

DELEGATED DECISION REPORT

APPLICATION NUMBER

212943

Part of Field No 0020, East of Old Gore Road (B4224), Upton Bishop, Herefordshire, HR9 7TZ

CASE OFFICER: Mrs G Webster

DATE OF SITE VISIT: October 2021

Relevant Development Plan Policies:

Herefordshire Local Plan – Core Strategy Policies:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- RA2 - Herefordshire's Villages
- 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

**Upton Bishop Neighbourhood Development Plan –
Regulation 14 draft consultation completed Nov 2021**

NPPF

Relevant Site History: DCSE2003/2393/F – proposed new access, turning area, stables and tack room - approved

CONSULTATIONS

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

Natural England	X		X		
Welsh Water	X		X		
Site Notice	X		2 x		3 x
Local Member		X		X	

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

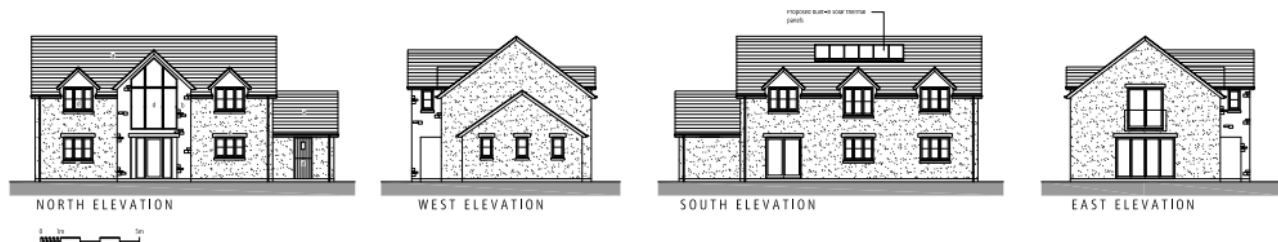
The is within the south-western corner of the applicants' land alongside the B4224 which extends northwards from the village centre. It slopes up to its southern site boundary. Downslope of the Site, to the immediate north, are located the applicants' stables with a vehicular access onto the B4224 beyond.

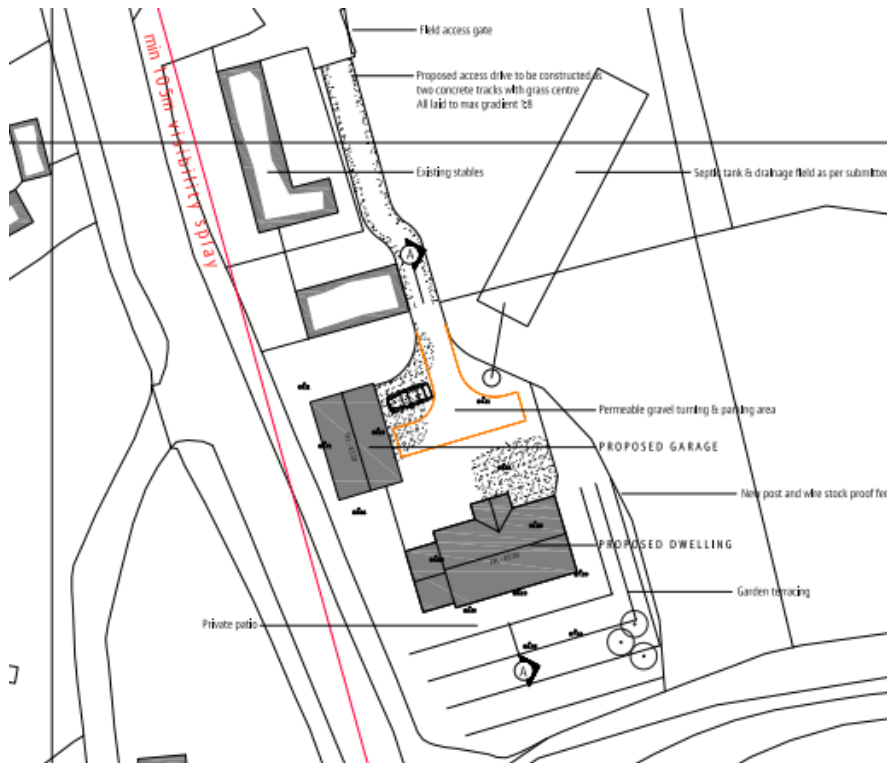
A line of mature trees lie beyond the southern site boundary with mature hedges extending along the western (roadside) site boundary. A public footpath passes across the top of the applicants' fields to the east of the Site.

