehicles delivering construction material.

Given local interest in the scheme, new site publicity was arranged to ascertain any further comments on the matters to be considered as part of the deferral resolution. In summary, the following comments have been submitted that are relevant to the deferral matters. Other matters were raised that were considered as part of the original committee report.

- Question marks raised over the viability of drainage mounds and the potential for leaks from the system over neighbouring property given relative land levels.
- Concerns as regards the suggested route of a private water supply pipe serving Hillcrest up through the site and thereby impeding upon the ability to build the scheme.
- Potential for increased run-off water onto the public highway.
- Inconsistencies in the technical advice provided by the Drainage Engineer.
- Concerns about the Construction Management Plan and viability of managing construction impacts without causing highway safety issues or undue harm to local amenity.

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

### Drainage and flood mitigation – Officer response:

The advice received from the Council's technical consultee indicates that the proposed drainage strategy, as amended, has been designed to manage water within the site area; and that a drainage channel connecting to the roadside ditch is not required. Please see the most recent relevant comments from the BBLP Senior Drainage Engineer below.

*“We note that the surface water drainage design was developed on the basis of the water being retained on site. The culvert at the site entrance was already in existence and so the post development run-off would be the same as the pre-development run-off. Hence, no new discharge channel to the ditch is needed.”*

The technical merits of drainage mounds are well established and provided for within Part H of the Building Regulations. As regards concerns as to the consistency of the advice provided by the Councils' technical consultee, your Officers have sought further information from the Agent to assuage local concerns as to the General Binding Rules applying to drainage fields/mounds within 50m of a private water supply. Please see paragraph 6.24 below for further commentary.

As regards the suggestion of a water main running up through the site, there will be the ability to apply to Welsh Water for a diversion, if necessary. Welsh Water has not raised this as an issue within its comments on either of the outline or reserved matters applications. This matter does not give rise to a reason to withhold reserved matters approval.

Finally, in respect of the possible proximity of the proposed drainage mounds to the registered private water supply at Bethel Rose, Officers have received an update from the BBLP engineer that clarifies the General Binding Rules. In response, the Agent has provided conclusive evidence that Bethel Rose Cottage is served by a mains water supply; in the form of a Welsh Water searches report. It was also asserted that the capped-off historic well is in fact in excess of 50m away. On this basis, no environmental permit will be required from the Environment Agency.

### Construction period issues – Officer response:

It is considered that the CMP and site set-up plan provide a suitable degree of assurance that effects arising during the construction period could be satisfactorily managed. Notably, the initial laying out of the access driveway and other temporary hardstandings would enable deliveries of materials to be made, as overseen by a banksman/site manager; and there would be space available for site operatives' vehicles. Moreover, given the length of the plot and the proposed rear garden, there is space available within the site to accommodate the spreading of the sub-soil excavated through the works. A method for ensuring that mud and detritus are not carried onto the public highway is addressed under condition 10 of the outline permission.

Overall, Officers are satisfied that the deferral matters have been satisfactorily addressed.

### HRA / Water quality considerations

One other matter to address is the River Wye's status being downgraded from “unfavourable-recovering” to “unfavourable-declining”. The additional representations received suggest that this should necessitate further consideration of the scheme's water quality impacts on the River Wye Special Area of Conservation (SAC). However, the Council is not currently in receipt of notification from Natural England that the River Wye sub-catchment is failing its conservation objectives (as is the case with the River Lugg sub-catchment). On that basis, there is currently no policy imperative to achieve nutrient neutrality, nor any requirement for the local planning authority to revisit the HRA Appropriate Assessment that was carried out as part of the outline application. The requisite mitigation was captured within condition 13 of the outline permission granted.

## Other matters

For the avoidance of doubt, the text of the original report is presented below but has been updated to incorporate matters raised when the application was last considered and to include further relevant representations.

