

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>12 May 2020</b>
<b>TITLE OF REPORT:</b>	<b>193391 - PROPOSED REPLACEMENT DWELLING AND GARAGE AT HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR</b>  <b>For: Mr Hawkins per Mr Charles James, Clyde House, Church Walk, Viney Hill, Lydney, Gloucestershire GL15 4NY</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193391&amp;search=193391">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193391&amp;search=193391</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 27 September 2019**

**Ward: Llangarron**

**Grid Ref: 351053,217795**

**Expiry Date: 22 November 2019**

Local Member: Councillor Elissa Swinglehurst

### **Update**

This application was deferred by the Planning Committee at its last meeting on 11 March. The recorded reasoning for the deferral was to enable further consideration to be given as to the need for the boundary wall as proposed; the location of the dwelling within the site; a reassessment of the impact on the amenity of the neighbouring property; and a request that the submission of a daylight/sunlight analysis be sought to consider the impacts in relation to light.

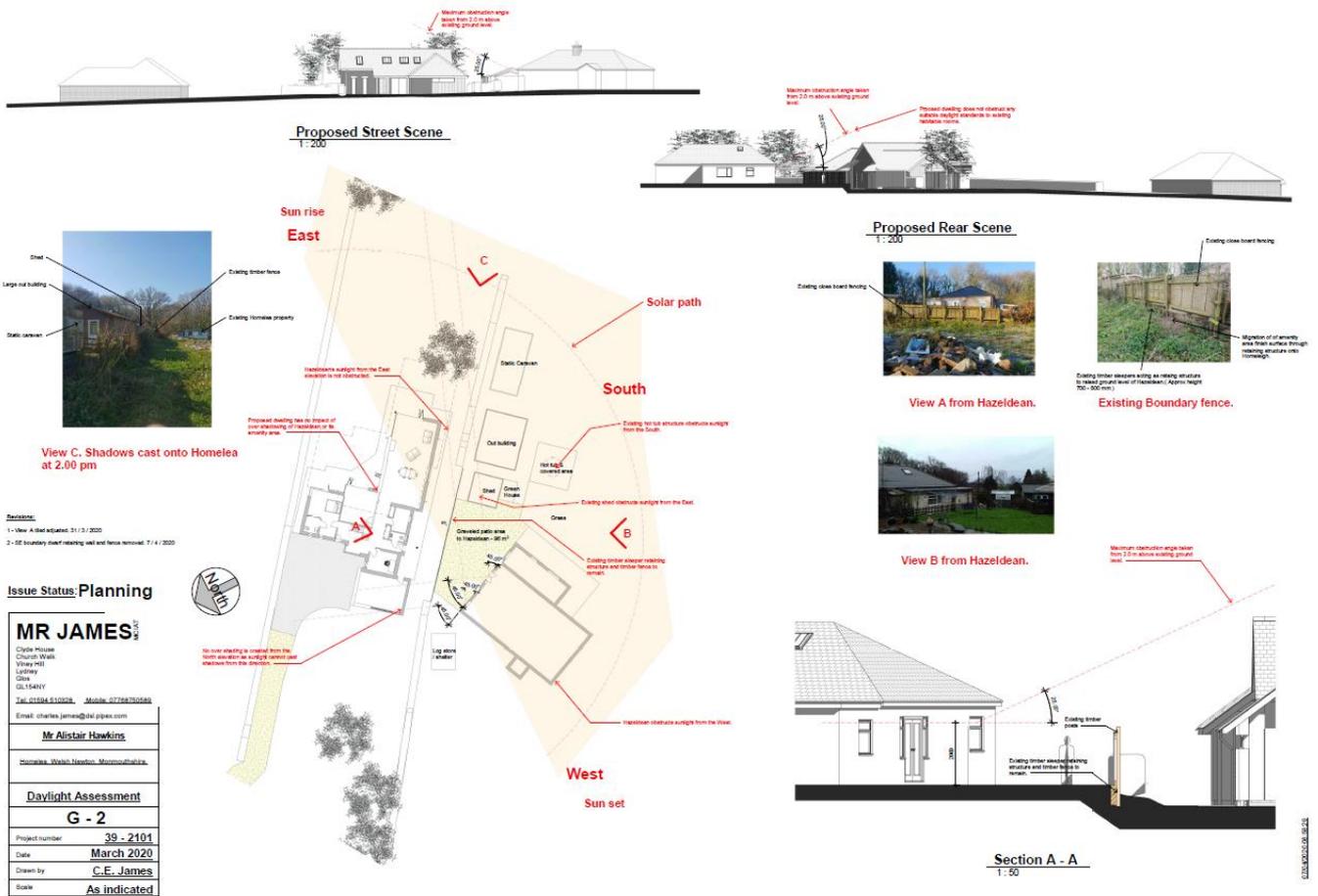
In the interim, revised plans have been submitted for consideration and in summary these address the following points:

