

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 JANUARY 2020
TITLE OF REPORT:	190827 - PROPOSED NEW DWELLING AT WOODSIDE STABLES, WELSH NEWTON COMMON, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190827&search=190827
Reason Application submitted to Committee – Re-direction	

Date Received: 6 March 2019
Expiry Date: 23 August 2019

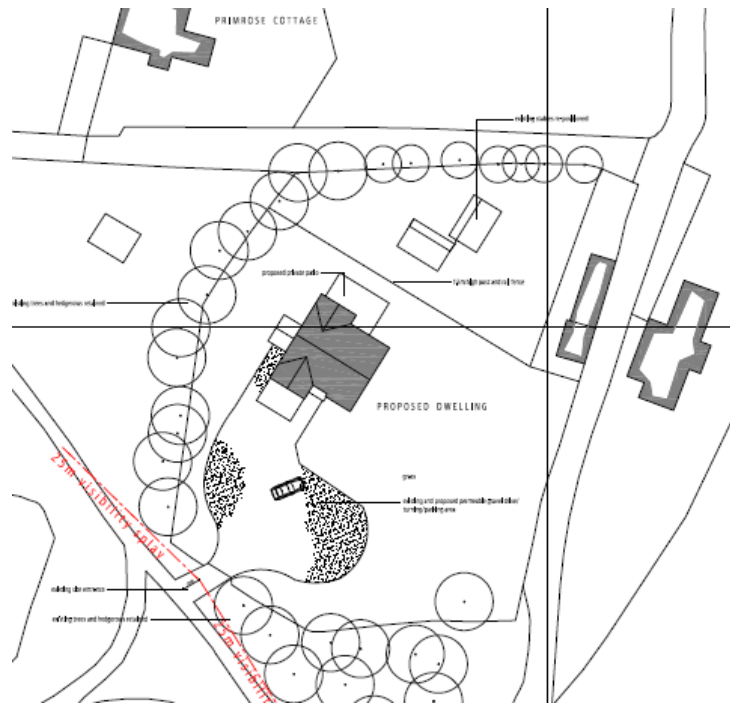
Ward: Llangarron

Grid Ref: 351279,217490

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site comprises of stables and associated hardstanding lying to the east of St Wolston's Road in the centre of Welsh Newton Common. The site is bounded by hedgerows and a field access gate onto the road.
- 1.2 The application seeks full planning permission for the erection of a detached, two storey dwelling in place of the stables. Through the application process additional information has been supplied in relation to trees. Relevant re-consultations have been carried out.
- 1.3 Below is the proposed block plan indicating the dwelling and the relationship with the existing dwellings:



- 1.4 For the avoidance of doubt, the application is for the erection of the dwelling only. The re-siting of the existing stables would be subject to a separate planning application noting that it is not included within the description of development.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

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
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities

Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

2.3 Welsh Newton and Llanrothal Group Neighbourhood Development Plan (NDP) Made September 2019 (no allocated sites)

Policy WNL1	-	Protecting and Enhancing Local Landscape Character
Policy WNL2	-	Green Infrastructure
Policy WNL3	-	Protecting and Enhancing Local Wildlife and Habitats
Policy WNL4	-	Building Design Principles
Policy WNL5	-	Welsh Newton Common Settlement Boundary and New Housing
Policy WNL11	-	Supporting New Communications Technologies and Broadband
Policy WNL13	-	Renewable and Low Carbon Energy Development

https://www.herefordshire.gov.uk/download/downloads/id/18419/neighbourhood_development_plan_june_2019.pdf

3. **Planning History**

- 3.1 **141213/F** – Change of use from equestrian storage to one bedroom residential dwelling. Withdrawn
- 3.2 **S102768/F** – Re-instate lean-to adjoining existing store, change of use of land from agricultural to equestrian, to include hardstanding and parking area, installation of septic tank. (Across this site and area relating to application ref: 191286). Approved

4. **Consultation Summary**

Statutory Consultations

4.1 **Natural England** – no objection

Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Internal Council Consultations

4.2 **Conservation Manager (Ecology)** – no objection

It would appear that the proposed access (upgrade to existing field access) crosses part of Welsh Newton Common (CL_054) – the applicant is advised to seek advice on any legal requirements or wayleaves that this upgrade to a residential access may require in addition to any immediate Highway Consents. The Council's Property Service Land Agent acts as the relevant Commons Registration Authority.

