

DELEGATED DECISION REPORT

APPLICATION NUMBER

212225

Land north and east of telephone exchange, Ridgeway Crescent, Whitchurch, Ross-on-Wye, HR9 6DQ

CASE OFFICER: Ms Elsie Morgan

DATE OF SITE VISIT: 12 August 2022

**Relevant Development
Plan Policies:**

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

SS1 Presumption in favour of sustainable development
SS2 Delivering new homes
SS4 Movement and transport
SS6 Environmental quality and local distinctiveness
RA2 Housing in settlements outside of Hereford and the market towns
RA3 Herefordshire's countryside
SD1 Sustainable design and energy efficiency
LD1 Landscape and townscape
LD2 Biodiversity and geodiversity
SD3 Sustainable water management and water resources
SD4 Waste water treatment and river water quality
MT1 Traffic management, highway safety and promoting active travel

**Whitchurch and Ganarew Neighbourhood Development Plan
(Adopted 11 October 2019)**

WG1 Promoting sustainable development
WG2 Development strategy
WG3 Housing development in Whitchurch
WG7 Housing design and appearance
WG8 Sustainable design

National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 12 Achieving well-designed places

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Ecologist	X		X		
Landscape	X		X		
Environmental Health (noise/smell)	X		X		
AONB – Wye Valley	X	X			
Natural England	X		X		
Welsh Water	X		X		
Site Notice	X				X
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site has an area of circa 0.27 hectares. It is irregularly shaped, wrapping around three sides of the curtilage of a brick-built telephone exchange building. A hedgerow demarks the western site boundary. The northern and eastern boundaries are not currently marked on the ground, as the site forms part of a larger field enclosure. To the south and southwest of the site is the Ridgeway Crescent houses which form part of the Whitchurch village.

This planning application is for outline consent for 2 no. self-build dwellinghouses (bungalows) with all detailed matters reserved for later consideration.

Representations:

Parish Council (Amended) – No objection

“The Parish Council support the proposed self-build homes and have no objections.”

Transportation - No objection

“No objections to the proposed as this is all matters reserved. If the application is approved at the reserve matters stage access and parking will have to be assessed.

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

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

Ecologist – No objection with conditions

“The development is located within the hydrological catchment of the River Wye SAC and the assessment trigger area for the Wye Valley Woodlands SAC (Upper Wye Gorge SSSI - 2km buffer).

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning permission being granted – the HRA consultation process will also ensure the required consultation with Natural England over effects on SSSI sites can be completed.

Notes in respect of HRA**River Wye SAC**

- Proposal is for TWO new residential dwellings with associated creation of new/additional foul water flows.
- At this location a mains sewer connection, managed by DCWW's Goodrich Wastewater Treatment Works is available to manage all additional foul water flows created.
- Welsh Water have confirmed that a connection is possible and that the receiving WwTW has capacity to manage the additional flows created.
- 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.
- Additional nutrient pathways can be accommodated within the phosphate allowance currently secured within the Core Strategy.
- The mains sewer management of all foul water can be secured by condition on any planning permission granted.
- All surface water will be managed through appropriate on-site infiltration-soakaway systems

Wye Valley Woodlands SAC Wye Woodlands (Horseshoe bat species)

- There is no identified potential bat roosting at any time of the year in respect of existing site
- The effects on potential foraging and commuting from additional external lighting associated with the development can be mitigated through an appropriate condition on any planning permission granted.

The HRA appropriate assessment completed by the LPA should be subject to a formal 'no objection' response from Natural England PRIOR to any grant of planning permission.

Other general ecology comments

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition.

A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any construction above damp proof course that is based on final plans and designs supplied and approved under Reserved Matters is requested.”

Landscape – No objection

“The applicant has taken into consideration the landscape and the impacts of the development with a substantiation response, dated 18 August 2021. This has provided additional information, and further elaborated on the developments rationale.

It must be noted, that reference to a nearby application (P163038) comparing that development with this development must be taken in context with the time of the application (2016), local site conditions, and that the landscape officer at that time highlighted the importance of the AONB designation, and recommended a substantial buffer to screen the development in the view.

It is understood, this application is outline, and trees and hedges has been suggested in an indicative way, however should this development proceed, a substantial buffer is recommended (with mature trees to provide immediate effect) to mitigate visual impact.

More detail about the site levels, existing trees and conditions, design and aesthetics of the buildings, hard landscaping and SUDs should be provided to enable a better understanding of the proposal.

Existing trees along the development access will require assessment and potentially protection in accordance with BS 5837:2012, Trees in relation to design, demolition and construction.”