- The proposed boundary wall has been deleted from the application in favour of the retention of the existing fenced boundary with timber sleeper retaining structure alongside the neighbouring bungalow (Hazledene). The common boundary between the proposed new dwelling and the roadside boundary would comprise a post and rail fence with native species hedgerow planting
- The proposed dwelling has been moved forward on the plot by approximately 6.4 metres
- The applicant has provided an additional plan and section (Drawing No. G-2 entitled Daylight Assessment) which includes details of the likely amenity effects of the proposed dwelling upon the living conditions of the occupiers of Hazeldene. This is reproduced below for ease of reference.

The attached report has been updated to take account of the further information submitted and also incorporates additional responses received as a result of the re-consultation on the amended proposal and the written updates that were provided at the last meeting.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



## 1. Site Description and Proposal

- 1.1 The application site is located in Welsh Newton Common, approximately 10 kilometres to the south west of Ross-on-Wye. The site comprises a detached single storey dwelling and outbuilding located at the front of the site and residential curtilage to the rear. It is understood that prior to the application being submitted the site was cleared but there are fences and hedging along all boundaries including the one to the north adjacent to both with public footpath (WNN3) and common land. There is also common land located to the rear of the site.
- 1.2 While the dwelling on the site has deteriorated, it was relatively recently lived in and is therefore not considered to have been abandoned in planning terms.
- 1.3 The application seeks planning permission for the erection of a single replacement dwelling on the site and includes the demolition of the existing dwelling. The dwelling will accommodate 3 bedrooms across the ground and first floor, which will be located in the roof space. The block plan below indicates the amended position of the proposed dwelling along with the neighbouring dwellings to the south and east:



## 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

2.2 Welsh Newton and Llanrothal Group Neighbourhood Development Plan (NDP)  
Made Sept 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](https://www.herefordshire.gov.uk/download/downloads/id/18419/neighbourhood_development_plan_june_2019.pdf)

2.3 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

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

**3. Planning History**

- 3.1 **192398/F** - Proposed replacement dwelling and garage. Withdrawn following concerns in relation to design and scale

**4. Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** – no objections

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

4.2 **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

### 4.3 **Public Right of Way Officer** – no objection

Access is via public footpath WNN3, but the replacement dwelling would not appear to affect this. No objection.

### 4.4 **Environmental Health Officer (Contaminated Land)** – no objection

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

To the south of the site is a former quarry which is later described as an area of 'unknown filled ground'. Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation.

With the above in mind I'd recommend the following note be appended to any approval:

#### Recommended note

"The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes."

### **Environmental Health Officer (Contaminated Land)** – updated comment

The following condition is recommended:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting

shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

#### 4.5 **Transportation Manager** – no objection

The site is located on a public footpath; therefore the applicant should be aware of the private access rights associated with this development, plot and previous use.

The proposed application is for a replacement dwelling, therefore there will not be a significant change in vehicle movements to the level which would be classed as severe.

A construction management plans should be provided.

#### 4.6 **Conservation Manager (Ecology)** – no objection

Subject to any comments from Natural England on the required Habitat Regulations 'appropriate assessment' undertaken by the LPA, a condition is requested to secure the required mitigation measures.

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

All foul water shall discharge through connection to 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 (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

The supplied ecology reports are noted along with the confirmed presence of roosting of several bat species. The requirement for a European Protected Species Licence (issued by Natural England) to be in place PRIOR to commencement of any works is secured through the wider Habitats & Species Regulations and Wildlife and Countryside Act and so there is no requirement for this LPA to make this EPS Licence part of a specific condition. The LPA is satisfied that the required 'tests' can be considered and that appropriate mitigation will be secured through the formal EPS licencing process.

Nature Conservation – Bats Protection and Mitigation

The detailed Bat protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by europaeus land management services dated August 2019 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 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 2017 (as

amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

The ecological (Bat) report does not include any consideration for other protected species such as Dormice, Amphibians and Reptiles that are recorded in the area and that could be impacted through this development, in particular during the construction process. It is noted that none of the existing hedgerows along the roadside or around the site boundary will be removed as part of this application. The LPA has no reason to doubt that any required mitigation measures and working methods cannot be achieved and so it is reasonable for this LPA to require the additional surveys and subsequent detailed ecological working method statement covering all species except bats (as already covered by a specific report) to be submitted in full as pre-commencement condition.

If ANY hedgerows are to be removed then a full optimal; period Dormouse survey must be undertaken and supplied PRIOR to consent being granted so that the LPA can fully understand use of these corridors by protected species and secure all appropriate mitigation and compensation measures.

