

DELEGATED DECISION REPORT

APPLICATION NUMBER

192306

The Plantation, Aston Ingham, Herefordshire, HR9 7LP

CASE OFFICER: Miss Emily Reed

DATE OF SITE VISIT: 10/07/2019 and under previous application

Relevant Development Plan Policies: Herefordshire Local Plan – Core Strategy
Policies: RA1, RA2, RA3, MT1, LD1, LD2, LD3, SD1, SD3, SD4

Aston Ingham are not currently preparing a Neighbourhood Development Plan

NPPF

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 10 - Supporting high quality communications

Chapter 12 - Achieving well designed places

Chapter 13 - Protecting Green Belt land

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Relevant Site History: **190157/F** – Proposed replacement of barn with dwelling.
Withdrawn

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X			X	
Transportation	X		X		
Ecologist	X		X		
Landscape	X		X	X	
Land Drainage	X		X		
Natural England	X		X		
Welsh Water	X		X		

Hereford Wildlife Trust	X	X			
Press/ Site Notice	X	X			
Local Member	X	X			

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site is located to the north of the B4222 between Aston Crews and Aston Ingham and comprises of a large steel agricultural building set back and above the roadside. There are areas of associated hardstanding and an access to the south east of the building.

This application seeks planning permission for the erection of a detached 4 bedroom dwelling on the site of the existing agricultural building. The access will also be relocated as part of the proposal.

Representations:

The **Parish Council comment** on the proposal as follows:

The fact that this dwelling is more prominent than the previous application calls into question whether or not we should be putting new residential developments such as this into open countryside.

The Parish Council have already expressed concerns about the existing problem where storm water runs off the adjacent fields above the development and down the B4222. Councillors queried whether this could be addressed as part of this application.

The traffic figures quoted in this application appear to be at variance with those from the more recent traffic monitoring exercise carried out in the village and do not necessarily give a true picture.

The **Council's Ecologist does not object** stating:

There are no Habitat Regulations Assessment process triggers identified for this development's location.

The supplied ecology report is noted and has identified that the existing barn is utilised by Barn Owls and that appropriate mitigation./compensation must be supplied and working/risk avoidance methods employed during the development process.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods as recommended in the ecology report by europaeus land management services dated April 2018 shall be in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, highway corridor or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. The details in the supplied plan ref 39-2116 Landscaping and Ecology are relevant and appropriate and should be implemented as part of approved plans; apart from specific mitigation for the loss of Barn Owl roosting which does not appear to have been included. As a schedule 1 and 9 bird any loss of breeding habitat and roosting can have a significant and detrimental impact on the local population, in particular as in this locality there is very limited alternative nesting potential and so this loss of roosting and any loss of such roosting should be fully compensated for. A condition is requested to secure this specific compensation.

Nature Conservation – Barn Owl mitigation

Prior to any works commencing on site evidence of the installation of alternative Barn Owl roosting should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

The **Council's Landscape Officer comments** on the application as follows:

I have seen the elevation drawings and reviewed the landscape plans in conjunction with the design and access statement.

I am content with the proposals shown both in terms of the scale, form and external materials of the built form as well as the proposed landscaping.

One element of the design that I do not consider in keeping with the form of the building; is the solar panels. Whilst I recognise the benefits I consider that it undermines the simplicity of the design and its agricultural appearance. I would therefore recommend these be removed.

All other aspects of the design are considered to comply with policy LD1 of the Core Strategy, conditions should be applied in respect of the provision of a detailed landscape plan accompanied by a supporting management plan for a period of 5 years. I would further recommend given the sensitivity of the location the removal of PD rights.

Land Drainage do not object to the scheme with the conclusion of the comments stating:

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- *Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;*
- *A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;*

- *Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;*
- *Percolation testing undertaken in accordance with BS6297 to establish whether infiltration is a viable option for treated effluent drainage fields;*
- *Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;*
- *Demonstration of the management of surface water runoff from the site and demonstration that no additional runoff will get onto the B4222.*

An email was sent to Councillor Wilding on 6 August 2019. To date no response has been received so delegated authority assumed.

Pre-application discussion:

172879/CE – pre-application advice provided on a different scheme to the one now submitted.

Appraisal:

Policy context

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). As stated above, Aston Ingham are not progressing a Neighbourhood Development Plan.

Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out 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 policy states:

‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) *Specific elements of national policy indicate that development should be restricted.'*

It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply. Paragraph 11d of the Framework echoes the above in that it advised the following in respect of decision making:

'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby.

The adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.