The proposal is to erect a three bedroom, one and half storey cottage with dormer windows. The materials proposed are a mix of natural stone and render under a slate grey roof.

There is also a detached double carport/workshop with storage proposed, backing onto the roadside hedge. This would be constructed of horizontal timber cladding under slate grey roofing.

The access would be utilising the existing access from the B4224, and the driveway will extend past the stables to the property to a turning point.





Representations:

Upton Bishop PC – fully support the application

Transport - The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The access proposed meets the visibility requirements of Herefordshire Council's Highways Design Guide for New Developments. The use of this existing access in this point of the network is considered appropriate to cater for the minor intensification proposed.

In the event that the access is to be amended to develop the scheme 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.

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 gates shown on the proposed plans indicate that the gates are set back 5m or more which meets the highways specification.

The parking provided is acceptable for the scale of the dwelling proposed. The cycle parking required can be accommodated in the garage without unduly compromising parking.

For any works within the extent of the highway permission from the LHA will be required.

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

- CAB - Visibility Splay Required (2.4m x 110m to the north and 105m to the south)
- I11 - Mud on Highway

Tree officer - No Objections.

The arboreal impacts on this site are low and there is no requirement for tree reports.

However there will be a requirement for a soft landscaping plan that will provide details of new planting that will consist of native species that will demonstrate biodiversity net gain.

Ecology - The site lies within the catchment of the River Wye SAC (Wye-Rudhall Brook) and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission.

Notes in respect of HRA process

- The proposed development is for ONE new residential dwelling with associated foul water flows.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- The proposal is to install a new septic tank system with required soakaway drainage field to manage new foul water flows created by the development.
- The supplied BS6237 compliant drainage report by Wye Environmental Products and Services Ltd dated 16/06/2021 confirms that a suitably sized soakaway drainage field can be achieved at this location and located on land under the applicant's ownership.
- No nutrient-phosphate pathways are identified subject to the proposed scheme being implemented.
- Any additional clean surface water created by the development can be managed by through the existing surface water discharge drainage system.
- The agreed foul and surface water management systems can be secured by condition on any planning permission granted.

Subject to a no objection response from Natural England to the HRA appropriate assessment completed by the LPA a suggested condition would be:

Habitat Regulations (River Wye SAC) – Foul and Surface Water

All foul water shall discharge through connection to a new private foul water treatment system (Septic Tank) discharging to a suitably sized soakaway drainage field located on land under the applicant's control; and all surface water discharging to local infiltration systems; 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 and SD4.*

Other ecology comments

It is noted that the existing fields are already utilised for small-holding/equestrian purposes and this appears to have been so for many years based on available aerial images. The ecology report by Willder Ecology dated 9th August 2021 is noted and appears relevant and appropriate. The report does not identify any likely effects on protected species from the proposed development. The supplied report provides appropriate working methods and detailed biodiversity net gain enhancements associated with the new dwelling – these can be secured by a relevant condition on any planning permission granted. The house will be cut in to the slope thus shielding the woody boundary to the south from any significant additional illumination. The use of minimal and managed external lighting to protect wildlife and local intrinsically dark landscape can be secured by condition on any planning permission granted.