If the above is not applicable then to secure the protection of existing hedgerows as indicated on supplied plans a condition is requested. This is to ensure there are no impacts on the ability of Dormice to forage and commute due to the approved development.

#### Ecology – Tree and Hedgerow retention

No boundary hedgerow shall be cut down to under 1m high, uprooted or otherwise removed in any manner during the construction phase and thereafter for 10 years from the date of first use of any element of the completed development; unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2018)), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

In addition to ensure all possible effects due to construction and development processes are considered:

#### CKS – Ecological Working Method Statement and Biodiversity Net Gain

Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) based on all relevant ecological surveys and including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular Dormice, Reptiles and Amphibians. The approved EWMS and Biodiversity Net Gain features shown on Plan 39-2101-F3 (September 2019) shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

Reason: To ensure the local 'intrinsically dark landscape' is maintained and local nocturnal biodiversity and protected species are not impacted by an additional nocturnal illumination a specific condition to control external lighting is requested:

## CKN – Lighting

- a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c) No external lighting should illuminate any biodiversity enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

## **Conservation Manager (Ecology) – updated comments**

With specific regard to the original comments concerning the need for a dormouse survey in lieu of the intended removal of hedgerow/planting along the common boundary and in recognition of the confirmation that the roadside boundary hedge will be retained as well as more important habitat further from the development site, the Ecologist is satisfied that the proposed works will not have any effect on the conservation status of protected species and that mitigation can be secured by condition on any consent granted, reinforced by the applicant and their contractors own statutory legal duty of care to wildlife protection afforded by the Wildlife & Countryside Act which is enforced through the local police force.

In the regard, and also noting that any hedgerow defining the garden curtilage of a dwelling is expressly excluded from the Hedgerow Regulation, it is not considered that a specific dormouse survey is required.

## 4.7 **Conservation Manager (Trees) – comments**

I was consulted at the pre app stage and submitted the following comments:

After viewing the information provided I'm of the opinion that the proposal is feasible but there will be a requirement for further arboreal information if a planning application is submitted. There are trees on the site and on the boundary edges which I suspect will be impacted by the demolition of the existing dwelling and erection of a replacement.

To ensure that any proposal meets with policies LD1 & LD3 of the Herefordshire Core Strategy we will require a BS5837:2012 tree report.

The report shall contain the following:

- Tree Survey
- Arboricultural Impact Assessment
- Tree Protection Plan
- Locations of replacement trees, if any are to be felled
- Arboricultural Method Statement if deemed applicable.

To date no arboreal information has been submitted. At the very least a tree survey and Arboricultural Impact Assessment must be submitted so that it can be determined what impact the proposals have on existing trees.

## **Conservation Manager (Trees) – updated comments**

Following additional discussions with the Council's Tree Officer prior to the last Committee, no objection is raised but a tree protection plan is recommended to protect the remaining trees along the western boundary. Those to the rear are included within a TPO relating to the common. The Tree Officer has questioned the suitability of cherry trees as a suitable species but is otherwise satisfied with the proposed soft landscaping. The following condition is recommended:

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **5. Representations**

### **5.1 Welsh Newton & Llanrothal Parish Council – object**

Following their meeting last night, Welsh Newton and Llanrothal Group Parish Council wish to object to this application for the following reasons:

- Although they acknowledge that the ridge height is lower, the overall massing of the building is too great.
- Residential amenity of both neighbours would be adversely impacted.
- Proposed building needs to be positioned closer to the original footprint, nearer the track to protect amenity.

#### **Following the submission of amended plans, the Parish Council commented further as follows:**

Following their meeting last night, Welsh Newton and Llanrothal Group Parish Council wish to continue to object to this application.

They do not feel that any of the amendments have overcome the issues of loss of privacy and overshadowing of nearby residents, nor of the overbearing nature of the plan.

#### **Following the deferral of the application and in response to consultation on further amended plans, the Parish Council comments as follows:**

Welsh Newton and Llanrothal Group Parish Council agreed that the amendments satisfactorily addressed all issues except one and it was therefore RESOLVED to continue to object to this application for the following reason: - The application does not comply with Policy WNL4 of the NDP and section 5.2.11 therein – “The settlement is characterised primarily by individual dwellings within plots that are large enough to retain and contribute to the scattered nature of the settlement. Crowding of houses, and building within gardens will erode this essential character and would not be welcomed. Likewise proposals for groups of identical houses, terraces, and estates would not be in keeping with the character of the settlement.