Location of residential development

The approach 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 requisite 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 (pp. 109 -110). 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. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.

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. Aston Ingham is listed under figure 4.15.

While the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated, it is noted that in this location an NDP is not being progressed. As such, it is the relationship between the site and the main built up part of the settlement that is to be assessed in the first instance. The map below indicates the site by the blue star.



Noting the separation between the site and the main built up part of Aston Ingham to the east (which lies approximately 500m as the crow flies), the site lies away from this and within open countryside. With this in mind, the proposal falls to be assessed against policy RA3 of the Core Strategy which indicates exceptions to residential development in such locations. This list includes, inter alia, replacement dwellings, agricultural workers dwellings and at criterion 4 the re-use of an existing rural building.

As commented upon within the design and access statement, the building on the site is a large corrugated, steel framed building that has deteriorated over the years and occupies a particularly prominent position in the streetscene with the road falling from east to west and the site sitting higher than the road. With the state of the building on the site in mind, re-use of the structure is not feasible. As such, a whole new build is proposed – albeit of a similar footprint and height as the existing agricultural building.

With the foregoing in mind, the proposal does not represent an exception to residential development within an open countryside location resulting in tension with policy RA3. This conflict will be weighed up in the planning balance below.

Design, layout and scale

The design of the buildings is assessed by policy SD1 of the Core Strategy. This policy 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. Policy LD1 of the Core Strategy states that new development proposals should demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, incorporating new landscape schemes and their management to ensure development integrates appropriately in its surroundings.

The building proposed under this application has used the existing building as a guide in terms of scale and simple design. The building will be rectangular in form and on the same footprint as the existing. It will be constructed from timber clad elevations with galvanised corrugated steel and a

standing seam roof. It is understood that the buildings have been chosen following a landscape colour assessment with a Colour Consultant. With the proposed dwelling being influenced by the existing building on the site, the simple agricultural appearance is not found to be unacceptable in this location.

The D&A which accompanies the submission touches on the proposed scheme meeting Passivhaus standard with a range of renewable energy and water efficiency measures. It states:

The proposed dwelling will follow the key principles of Passivhaus design and will provide a highly insulated external envelope (created by the walls, roof, windows and doors) with a high standard of air tightness.

The building will be naturally cooled in summer and perhaps benefit from an internal heat recovery system.

This MVHR system will supply fresh air for living spaces by recycling the heat from the stale air.

The dwelling will be constructed using engineered timber frame technology and clad externally using natural timber as sustainable building material.

The Engineered timber frame system will achieve the high levels of insulation required in both the external walls and the roof to minimise heat loss through its inherently high air tightness.

The dwelling is orientated to face south in order to maximise passive solar gain (with shading and natural cooling available to control excessive heat gains in summer).

Water saving measures will allow water to be harvested for gardening as well as for reuse within the dwelling using an underground storage system that will offset mains water consumption.

To treat the waste water from the house, the design includes a WPL Eco Vortex Sewage Treatment Plant. It has an excellent pollution reduction level of 98.9%.

Noting the blockwork retaining wall adjacent to the roadside and the dilapidated building on the site itself, the proposal represents the opportunity to result in landscape betterment. The retaining wall will be replaced by a new hedgerow and the overall aesthetic of the building improved with a detailed landscaping scheme including new hedges, new trees and a wildflower meadow (additional details will be conditioned on any approval along with management). The inclusion of an integral garage/store also reduces the pressure for additional ancillary buildings in the future which would undermine the simple design. The removal of permitted development rights will also ensure the retention of the modest approach.

In terms of amenity impacts, the proposed building will benefit from curtilage on all sides of the building but will not be any larger than the area associated with the existing built form.

Moving onto amenity impacts for neighbouring dwellings, noting that the nearest dwelling is approximately 150m to the south east, issues of overlooking or loss of light will not be experienced.

With the foregoing in mind, the proposal represents a design that responds to the context and a landscape improvement, noting the building that is in place currently and the comprehensive landscaping scheme proposed. The inclusion of sustainable design elements also results in a build that aims to reduce its carbon emissions. Certification of these details will be conditioned on any approval to ensure the benefits are carried through to the build.

Transportation

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 proposal includes the provision of a new vehicular access point further to the east along the roadside and would result in the existing (which is substandard given the narrow width and angle to the road) being closed. The new access would serve the proposed dwelling and agricultural fields to the east. The visibility splays have been calculated using the 85th %ile of a Speed report undertaken in September 2018. The new access represents a highway improvement given the substandard nature of the existing and this view is endorsed by the no objection received from the Highways Officer. While the comments from the Parish Council in relation to the survey results are noted, they are found to be adequate for the purposes of this application.