Ecological Protection & Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Willder Ecology dated 9th August 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except low power, 'warm' LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, 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.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to 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'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

Natural England – No objections

PROW – No objection

Welsh Water - SEWERAGE

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

Surface Water Drainage

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

3 x letters of objection raising the following points:

- Located in green fields
- Poor visibility onto the road
- Could do with more energy efficient measures in the build
- Would open floodgates to more development on the greenfields
- Is there a need for a three bedroom, 1.5 storey dwelling
- Wildlife and wild flower meadows should be protected
- Possible overlooking of other properties
- Outside of settlement boundary in the NDP
- Applicants have done nothing towards the local village life, so not contributing towards local need

2 x letters of support have been received, raising the following points:

- Applicants have owned the fields for many years and been fully engaged in village life
- Plans are in keeping with the rural setting of the area
- Size is modest
- Blend in well with the locality
- Won't be visible
- Site is within the village boundary
- Very little impact upon neighbouring properties

Local Member updated via email; no redirection request

Pre-application discussion:

P204160/CE – Andrew Banks – generally supportive

Constraints:

SSSI impact zone
NE priority habitat – adj and opposite
PROW – nearby

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 Upton Bishop Neighbourhood Area, which published a draft Neighbourhood Development Plan (dNDP) for Regulation 14 consultation on 20 September 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

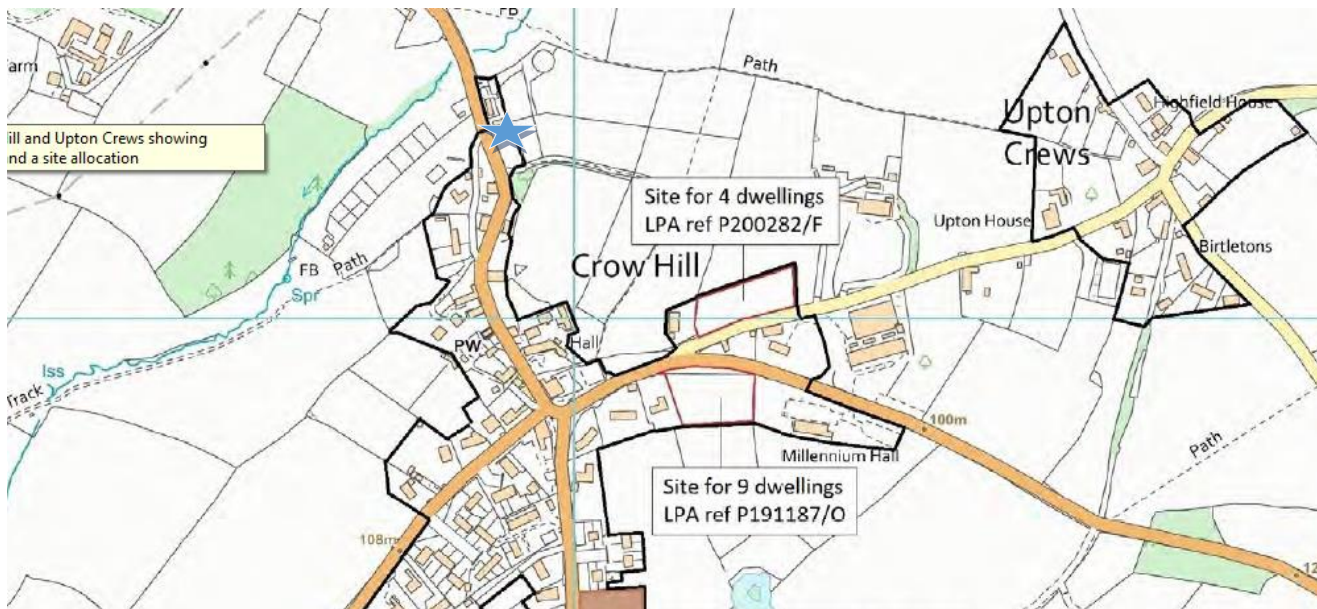
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial 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.

Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF.

The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. . There are 119 ‘main’ villages (figure 4.14) and 98 ‘other settlements’ (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Crow Hill is a settlement so defined by figure 4.14.

As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as the NDP defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement.

