

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 DECEMBER 2018</b>
<b>TITLE OF REPORT:</b>	<b>181848 - PROPOSED DEVELOPMENT OF THREE DWELLINGS WITH GARAGES AND NEW ACCESS AT LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD.</b>  <b>For: Mr Hull per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181848&amp;search=181848">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181848&amp;search=181848</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 17 May 2018**

**Ward: Birch**

**Grid Ref: 350547,232252**

**Expiry Date: 12 July 2018**

Local Member: Councillor DG Harlow

## **1. Site Description and Proposal**

- 1.1 The application site comprises a paddock located to the north of Castle Nibole Road. The site is largely within the Parish of Little Birch but the western edge lies within the Much Birch Parish. There is existing hedgerow bounding the site with the road to the south and along the east and north boundaries. The common boundary between the site and Castle Pool Cottage to the west is currently fenced. There are two gated access points to the field as a whole – one in the south east corner and one along the west boundary.
- 1.2 The topography of the site gently slopes from north to south and down to the roadside. There are no local or national landscape or heritage designations either within the site or the local area. The Agricultural Land Classification for the site is Grade 3 cited as being 'Good to Moderate' agricultural land as noted by Natural England Agricultural Land Classification Maps for the West Midlands.
- 1.3 This application is submitted in outline for the erection of three dwellings with access to be considered and all other matters reserved for future consideration. The proposal will utilise 0.22 hectares of the field. The part not proposed for development will be retained as a paddock and accessed via the western gate.
- 1.4 Through the application process amendments to the scheme have been submitted including changes to the access arrangement and the scheme now proposes 2 x 4 bed properties and 1 x 3 bed. This has reduced from being all four bedroom dwellings.
- 1.5 The application is accompanied by an Ecological Assessment and Traffic Survey.

## **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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

### **2.2 National Planning Policy Framework (NPPF):**

Chapter 2	–	Achieving sustainable development
Chapter 5	–	Delivering a sufficient supply of homes
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

### **2.3.1 Little Birch and Aconbury Neighbourhood Development Plan (NDP):**

The Little Birch and Aconbury NDP was sent for examination on 23 November 2018 and the examiner's report is currently awaited. In line with paragraph 48 of the NPPF, the NDP is afforded moderate weight at this stage.

LBA1	-	Sustainable development
LBA2	-	Development needs and requirements
LBA3	-	Little Birch village
LBA4	-	Development in Little Birch
LBA10	-	Protecting the local environment
LBA11	-	Building design

[https://www.herefordshire.gov.uk/download/downloads/id/16134/neighbourhood\\_development\\_plan\\_july\\_2018.pdf](https://www.herefordshire.gov.uk/download/downloads/id/16134/neighbourhood_development_plan_july_2018.pdf)

## **3. Planning History**

### **3.1 None**

## **4. Consultation Summary**

### **Statutory Consultations**

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

#### 4.1 **Welsh Water – no objection**

##### **SEWERAGE**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department 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.

##### **WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development

The proposed development is crossed by a 90mm trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

#### **Following re-consultation on amended plans, Welsh Water commented on 21 August 2018:**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department 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**

No objection – Subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

#### Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

#### Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

#### Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

#### **Following the re-consultation on amended plans, Natural England commented on 21 August 2018:**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11 June 2018.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

## Internal Council Consultations

### **4.3 Conservation Manager (Ecology) - No objection**

#### **Foul water treatment**

The site lies within the River Wye SSSI/SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer”. I note the applicant has indicated connection of individual package treatment plants per dwelling, (applicant planning statement dated 15/05/18, drawing Ref LB-5088-04A). This foul water treatment connection as shown on supplied plans should form part of the ‘approved as plans’ construction. Based on this secured implementation there are no unmitigated ‘Likely Significant Effects’ on the River Wye SSSI and SAC.