As identified by Natural England the site falls within the River Wye SAC catchment and a Habitat Regulations assessment process is triggered. Subject to Natural England formally approving the required appropriate assessment submitted to them by this lpa a condition is required to secure the appropriate mitigation.

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

All foul water shall discharge through connection to a new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and

all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

The supplied ecology report is noted. The highway visibility splay indicated does not appear to be within the applicant's ownership and appears to be solely within the area of Welsh Newton Common. No removal of any trees or hedgerows should be undertaken so as to ensure the local dormouse population is not negatively impacted by this development.

The ecological working methods in the supplied ecology report should be secured through a relevant condition. It is noted that this report covers more than this current development location.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme as recommended in the ecology report by Wilder Ecology dated december 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

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. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

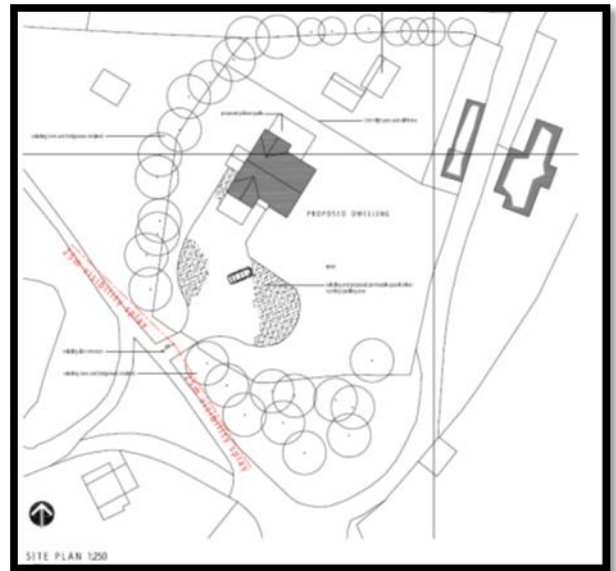
Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat home 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 or boundary 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.

4.3 Conservation Manager (Trees) – no objection

Initially commented (10 April 2019):

There are a number of discrepancies within the tree report submitted with this application and consequently I will require that it is resubmitted with amendments.



posed plan with the tree report is not the same as drawing 925-PL02 submitted by HDP. The tree report also includes another site referenced as proposed site 1 which I'm not able to find reference to anywhere else.



Drawing 925-PL02 correctly shows that the site is surrounded by trees/hedges whereas the tree report appears to omit all except a section of trees which will be adjacent to the proposed position of the dwelling.

I am not completely convinced that the trees have been categorised in accordance with BS5837:2012 which it states at the beginning of section 3 Methodology. L3, which is the group of trees adjacent to the proposed dwelling have been categorised B without the inclusion of sub categories which identify either arboricultural, landscape or cultural value. Cat B trees will have an expected life span of at least 20 years but not able to exceed 40.

Therefore going by this guidance these L3 should be category A trees of high value due to the 40+ years life expectancy. They are in fact a group of trees located on the field edge and I personally would not categorise them any higher than C because they have limited value and don't offer much in relation to the 3 sub headings. Other trees in the report which are not on the proposed site but still included have been categorised as R, this is now defunct, it was used in the 2005 version of the 5837 but replaced in 2012.

In summary I would like to see an amended version of the tree report which includes all of the trees which are within the curtilage of the proposed site and particular attention given to the site access and the impact on trees. Welsh Newton Common is an area with a dense tree cover, consisting of mainly Beech trees. I would recommend that replacement planting and soft landscaping uses this species as a focal point.

Following the submission of an amended tree categorisation the Council's Tree Officer comments as follows:

I still think the tree report is average at best but it does at least have adequate root protection areas and protection plan.

Seeing as the risk to trees is relatively low I don't think there's any point asking for or conditioning a method statement.

Conditions

CK9 – Trees in Accordance with plans - Survey of Trees at Welsh Newton Common Sites – Abersenny Ltd.