### **5.2 A total of 30 letters of representation from 18 households were received prior to the last Committee meeting. The comments therein are summarised below:**

- Large build and footprint vastly different to existing properties

- Not in character with Welsh Newton Common
- Proposed does not sit in or near the original footprint and therefore not a replacement
- Area has protected species
- Access statement implies the proposed build is on a metalled track, this is incorrect. Dirt track is maintained by local people
- Proposed build does not follow NDP
- Visual impact on neighbouring properties
- Materials are not in keeping with NDP
- Excessive amount of rooflight/windows. Disturbance to bats and light pollution
- New development has placed on a narrow plot going from boundary to boundary taking away privacy from adjoining properties. Overdevelopment
- Smaller dwelling would be suitable for affordable housing
- Applicant has removed substantial hedge and a mature copper beech tree. Raises concerns to applicant's commitment to conservation. The landscaping around the proposed new house no way replaces what has been lost
- The village does not have a Post Office, Church or Village Hall. Also only one church serving the Parish
- Drainage in the area is problematic due to clay
- Increased run off from the property will be further detrimental to the roadway to the property and the four other dwellings
- Believe the road traffic increase in road traffic associated with this dwelling will add to the variety of traffic flow issues already faced by the commons single file access track
- Would spoil the outlook from The Willows and Hazeldene to existing landscape and interfere with existing freedom of outgoing views. The properties would then become cramped
- Sun light will be compromised
- Preferred solution would be to build on the size of the existing redundant bungalow which would prevent crowding of properties and allow the adjoining homes to continue to enjoy their current rights without interference
- Housing target has been exceeded in the parish
- No need to demolish original dwelling so therefore should be classed as new build
- How is package treatment plant to be maintained with no rear access to the dwelling? Drainage on plans shows partially treated effluent. Where is this coming from and why is it on my boundary?
- Full survey should be carried out on existing building before it is demolished as asbestos is a serious carcinogenic pollutant
- Puts a wall virtually down the whole side of my property – I did not buy this property to be boxed in
- Possible contamination on land from decaying vehicles and holes for sewage as the septic tank was always full and never emptied
- Part of new proposed development is backing onto registered agricultural ground which houses livestock all year round
- Noise and disturbance

**At the time of writing total of 7 further responses (from 4 households) have been received to the re-consultation on the revised proposals. The comments can be summarised as follows:**

- A tree report was requested and its submission would improve the very basic landscaping proposed, better landscaping required to mitigate clearance of the site
- Failure to provide a dormouse report with regard to the works to hedgerows is not consistent

- The new building will completely change the character of Hazeldene, which I imagine will feel hemmed in on that side. Houses on Welsh Newton Common have space around them, and this is part of the character of the community
- Severe and demonstrable harm to the amenity of Hazeldene through proximity to boundary, loss of light and privacy
- Size and siting of dwelling out of character and uncharacteristic of rural setting which derives from scattered character of properties
- Generic design with little attempt to fulfil design requirements of NDP through use of materials
- No commitment to solar panels, ground source heat pumps or passive solar gain

Any further responses received following the publishing of the report will be incorporated into the written Schedule of Updates.

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=193391&search=193391](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193391&search=193391)

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 did not include site allocations.

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:*

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- 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

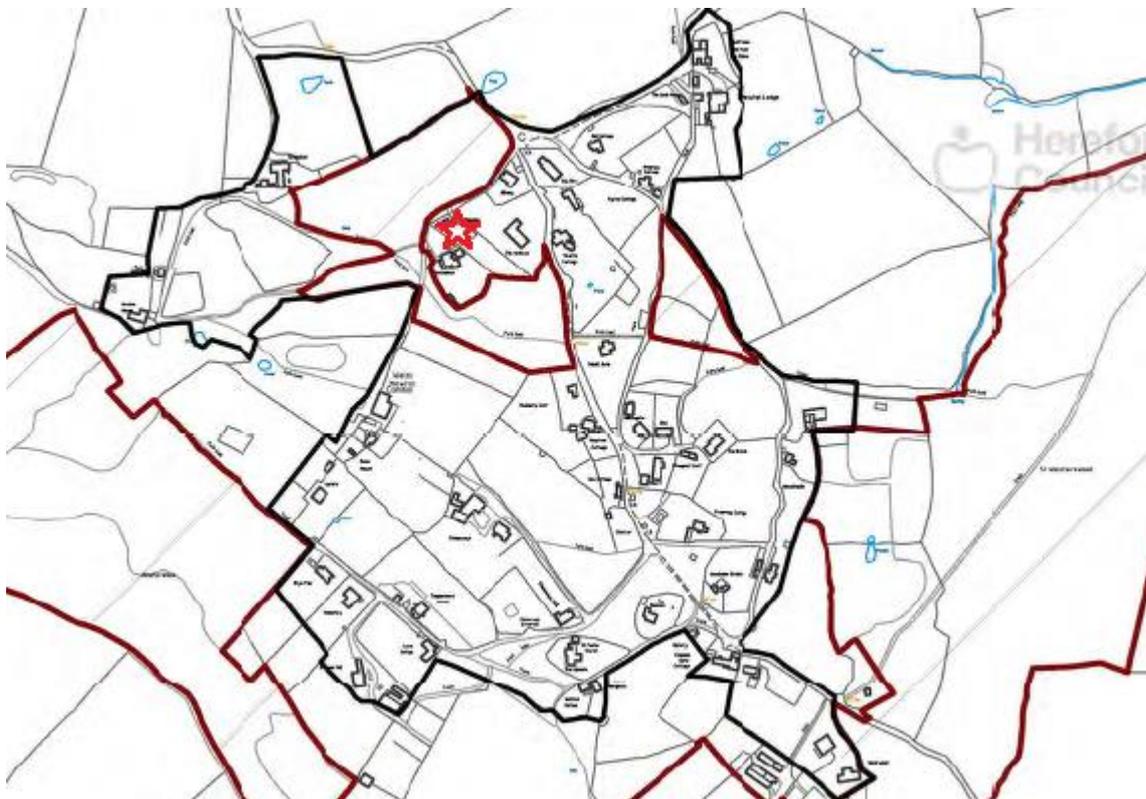
6.6 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents 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 4.15 under policy RA2 as a settlement where proportionate housing development will be appropriate.