Policy UBP1 of the NDP includes boundaries for both Crow Hill and Upton Crews, within the Parish and states that housing inside the boundaries will be supported where they respect the character of the settlement and are in accordance with other Plan policies. The boundary indicated for Llangarron is found below with the site identified by the blue star:



As can be seen from the map above, the proposal site is located within the proposed settlement boundary. It is located on the edge of the village but adjacent to existing residential properties. The proposed site layout mirrors that to the existing form and therefore the principle of development is acceptable in this location.

In light of the above, the technical areas of the application will be assessed below.

Design and siting

The siting of the proposal is side on to the road with the access running behind the existing stable block, and coming from the north of the property, with the garage to the north west adjacent to the boundary hedgerow and road and the parking and turning in front. The property will be set behind the existing hedgerow, the land rises to the south and is approx. 2m above the road level. Therefore although the proposed dwelling does not address the road it does maintain the character and layout of other dwellings within the immediate vicinity which are set back from the road and side on. Only when you approach the cross roads into the village does the character change to properties fronting the road. Therefore this layout will help to maintain the transition from the higher density within the village core to the open countryside.

The southern roofslope will have PV solar panels to improve energy efficiency. The materials will be natural stone and render under a slate grey roof, which will complement the existing materials on surrounding properties.

All existing hedgerows will remain maintaining screening into the site and the rural character.

Overall the proposal complies with CS policies SD1 and LD1 and the emerging NDP policy UBP5.

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 layout of the parking and turning area provides sufficient space for the required number of parking spaces. There is sufficient provision for cycle parking proposed within an external storage area within the scheme, and the access is utilising an existing site access for the stables, this access is perpendicular with the road and therefore provides maximum visibility splays. This is reinforced through the lack of objection to the proposal from the Council's Highways Officer.

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 ecology report by Willder Ecology dated 9th August 2021, submitted with the application is relevant and appropriate. The report does not identify any likely effects on protected species from the proposed development. The supplied report provides appropriate working methods and detailed biodiversity net gain enhancements associated with the new dwelling, these can be secured by a relevant condition on any planning permission granted. The house will be cut in to the slope thus shielding the woody boundary to the south from any significant additional illumination. The Council's Ecologist has had sight of the assessment and does not object to its conclusions. The report will be conditioned to be carried out on any approval.

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 a septic tank with the outfall and surface water utilising soakaways. With these methods aligning with the aims of policies SD3 and SD4, and given the size of the land within the applicant's ownership, they are acceptable.

Therefore the proposal complies with CS Policies SD3 and SD4.

Conclusion

The site is located within the settlement boundary indicated within the draft NDP, although given the limited weight that can be attributed to the NDP at this current stage, the site has been assessed in terms of 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.

Having assessed the application against the relevant technical policies it is found to be compliant and acceptable. The proposed design is high quality, with good landscaping to ensure screening is maintained and continued to ensure the site maintains the rural context.

Overall the proposal complies with planning policies and is recommended for approval.

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

CONDITION(S) & REASON(S):

(please note any variations to standard conditions)

1. C01
2. C06 – 878-PL03; 878-PL01; 878-PL02
3. CBK
4. C65 – new house
5. C13
6. CE6
7. All foul water shall discharge through connection to a new private foul water treatment system (Septic Tank) discharging to a suitably sized soakaway drainage field located on land under the applicant's control; and all surface water discharging to local infiltration systems; 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 and SD4.
8. CK3
9. CK4
10. CE3
11. CAB - Visibility Splay Required (2.4m x 110m to the north and 105m to the south)
12. CKF
13. At no time shall any external lighting except low power, 'warm' LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, 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.
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Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

14. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Willder Ecology dated 9th August 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.
Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informatives

1. IP1
2. I11
3. 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
4. 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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
5. The proposed development boundary is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
Please ensure easement of 7.7m is maintained, 3.85m either side of the centre line of the main

Signed: *Gemma Webster* Dated: ...9/2/22.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

☐

Signed:



..... Dated: 14 February 2022.....

Is any redaction required before publication? No