CKA – Retention of existing trees

CKF – Specifications for tree planting

4.4 **Transportation Manager** – no objection

Initially commented (1 April 2019):

No objection to the principle, however for visibility splays to be conditioned they need within the red area. If a plan is altered to accommodate this issue, then please condition as follows :

CAB - 2.4M X 25M
CAE, CAH, CAL, CAZ, CB2,
I11, I45, I09, I05, I47, I35

Following the submission of a consultation report on behalf of residents group (4 December 2019):

After reviewing all submitted representation documentation along with Herefordshire Council's Core Strategy, and the recently approved Welsh Newton and Llanrothal Neighbourhood Development Plan 2011-2031 the following points can be made.

1. The site has been visited several times and has been visited at different times of the day to match with the peaks highlighted in the surveys. During the site visits to assess the highway, the impact of two way flows resulted in vehicles requiring reversing and using passing places to negotiate the oncoming traffic. This is not unusual in a rural setting and is typical for the character and usage of the highway in this area. The existing vehicle movements have been recorded as low and the modest development will not bring the cumulative impact to the severe level as stipulated in the NPPF.
2. The approved NDP for the area highlights the Welsh Newton Common access road *being a single track lane with a few passing places this makes the area unsuitable for any form of major development expect slow, organic growth. New development schemes should be small in scale and the Neighbourhood Plan may identify a preference or a maximum number of units in a single scheme.* As yet the NDP have yet to propose a preference or maximum number of units in a single scheme, but it does appear to support development in the locale, and therefore the trips associated to it. The application proposes a development of two houses, this is in keeping with the approved NDP.
3. The NPPF states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” The proposed development does not present an unacceptable impact on highway safety and does not provide impacts in regards to capacity.

In conclusion the proposed development is acceptable in highways terms and the previous highways comments remain applicable.

CAB - Visibility Splays 2.4 x 25m
 CAD - Access gates – 5m
 CAE - Vehicular access construction
 CAH - Driveway gradient
 CAI - Parking – single/shared private drives
 CAT - Construction Management Plan
 CB2 - Secure covered cycle parking provision

I11 – Mud on highway
 I09 – Private apparatus within the highway
 I45 – Works within the highway
 I05 – No drainage to discharge to highway
 I47 – Drainage other than via highway system
 I35 – Highways Design Guide and Specification

4.5 **Land Drainage** – no objection

Surface Water Drainage

Infiltration testing has been undertaken which has established an infiltration rate of 1.6x10⁻⁵m/s. The soakaway has been designed to accommodate the 1 in 100 year + 40% climate change event.

The driveway will be constructed of permeable paving which will feature check dams owing to the slope (1 in 13 maximum for this site).

It is stated that the soakaway will be owned by the respective homeowner.

Foul Water Drainage

A package treatment plant will be installed with disposal of treated effluent to a drainage field. Percolation tests have established a Vp value a 20.8. The drainage field has been calculated to be 12m x 3 linear meterage.

Overall Comment

We do not object the proposed development.

5. Representations

5.1 Welsh Newton and Llanrothal Group Parish Council – support

Welsh Newton and Llanrothal Group Parish Council wish to SUPPORT the application subject to the following conditions:

- The right of access across the common is confirmed as legal
- The issues of limited highway access is properly investigated
- No further development of existing or new buildings are allowed on the site in the future

5.2 **To date a total of 19 letters of representation have been received. The comments therein are summarised below.**

17 letters of objection:

- Hierarchy matrix to adjudicate suitability for sustainable development was incorrect and false. Awarded points for facilities settlement does not have
- Concerned about the impact of the development on nearby hedgerows which periodically support dormice
- Ecology report has missed the stone wall to the east of the site where young grass snakes have been seen. Also suggests that the ponds near the site are unsuitable for great crested newts but they are definitely suitable for amphibians and is a breeding site for common frogs. Would question some of the other judgements in this report about suitability of local ponds for great crested newts
- NDP supports development of properties that are built in response to local need for somewhere to live. A 4 bedroom property for a single person does not fit this description. A smaller property would add to the range of properties in the village
- NDP does not support developments that result in the loss of the small fields that are part of the character of Welsh Newton Common
- Cannot see how this proposal looks to tackle climate change
- Provision of bird and bat boxes is encouraging but there is a great need to provide nesting sites for migratory birds
- Would question suitability of Welsh Newton Common as a sustainable community for future development. Recently lost the shop and post office, no longer have a church, no community building and served by a single bus service once a week
- Local people have been refused permission to build homes due to the road capacity and it seems surprising that this, which has not changed, is now suitable to serve a larger community and the surrounding agricultural land
- While Woodside Stables is mentioned as a suitable site for future development in the NDP this is for redevelopment of the existing buildings
- Can't see the proposal having any economic merits. Provides nothing for the local community and isn't a development that seeks to ensure the continuation of a local business
- Environmentally the application has not merits whatsoever
- Development will be built on greenfield site without any demonstrable need
- Development will set a dangerous precedent
- Proposal is contrary to common law in that the development proposes crossing common land. Historically crossing common land has been rejected on all counts and should not be waived in this case
- This is an area of great heritage and unspoilt natural beauty which does not lend itself to more development without spoiling the habitat

