

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 180936

Home Paddock, Sheriff Lane, Lyonshall, HR5 3JD

**CASE OFFICER:** Mr Adam Lewis

**DATE OF SITE VISIT:** March 2018 (FBM) and 25<sup>th</sup> April 2018 (ALW)

**Relevant Development**     **Herefordshire Local Plan Core Strategy 2017**  
**Plan Policies:**                SS1, SS2, SS4, SS6, SS7, RA3, MT1, LD1, LD2, LD3, LD4,  
    SD1, SD2, SD3, SD4

### National Planning Policy Framework

The site lies at the boundary of the Pembridge and Lyonshall Parishes, with the majority of the application site lying in the Pembridge Parish. The Pembridge NDP is currently at the Regulation 14 draft stage and attracts no weight. The Lyonshall parish have not yet produced a draft NDP.

**Relevant Site History:**     **N123007/F** - Replacement of extant planning permission DMNW/092266/F for demolition of existing house and outbuildings and erection of a replacement dwelling and ancillary garage – Approved with Conditions 2012 – Not implemented – Lapsed  
    **NW092266/F** - Demolition of existing house and outbuildings and erection of a replacement dwelling and ancillary garage – Approved 2009 – Not implemented

### CONSULTATIONS

|                               | Consulted | No Response | No objection | Qualified Comment | Object |
|-------------------------------|-----------|-------------|--------------|-------------------|--------|
| Parish Council                | ✓         |             | Sup x 2      |                   |        |
| Transportation                | ✓         | ✓           |              |                   |        |
| Historic Buildings Officer    | ✓         |             | ✓            |                   |        |
| Ecologist                     | ✓         |             | ✓            | ✓                 |        |
| Welsh Water                   | ✓         |             | ✓            |                   |        |
| Neighbour letter/ Site Notice | ✓         | ✓           |              |                   |        |
| Other                         |           |             |              |                   |        |
| Local Member                  | ✓         |             | ✓            |                   |        |

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application relates to a site within the open countryside approximately 2.5m to the north east of the village of Lyonshall. Home Paddock is a single storey residential dwelling which forms part of a cluster of wayside development which lies to the west of the C1031 Rhyse Lane. The property is not of any architectural merit and is set within a large curtilage which hosts a number of mature trees and hedgerows to the site boundaries. The site fronts onto the adjacent C1031 but vehicular access is gained off the unclassified Sherriff Lane to the south.

The application seeks full planning consent for the demolition of the existing dwelling and the erection of a new replacement. The new dwelling would be sited within the same curtilage as the current dwelling but would be set approximately 15m further away from the highway with its principal elevation orientated to the east. It would measure 11.5m x 7.6 in plan form and would have two storeys measuring 8.5m to the ridge. Externally it would be finished in painted render under a natural slate roof with hardwood windows and doors. The existing site access would be improved, and a new three bay detached garage is proposed to the east of the site.

### Representations:

The **Local Member** has been updated and has no objections to the proposal. He is happy for the application to be determined as a delegated matter.

**Pembridge PC** support the application.

**Lyonshall PC** support the application.

*Lyonshall Parish Council discussed this application and believed a rebuild would demonstrate an enhancement to the current building there and would not have a detrimental impact on the surroundings. From these conclusions Lyonshall Parish Council will SUPPORT this application.*

The **Planning Ecologist** has no objections subject to the imposing of appropriate conditions;

*In line with General Binding Rules, NPPF, NERC Act and Core Strategy LD2 and SD4 confirmation that the replacement septic tank will be connected to a soakaway drainage field on land under the applicant's control is requested. No direct discharge of any final outfall in to a local watercourse, stream or culvert will be acceptable.*

*I note that there is good bat foraging habitat adjacent and close to the site and bats (protected species) have been recorded in the area (though no records for this specific site) and could be opportunistically using the building proposed for demolition. There is also potential for nesting birds to be present and reptiles and amphibians within the wider site.*

*To ensure there are no impacts on any opportunistic protected species (Bats and Great Crested Newts that breed in the locality) or nesting birds I would request that prior to*

*commencement an ecologist is appointed to design and submit a relevant Ecological Working Method Statement. If any evidence of bats is found at this stage or during works, further survey work and a European Protected Species Licence will be required.*

*In line with NERC Act, NPPF Guidance and Core Strategy all developments should demonstrate how they are going to enhance the local biodiversity potential. To secure this I would request a relevant Condition is included on any Planning Consent granted.*

*I note there are extensive existing trees and hedgerows shown to be retained and these should be subject to an appropriate protection plan for the duration of the construction process. A suggested condition is given.*

The **Aboriocultural Consultant** has no objections;

*I do not think that design has sufficient impacts on the trees or that trees are of sufficient quality to require any arboreal information. I have no objections to the proposals.*

The **Councils Conservation Officer** has no objections.

*The buildings to be demolished are of no historic or architectural interest, and the proposed replacements will not have any negative impact on any nearby heritage assets. Therefore we have no objections to the proposal.*

**Welsh Water** do not object.

Pre-application discussion:

None sought

Constraints:

Open Countryside  
SSSI – Impact Risk Zone

Appraisal:

Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. This requirement is also repeated by Paragraph 14 of the National Planning Policy Framework (The Framework).

The application will therefore be determined against the adopted Herefordshire Local Plan Core Strategy (2015). The Framework is also a significant material consideration. The site is not covered by a Neighbourhood Development Plan which at a stage of progression where any weight may be attributed.