In terms of parking provision, noting that the dwelling accommodates 4 bedrooms, a minimum of 3 spaces are required. The area of hardstanding proposed will provide adequate provision along with turning areas so that any car can enter the highway in a forward gear.

The Council's Highways Officer has recommended a condition relating to cycle storage be attached to any approval. However, acknowledging the sensitive approach that has been taken with regard to the overall design of the building, ancillary buildings such as this could undermine the overall concept. Furthermore, noting that there is an integral workshop/garage, there will be adequate provision for such storage. As such, this condition is not found to be necessary.

In light of the above, the proposal meets the aims of policy MT1 of the Core Strategy and represents an improvement to the existing situation on the site.

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 is accompanied by a Bat Roost Assessment Survey Report which has been viewed by the Council's Ecologist. The recommendations and mitigation there have been incorporated into the scheme and are indicated on the Landscaping and Ecology Plan. The Council's Ecologist does not object to the scheme but recommends conditioned to be attached to any approval to ensure the biodiversity improvements come forward.

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 proposal states that a package treatment plant will be utilised for foul water with a sustainable drainage system for surface water. Noting the size of the site, and that these methods meet the principles of policies SD3 and SD4, they are found to be acceptable. The comments from the Land Drainage Consultant are acknowledged and the details will be conditioned on any approval. This should ensure that the concerns of the Parish Council in this regard are overcome.

Planning balance and conclusions

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.

It is acknowledged that the site lies away from the main built up part of Aston Ingham and within open countryside and that the proposal does not represent one of the residential exceptions in such a location stated under policy RA3. However, this conflict is to be weighed up in terms of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The design of the building includes sustainable elements in order to reduce the carbon emissions and its wider environmental impact. It references the existing building on the site by using the simple form and design and, noting the inclusion of a comprehensive landscape scheme, will represent landscape betterment by removing the building which has become somewhat of an eyesore due to its deterioration and prominence.

The provision of a new access also results in highways betterment with increased visibility splays for anyone leaving or entering the site – it is noted that the existing is substandard with restricted splays. The inclusion of several biodiversity features also results in betterment in this regard also.

Aston Ingham is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.15 as a settlement which will be the focus of proportionate housing development. This percentage increase translates to 25 new dwellings within the Parish over the plan period. It is acknowledged that target represents a minimum growth and as of April 2018 there had been 3 completions and 9 commitments resulting in a residual of 13 dwellings. Noting that Aston Ingham is constrained (in part due to the road and the topography of the land), ensuring that the Parish meets its minimum housing growth may prove difficult.

On balance, while the scheme represents a policy conflict in terms of the location of development, it does result in landscape, ecology and highways betterment. Furthermore, noting the constraints of Aston Ingham as a Parish the scheme will bring forward one dwelling towards their housing target. As such, the presumption in paragraph 11 is engaged and the benefits of the scheme are found to

outweigh the harm identified. The application is therefore recommended for approval, subject to the conditions outlined below.

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

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

(please note any variations to standard conditions)

- 1) C01
- 2) C07 – drawings titled B, C, D, E, F-1 G, H-1 and I.
- 3) C13
- 4) C65
- 5) The ecological protection, mitigation, compensation and working methods as recommended in the ecology report by europaeus land management services dated April 2018 shall be in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, highway corridor or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

- 6) Prior to the occupation of the dwelling hereby approved certification (or similar form of evidence) demonstrating that the completed scheme has achieved Passivhaus standard or similar (EPC - Energy Performance Certificate) shall be submitted to and approved in writing by the local planning authority.

Reason: The local planning authority has afforded significant weight to the energy efficiency of the completed dwelling in the determination of this application on the basis that it exceeds current local policy requirements and in accordance with policies SS1 and SS7 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 7) Prior to any works commencing on site evidence of the installation of alternative Barn Owl roosting should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

- 8) Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted. The information shall include the following:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Percolation testing undertaken in accordance with BS6297 to establish whether infiltration is a viable option for treated effluent drainage fields;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Demonstration of the management of surface water runoff from the site and demonstration that no additional runoff will get onto the B4222.

Reason: CBM

- 9) CAB 96 x 2.4m
- 10) CAE
- 11) CAH
- 12) CA1
- 13) CA2 – 5 years

Informatives

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) I11
- 3) I45
- 4) I47
- 5) I35
- 6) I05.



Signed: Dated: 20 August 2019

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed: Dated: 23 August 2019