- Traffic sensor should be null and void as it does not show true statistics as large percent of traffic would have turned off before that point
- Proposal is out of line with the NDP and policy RA2 – not brownfield, design and layout does not seem to reflect the size and design of other houses and does not make a positive contribution to the surrounding environment
- Don't believe villages infrastructure can cope with the additional drain on current resources
- Would have thought existing residents would have priority over new houses for their extended families
- If more dwellings are constructed the extra traffic would make the common rights virtually impossible to exercise
- Area is very unique in that it holds approximately fifty houses at the end of a single track. The poor infrastructure must be taken into account
- Area already has drainage and services issues
- Drainage strategy states that a topographical survey was not undertaken and therefore make it impossible to reply on this report
- Common has no owner and has been vested to the Council. Crossing common to allow development would be eroding and destroying it
- Believe settlement target has been met and we should not seek to overload the area with excess development that should be on brownfield land and not greenfield sites
- All amenities are within Welsh Newton not Welsh Newton Common
- Properties on the Common generally take considerable time to sell suggesting that the demand for additional housing is not significant
- Draft NDP contains requirement that development will be required to provide appropriate high quality infrastructure for any new developments or to contribute to the local community by providing monetary sums for use in the parishes through developer contributions and community infrastructure levy
- The development of further housing may set a precedent as there are many properties with fields/paddocks who could do the same
- Whole scheme is a purely commercial venture
- Noting that relatively recent permitted dwelling is to be sold there is great concern this will follow a similar ilk and precedent
- Question of light pollution and what this would mean for the habitat and wildlife
- Safety issues here too for the emergency services
- Issues of visual amenity
- Number of planning applications have been turned down in the past due to the effects on the common and access across it
- Concerns regarding the highways impacts and supported by a Transport Consultant report on behalf of residents

2 letters of support from 1 property:

- The design and materials fit in well with the character of the village
- Plot size is suitable
- Inclusion of disabled facilities shows exceptional consideration and foresight
- Design makes use of existing access so there will be no loss of hedgerow
- Application is accompanied by very comprehensive reports that demonstrate the applicant has given a great deal of thought to the proposed

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190827&search=190827

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context

6.1 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."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Welsh Newton and Llanrothal Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 13 September 2019 but does not allocate any sites.

6.3 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. This 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.'*

6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises 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.*

6.5 While the Neighbourhood Development Plan is less than 2 years old, there are no site allocations within it (the one allocated site was removed by the Examiner). As such, paragraph 14 of the NPPF which states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, is not engaged. The test within paragraph 11d is therefore relevant.

Location of residential development

- 6.6 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. That said, 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.
- 6.7 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.8 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Welsh Newton Common is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 61 dwellings being required across the plan period.
- 6.9 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Welsh Newton and Llanrothal NDP has been adopted and therefore forms part of the Development Plan for the county.
- 6.10 Policy WNL5 of the NDP states that proposals for new market housing will be supported within the identified settlement boundary in Welsh Newton Common. The following map includes the black line of the settlement boundary with the application site being indicated by the red star:



6.11 It is clear from the above that the site is located within the settlement boundary. Notwithstanding this, policy WNL5 goes onto state other criteria that a proposal should meet. This includes:

- Within the Settlement Boundary for Welsh Newton Common, proposals should be small in scale i.e. for one or two properties, and development should adjoin clusters of existing buildings and not be on isolated sites away from other housing and settlements. Proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within Welsh Newton. New housing should be accessed directly from a made up road.
- House sizes should be limited to a maximum of 2/3 bedrooms to help address the local shortage of smaller, affordable units for young families.