### **1. Site Description and Proposal**

- 1.1 This reserved matters application proposal is for the construction of a detached 4-bed dwelling with associated access, driveway and parking facilities. A detached garage, as shown on the originally submitted plans, has been subsequently removed from the scheme. The dwelling is proposed to be centrally situated within the plot, broadly speaking, with the front elevation addressing the lane and a private garden area lying to the rear.
- 1.2 Outline planning permission was approved on 3 September 2019 for the construction of a detached 3 or 4 bed dwelling (ref. 191541/O). The means of access to, the layout and landscaping of the site, as well as the scale and appearance of the dwelling, were reserved for future consideration. The permission includes various conditions, including a requirement for full drainage details to be submitted prior to development commencing.
- 1.3 The site is located in the centre of the small, rural settlement of Ruckhall and lies around 500m north-east of Eaton Bishop. It is accessed via an existing field gate off Ruckhall Common Road (U73202), which terminates a short distance to the north-west of the site. A public footpath (ref. EB19) runs along part of the north-western site boundary. Immediately to the north of the site is Yew Tree Farm, comprising a detached dwelling and collection of steel framed, corrugated clad buildings. To the south lies pasture land used for keeping horses and to the east, on the opposite side of the lane, are mostly detached dwellings.
- 1.4 The site itself is a long narrow strip of agricultural land enclosed on all sides with a mixture of post and wire and post and rail fencing, trees and intermittent native hedging. Levels fall from the rear of the site towards the lane. The house FFL would be situated at 87.187m AOD, which is roughly 5m above the adjacent road level of 82.143m AOD.

### **2. Policies**

#### **2.1 Herefordshire Local Plan - Core Strategy**

SS1 – Presumption in favour of sustainable development  
SS2 – Delivering new homes  
SS4 – Movement and transportation  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RA1 – Rural housing distribution  
RA2 – Housing in settlements outside Hereford and the market towns  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality  
MT1 – Traffic management, highway safety and promoting active travel

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/local-plan-1/local-plan-core-strategy>

## 2.2 Eaton Bishop Neighbourhood Development Plan (EBNDP)

EB1 – Supporting new housing within the Eaton Bishop and Ruckhall settlement boundaries  
EB2 – Site allocations  
EB4 – Green infrastructure and protecting local landscape character and diversity  
EB5 – Protecting built heritage and archaeology and requiring high quality design  
EB7 – Managing flood risk  
EB8 – Wastewater treatment and water supply

The EBNDP policies can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/downloads/file/11103/eaton\\_bishop\\_ndp\\_may17](https://www.herefordshire.gov.uk/downloads/file/11103/eaton_bishop_ndp_may17)

## 2.3 National Planning Policy Framework

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12 – Achieving well-designed places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 – Conserving and enhancing the natural environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework require 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 Core Strategy was adopted on 15 October 2015 and the decision to review it was made on 9 November 2020. The EBNDP was made on 21 August 2017 and has not been reviewed since. The level of consistency of development plan policies with the NPPF will be taken into account by the Council in deciding applications. In this case, relevant policies have been reviewed, are considered consistent with the NPPF and thus attributed significant weight.

## 3. **Planning History**

- 3.1 191541/O - Outline for three or four bedroom dwelling on a plot of land currently part of Hillcrest's garden - Approved 3 September 2019
- 3.2 202768/XA2 - Application for approval of details reserved by condition 12 attached to outline permission 191541/O - Withdrawn on 15 January 2021

## 4. **Consultation Summary**

### Statutory Consultations

#### 4.1 Welsh Water (No objection)

We acknowledge this application is for the approval of reserved matters of the original planning consent (ref. 191541) that established the principle of the development. We have no objection to the application subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission.

## Internal Council Consultations

### 4.2 Transportation (No objection subject to conditions)

- Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulations Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required.
- The vehicle turning area is adequate for the scale of the dwelling.
- The dimensions of the driveway are also adequate for the nature of the development.
- The parking provided on the driveway is acceptable.

### 4.3 PRoW Officer (No objections)

### 4.4 Commons Registration (comments)

I can confirm that this piece of land is adjacent to Ruckhall Common (CL65) but does not encroach onto it.

### 4.5 Land Drainage Engineer

#### *Comments since the April committee meeting*

We have been made aware of an existing private water supply located within close proximity of the proposed drainage mound. Therefore, the foul water drainage proposals are not strictly compliant with the Binding Rules as the discharge must not be within 50m from any well, spring or borehole that is used to supply water for domestic purposes. The applicant will need to demonstrate that there will not be any deterioration in water quality at the house served by a private water supply. The distance to the abstraction point should be considered.