#### **Biodiversity Mitigation and Enhancement**

The recommendations for biodiversity mitigation and habitat enhancements set out in the ecologist’s report (Land E of Castle Pool Cottage, Ecological Assessment, Pure Ecology, dated 23/04/18) shall be implemented as approved and hereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

#### **Reasons:**

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply with Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 3 December 2018 with a recommended condition in light of the comments received from Natural England.

### **4.4 Transportation Manager - no objection subject to recommended conditions**

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

## **5. Representations**

### **5.1 Little Birch Parish Council – object**

Little Birch Parish Council object to this application.

In the emerging Neighbourhood Development Plan, strong emphasis is made to restricting development to that which is 'in keeping with other buildings in the area'.

They feel that putting three houses in a plot of this size is not adhering to this, and is really over filling the plot.

The emerging NDP also supports development for local families to remain in the area. The Parish Council believes that this is development of large 4 bedroom houses does not meet this criteria.

The Parish Council are also concerned that this development is in a greenfield site and intends to remove most if not all of an ancient hedge that fronts the plot to the road, they would like consideration to be given to one access point to the plot, thus saving the majority of the hedge.

**Following the re-consultation on amended plans, the Parish Council provided further comments on 15 August 2018:**

Little Birch Parish Council still object to this application. Whilst the changes in this amendment do save more of the ancient hedge, the Parish Council would stand by their earlier comment:

'In the emerging Neighbourhood Development Plan, strong emphasis is made to restricting development to that which is in keeping with other buildings in the area'.

They feel that putting three houses in a plot of this size is not adhering to this, and is really over filling the plot.'

**5.2 Much Birch Parish Council (adjoining parish) – object**

The Much Birch PC wishes to object to the proposals contained in application 181848 for the following, non exhaustive, reasons:

The proposed location field is believed to be a greenfield site. The development is not using the whole field. The houses proposed are believed to be too large for what is a small area and appears to constitute over-development of the plot. The proposals also require extensive established hedge removal and it is believed that access would be better consolidated than to have three separate punch through areas creating three access points.

**Following the re-consultation on amended plans, the Parish Council provided further comment on 7 September 2018:**

The Much Birch Parish Council has reviewed the new proposals on application 181848 with the amendments to access and configuration of property types. Following consideration, the PC are minded to reiterate the objection made to the original proposals as it is felt that such a development remains inappropriate at this agricultural location given the size of the houses and the remaining uncertainties surrounding the access proposal

**5.3 To date a total of 33 representations of objection have been received from 15 households. The contents of these are summarised below:**

- Urbanisation of a rural area. Planning on any of the small fields which are a feature of the community should be refused
- The heart of Little Birch is not a suitable place for building land
- Houses out of keeping with the houses in the area as are the plot sizes. Not of exceptional quality and innovative design
- Should anything be allowed it must be of a rural nature
- Important to only build on greenfield when there is clear community benefits
- The scheme would represent over development of quite a small site

- House types and sizes do not reflect the local demand. The dwellings would do nothing to help rural homelessness as such large houses can only be afforded by wealthy buyers. The reduction of one dwelling from four to three bedrooms does not help affordability
- Significant length of country hedging will be lost. A single access should be considered
- Hedge destruction from one access will have equal environmental damage
- The field is a small agricultural field that is important to the environment and wildlife. It is not an infill plot. Landscape character of village will be altered
- The removal of productive agricultural land further reduces our national food security whilst increasing environmental impact due to import transportation emissions
- Increasing soil phosphates from the proposed sewage treatment will damage well established soil microflora
- Loss of visual amenity for villagers
- The access to the site is dangerous as it would come out onto a bend on a small lane
- The road up Barrack Hill and all the roads off are not too congested and walking has become hazardous
- Extra traffic would create additional noise in the area and further damage lanes
- Dwellings will further burden hard pressed GP and community health services
- Noise and air pollution from extra traffic and wildlife loss will cause distress to local residents
- The ecological assessment was prepared outside of the growing season and the southern hedgerow might therefore give the wrong impression as to what would be lost
- What are Mr Hull's plans for the rest of the paddock