Environmental Health (noise/smell) – No objection (further information required at Reserved Matters)

“Further comments regarding road traffic noise. I take the view that whilst road traffic noise is a constraint at this site this would not be grounds for objection at the outline planning stage. DEFRA road traffic noise mapping indicates that at the eastern part of this site daytime road traffic noise is predicted to be 55- 60dB LAeq with the western at

less than 55dB LAeq and at night time of up to 50dB LAeq. This would put the site at low noise risk rather than negligible.

Should a reserved matters or full application be submitted, the applicant would be requested to supply an Acoustic Design Statement in accordance with the ProPG guidance to demonstrate how the acoustic environment has been taken into account in the layout and design of the site. The purpose of such a statement is to demonstrate that the desirable internal and external noise levels according to BS8233 can be achieved. In this regard in bedrooms and living rooms with as many windows partially open as possible. In this regard, the proposal for bungalows will allow for better shielding from road traffic noise and consideration would need to be given as to the orientation of the proposed dwellings, siting noise sensitive rooms to the rear of the A40 and solid fencing to ensure that the external amenity standard of 50dB LAeq can be achieved in external amenity areas.”

AONB Wye Valley – No response

Natural England – No objection to HRA

Welsh Water – No objection

“Sewerage Network:

We note the proposal for foul water to discharge to the public sewer. We can advise that Goodrich WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.”

Site Notice – Objection

“We would like to object to the planning for 2 dwellings at whitchurch. Planning number p212225/O.

The reasons are the site will be on green belt in an AONB and SSSI area and also the River Wye is an international (SAC). It is proposed that the foul water will be disposed of via the mains foul water drain which will go in to the river wye from the Goodrich water treatment plant which is in an area that the River Wye is exceeding the phosphate levels already before the houses which are currently being built and these two dwelling's proposed to be built.

From our house we will be able to look down in to the property.

The proposed access will run alongside our house so we will have noise from vehicles accessing the properties. And they proposed to remove the tree's which hide the B.T. telephone exchange which has lights on at night which will shine in to our property.

The Whitchurch and Ganarew group parish neighbourhood development plan has already been exceeded.”

Local Member – Updated via email. Cllr is content for determination to be made under delegated authority.

Pre-application discussion: None

Constraints:

SSSI Impact Zone
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) and the made Whitchurch Neighbourhood Development Plan (NDP) adopted on 11th October 2020. At this time the policies in the NDP can be afforded full weight as planning consideration. The National Planning Policy Framework 2019 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.

The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years’ worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.

Following this year's survey work, the LPA can confirm that the Housing Land Supply for 2021 is 6.90 years and the current delivery test is 106%. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result para 14 of the NPPF is not engaged.

In therefore seeking to establish whether the principle of development is acceptable, policy RA1 of the CS is relevant and indicates that in the county's rural areas a minimum of 5,300 dwellings will be provided across the seven Housing Market Areas (HMA). In this case the site lies within the Ross-On-Wye HMA, which has an indicative which has an indicative housing growth of 14% (equivalent to delivering 1150 new homes).

Policy RA2 follows, and identifies 119 rural settlements which are to be the main focus of proportionate housing growth in the rural areas. A further 98 smaller settlements, where some proportionate growth is considered to be appropriate, are also identified. These settlements have been identified in the Core Strategy as they are existing population centres and typically have a range of services, employment, facilities and/or public transport links. New residential development in these settlements can therefore be supported by existing services, and new residential development can, in turn, serve to bolster and help retain these services. This approach is in the interests of achieving sustainable development, as outlined by the NPPF. Policy RA2 goes on to state that proposals for the new residential development will be supported when they are located within or adjacent to identified settlements. Outside of the settlements, new housing development will be restricted to avoid unsustainable patterns of development.

Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are not in place, a sites relationship with the main built up part of the settlement will be assessed, where new residential development should be within or adjacent to such areas. As stated above, the NDP is adopted and is therefore given full weight in decision making.

In this case, the proposal site is located outside of the adopted settlement boundary to the north of the boundary line. Where proposal sites are outside of the settlement boundary, but adjacent to it, under policy WG3 of the NDP housing in sustainable locations will be supported where they involve small plots for self-build dwellings where each owner has primary input into the final design and layout. This has been secured by condition with a Statement of Intent required. Given the site lies adjacent to the built up form it is considered to be in a sustainable location, with access to the services available in the village and a reasonable bus service available. The intention to provide self-build properties for the applicant and family member is noted in the supporting documentation.

Design and Landscape

Notwithstanding the foregoing paragraph, policy RA2 makes it clear that housing proposals will be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by policy SS6 which seeks to conserve and enhance the environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets. The proposed dwellings would sit to the north east of the settlement adjacent to a telephone exchange building, though extending beyond the settlement it would read as in keeping with the built form following the layout of Ridgeway Crescent and not be contrary to the local grain of development.