We note that the surface water drainage design was developed on the basis of the water being retained on site. The culvert at the site entrance was already in existence and so the post development run-off would be the same as the pre-development run-off. Hence, no new discharge channel to the ditch is needed.

#### *Comments dated 02/02/23 (No objections)*

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1. Review of the Risk of Flooding from Surface Water map also indicates that the site is not at risk of surface water flooding.

As the topography within the area of the proposed development is sloping, the Applicant needs to consider the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. It must also be ensured that surface water run-off generated by the proposed development does not get onto the adjacent highway.

Although we previously commented on the potential presence of springs, it has been highlighted that this is unlikely to be the case given the subsequent excavation of 3 groundwater trial holes. All three holes were 2m deep and only one hole encountered 20mm of groundwater in the base. Appendix 1 to the Drainage Report (05.10.22) outlines that there is a likely surface water issue on-site, whereby water was seen seeping out of the bank on the northwest site boundary. This occurs during or after short periods of rainfall. Given the site topography, a retaining wall is proposed to reduce the likelihood of any surface water flows entering the plot to the north.

## Surface Water Drainage

We understand that a groundwater level assessment undertaken at the site was excavated to a depth of 2.5m BGL but found that there was no groundwater encountered at a depth of 2.2m BGL. The Applicant has provided the results of a single infiltration test which gave a slow infiltration rate of  $1.87 \times 10^{-6} \text{m/s}$  at 1.5m BGL. Permeable surfaces are proposed to receive the surface water and discharge it to ground. Permeable paving is proposed for the patio area and permeable tarmac with a 450mm deep sub-base is proposed for the driveway and parking area. These areas have been adequately sized to accommodate a 1 in 100yr + 40% CC event. Check dams will be constructed every 3m along the length of the permeable surfacing.

A drainage channel will be constructed where the driveway meets the highway to prevent any overland surface water flows entering the highway. The surface water will be directed to an existing soakaway area. An infiltration trench is also proposed along the southern site boundary to prevent any overland flows from the field to the south of the site spilling onto the site.

## Foul Water Drainage

We note that five percolation test pits were excavated to various depths across the site ranging between 50-600mm BGL. Consequently, a range of Vp rates were obtained from these tests such as 30.4, 94.5, 126s/mm. The better, lower rates were found at the shallower test pits whereby the 50mm deep pit had a Vp rate of 51.25s/mm and the 250mm deep pit had a Vp rate of 30.4s/mm. The deeper pits of 600mm and 550mm depth had poorer Vp rates of 126 and 124s/mm. Due to the shallow depths to which the pits have been excavated, and the poor rates obtained at depths of 550 and 600mm, a drainage field is unsuitable. An acceptable average Vp rate of 85.23s/mm was established from this testing. Additional percolation testing has been undertaken at the site in February 2022, whereby another four percolation trial pits were excavated. The trial pits ranged in depths from 200-600mm BGL however as all pits failed to drain within 24-hours, no viable Vp rates were obtained. However, these trial pits were located to the west of the proposed dwelling which is not in the proposed drainage mound location. We note proposals for a terraced drainage mound to discharge the foul flows to ground. A flow split chamber with unequal length weirs will allow the appropriate ratio of foul flows to enter both parts of the mound. A conservative Vp rate of 110.5s/mm has been used to size the drainage mound which means it will be slightly oversized; this is favourable. The required drainage mound area is 132.6m<sup>2</sup>, as proposed. A gravity-fed discharge will be accommodated.

*Comments dated 01/11/22 (as summarised)*

We object to the proposals due to the following concerns:

- The existing surface water run-off issue observed on-site as a result of poor ground permeability is confirmed by poor percolation rates obtained at various depths. This evidence raises significant concerns that the drainage proposals will likely result in the re-emergence of surface and foul water, which would cause nuisance flooding within the area.
- The additional risk of surface water run-off onto the public highway should development occur, as already observed on-site.

*Comments dated 14/12/21 (as summarised)*

We object to the proposals due to the following concerns:

- The presence of springs and perched water table combined with poor deep infiltration rates and rapid soakage at shallow depths is likely to result in the infiltrated water re-emerging and cause nuisance flooding within the area.