5.4 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=181848&search=181848](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181848&search=181848)

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 and Principle of Development

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."*

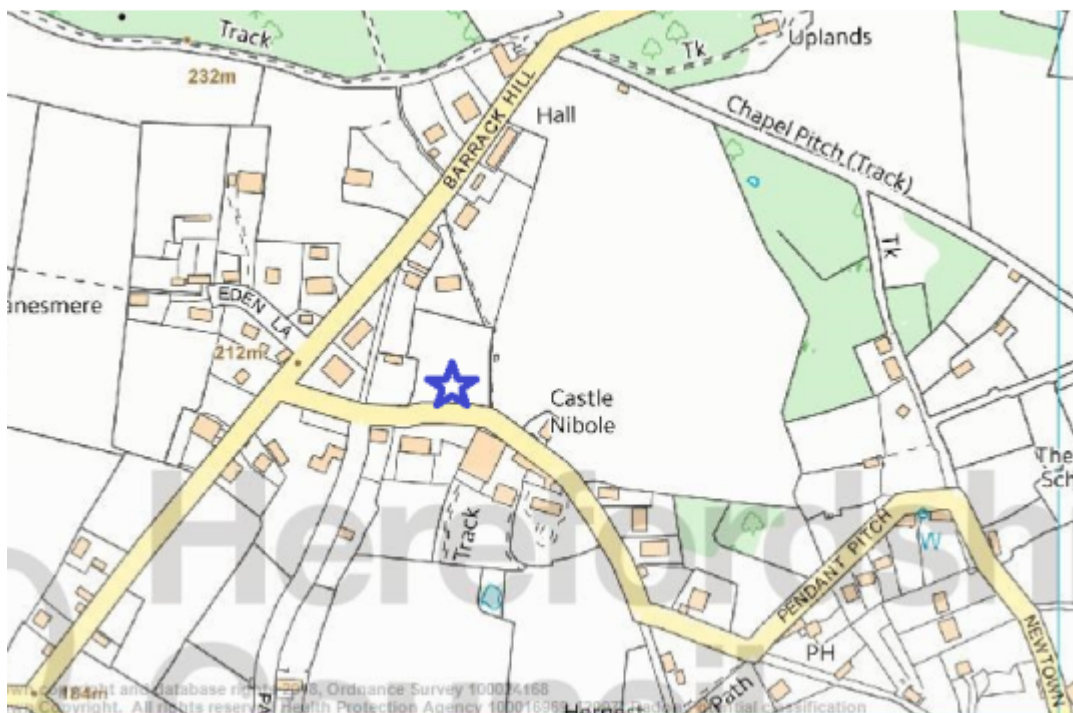
6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration and the NDP can be afforded moderate weight.

6.3 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.4 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and 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 the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absence of a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

- 6.5 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.6 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.7 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Little Birch is identified as a settlement within figure 4.14.
- 6.8 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the examiner's report on the Little Birch NDP is currently being awaited. At this stage, moderate weight can be afforded to the Plan.
- 6.9 Recognising that a sensitive approach needs to be undertaken in order to retain the character of the settlement, rather than include a settlement boundary, policy LBA3 of the NDP includes a matrix of road names which, comprising of residential curtilages and other developed plots, gives the village of Little Birch its character. The site is identified by the blue star on the map below.



- 6.10 The site is accessed off Castle Nibole Road, a road identified under policy LBA3. However it is acknowledged that the site is undeveloped and therefore does not fit strictly within this policy for



residential development. Notwithstanding this, the NDP is only afforded moderate weight at this point in time. The site is clearly within the main built up part of the settlement and within easy access of the facilities and amenities that the settlement has to offer, including the Castle Inn Public House to the east of the site and bus service at the same location, with the village hall to the north of the application site.