Policy SD1 comments on sustainable design and states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. An adequate level of private amenity space should be provided for any dwelling and would also be in keeping with the surrounding development.

Appearance, scale, layout and landscaping are matters which will inform the acceptability of the development in the context of the character, history and appearance of the landscape, the village of Whitchurch and its setting. Whilst these specific matters are reserved for later consideration, the ability of the application site to accommodate residential development in principle must be determined at this (outline) stage. Furthermore the potential to provide an appropriate layout; scale and design of building; and landscaping scheme must also be considered.

The indicative layout allows sufficient space to accommodate two dwellings with private amenity space, however there are concerns for the provision of garaging to the front of the southern plot limiting access to the dwelling in a cramped manner; this can be considered under reserved matters application. In terms of the wider locale, they are varied in appearance with properties of differing ages and character. The existing dwellings along Ridgeway Crescent are relatively modern two storey semi-detached properties of red brick under dual pitched roof. To the south of the site there are single storey and dormer bungalows. As such, the proposal, though single storey, would not appear distinctively out of character maintaining local distinctiveness in adherence with policies SD1 and LD1 of the CS and WG7 of the NDP.

The development is located within the Wye Valley Area of Outstanding Natural Beauty (AONB) and according to NPPF, 172, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. According to Local Policy, LD1 development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features of AONBs, through the protection of the area's character.

The application has been supported by a Landscape Statement which indicates the impacts of the development providing landscape mitigation to the perimeter of the site. The Landscape Officer raises no objection to the scheme following additional detail provided by the applicant, however it is recognised that further information is required with regards to site levels, existing trees, hard landscaping as well as building design with the reserved matters application. Though encroaching into open countryside, when read from a distance the additional dwellings would be viewed as part of the existing settlement.

In summary, the site is located adjacent to other dwellings with which the settlement boundary ends. It is not considered that this site is out of keeping with the character of the wider settlement. The facilities within the village could be accessed by future occupants. There is also found to be a limited landscape impact given the siting near to existing built form.

Highways

The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to

promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The application seeks to provide shared access to both plots off Ridgeway Crescent via existing field entrance, although this application is not considering the detailed access at this outline stage. With regards to the impacts on the road and the associated traffic as a result of the two dwellings scheme, on which already serves a relatively high number of existing dwellings, this is not found to amount to a 'severe' level. This is reinforced through the lack of objection to the proposal from the Council's Highways Officer.

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 a Preliminary Ecological report which makes several recommendations. The Council's Ecologist has had sight of the assessment and does not object to its conclusions with no records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The recommended condition to secure Biodiversity Net Gain enhancement are included.

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 proposes to utilise connection to main sewer and surface water will outfall to soakaway. Given the location, these methods are found to be acceptable and in accordance with the hierarchy stated under policies SD3 and SD4, subject to conditions requested by Welsh Water. The application has been the subject of a HRA which identified no adverse effects on the integrity of the River Wye SAC. Natural England raised no objection to the HRA.

Conclusion

It is acknowledged that the site is located outside of but adjacent to the settlement boundary defined for Whitchurch, however policy WG3 of the NDP supports small

plots for self-builds adjacent to the boundary where the initial owners have primary input into the design. The size of the site is suitable for two dwellings and will maintain the character of the area. All other matters such as access, appearance, layout and landscaping will be determined at the Reserve matters stage and the design of the dwelling will be crucial at that stage to ensure there is no adverse impact upon any neighbouring property and to ensure safe access can be achieved.

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

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. C02
2. C03
3. C04
4. C06
5. The reserved matters submission shall set out in a Statement of Intent how the approved dwellings are being delivered in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) which provides a legal definition of self-build and custom housebuilding for approval by the local planning authority. The dwellings shall be delivered in accordance with the approved Statement of Intent.
Reason: As required by Policy WG3 of the Whitchurch and Ganarew Neighbourhood Development Plan.
6. CE6
7. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
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 in accordance with policies SD3 and SD4 of the Herefordshire Local Plan and the National Planning Policy Framework.
8. Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to the local mains sewer network managed by Welsh Water's Goodrich Wastewater Treatment Works.
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.
9. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite soakaway or infiltration systems.

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 SD3.

10. At no time shall any external lighting, except low power (under 5 watt), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings 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 Bat Conservation Trust or 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.

11. Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of 'fixed' habitat features such as habitat boxes supporting bird and bat roosting features, hedgehog homes and 'hedgehog highways' and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

12. CE3

13. CB2

Informatives

1. IP1
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

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.

3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.



Signed:

Dated: 22/6/22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:



..... Dated: 22 June 2022.....

Is any redaction required before publication? No