

DELEGATED DECISION REPORT

APPLICATION NUMBER

203182

Land adjacent to Burnt House, Bridstow, Ross-on-Wye, HR9 6QQ

CASE OFFICER: Mrs G Webster

DATE OF SITE VISIT: October 2020

**Relevant Development
Plan Policies:**

**Herefordshire Local Plan – Core Strategy
Policies:**

SS1 – Presumption in favour of sustainable development

SS2 – Delivering new homes

SS4 – Movement and transportation

SS6 – Environmental quality and local distinctiveness

**RA2 – Housing in settlements outside Hereford and the
market towns**

**MT1 – Traffic management, highway safety and promoting
active travel**

LD1 – Landscape and townscape

LD2 – Biodiversity and geodiversity

LD3 – Green infrastructure

SD1 – Sustainable design and energy efficiency

SD3 – Sustainable water management and water resources

SD4 – Waste water treatment and river water quality

**Bridstow Neighbourhood Development Plan – Regulation 16
submitted 21 January 2021 and is currently undergoing
consultation.**

NPPF

Relevant Site History:

**P142930/O – Site for proposed residential for 35 dwellings –
Dismissed at appeal**

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Ecologist	X		X		
Natural England	X		X		

Welsh Water	X		X		
Press/ Site Notice	XX		X -2		X -10
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

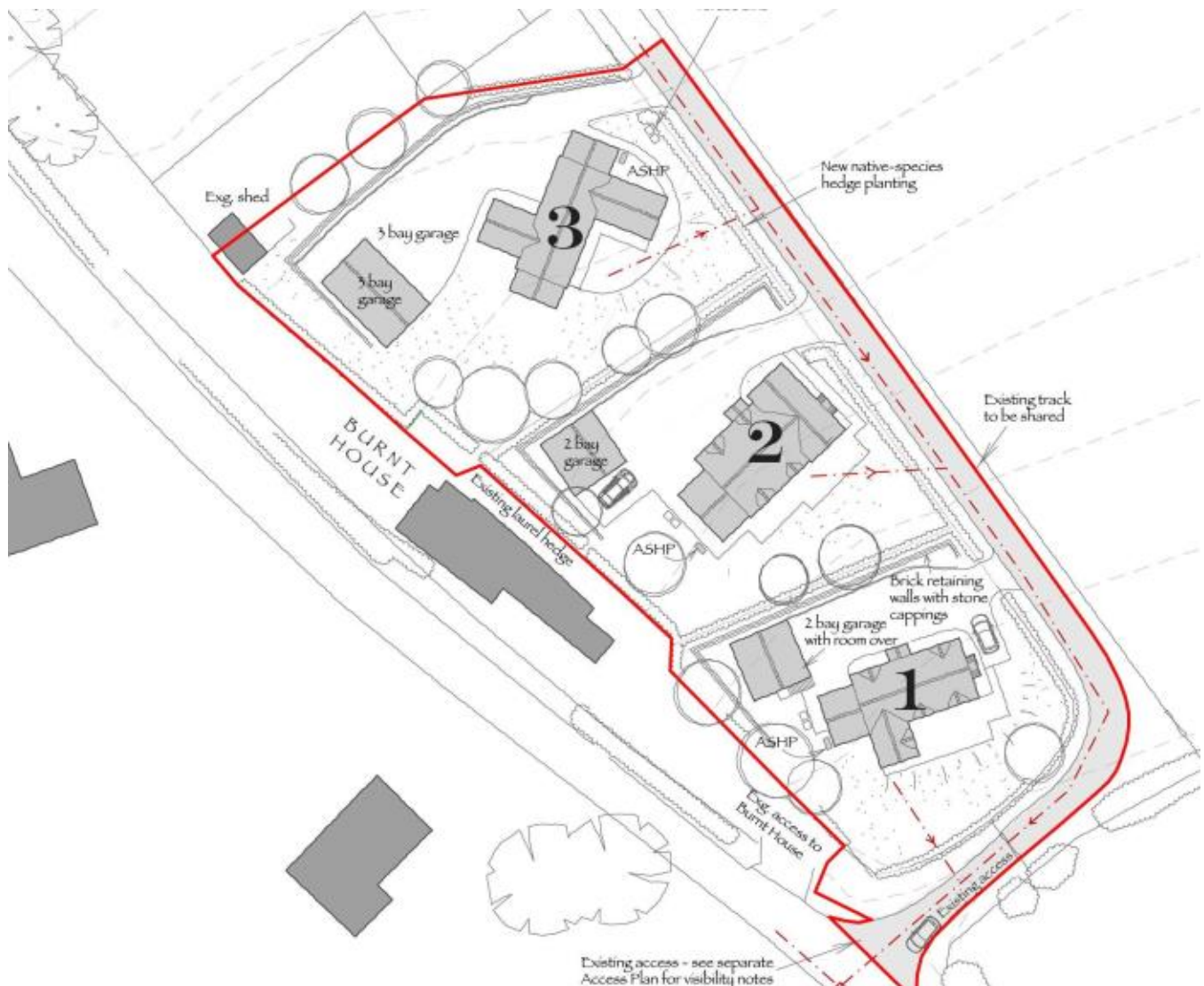
Site description and proposal:

The proposal site is set back off the C1261 that runs through the village. The application site is roughly rectangular and runs parallel the road behind a detached property known as Burnt House. The site is accessed from an existing private drive servicing Foxdales and a new dwelling approved to the north of the site.

The site is within the Wye Valley AONB.

The proposal is for full planning permission for three detached dwelling, running in a linear form down the site, with detached garages. The plots are intended as custom / self – build properties. Each property is of a bespoke design and are orientated to be south facing for solar gain.

Amended plans were received on 1 March 2021 to amend the design and layout of plot 2 to overcome concerns raised through consultation.



Representations:

Bridstow Parish Council - Bridstow Parish Council support this application, but would like to see measures in the plan to avoid the run off to the neighbouring property, Also the highway issues to be addressed re: visibility on to the C1261

Ecology - It is noted that at the time of making these comments no finalised scheme for achieving the required highway access and associated visibility splays has been submitted. From current information it appears that this may involve removal or works to roadside hedgerows (a Habitat of Principal Importance) and that no aspects of the roadside hedgerows were included within the supplied ecology report. Thus at this time the final ecology comments cannot be completed as the full scheme and ecological implications and effects are uncertain.

The required Habitat Regulations Assessment process (River Wye SAC catchment) can be progressed based on supplied information and can be twin tracked pending the wider ecology matters above.

The site is within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application and the required appropriate assessment completed by the LPA must be subject to a formal 'no objection' response from Natural England prior to grant of any planning consent.

The following notes are made in respect of the HRA process.

River Wye SAC

- No surface water will be discharged to the local main sewer system and the applicant advises that all surface water can be managed on-site through appropriate Infiltration systems.
- All foul water is proposed to be managed through connection to the local mains sewer network.
- At this location the mains sewer system is processed by DCWW's Wilton waste water treatment works (wwtw).
- The Wilton wwtw discharges final outfall in to the 'English' – Middle section of the River Wye SAC
- DCWW have confirmed in their comments that the Wilton wwtw has sufficient capacity to manage the additional foul water flows from this development
- At the this time LPA Ecology have not been notified by Natural England that the English section of River Wye is failing its conservation status
- The additional phosphate pathways can currently be accommodated within the phosphate headroom accepted as part of the council's Core Strategy (2015)
- The agreed foul water and surface water management schemes can be secured by condition on any planning consent granted.