- 6.11 The reasoning behind the matrix system, which seeks to preserve the character of the settlement as a whole where gaps between development have been retained over the years, is recognised. However, the development of three dwellings on the site which it is considered would read as a natural extension of the built form of the village is not considered to be visually unacceptable in this instance. The application is only in outline and the detail of design and form would come forward as part of any reserved matters application but the principle of three dwellings on the site is not found to be out of keeping with the surrounding pattern of development.
- 6.12 The scheme has been amended during the application process to now include 2 x 4 bedroom dwellings and 1 x 3 bedroom dwelling. Within the Ross-on-Wye Housing Market Assessment the main requirement is for 3 bedroom dwellings (at 63.2%) followed by 2 bedrooms (at 24.3%). This is cited under policy LBA2 of the NDP. In light of these figures, the proposal does not accord directly with the hierarchy of dwelling sizes. However, at this point during the plan period and noting that Little Birch has not yet reached its minimum housing target (currently standing at 6 with a remaining 7 dwellings required), this is not found to justify refusal of the application as a whole. Furthermore, policy LBA2 recognises that while housing developments should be informed by and respond positively to the need for a range and mix of house types and sizes, they should not be over-prescriptive in the case of smaller schemes.
- 6.13 Given that the site is considered to be acceptable in terms of its general location, 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.

#### Highways safety

- 6.14 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).
- 6.15 Access to the site is to be taken from the north of Castle Nibole Road in the centre of the site's frontage. An amended block plan has been submitted to indicate a joint access between the three dwellings, rather than the initially proposed three separate accesses. The speed limit on Castle Nibole Road is national but a traffic survey accompanies the proposal and shows that the 85<sup>th</sup>ile speed falls far below this at 21.7mph westbound and 20.2mph eastbound. Based on this, the visibility splays required are 27m westbound and 25m eastbound.
- 6.16 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.
- 6.17 As stated above, there is a range of facilities within the locality, as well as public transport connectivity. It is noted, however, that there is a lack of footpaths along Castle Nibole Road and

Barrack Hill to the west. However, this is a characteristic of large areas of the settlement as a whole and therefore would not represent a reason for refusal in this case.

- 6.18 The proposed access would require the removal of hedgerow along the boundary with the road in order to accommodate the visibility splays from a point 2m back from the nearside carriageway. While the submitted scheme indicates an access with 20m visibility splays, this will be increased to 27m westbound and 25m eastbound and conditioned as such on any approval. The impact of the hedgerow removal on the character of the site will be covered below, but this is adequate for the speed of the road in highways terms. The comments received from the Council's Transportation Manager endorse this view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS.

#### Impact of the development on the landscape

- 6.19 The site is not located within an area where there is either a national or local landscape designation. It is part of an attractive rural setting and within the built up part of a settlement that has been identified for residential growth. Policy LD1 of the CS states that proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements.
- 6.20 While the dwellings will be visible from public viewpoints of the road and footpath to the east, subject to acceptable design, layout and appearance - being reached through a reserved matters application, a scheme, in keeping with surrounding development, could be achieved on the site. Policies LBA4 and LBA10 of the NDP comment on specific design criteria and following them would result in a development that assimilates into the wider rural landscape.
- 6.21 With regard to the removal of the hedgerow to accommodate the new access, this feature clearly adds to the rural character of the lane. The Ecological Assessment recommends the planting of native hedgerows within the scheme as mitigation for this loss and while the character of the streetscene would change, the harm is not found to be of a level that justifies the refusal of the application as a whole.
- 6.22 Comments have been received in relation to the density of the proposal which stands at 14 dwellings per hectare. Policy SD1 of the CS makes it clear that proposals should ensure there is efficient use of land taking into account the local context and site characteristics. Noting the surrounding development, there is a variety of plot sizes and dwelling types although detached properties are more prevalent. Three appropriately designed and sited dwellings are not found to be out of keeping with the locality.