6.12 With the application seeking planning permission for the erection of a single dwelling, the scale is supported by this policy. Also, noting the location of site in the centre of the settlement, surrounded by existing dwellings, it is not considered that the site is isolated. Welsh Newton Common is largely made up of individual, detached dwellings, often in their own plots – although there are examples of shared accesses in some cases. The site benefits from built form at the present time, albeit in the form of stables, but the erection of a dwelling would not undermine the character of the area.

6.13 The inclusion of a ‘made up road’ within policy WNL5 came from the Examiner’s report which states as follows:

Access to Welsh Newton Common is via a narrow lane which ends in a cul-de-sac. Parts of the settlement are accessed by narrow unmade roads. It is recommended that any further development in the settlement should be accessed directly from a made up road. This would in effect limit the areas suitable for development or result in the making up of other roads.

6.14 There is no definition within the NDP as to what a ‘made up road’ is, but the intention to limit the areas for development is noted. St Wolston’s Road is tarmacked and runs through the centre of the settlement. As such, it is not considered unreasonable to assume this constitutes at least one made up road. It is also considered that the way the term has been included within policy WNL5, it is not unreasonable to assume there is more than one made up road within the settlement (the policy is written as ‘a’ made up road, not ‘the’). With this in mind, and the proposed dwelling being accessed off this (albeit across a common like the majority of dwellings in the settlement) the proposal is found to accord with criteria of the policy also.

- 6.15 The conflict with policy WNL5 in terms of bedroom numbers within the proposed dwellings is acknowledged. The proposed includes 1 x 4 bedroom property. This conflict will be weighed up within the planning balance at the end of this report. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design and amenity

- 6.16 The detail of the design 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.
- 6.17 The above is reinforced through policy WNL4 of the NDP which states, amongst other things; care should be taken to ensure that building(s) height, scale, and form do not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views; building materials are encouraged that retain the character of the settlement such as natural red sandstone, mellow red brick, timber or timber style windows and slate or tiled roofs and Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m.
- 6.18 The dwelling proposed is detached with communal living space on the ground floor and four bedrooms, en suites and a bathroom on the first floor. The elevations of the proposed can be seen below:



- 6.19 In terms of the scale of the building proposed, the ridge height does exceed 6m (measuring approximately 7.4m) – a limit included within policy WNL5. This tension with the policy will be weighed up in the planning balance at the end of this report but the surrounding development is noted – two storey dwellings to the south and west of largely traditional cottage vernacular.
- 6.20 The dwelling will be constructed from facing stonework elevations with areas of render with slate roofs and aluminium/timber windows. Noting the dwellings nearest the site are comprised of render and stone these materials are not found to be out of keeping with the locality or unacceptable in principle. However, it is found to be appropriate to condition exact details and finishes of the materials on any approval.
- 6.21 The sustainability credentials of the proposal have been touched on within the Design and Access Statement which states:
- The dwelling has been designed to exceed current building regulation requirements for thermal performance, highly insulated timber framed walls and roofs with continuous external insulation to eliminate cold bridges within the structures.*
- 6.22 Turning now to amenity impacts, the proposed dwelling will benefit from a large garden to the rear and side of an adequate level for a four bedroomed property. It is noted that a post and

wire fence is proposed along the rear boundary which will demarcate the residential curtilage from the rest of the site. This is found to be acceptable, particularly noting that the dwelling will benefit from a truly private area to the side.

- 6.23 Moving onto impacts for the amenity of neighbouring dwellings, the nearest to the proposed is 1 Woodside which lies approximately 45m to the east/north east. With this distance in mind, as well as the intervening track, issues of overlooking or overshadowing are found unlikely to be experienced. As a result of the common land located to the north west/west and south as well as St Wolston's Road, such issues are also unlikely for any other neighbouring dwelling in the vicinity.
- 6.24 In light of the foregoing, the design of the dwelling is found to have been influenced by the locality – the materials are in keeping with the surroundings and the individual plot responds well to the character of the surrounding build form. The policy conflict in terms of height and size of the dwelling is noted and will be weighed up against the benefits of the scheme. In all other respects however the proposal is found to comply with policy SD1 of the Core Strategy and policy WNL5 of the NDP.