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 site being indicated by the red star:



6.11 It is clear from the inset map above that the site is located within the settlement boundary. However, notwithstanding this, policy WNL5 goes on to 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 one, three bedroom dwelling, as a replacement of another, the proposal is considered to be compliant with the foregoing policy in this respect. The site is also surrounded by other residential dwellings and would not be isolated away from housing. A detached dwelling within its own plot is not found to be out of keeping with the character of the wider settlement and the proposal would utilise an existing residential plot.

- 6.13 The inclusion of a 'made up road' terminology 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 and is logical in the context of Welsh Newton Common. The site would be accessed via public footpath WNN3 and I acknowledge there are concerns that this is not a 'made up road' within the representations received. However, the presence of an existing dwelling on the site is a significant material consideration and in this regard the proposal would not result in an uplift in the number of dwellings using the access. I am also mindful that the site is within the settlement boundary and as such the principle of a new dwelling is broadly acceptable locationally (in other words there is no specific requirement to accord with the aims of a replacement dwelling under policy RA3 of the Core Strategy since this is not being treated as an exception to housing policies). With this in mind, and given the presence of the existing property on the site, there are clear material considerations that override a strict interpretation of the "made up road" restriction such that a refusal reason based on the use of an existing access is not considered to be justified.
- 6.15 In light of the above, the principle of a new dwelling on the site is not found to be unacceptable – the site is located within the settlement boundary and proposes a dwelling of the size that is supported by the NDP in terms of bedroom numbers. 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 has been amended through the application process and proposes a detached property with first floor accommodation in the roof. On the ground floor a study, lounge, bedroom, kitchen, utility and dining/sitting area are proposed with two bedrooms and a bathroom on the first floor. The dwelling has been reduced in height since the previously withdrawn application and now has a ridge height of just 6 metres in order to conform with this aspect of the NDP. The elevations of the proposed can be seen below:



6.19 The dwelling proposed will be constructed from vertical timber cladding and stone work on the elevations with a grey brick plinth and slates on the roof. While the materials proposed have been touched on within representations, Welsh Newton Common is made up of a variety of dwelling types, designs and forms. Policy WNL4 also specifically touches on modern design approaches stating: *New development proposals need not imitate earlier architectural periods or styles and could be the stimulus for the use of imaginative modern design. However, use of local materials and design sympathetic with the vernacular will always be encouraged as the norm...Sensitive modern designs using other materials may also be appropriate.* This notion is reinforced through the NPPF which acknowledges that while development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, they should not prevent or discourage appropriate innovation or change.

6.20 The dwelling proposed is relatively traditional in form, and with a height of 6 metres to the ridge and accommodation contained within the roof, will appear largely as a single storey dwelling. The use of timber cladding is arguably more modern than some dwellings within the settlement but the use of stone ensures a tie between the existing properties and the proposed. It is noted that a new dwelling permitted further south-west included elements of cladding and so the proposed would not be wholly out of keeping. The inclusion of grey bricks are for the plinth only. With this in mind, the materials are found to be acceptable but the details will be conditioned on any approval.

6.21 Moving onto the siting of the dwelling, this will be set further back into the site from the existing property but in response to the deferral of the application at Committee, it has been brought forward by 6.5 metres. This maintains an approximate alignment in line with the neighbouring dwellings directly to the east and west (Hazeldene and The Willows).