#### Ecology

- 6.23 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.
- 6.24 The application has been submitted with an Ecological Assessment which comments upon the site as a whole and the removal of the hedgerow in order to accommodate the access point. This recommends mitigation methods such as the use of native hedgerows being incorporated into the proposals and appropriate lighting. Enhancement measures are also suggested including new bat roosts and landscaping. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections and a HRA AA has been submitted to them with this in mind. The outcome of the Assessment is awaited and this is reflected in the recommendation below.

- 6.25 In terms of drainage, the site lies within a flood risk zone 1. The application form which accompanies the proposal states that package treatment plants will be utilised for the disposal of foul sewage with a sustainable drainage system and soakaway would be used for surface water. Given the size of the site and the lack of drainage concerns locally, these methods are found to be acceptable in principle. The technical details of these methods would be covered by the Building Regulations.

#### Other issues

- 6.26 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is found to be appropriate to condition working hours during the construction phase of any development on the site.
- 6.27 Comments have been received in relation to the impact on the services within the settlement and neighbouring, Much Birch. Given that Little Birch has been identified as a settlement for residential development and it has not yet met its indicative target based on the number of households within the Parish (which is a minimum) this is not found to represent a reason to refuse the application.
- 6.28 The loss of an agricultural field is noted, although only 0.22ha is proposed for development and this is characterised as 'Good to Moderate'. As a result of the area to be developed and its grading, this is not found to outweigh the benefits of the proposal which have been identified above.
- 6.29 It is reiterated that the appearance, layout and scale are all aspects to be considered under a reserved matters application. It is only the principle and access to be established under this application.

#### Summary and conclusions

- 6.30 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.31 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.32 The site is located within the main built up part of Little Birch a settlement identified for residential development under policy RA2 and relates to one of the streets named in NDP policy LBA3. The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the CS. It is recognised that the requirements of NDP policy LBA4 provide for a more subjective analysis of individual sites and could be widely interpreted, but given that it can only be afforded moderate weight at this stage, the recommendation affords greater weight to the CS policies.

- 6.33 While the loss of the hedgerow to accommodate the access is regrettable, and local residents concerns have been considered on this, the proposed development complies with the requirements of policy MT1 of the CS and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been considered and the Council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.34 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 three dwellings in the built up part of the settlement with the associated economic and social benefits that small developments in rural hamlets support.
- 6.35 Officers are content that there are no other matters of such material weight that would justify withholding planning permission and the application is accordingly recommended for approval, subject to no objection from Natural England.

## **RECOMMENDATION**

**That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:**

1. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters**
4. **C05 Plans and particulars of reserved matters**
5. **C06 Development in accordance with the approved plans**
6. **CBK Restriction of hours of construction**
7. **CAB Visibility splays 27m westbound and 25m eastbound**
8. **CAE Vehicular access construction**
9. **CAH Driveway gradient**
10. **CAL Access, turning area and parking**
11. **CAS Road completion in 2 years**
12. **CAZ Parking for site operatives**
13. **CBA Cycle Storage**
14. **CBM Scheme of foul and surface water disposal**
15. **The recommendations for biodiversity mitigation and habitat enhancements set out in the ecologist's report (Land E of Castle Pool Cottage, Ecological Assessment, Pure Ecology, dated 23/04/18) shall be implemented as approved and hereafter**

**maintained unless otherwise agreed in writing by the Local Planning Authority.**

**No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).**

**Reasons:**

**To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).**

**To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

- 16 All foul water from the development hereby approved shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant's control. All surface water from this development shall discharge to appropriate SuDS or Soakaway features. The foul water and surface water management schemes shall be implemented as approved and hereafter maintained 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, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.**