Transport

- 6.25 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).
- 6.26 The foregoing is reinforced through policy WNL1 of the NDP which states that *proposals will be required to maintain the area's sense of tranquillity, through careful and sympathetic design of access and consideration of traffic impacts on local roads.*
- 6.27 As can be seen from the consultation responses from the Council's Transportation Manager, the site has been visited several times (and at different times in the day) in order to assess the highways impacts as a result of one additional dwelling in this location. While the nature of the road does require some instances of reversing and the use of passing places, at the level of one dwelling this is not found to amount to a cumulative 'severe' impact. The proposed development does not present an unacceptable impact on highway safety and does not provide impacts in regards to capacity
- 6.28 The Transportation Manager has been made aware of the representation from the Residents Group in terms of the traffic report but this does not alter the assessment of the impact that one dwelling in this location would have on highway safety.
- 6.29 With the proposal seeking permission for 1 x 4 bedroom property, a minimum of 3 car parking spaces per dwelling are required to meet the standards contained within the highways design guide. The submitted block plan indicates this provision as well as turning areas so that any vehicle can enter the highway in forward gear.
- 6.30 The comments from the Highways Officer in relation to visibility splays crossing common land are noted but any works or access across this requires the benefit of consent under the Commons Act, something separate to the granting of planning permission. Furthermore, notice has been published in the newspaper noting that the owner of the Common is unknown. The application is therefore capable of being assessed and the splays travelling across common land is not a reason to refuse a planning application.

- 6.31 At the level of development proposed, the highway impacts are not found to represent a reason to refuse the application. The associated impacts on highway safety and the capacity of the road would not result in the residual cumulative impacts being severe. As directed by the NPPF, and corroborated by the lack of objection from the Transportation Manager, refusal on highways grounds is not found to be justified. With this in mind, as well as the proposed internal layout, the application is found to meet the aims of policy MT1 of the Core Strategy and WNL1 of the NDP.

Ecology and trees

- 6.32 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.
- 6.33 The application is accompanied by an Ecology Report which the Council's Ecologist has viewed. They are happy with the recommendations and mitigation therein and recommend that this be conditioned on any approval. Biodiversity enhancement will also be conditioned on any approval, making it clear that there should be no illumination of any habitat enhancement or boundary feature. With the site falling within the River Wye SAC catchment, a Habitat Regulations Assessment Appropriate Assessment (HRA AA) has been sent to Natural England for their approval. They have confirmed they have no objections to the proposal.
- 6.34 The initial comments from the Council's Tree Officer are noted but following the submission of an amended tree categorisation they do not object to the application subject to conditions being attached to any approval relating to the development being carried out in accordance with the submitted tree survey, the retention of existing trees and specifications of tree planting being submitted to the local planning authority.
- 6.35 In light of the foregoing, and following the submission of amended plans and additional information, the proposal is found to comply with the aims of policies LD2 and LD3 and all reasonable and responsible measures have been taken such as to ensure the LPA legal duty of care.

Drainage

- 6.36 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).
- 6.37 Foul water will be disposed of using a private treatment plant with outfall into soakaway drainage fields. Surface water will be disposed of using a Sustainable Urban Drainage system. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site.

- 6.38 The Council's Land Drainage Consultant has viewed the proposal as well as visited the site. They have confirmed they are happy with the scheme and the methods outlined above conform with the aims of policies SD3 and SD4 of the Core Strategy.