6.22 The updated comments from the Parish Council refer specifically to some of the supporting text of the NDP in relation to Policy WNL4, which is reproduced below:

*The settlement is characterised primarily by individual dwellings within plots that are large enough to retain and contribute to the scattered nature of the settlement. Crowding of houses, and building within gardens will erode this essential character and would not be welcomed. Likewise proposals for groups of identical houses, terraces, and estates would not be in keeping with the character of the settlement.*

6.23 The juxtaposition of the proposed dwelling to the neighbouring properties, Hazeldene, in particular is recognised but given the otherwise extensive size of the plot, the set-back position of the proposed dwelling and the 6.7 metre separation between the two properties, this is not found to be out of keeping with the pattern of development which is certainly not characterised by any clearly distinguishable form. Indeed the existing properties known as Rima and

Willowgate some 200 metres to the south of the application site are set approximately 4.3 metres apart. The fact that the dwelling spreads across the width of the site is appreciated but with this measuring approximately 20 metres, the site is relatively constrained in this respect and the proposal is considered to use the site in an acceptable way and combined with set-back position of the dwelling it is not found to result in demonstrable harm.

- 6.24 With regard to amenity issues, it is appreciated that the views from neighbouring properties may alter. However whilst recognising the strength of views expressed in some comments, it is important to stress that the loss or change of a private view is not a material planning consideration. With regard to the two dwellings directly adjacent to the site, The Willows is located approximately 17 metres away from the common boundary to the east of the site. With the exception of rooflights, there are no first floor windows on the proposed dwelling and it is noted that the rooflights on the north east facing elevation will serve the ground floor sitting room, an area that is full height with no first floor element. This, along with the orientation of the proposed dwelling and hedge along the common boundary, which will be conditioned to be retained, is such that issues of unacceptable overlooking or overshadowing for the occupants of this dwelling are not detected.
- 6.25 Turning now to Hazeldene, recognised to be the most directly affected property, it is appreciated that there will be a change to the outlook of this dwelling. It is noted that the double doors sited on the eastern elevation open onto a patio adjacent to the shared boundary. In view of the lack of windows along the south western elevation of the proposed dwelling, there are no issues of overlooking. The drop in ground levels between Hazeldene and the application site (between approximately 0.5m-1m) is noted and the outside area adjacent to the boundary will look towards the roof of the proposed garage. Noting that the roof slope has been designed to pitch away from the common boundary and the eaves of the proposed dwelling measure approximately 2.2 metres, it is considered on balance that any sense of overbearing or loss of daylight upon the residential amenity of the occupiers of Hazeldene are not at a level that would substantiate the refusal of planning permission. This has latterly been demonstrated by the provision of a revised boundary treatment with a section incorporating the 25 degree line often used to illustrate the likely impact on daylight and sunlight. The additional information provide greater clarity and substantiates the advice provided by officers previously that the level of impact is not at a scale that would justify refusal. Notwithstanding this, whilst it is not disputed that alternative, less impactful, locations could accommodate a dwelling on the site, this revised application is the one to be assessed and with the foregoing in mind, and Hazeldene benefitting from other private garden areas (notably to the south), it is not considered that the impacts on the residential amenity of this dwelling to justify refusing the application, a view that appears to now be recognised by the Parish Council comments which now focus upon the impact of the proposed siting on settlement character.
- 6.26 The sustainability credentials of the proposal have been touched on within the Design and Access Statement and state the following:

*The new dwelling is intended to meet a standard for occupancy comfort, with renewable energy and water efficiency measures.*

*The proposed sustainable dwelling aims to minimise its carbon emissions and its environmental impact by employing sustainable technologies.*

*The proposed dwelling 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 east 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%.*

*External surfaces form part of the SUDS proposal, with permeable gravel for the driveway and paving blocks for the parking / turning area.*

- 6.27 In light of the above, the proposed dwelling is found to respond to the varied architecture within the settlement as a whole and broadly accord with the aims of the NDP. The scale of the dwelling responds to those around it and the materials ensure a link between the older properties in the vicinity with stone and a modern element with the cladding. The proposal results in adequate private amenity space for any future occupants and while the concerns from neighbouring dwellings are noted and acknowledged, the impacts upon residential amenity is not considered to be detrimental so as to justify withholding permission. As such, the application is considered to be compliant with the aims of policies contained within both the Core Strategy and NDP with regard to design.

#### Access and Highway Safety

- 6.28 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).
- 6.29 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.*
- 6.30 As touched on above, the proposal will utilise the existing access onto the site over the public footpath WNN3. Since the proposal is for one dwelling, and appreciating the existing dwelling on the plot which will be demolished as part of the proposal, there will not be a significant change in vehicle movements to the level which would be classed as severe. The proposed development does not result in an unacceptable impact on highway safety and would not have a detrimental impacts with regard to highway capacity.
- 6.31 With the proposal being for a three bedroom dwelling, a minimum of two car parking spaces are required in order to meet the standards contained within the highways design guide. The proposed block plan indicates sufficient provision in this regard along with turning areas so that any vehicle can leave the site in a forward gear.