In this case the site is located in the open countryside and is isolated from the nearest settlement identified as being appropriate for new residential growth. Therefore, Core Strategy exceptions policy RA3 is considered to be of most pertinence. This policy states that

in rural areas outside of settlements new residential development will be limited to proposals which satisfy one or more of a number of criteria. These criteria are broadly reflective of those found in paragraph 55 of The Framework. At point 3, policy RA3 states that proposals may be supported when they would entail the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located within the lawful domestic curtilage, of the existing dwelling.

The proposal in this case is considered to satisfy the requirements of Core Strategy Policy RA3 (3). The existing dwelling is still occupied by the applicant and has therefore has an established and ongoing lawful residential use, and the replacement dwelling would be sited within the same domestic curtilage. Whilst the new dwelling would be sited approximately 35m further to west than the existing, this is considered to be acceptable given that it would increase the separation between the dwelling and the adjacent busy highway whilst respecting the existing built pattern in the surrounding cluster of wayside development. In terms of size and scale, the existing bungalow has an approximate floor space of 121sqm and this would be replaced by a two storey dwelling with an approximate floor space of 176sqm. Whilst the new dwelling would be larger in terms of its scale and height, it is considered that the increase in floor space of approximately 44% can be considered comparable in this instance. It is also noted that the resultant two storey dwelling would be commensurate to other dwellings in the wider locality, and hence the proposal would not be out of keeping with its environs. Given that the new dwelling is however on the upper limits of what may be supported under policy RA3, it is considered appropriate to attach a condition removing permitted development rights to ensure that future unregulated extensions are avoided and the scale and mass of the proposed dwelling is maintained.

In considering the design of the new dwelling, policy SD1 is of relevance. This 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. In addition, policy LD1 is also of relevance insofar as it relates to the impact of the development on the surrounding landscape.

The existing dwelling to be demolished in this case is not considered to be of any architectural merit or historic interest, and the building would struggle to meet modern standards of energy efficiency or insulation. Its demolition is hence considered to be acceptable.

The proposed replacement is a two storey dwelling finished in render under a natural slate roof. The design is considered to be appropriate to the rural setting of the site and is not out-of-keeping with the character of surrounding development, and therefore is pursuant to SD1. Full details of materials and finishes will be required by condition. The proposed new garage block is also modest in scale and its siting to the fore of the site would not have any detrimental impact upon the character of the street scene. The site is also well enclosed by existing mature vegetation and the proposed dwelling would hence be visually discrete in the context of the wider landscape. No conflict with LD1 is therefore found.

The siting and orientation of the new dwelling and the positioning of fenestration is such that it is not considered the proposal would lead to any adverse impact on neighbouring amenity

by means of overlooking, overshadowing or overbearing. No conflict with Core Strategy policy SD1 is therefore identified in this regard.

The proposal would utilise and improve the existing access onto Sheriffs Lane. This arrangement is considered to be acceptable, and the new dwelling would not lead to intensification in vehicle movements which could not be safely accommodated by the access and local highways network. Adequate parking and manoeuvring space would be provided within the site. No conflict with MT1 is therefore found.

The Councils Planning Ecologist has been consulted and has offered no objections, subject to the requirement for an ecological working methods statement, subsequent ecological enhancement scheme, and a scheme of abiotic/cultural risk avoidance measures as part of pre-commencement conditions. These recommendations are considered to be reasonable and justified to ensure compliance with the provisions of Core Strategy Policy LD2 and LD3 and Paragraph 109 of the Framework.

The new dwelling would be served by a new package treatment plant and associated spreader field. In the absence of a mains sewer proximal to the site, this would accord with the hierarchical approach set out by Core Strategy policy SD4 and the use of a spreader field to manage outfall from the PTP would satisfy HRA regulations. The use of soakaways to manage surface water is also acceptable and in accordance with SD3. Full details will be required by condition.

In light of the preceding appraisal, the proposal is considered to comply with relevant policy of the Core Strategy and the NPPF. The application is subsequently recommended for approval, subject to the conditions below.

The Local Member has been updated and raises no issue with the Officer recommendation. He is happy for the application to be determined as a delegated matter.

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

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

*(please note any variations to standard conditions)*

1. C01
2. C06 – Site Location Plan, House Plans 460.08 and Garage Plans 460.09 received 12<sup>th</sup> March 2018 and amended block plan 460.10A received 10<sup>th</sup> May 2018.
3. Within one month of the first occupation of the replacement dwelling hereby permitted, the existing dwelling shall be demolished in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. Written confirmation and evidence of the demolition (such as photographs) shall be submitted to and acknowledged by the Local Planning Authority within one month of the works being completed.

Reason: To clarify the terms of the permission and to ensure a satisfactory form of development which would accord with Policy RA3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

4. C13
5. C65 – New houses
6. CCK
7. CAE
8. CAD – 5 Metres
9. C58
10. Prior to any demolition or site clearance works beginning, a detailed Ecological Working Method Statement, be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved and there after maintained unless otherwise agreed by the LPA.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

11. Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt); TWO bird nesting boxes and ONE pollinating insect habitat home built in to, or attached to the new dwelling or their associated green infrastructure should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA. Habitat boxes should be made of a long-lasting material such as Schwegler Woodcrete or Geenwood Ecohabitats Ecostyrocete. No external lighting should illuminate any habitat enhancement above pre-development nocturnal illumination levels.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013

12. Before any work commences and, equipment or materials moved on to site, a retained tree and hedgerow protection plan, arboricultural risk avoidance measures and work/protection methodology (based on guidance in BS5837:2012) shall be supplied to the planning authority for written approval.. The approved protection plan shall be

implemented in full and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

13.CBM

14.CBK

## Informatives

1. PP2
2. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.
3. I33
4. I05
5. I11
6. I09

A.M.L.

Signed:

Dated: 11<sup>th</sup> May 2018

### TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:

kol.

Dated: 15/5/18 .....