Other matters

- 6.39 In terms of the hierarchy matrix that was used to determine the settlements for proportionate growth under policy RA2, the Core Strategy is adopted and therefore forms part of the Development Plan for the County. Any concerns relating to the inclusion of Welsh Newton Common as a RA2 settlement should have been submitted during the consultation of that document. This does not represent a reason to refuse a planning application now being considered.
- 6.40 It is likely that previous to the adoption of the Core Strategy Welsh Newton Common saw little new housing as it was not identified as a settlement for growth under the previous Unitary Development Plan. This notwithstanding, there has been a clear shift in policy and it is acknowledged that development in rural settlements bring forward economic, social and environmental benefits.
- 6.41 While the development of Woodside Stables is commented upon within the NDP this is as a conversion scheme. Notwithstanding this, the proposal for a new build has been set out above and assessed against policies within the Core Strategy and NDP as a whole.
- 6.42 There is no such thing as a precedent within planning and each application is assessed on its own merits. Furthermore, an application is not assessed on who the applicant, whether they are a local person or what their intention is after gaining permission – the relevant policies are applied consistently. For the avoidance of doubt, planning permission goes with the land as opposed to the applicant.
- 6.43 It is acknowledged that the site will gain access cross common land. This is an existing access. However, any such agreement would be the subject of a Section 38 consent under the Commons Act and separate to the granting of any planning permission. Notice was served in the newspaper as a result of there being no known owner of the common and as such the planning application is valid and capable of being assessed.
- 6.44 The housing targets within the settlement are a minimum. Considering the 14% indicative growth across the Ross on Wye Housing Market Area a total of 14 new houses are required within the Parish between 2011 and 2031. As of April 2019 there was a total of 13 completions and 3 commitments meaning that the target has been surpassed. However, in light of the 5 year housing land supply, as directed by paragraph 11 of the NPPF an application for housing should be refused if the harm significantly and demonstrably outweighs the benefits. Surpassing the minimum target within a Parish is not a justified reason to refuse an application if it is found to be acceptable in all other respects.
- 6.45 The Council do not have an adopted Community Infrastructure Levy and at the scale of the proposal (for one dwelling) developer contributions are not sought.

Planning balance and conclusion

- 6.46 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments 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.

- 6.47 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. Paragraph 14 of the NPPF is not engaged given that there are no site allocations within the NDP. 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.
- 6.48 The Welsh Newton and Llanrothal NDP is adopted and therefore forms part of the statutory development plan for the county. The site lies within the settlement boundary identified under policy WNL5 of the NDP and therefore the principle of development is accepted. In terms of the scale of the proposal and location adjacent to existing dwellings, the scheme is policy compliant in this regard also. With the site being accessed directly off St Wolston's Road, it is considered to be accessed off a 'made up road'.
- 6.49 The design of the dwelling proposed is found to be in keeping with the variety within Welsh Newton Common as a whole – it takes reference from traditional proportions and materials. It also avoids issues of overlooking or loss of light for both future occupants and existing residents. While it is acknowledged that the provision of 1 x 4 bedroom dwelling conflicts with the second bullet point of policy WNL5, this is still a size of dwelling that is required across the HMA as a whole. The height of the dwelling also exceeds the maximum included within policy WNL4 but noting the design of surrounding development is not found to lead to significantly and demonstrable harm to the local landscape. Noting that paragraph 14 of the NPPF is not engaged, the conflict with the NDP policies does not direct the decision maker to automatically refuse the application, rather to assess whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 6.50 The local concerns in relation to highways impacts as a result of the proposal are appreciated, but the impacts are not found to amount to severe which would justify refusing the application in light of the direction provided the NPPF. Following the submission of amended plans and additional information the ecological and tree impacts are also found to be policy compliant.
- 6.51 Given the lack of objection from Natural England and consultees on highways, ecology, trees, and land drainage, the proposal is found to be compliant technically.
- 6.52 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward a dwelling with the associated economic and social benefits that small developments in rural settlements support.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. C13 Samples of external materials**
- 4. CE6 Efficient use of water**
- 5. CBK Restriction of hours during construction**
- 6. All foul water shall discharge through connection to a new private foul water**

treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

7. The ecological protection, mitigation, compensation and working methods scheme as recommended in the ecology report by Wilder Ecology dated december 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

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

8. Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat home 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 or boundary 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.