- A pumped foul system is unfavourable due to risk of failure, maintenance costs and lifetime. We do not accept a pumped system is required.
- A drainage field is not viable for this area given the poor percolation test results at the greater depths.

*Comments dated 01/08/21*

The below comments have been copied from the previous withdrawn DoC application, as no further relevant information has been provided.

*“Further information is required to better establish the groundwater depth across different areas of the site. Details of the roof area and areas of hardstanding must be provided to allow appropriate calculations to be undertaken. The required size of soakaways for surface water and a much clearer foul drainage strategy must be established to include the intended occupancy of the property so that the correct size of treatment plant and drainage field can be calculated (based on British Water Flows and Loads). There is clear evidence of a perched water table in this location, and so the drainage plan must accommodate that and provide strong evidence that there will be no nuisance flooding as a result of this development before this condition can be discharged.”*

#### 4.6 Ecologist (further information required)

Condition 14 of the outline permission states:

*“Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the local planning authority. The EWMS should consider all relevant species but in particular consideration for great crested newts. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the local planning authority.”*

Response: No EWMS has been provided and so it is recommended that further information with regard to location of these additional measures be provided. As no changes to drainage type/outfall are proposed since outline permission was granted, no new HRA is required.

## 5. Representations

### 5.1 Eaton Bishop Parish Council

*Comments dated 13/03/23*

Eaton Bishop Parish Council has again discussed this application and has heard personal representation from the applicant at its meeting on 8<sup>th</sup> March 2023.

We appreciate the efforts the applicant has made to address our concerns; concerns which reflect our detailed local knowledge of the site and its environs, as well as being set out in the reserved matters of the outline permission. We understand that this has been a lengthy planning process, but this is because of real worries regarding some of the reserved matters that are being raised by parishioners, and the real difficulties posed by the nature of the site.

The commitment to minimise disruption during the construction phase by using parking/storage off road at a nearby property and using smaller vehicles for deliveries to site is most welcome.

We acknowledge that the height of the building has been reduced by 0.5m. The location of the building further back and so higher on the site means that the finished floor level will be higher and the overall impact on the skyline is largely unchanged, if not marginally increased. The

applicant mentioned at our meeting the possibility for the floor level to be dug lower into the ground at the proposed site to reduce the skyline impact of the building. We believe this could be a solution and would support, subject to the actual heights and FFLs being confirmed.

We note that the Council's drainage experts are now confirming that the proposals will not exacerbate flooding onto the neighbouring properties or the road. Whilst we are not drainage experts, we are familiar through experience with the flooding issues around the site, and note that one of our parishioners who has some expertise in this area has raised further concerns about the revised plans. As we set out in our previous response, we would like reassurance from the Council that the plans will not exacerbate flooding issues for the road or surrounding properties. We feel there needs to be accountability for proper drainage plans on this site.

Our remaining concern relates to the visibility splays at the access point to the site and we would ask that the Highways Department review this to ensure that the relevant dimensions are achievable; specifically the splay to the right (exiting the property) and the gate width.

*Objection dated 24/10/22*

Eaton Bishop Parish Council has reviewed the revised planning application and appreciates the changes that have been made to address our concerns regarding the fit of the building into the local built environment and the treatment of foul and storm drainage on the site. We have listened to representations of residents in the locality and also looked carefully at Policy EB1 of our NDP. For us to be able to support this application we would need two things:-

1) The half-dormer style of the building is in keeping with the local environment but at 7m the height of the building is still an issue. We suggest this could be addressed by constructing the base of the building 1m lower, thus creating a 6m impact on the skyline which would be comparable to neighbouring buildings.

2) The drainage solutions appear to address our concerns, but as this is a particularly important and sensitive issue we would like reassurance from the Council's own drainage experts that the solutions are workable. At present, we cannot see a commentary on this.

Finally, we acknowledge that the access is not a planning issue, but it does need to be resolved, and we believe that the configuration of the common land around the entrance will make the proposed splays (a planning issue) not possible to construct.

*Objection dated 09/12/21*

Eaton Bishop Parish council wishes to lodge the following objection. We acknowledge that the applicant has sought to address its three concerns; waste water, storm water; and the size and proportionality of the development. Nonetheless, the proposal still falls short in these respects.