**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.**

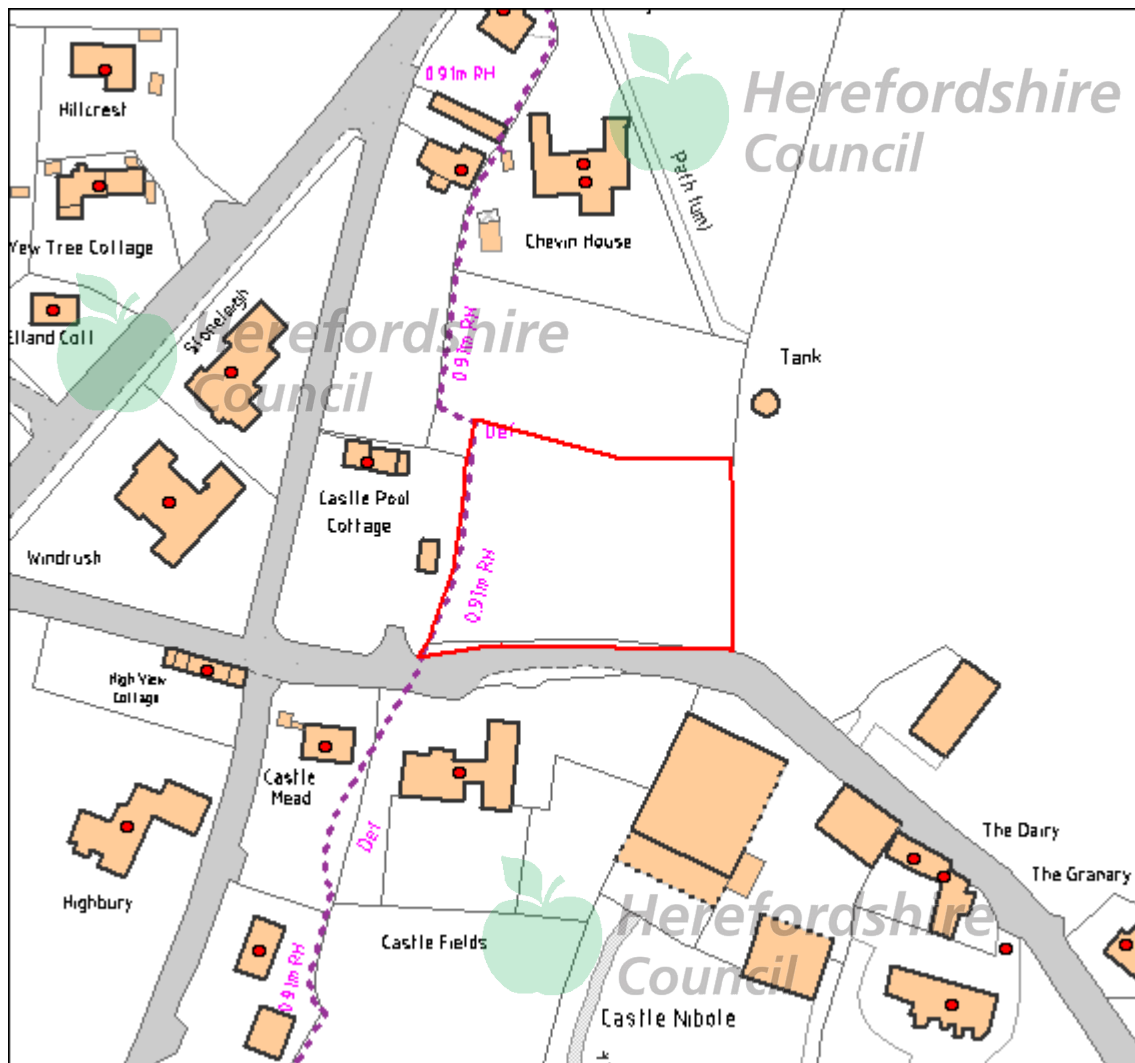
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 181848

**SITE ADDRESS :** LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD

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