9. CAB Visibility splays (2.4M X 25M)
10. CAD Access gates (5m)
11. CAE - Vehicular access construction
12. CAH - Driveway gradient
13. CAI - Parking – single/shared private drives
14. CAT - Construction Management Plan
15. CB2 - Secure covered cycle parking provision
16. CK9 – Trees in Accordance with plans
17. CKA – Retention of existing trees
18. CKF – Specifications for tree planting

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 – Mud on highway
3. I09 – Private apparatus within the highway
4. I45 – Works within the highway
5. I05 – No drainage to discharge to highway
6. I47 – Drainage other than via highway system
7. I35 – Highways Design Guide and Specification

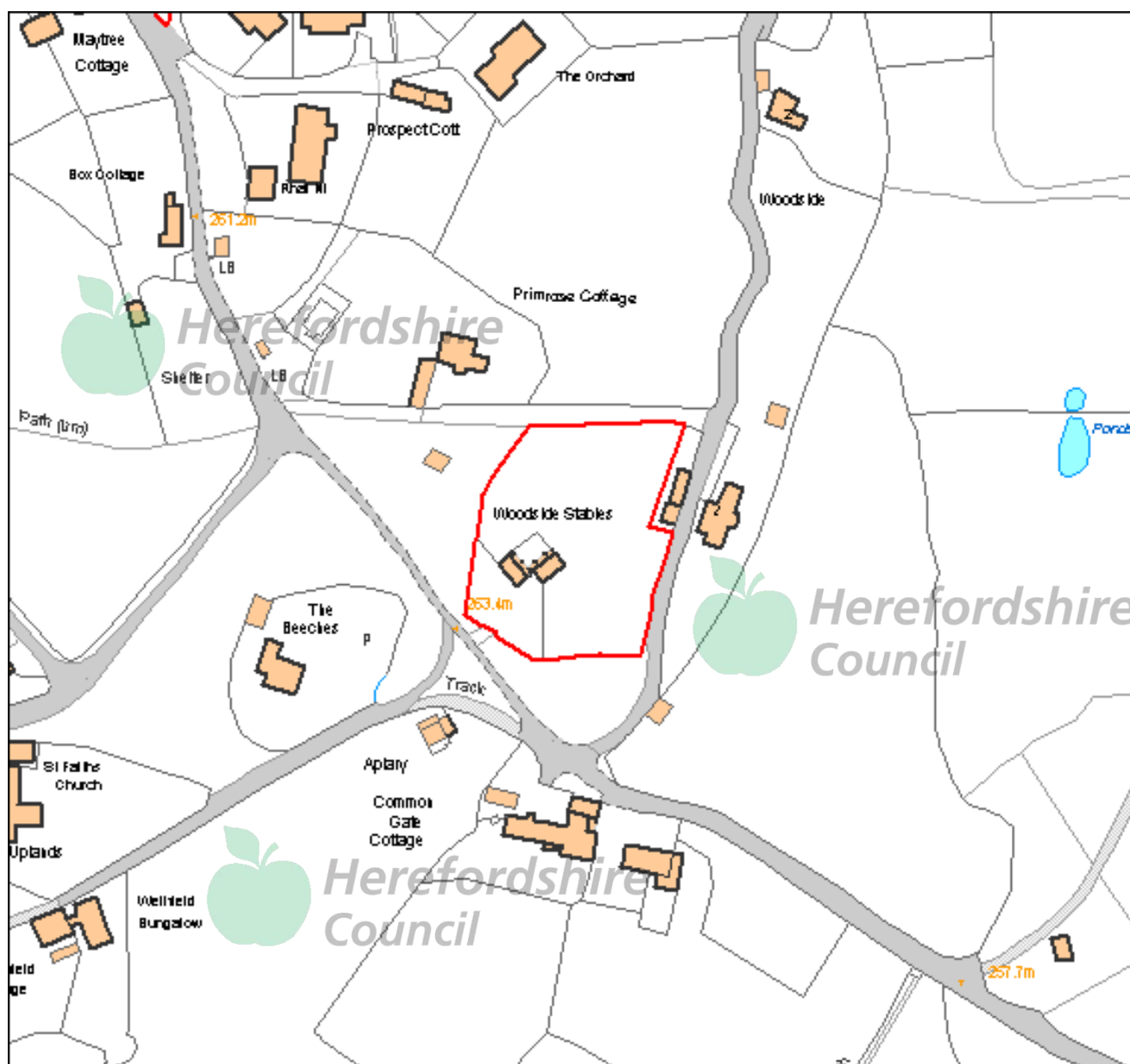
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 190827

SITE ADDRESS : WOODSIDE STABLES, WELSH NEWTON COMMON, WELSH NEWTON,
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