1) The Land Drainage comments identify the likely presence of a perched water table on the site, the presence of which amplifies our drainage concerns. In particular the size of the drainage field and the soakaway need to be maximized given the available area. We also question whether locating the drainage field above the property with consequent reliance on pumps is wise, particularly as in Ruckhall we experience regular power cuts every year.

2) The storm drainage relies on an overflow into a ditch. There is no ditch owned by the property, so an alternative needs to be sought.

3) The scale of the building remains out of proportion to the Ruckhall settlement. See Policy EB1 (paragraph 2) of the NDP. For the building to fit in Ruckhall, its height needs to be reduced significantly. This could be achieved for example by building the first floor within the roofspace, lit by dormer windows (in common with much of the existing housing stock in the settlement).



Finally, although possibly not strictly a planning issue, the Parish Council notes that the applicant has still not addressed the problems of access. To be clear, under the terms of the Parish Council's lease of the verge between the road and the proposed site, it cannot permit any alteration of the land, e.g. by installing a driveway or allow access for other than agricultural vehicles. We urge the applicant to contact the Church Commissioners to resolve this issue.

*Objection dated 19/08/21*

The Parish Council objects to the reserved matters proposals. We have reviewed the planning application and listened to points raised by local residents. We have significant concerns that need to be addressed before we could support. This is particularly disappointing as this is a site identified for development in the Parish NDP (please see policy EB2 of the Eaton Bishop NDP), but important aspects of other policies and reserved matters set out in the outline permission of 3<sup>rd</sup> September 2019 have not been properly addressed, making the proposal in our view, unsuitable. The Parish Council objects to this application for the following reasons:-

- 1) There are no detailed plans for waste water treatment taking into account the impact of any outfall on the local existing drainage and flooding issues on the road below the site and the properties opposite.
- 2) There are no detailed plans for drainage of the site, again a major concern given the nature of the site (significant slope and existing localised flooding issues).
- 3) The scale of the proposed structure is out of proportion to the site and locality.

On a separate matter we advise the applicant to seek permission for any change to the verge between the site gate and the roadway from the owner of the verge. This is land owned by the Church Commissioners and their agreement will be needed for any change to the nature of the verge. The Parish Council leases this land but is not empowered to give such permission.

## 5.2 Church Commissioners for England (comments)

Please note the Commissioners neither object or support the application and make comment on the details of the application itself. I act for the Commissioners as managing agent of their Hereford Estate. The Commissioners own Eaton Bishop Common, which is let to the local parish council. The access for this application is proposed to cross this land owned by the Commissioners. In respect of the access over this land, we are not aware that the applicant holds right over the Commissioners property in order to access the site nor to undertake the required works that are shown in the application. Insufficient detail is provided in respect of any water run-off from the drive and where this will be channelled to. A drainage channel is illustrated on the drawings but no indication as to its connection is given. At present, this could significantly increase the amount of water entering the ditch network on the Commissioners property or flowing over the lane. In respect of the width of the access we are concerned that construction traffic travelling to and entering the site is unlikely to have sufficient space to manoeuvre without causing damage to land outside of the applicant's control.

## 5.3 A significant number of local objections have been expressed, as summarised below.

- There are existing natural springs and grounds conditions are not suitable
- Existing surface water run-off issues would be exacerbated
- The foul water solution is not viable and could not be accommodated on the site
- The drainage solutions would not comply with the Building Regulations
- Access issues relating to poor visibility and the restricted driveway entrance width
- Disruption to local residents and businesses during the construction period
- The applicant does not own the land within the highway verge
- Problems with indiscriminate parking on common land during the build process
- There are private water wells within the vicinity of the site

- The proposed dwelling would be unduly prominent and too tall and elevated
- The style of the house would not accord with the character of the area
- A smaller house should have been proposed due to the site constraints
- There is a watermain pipe running within the verge that serves Hillcrest
- The site will be subject to significant earth movements as part of the build process
- Access rights will need to be obtained from the Church Commissioners

5.4 The consultation responses can be viewed on the Council's website via the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=212518&search-term=212518](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212518&search-term=212518)

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

*The procedural scope of this application*

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 includes the Herefordshire Local Plan – Core Strategy and the Eaton Bishop Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 Approval has been sought for the reserved matters of access, appearance, landscaping, layout and scale. It is stressed that outline planning permission has been granted for a 3 or 4 bed dwelling and the principle of development cannot be revisited. The details of the reserved matters application must be in line with the outline permission, including any conditions.