Following updated details and confirmation that hedgerow will not be removed

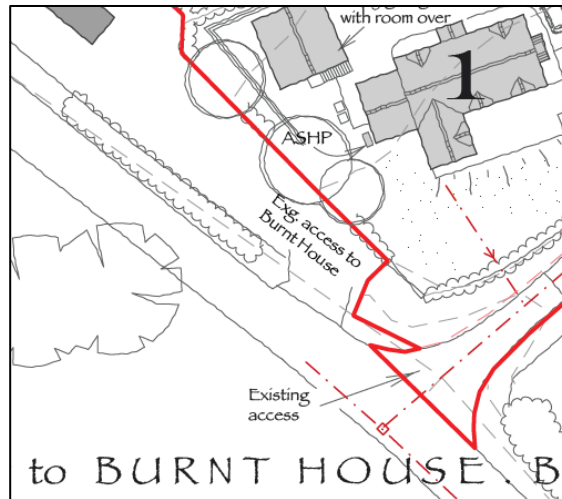
If no hedgerow is to be removed then I have no objection but do request that a condition is used to ensure this remains the case.

Likewise a condition to ensure details of specifications, planting, protection, establishment and maintenance of all new hedge planting with hedgerow standard trees is requested.

Highways

The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

The shown visibility is substandard and therefore the impact of the development is unacceptable in highways terms. The extract from drawing number D1760.1E shows the areas where splays are shown and are unachievable. This will require clarification prior to the intensification of the existing access being found acceptable in highways terms.



The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included. The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. As the existing access has been subject to modification, the copy of the Section 184 licence documents will be sufficient to avoid this condition.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required, refer to Section 6.7 of Manual for Streets. The vehicle turning area is adequate for the scale of the dwelling. The dimensions of the driveway are adequate for the scale of the development.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. The cycle parking outlined within the garages is adequate for the scale of the development, given the volume of car parking opportunities on the driveways.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

The proposals are considered unacceptable in highways terms for the following reasons:

- Visibility arrangements are inadequately set out to demonstrate that the proposals do not have an unacceptable impact on road safety. The proposal can be made acceptable by reviewing and dimensioning the unobstructed visibility at an appropriate value.

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.

Further comments following amended plans

Further to the previous highways comments on this application the outstanding aspect for consideration is the access arrangements on the suitability for catering for the proposed intensification.

These aspects have been evaluated against the content of the DfT's Manual for Streets 2 document, along with Herefordshire Council's Highways Design Guide, although recognising that the national document supersedes the local guidance on this aspect of the design.

Dialogue has occurred between the LHA and the applicant's agent on this site. Upon further review the original drawings were based on an inaccurate mapping base (OS Mastermap base mapping has a tolerance of +/- 2m). In order to appropriately consider the access arrangements the applicant's agent has undertaken a more detailed survey on site that has captured the alignment of the C1261, the access point and the interaction between the two more accurately.

The results of this are set out in drawing number 1760.13 Rev A, which more appropriately reflects what can be seen in the accompanying photographs. In addition this drawing captures the parameters of MfS 2 principles where an offset is considered appropriate in rural environments. This drawing sets out a visibility dimension which exceeds that required for the posted speed limit with the offset value commensurate with circa 40mph.

In the context of the village environment and the character and usage of the C1261 and the wider highway network this is considered appropriate to demonstrate that the proposals can be delivered within the extent of the public highway and comply with the requirements of the NPPF and Core Strategy Policy MT1 for serving the proposed modest amount of dwellings.

As a result of the above additional and revised information, the LHA do not object to the proposed modest intensification of the existing access.

Welsh Water - We note that the developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. Whereas the surface water is set to be drained to a soakaway. Therefore, to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following Condition and Advisory Notes are included.

10 letters of objection were received, the main points raised were:

- Will impact residential amenity – overlooking, loss of light
- Height difference from house adjacent to the site
- Concern over proposed siting and height of garages
- Road safety, due to lack of visibility splays
- Overdevelopment of the area
- Run off from the proposed hard standing
- The NDP is in early stages therefore the allocation should not be presumed
- Visual impact and character on Wye Valley AONB
- Proposal not in keeping with area
- Houses will be visible from A49
- The road is already very busy through the village
- Planning permission already turned down, albeit for larger numbers

Following additional highway comments, two letters of further comments were received, making the following points:

- Traffic travels faster than 30mph
- Access is still dangerous

Two letters of support were received, raising the following points:

- Good landscaping scheme
- Small development in keeping with what the local residents wanted
- Character properties built with quality materials
- Promotes jobs and help local economy in difficult times
- Will enhance village and area
- Good layout

One letter of general comment was received:

- The driveway in perpendicular to road
- The speed limit has been reduced to 30mph

Local Member updated via email. Following amended plans received for plot 2 happy for the proposal to be determined via delegated powers.