- 6.32 As directed by the NPPF, and confirmed by the lack of objection from the Transportation Manager, the proposal is not found to result in severe highways implications and the application is considered to meet the aims of policy MT1 of the Core Strategy and WNL1 of the NDP.

#### Ecology and trees

- 6.33 Policies LD2 and LD3 of the CS 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.
- 6.34 The application is supported by a provisional bat roost assessment, full activity survey and mitigation report. The Council's Ecologist has viewed this and is content with the findings and recommendations, subject to these being conditioned on any approval. In addition, the site falls within the River Wye SAC catchment, and in this regard an HRA AA has been sent to Natural England for their approval. They have subsequently confirmed no objections to the proposal. In terms of light pollution, a condition will be attached to any approval (as suggested by the Ecologist) so that no external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.
- 6.35 While it is recognised that the clearance of the site has not been received positively, none of the trees were subject to Tree Preservation Orders or within a Conservation Area and as such no prior approval or consent from the Local Authority was required for this work. Having regard to the site clearance, the conditions recommended by the Tree Officer have now been incorporated below and ultimate control of the landscaping scheme and other biodiversity mitigation is secured. The conditions recommended by the Council's Ecologist will ensure retention of the hedgerows that are on the site at the present time.
- 6.36 In light of the foregoing, the proposal is found to comply with the aims of policies LD2 and LD3.

#### Drainage

- 6.37 CS policy SD3 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).
- 6.38 The application states that foul water will be disposed of by a package treatment plant with outfall utilising a soakaway. Surface water will be disposed of by a Sustainable Urban Drainage system and managed on site. Given the size of the site I do not have overriding concerns in this regard but I note that locally there have been some drainage issues. With this in mind I find it reasonable to condition a full drainage strategy as part of any approval but recognise that the methods proposed are not found to be unacceptable in principle and are considered compliant with the aims of policies SD3 and SD4.

#### Other matters

- 6.39 The housing targets within the settlement are a minimum but it is appreciated that Welsh Newton has surpassed their target calculated through the Core Strategy. However, with the proposal replacing an existing dwelling on the site (and appreciating that the existing will be

conditioned to be demolished) there is no net gain of dwellings. As such, the housing targets already being reached does not constitute a reason to refuse the application.

- 6.40 Comments have been touched on in relation to the motives behind the application and whether there will be subsequent applications in the future for additional residential units on the site. The application is to be assessed as submitted, and any other units on the site would be assessed under future applications. The application seeks planning permission for one dwelling.

#### Planning balance and conclusion

- 6.41 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that proposals 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.
- 6.42 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.
- 6.43 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 in principle the development is accepted. In terms of the scale of the proposal and location adjacent to existing dwellings, the scheme is considered to be policy compliant in this regard also. The lack of definition in relation to a 'made up road' is acknowledged and while the dwelling will be accessed utilising a public footpath, noting the material consideration of an existing dwelling on the site, this conflict with policy WNL5 is not found to render the application unacceptable. Furthermore, noting that paragraph 14 of the NPPF is not engaged, a conflict with an NDP policy does not in itself 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.
- 6.44 The dwelling progressed under this application has taken note of the scale of dwellings sought by NDP policy with regard to height and bedroom numbers, and the use of both modern and traditional materials responds positively to an architecturally diverse settlement. The comments in relation to impacts upon residential amenity are noted but they are not considered to be of a level that would justify refusal of the application based on the planning policies in place.
- 6.45 In terms of technical consultee responses, no objections have been received to the proposal. It is considered that all reasonable and responsible measures such as to ensure the Local Planning Authority has fulfilled its legal duty of care with regard to ecology have been undertaken. There are also no severe highways implications as a result of a new dwelling on the site.
- 6.46 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 one 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:

1. C01 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 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 (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

7. The detailed Bat protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by europaeus land management services dated August 2019 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 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 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

8. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

**Reason:** To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. No boundary hedgerow shall be cut down to under 1m high, uprooted or otherwise removed in any manner during the construction phase and thereafter for 10 years from the date of first use of any element of the completed development; unless otherwise agreed in writing by the planning authority.