6.4 Drainage has been raised as a matter of significant local concern. This is however dealt with under the remit of condition 12 of the outline permission. That said, the Agent has sought to address concerns arising by submitting details as part of the current application, to demonstrate that a layout can be achieved that enables sustainable foul and surface water drainage, avoiding pollution or exacerbating any existing run-off issues.

*Access*

6.5 There has been some suggestion, from local residents, that it was originally envisaged that access would be obtained via Hillcrest. However, the EBNDP, as 'made' by the Council on 21<sup>st</sup> August 2017, is not prescriptive in this respect. Similarly, the outline planning permission granted includes no stipulations in this respect. Moreover, the delegated Officer report for 191541/O states that the proposed dwelling would take access from the unclassified road to the north of the site, with the existing field gate forming the access point.

6.6 Similar local concerns have been raised as part of the current application, in relation to the restrictive nature of the access point, the limited visibility within the control of the applicant and the impact that this could have on local roads. However, the Council's Transportation team has considered the access details supplied and raised no objection subject to conditions. The road serves a small number of dwellings and a limited commercial enterprise. The potential difficulty, in practice, of achieving the 20m visibility splay required to the south-east by condition 6 of the outline permission, is appreciated. However, given the lightly trafficked nature of the road and low observed vehicle speeds, the modest uplift in vehicular movements associated with a single

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

new dwelling would not lead to an unacceptable impact on highway safety or severe residual cumulative impacts on the road network, as per paragraph 111 of the NPPF.

- 6.7 Similarly, whilst noting that the driveway would exceed 45m in length, it would not be possible to provide access/turning for emergency vehicles within the site area, due to the restricted width of the access point and of the plot itself, as well as associated tree constraints. Given that outline permission has already been granted on the basis that safe access in this location was feasible, it would be unreasonable to refuse reserved matters on these grounds.
- 6.8 The recommendation made by the Transportation team includes conditions relating to visibility splays; the setting back of any access gates; vehicular access, driveway and parking area construction; and secure cycle parking provision. These have only been included where they are not already addressed by conditions attached to the outline permission. It is stressed that the driveway exceeds the desirable width of 3.2m (as set out in the Highways Design Guide).
- 6.9 Turning to another local concern, it is appreciated that the build process will lead to challenges in terms of construction vehicle access and unloading of materials, as well as the potential for parking on common land and disruption to local residents. Conditions 5 and 10 of the outline permission seek to alleviate these issues in terms of residential amenity (by restricting hours of working) and highway safety (via a Construction Management Plan - CMP). Nonetheless, as discussed within the above update, a further condition can be imposed regarding compliance with the details and construction site set-up plan supplied as part of this application.
- 6.10 In terms of future enforcement of these conditions, it should be reinforced that this would only be where requirements were not being fulfilled, e.g. the area for site operative parking was not available. Planning enforcement is not intended to more widely enforce parking regulations or breaches of other legislation relating to driving over common land. Similarly, any access implications for, or easements required over, land within Church Commissioners' ownership are private matters which should not fetter the determination of this application.

#### *Appearance, layout and scale*

- 6.11 Ruckhall is comprised of a diverse mix of house sizes and styles but properties are generally detached and set within reasonably sized plots. It is fair to conclude that there is no prevailing vernacular, with the designs varying across the village. Brick and render are the predominant external facing materials, under natural slate and tiled roofs. The following paragraph is extracted from Policy EB1 of the EBNDF, given its relevance to design considerations.