Pre-application discussion:

N/A

Constraints:

Wye Valley AONB

Appraisal:

Policy context and Principle of Development

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.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Bridstow Neighbourhood Area, which published a draft Neighbourhood Development Plan (dNDP) for Regulation 16 consultation on 21 January 2021. At this time the policies in the dNDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration

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 was 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 to remain entirely consistent with the NPPF and as such can be afforded significant weight.

Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*

Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

Core Strategy policy LD1 criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.

Policy RA2 states that housing proposals will be permitted in settlements such as Bridstow where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area.;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Core Strategy Policy SD1 – *Sustainable design and energy efficiency* states Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- create safe and accessible environments, and that minimise opportunities for crime and antisocial behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures

Bridstow is identified under Core Strategy Policy RA2 as a sustainable location for development. It is also acknowledged Bridstow as a parish is to accommodate a minimum 57 dwellings in the current Plan period. The area has three major constraints - AONB, flood zones 2 and 3 and the A40, that will inhibit development in parts of the parish. As such housing delivery of that scale is a challenge and it is accepted the proposal under consideration makes a positive but modest contribution to housing delivery.

With the exceptions of the School and the post War estate The Claytons, Bridstow is principally a linear dispersed settlement with dwellings forming single plot depth ribbon development along its roads. The application site continues to provide linear form albeit set back one house depth from the roadside, but remains within the one cluster of the village that is to either side of the C1261.

The plan below shows the proposed settlement boundary for 'Buckscastle Hill' and the allocated sites in brown colour. The proposed site is marked by the red star and is one of the allocated sites within the settlement boundary.



Policies BR2 and BR14 of the draft NDP identify the development strategy for the parish and in particular Policy BR14, which details the boundaries, states ‘*Dwellings shall be of a scale, massing, density and layout compatible with the character, size and form of the area of the settlement defined by the development boundary within which they are located and should not adversely affect the amenity of adjacent properties.*’

Draft NDP policy BR15 sets out the requirements of the site as an allocated site, which states: 'Land adjacent to Foxdale, Buckcastle Hill. This site comprises a paddock area defined by a private drive along its southern and eastern edges. This already serves two dwellings. The access onto the Hoarwithy Road is not sufficient for more than a limited number of dwellings, while the character of the area is low density. A minimum contribution of 3 dwellings towards the required level of proportional growth is expected from the development of this site.'

The site is proposing three dwellings, which is of a suitable density to maintain the character of the surrounding rural area and Wye Valley AONB, in addition it is of modest scale so as not to put severe strain onto the highway network and meets the requirements set out in the draft NDP as an allocated site.

With regards to the impact and the effect on the AONB, Paragraph 172 of the NPPF advises that great weight should be given to conserving landscape and scenic beauty in AONBs. The proposal is not considered to be major development and therefore there is no direction to refuse in principle. It is Officers' opinion, that the small scale of the development, and its position close to existing built development, would not harm the rural landscape of the AONB. Officers do not consider there would be any significant adverse impact resulting from the development. Therefore the landscape and scenic beauty of the AONB would be conserved.

As such and having regard to location, the proposal satisfies Core Strategy policy RA2 and the emerging policies within the draft NDP.

Layout and design

Policy SD1 of the CS seeks to ensure that new buildings are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Policy LD1 looks to ensuring that development proposals have been positively influenced by the landscape character.

The designs of the dwellings are considered to be of good quality, incorporating local architectural detailing and materials. The scale and massing of the properties are in accordance with surrounding development, and have taken into consideration the high quality landscape value of Wye Valley AONB.

The properties sit adjacent to existing built form and will form a natural extension to the village, in addition with the modest number of three dwellings proposed the overall impact upon the landscape will be minimal.