**Reason:** To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2018)), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

10. Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) based on all

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

relevant ecological surveys and including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular Dormice, Reptiles and Amphibians. The approved EWMS and Biodiversity Net Gain features shown on Plan 39-2101-F3 (September 2019) shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

11.
  - a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
  - b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
  - c) No external lighting should illuminate any biodiversity enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

12. CAH - Driveway gradient
13. CAI -- Parking – single/shared private drives
14. CAT - Construction Management Plan
15. CB2 - Secure covered cycle parking provision
16. CBK - Restriction of hours during construction
17. CBM - Scheme of foul and surface drainage disposal
18. CA1 – Landscaping scheme
19. CA2 – Landscape maintenance plan
20. Removal of existing dwelling on the site
21. CBM – Foul and surface water strategy
22. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. The Remediation Scheme, as approved pursuant to condition 20 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **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. The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.
3. I11 – Mud on highway
4. I09 – Private apparatus within the highway

- 5. I45 – Works within the highway
- 6. I05 – No drainage to discharge to highway
- 7. I47 – Drainage other than via highway system
- 8. I35 – Highways Design Guide and Specification
- 9. The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.

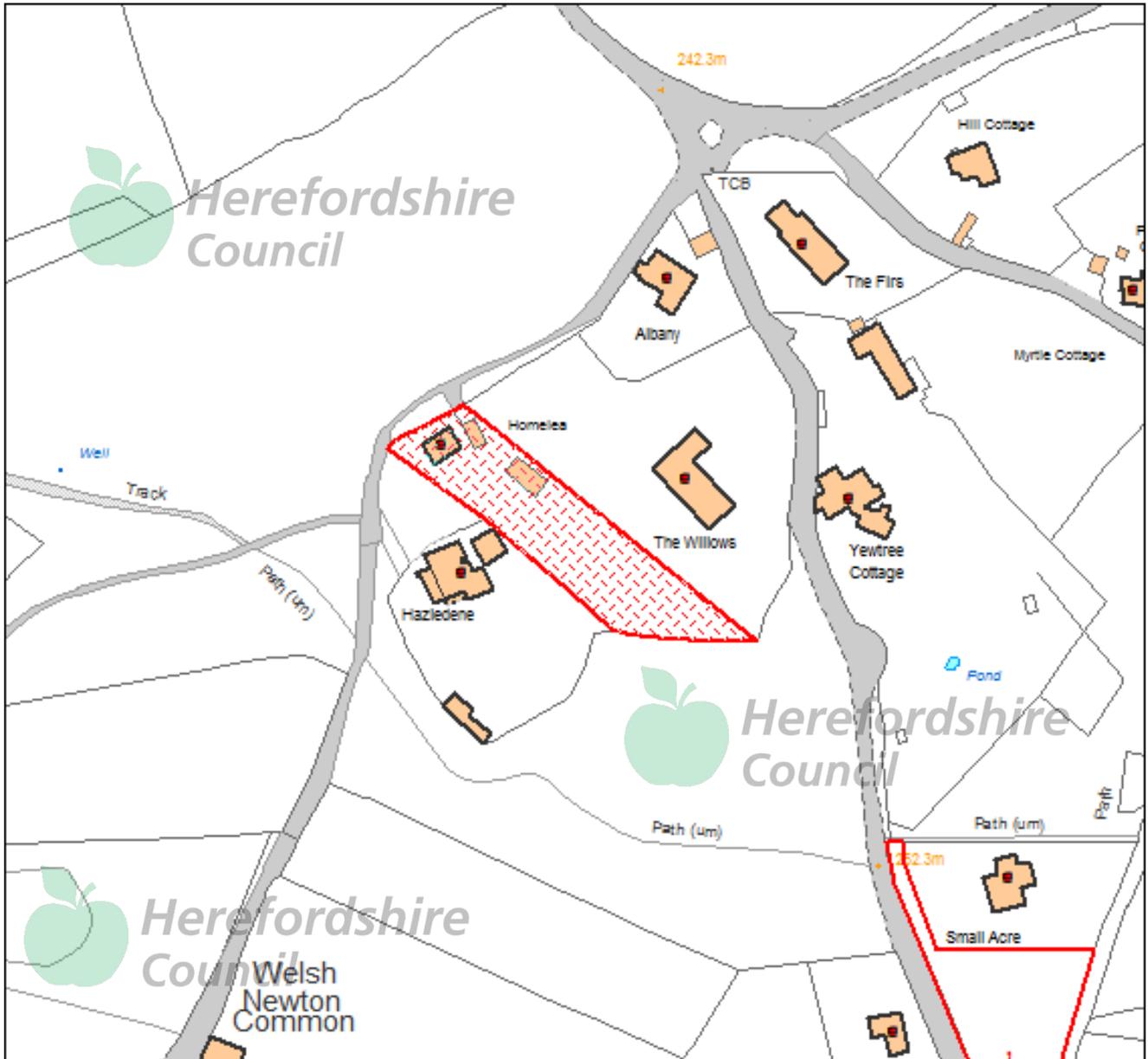
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 193391

**SITE ADDRESS :** HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR

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