*“The focus for new housing development is Eaton Bishop, but some small scale housing also may be permitted in Ruckhall, where proposals demonstrate particular attention to form, layout, character and setting of the site and/or they contribute to the social well-being of Ruckhall.”*

- 6.12 The plot is narrow and slopes up from the lane by several metres, which has led to the evolution of a bespoke design proposal that attends to these constraints. Amended plans have been submitted as a result of the need to address drainage concerns by setting the house further into the site and the need to reduce the ridge height. The proposed dwelling, as revised, has a narrow frontage with its proportions reflecting the width of the site. The principle elevation nonetheless retains a gable feature addressing the lane, with the bulk of the dwelling running back into the site and excavated into the rising ground. The accommodation to be provided would provide for an open plan arrangement at ground floor and well-sized bedrooms at first floor.
- 6.13 On balance, whilst observing the raised ground level relative to the road, the modest height of the dwelling and its set back siting within the rural street scene, are found to be acceptable. Although it may have a greater degree of visual prominence than nearby dwellings due to its more elevated position, it would not disrupt the organic settlement pattern found in the village or cause material harm to the rural landscape in terms of views from the surrounding countryside. The scale of

development, for a 4-bed, one and a half storey dwelling, is commensurate with the plot and would allow for a generous garden and ample parking space to be provided.

- 6.14 It is reinforced that the finished floor level (FFL) relative to the lane has increased by virtue of having to set the dwelling further back into the site to facilitate a gravity-fed drainage proposal. The house design has been amended accordingly, with the reduced ridge height (from 8.1m to 6.75m at the south-eastern corner) responding to its more elevated position. The siting of the dwelling, alongside the corrugated clad buildings at Yew Tree Farm, also ensures there would be no unacceptable impacts on the residential amenity of nearby properties.
- 6.15 As regards appearance, a balanced design approach has been adopted that is neither pastiche nor overtly contemporary, with the size and distribution of fenestration considered appropriate. In terms of the composition of external materials, the use of red/orange brickwork would be complemented by off-white render to visually 'break up' the elevations. Artificial roof slates are proposed, which would also be appropriate in this semi-rural setting.
- 6.16 The supporting documents indicate that consideration has been given to minimising the future carbon impact of the house. The use of a well-insulated air tight structure that minimises heat loss is to be supplemented by a low carbon heating system, in the form of air source heat pump. An electric vehicle charging point can be secured via a suitably worded condition and potable water efficiency measures are to be obtained under condition 18 of the outline permission. Provision for rainwater harvesting is already made within the drainage schematic drawing.
- 6.17 In summary, the appearance, layout and scale of the proposed development are acceptable.

#### *Landscaping*

- 6.18 Existing trees and hedges are being retained, as shown on the landscaping and ecological enhancement plan. New planting comprises a mixture of native hedging with occasional native and fruit trees and wildlife-friendly ground cover planting within the rear garden. This planting will provide additional screening along the site boundaries and assist in assimilating the scheme into its landscape setting, as well as enhancing the biodiversity value of the site.
- 6.19 Condition 17 of the outline permission is relevant to landscaping insofar as it requires hedgerow protection areas to be implemented during the construction process. It is observed that the revised siting of the dwelling may require some reduction works to boundary tree canopies. This is regrettable but a consequence of having to move it further back into the site. Similarly, whilst there would be extensive earthworks required, any disruption caused to the locality would be temporary and does not give rise to a reason to refuse reserved matters.
- 6.20 On balance, the rural landscape environment would be enhanced by the proposed planting, when weighed against the relatively minor adverse impacts described above. A condition can be imposed to require implementation of the submitted landscape scheme.

#### *Other matters*

- 6.21 Conditions on the outline permission relevant to biodiversity include conditions 14, 15 and 16, relating to ecological compliance, working methods and enhancement. These will remain to be satisfied through any relevant conditions discharge process. With regard to condition 14, it is not necessary for the Ecological Working Method Statement (EWMS) to be submitted as part of the reserved matters process.
- 6.22 As regards foul and surface water drainage, it is reiterated that condition 12 of the outline permission would continue to apply and require a discharge process prior to commencement of works. That said, Officers are satisfied that the work undertaken, and the technical comments received, provide sufficient assurance to enable approval of the relevant reserved matters of

layout and scale. Although noting local concerns about the veracity of the revised drainage solutions, these are informed by a report prepared by a qualified engineer and predicated on site-specific testing of ground conditions. The findings and recommendation of the report are accepted by the Council's technical consultee. The updated drainage report addresses the matter of locally reported springs (suggested in the report to be surface water seepage) by way of a retaining wall along the northern boundary.