Concerns were raised by Officers in respect of plot 2 and its relationship with the existing property to the west of the site. The amended plans demonstrate that the proposed dwelling has been moved as far to the eastern boundary as possible providing sufficient space between the proposed property and that of Burnt House, a first floor window in the end elevation has also been removed. The property remains side on in the plot to ensure that the residents of Burnt House can continue to enjoy views across to the east. In addition the proposed garage has now been amended to provide a cat slide roof on the west elevation with a reduction in the total volume and ridge height (reduced by some 1.3metres) which is considered to overcome the risk of overshadowing to Burnt House from the dominance of the a garage building. The amended site section plans also demonstrate the reduction in relation to the existing dwelling. Therefore it is not considered that the proposal will cause adverse impact to the residential amenity of the adjacent properties.

Overall the design and the layout of the scheme, following the amended plans for plot 2, are considered to be well thought out and will provide an interesting and high quality development for the area and are in accordance with CS policies.

Highways

Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development

should only be prevented or refused on transport grounds where ‘the residual cumulative impacts of development are severe.’(NPPF para. 109).

The application seeks to utilise an existing access to one existing dwelling and one recently approved dwelling. The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently, providing sufficient visibility splays in each direction.

The original plans showed visibility splays taken from an inaccurate mapping base, following onsite detailed survey the accurate visibility splays were replotted on the amended plan. The results of this are set out in drawing number 1760.13 Rev A. In addition this drawing captures the parameters of MfS 2 principles where an offset is considered appropriate in rural environments. This drawing sets out a visibility dimension which exceeds that required for the posted speed limit with the offset value commensurate with circa 40mph.

In the context of the village environment and the character and usage of the C1261 and the wider highway network this is considered appropriate to demonstrate that the proposals can be delivered within the extent of the public highway and comply with the requirements of the NPPF and Core Strategy Policy MT1 for serving the proposed modest amount of dwellings.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. The cycle parking outlined within the garages is adequate for the scale of the development, given the volume of car parking opportunities on the driveways, this element of the proposal is acceptable.

Overall the proposal complies with CS policy MT1.

Ecology

Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

The application has been supported by an Ecological report which makes several recommendations. The Council’s Ecologist has had sight of the assessment and does not object to its conclusions. There were initial concerns raised by the Ecologist that there was to be hedgerow removal as part of the visibility splays, following the amended plans for the visibility splays demonstrating that there would be no hedgerow removal the Ecologist has no objection subject to conditions.

With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policies LD2 and LD3.

Drainage

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).

The application form accompanying the submission states that foul water will be disposed of via the main local sewer, which Welsh Water have confirmed there is sufficient capacity for the three dwellings. Surface water will be managed on site through appropriate infiltration systems, and will not enter the mains sewer. With these methods aligning with the aims of policies SD3 and SD4, they are acceptable.

Therefore the proposal complies with CS Policies SD3 and SD4.

Conclusion

Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

While the site is located within the proposed draft settlement boundary indicated within the draft NDP, and is an identified allocated site, given the stage at which the NDP is at the time of determination an assessment against policy RA2 of the Core Strategy is required. In assessing the location and proximity of the site to the main built up part of the settlement, I am content that the site accords with the aims of policy RA2 and is very much aligned with the emerging NDP policies.

While the comments within the representations are noted, and amended plans received to overcome a number of issues raised, having assessed the application against the relevant technical policies it is found to be compliant and acceptable and is recommended for approval.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) :

(please note any variations to standard conditions)

1. C01
2. C07 – 1760.1H; 1760.4C; 1760.3B; 1760.5B; 1760.6C; 1760.7A; 1760.8B; 1760.9D; 1760.10B; 1760.11; 1760.12D; 1760.13A
3. CE6
4. CBK
5. C58
6. CK4 (drawing number 1760.12D)
7. All foul water shall discharge through a connection to the local Mains Sewer network (Wilton WWTW) and surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4

8. CD1 – Enhancement opportunities section, dated 16th January 2019 by The Ecology Co op (take out the prior to commencement section at the end)
9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Informatives

1. **IP2**
2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
4. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections

Signed: *Gemma Webster* Dated:8/03/2021.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed:



..... Dated: 10 March 2021