- 6.23 Should further clarification be required, despite the procedural advice set out above, Officers would highlight the drainage engineer's most recent comments. It is stressed that for surface water, Policy SD3 says that development should not result in an increase in run-off and should aim to achieve a reduction in the existing run-off rate and volumes, where possible. Moreover, Policy EB7 of the EBN DP says that new development must be designed to maximise the retention of surface water on the site and to minimise run-off. These requirements should however be distinguished from any notion that the scheme must fully alleviate existing issues.
- 6.24 The foul solution is compliant with the requirements of condition 13 of the outline permission, insofar as a new private foul water treatment system is proposed with final outfall to an elevated drainage field/mound on land under the applicant's control. Although the mound would have an 'artificial' appearance, the visual harm arising is limited. Review of the EA's groundwater map indicates that the site is not located within a designated Source Protection Zone.

#### *Conclusion*

- 6.25 The layout, scale and appearance of the proposed new dwelling, along with the proposed landscaping, have been designed to harmonise with the built and natural context of the site and the verdant character of the area. The dwelling would also be served by safe and suitable access and appropriate car parking and private amenity space can be fulfilled.
- 6.26 The development therefore upholds the design requirements of Policies RA2, SD1 and LD1 of the Core Strategy and Section 12 of the NPPF. Furthermore, the proposed access and parking facilities satisfy the objectives of Policy MT1 of the Core Strategy. The development also accords with the design requirements of relevant EBN DP policies, particularly EB1 concerning new housing within the Ruckhall settlement boundary; EB4 regarding the protection of local landscape character and biodiversity; and EB5 in terms of requiring high quality design.
- 6.27 Accordingly, this reserved matters proposal is compliant with the development plan and the NPPF. There are no substantive reasons why approval should be withheld.

## **RECOMMENDATION**

**That reserved matters approval be granted subject to the following conditions and any other 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. YTF-PA-529601b; YTF-PA-5296-02d; YTF-PA-5296-03d; YTF-PA-5296-04c and YTF-PA-5296-06) except where otherwise stipulated by conditions attached to this reserved matters approval.**

**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. **The development hereby approved shall be carried out strictly in accordance with the approved schedule of materials, as found on drawing no. YTF-PA-5296-03d, unless samples and/or trade descriptions of alternative materials are submitted to and approved in writing by the local planning authority (in which case, development shall be carried out in accordance with the approved details).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy EB1 of the Eaton Bishop Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.**

3. **The development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan and site set-up plan (YTF-PA-5296-07) for the duration of the construction period of the development.**

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

4. **All planting, seeding or turf laying in the approved landscaping scheme (drawing no. YTF-PA-5296-02d) shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with Policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework**

5. **Existing boundary treatments shall be retained, unless otherwise specified on the approved plans or approved in writing by the local planning authority (in which case, development shall be carried out in accordance with the approved details).**

**Reason: To ensure the development is assimilated into its semi-rural setting, in order to conform with Policies SS6, SD1 and LD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

6. **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 to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Prior to first occupation of the dwelling hereby permitted, written and illustrative details of the type/specification and location of a charging point to enable the charging of plug-in and other ultralow emission vehicles (e.g. provision of cabling and outside sockets) and serve the occupiers, shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To address the requirements of policies in relation to climate change, including SS7, MT1 and SD1 of the Herefordshire Local Plan - Core Strategy; to assist in redressing the Climate and Ecology Emergency declared by the Council; and to accord with paragraphs 107 and 112 of the National Planning Policy Framework.**

**INFORMATIVES:**

- 1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 3 September 2019, reference no. 191541/O. This application, for the approval of reserved matters, is granted subject to these conditions.**
- 2. The applicant is reminded of the obligation to ensure that nearby public rights of way (EB19 and EB19A) are not obstructed during the construction period.**
- 3. This approval does not imply any rights of entry onto or over adjoining property.**

Decision: .....

Notes: .....

**Background Papers**

None identified.



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**APPLICATION NO:** 212518

**SITE ADDRESS :** LAND SOUTH OF YEW TREE FARM, RUCKHALL COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX

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