

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 MARCH 2021
TITLE OF REPORT:	201220 - OUTLINE PERMISSION FOR THE DEMOLITION OF AN EXISTING DWELLING, THE ERECTION OF UP TO 3 X RESIDENTIAL DWELLINGS WITH ASSOCIATED DRIVE AND ACCESS ALTERATIONS (ALL OTHER MATTERS RESERVED) AT LAND AT HILL VIEW, DINEDOR, HEREFORDSHIRE For: Mr Lively per Mr Chris Moore, Clarendon House, 42 Clarence Street, Cheltenham, Gloucestershire, GL503PL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201220&search-term=201220
Reason Application submitted to Committee -	

Date Received: 20 April 2020

Ward: Dinedor Hill

Grid Ref: 353743,236659

Expiry Date: 4 March 2021

Local Member: Councillor David Summers

UPDATE

This application was presented to Planning and Regulatory Committee on 3 March 2021 with a recommendation of approval subject to conditions. Following Officer and Local Members presentations, and interested parties speaking and Members debate, the Committee resolved: that consideration of the application be deferred pending a site visit.

On 26 February 2021 the Examiners report for the Dinedor Neighbourhood Development Plan (DNDP) was received, which provided a number of recommended alterations to the draft DNDP. One of significance for this application is the recommended extension of the proposed settlement boundary to include the residential dwellings to the west. This includes the site of Hill View. Therefore the site is now within the settlement boundary where residential development would be supported. At the time of writing, the Examiners report is a material consideration and subject to these amendments being formally approved in the Decision Document (expected in the week commencing 8 March 2021), the DNDP would then attract significant weight. Accordingly the Committee report set out below has been updated to incorporate the Examiners amendments and the exact status of the DNDP will be the subject of a further Update.

The position of officers and the recommendation remains substantively unchanged from the position set out in the Committee Report on 3 March 2020. The updates and comments are to be read in conjunction with the committee report as a whole.

1. Site Description and Proposal

- 1.1 The site currently comprises a detached chalet bungalow and its garden curtilage located to the south east of Hollow Farm Road, in the parish of Dinedor. The site is located at the eastern edge of Dinedor village and is approximately 1.2km from Rotherwas Industrial Estate.
- 1.2 To the east of the site are existing residential properties, to the south (rear) of the site are agricultural fields and to the west is a currently undeveloped site with a recent approval for up to 6 dwellings (P193329/O).
- 1.3 The proposal is for the demolition of the bungalow (known as Hill View) and erection of three dwellings with associated drive and access. All matters, with the exception of access, are reserved and an indicative plan has been submitted to show the three dwellings in a linear form fronting the roadside.



- 1.4 It should be noted that the original proposal was for 4 dwellings with an indicative plan showing a cul-de-sac layout. However following discussions with Officers, the proposal was amended to three units to facilitate a linear form fronting the road.
- 1.5 The application is accompanied by a Planning Statement, a Transport Statement, a Preliminary Ecological appraisal and an indicative drainage layout.

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
SS7	-	Addressing climate change
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
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made and on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

2.2 Dinedor Neighbourhood Development Plan (DNBP)

A Neighbourhood Area was designated on 12 August 2013 and the Examiners Report in relation to the Regulation 16 Plan was received on 26 February 2021. The recommendations are a material consideration and subject to the recommended amendments being approved in the Decision Document, it can be afforded significant weight whilst it awaits a Referendum.

Policy A	-	New housing development in Dinedor village
Policy C	-	High quality design
Policy F	-	To protect and enhance the rural environment and landscape
Policy G	-	Protecting local Heritage assets
Policy J	-	Local Residents enjoyment of the Parish

<https://www.herefordshire.gov.uk/downloads/file/21031/neighbourhood-development-plan-january-2020>

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 9	-	Promoting sustainable transport
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
Chapter 16	-	Conserving and enhancing the historic environment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

3. Planning History

3.1 No planning history on this site.

4. Consultation Summary

Statutory Consultations

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

Internal Council Consultations

4.2 Team Leader Area Engineer

No objections to the proposed amended plan condition as follows: -

CAB - Visibility Splays – 2.4 x 52.9m, northeast bound and 2.4 x 43.6m south west bound

CAD - Access gates 5 m

CAE - Vehicular access construction – Road standard construction

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CAT - Construction Management Plan

CB2 - Secure covered cycle parking provision

I11 – Mud on highway

I09 – Private apparatus within the highway

I45 – Works within the highway

I05 – No drainage to discharge to highway

I47 – Drainage other than via highway system

I35 – Highways Design Guide and Specification

4.3 Principal Building Conservation Officer

The amended scheme has satisfactorily address previous heritage concerns; approval with conditions is recommended A reduction in dwelling numbers has enabled better spatial use of the site, which has improved containment and minimised the impact on both streetscape and landscape aspects.

The indicative elevations present an architectural and material character which would be considered appropriate in this context, and a good balance between residential and agricultural scale and form.

4.4 Principal Natural Environment Officer (Ecology)

Initial Comments

The proposed works seeking approval include demolition of existing buildings. The 'non-technical summary' of the supplied Preliminary Ecology Appraisal (PEA) report by Sharpe Ecology dated February 2020 states:

“The site has the potential to support roosting bats (within the house), reptiles (particularly slow-worm), hedgehog and nesting birds. Therefore, the demolition of the house of the works has the potential to impact bats (and their roosts), while site clearance works have the potential to impact reptiles, hedgehog and nesting birds.

As such, further surveys to establish the presence / absence of bats and reptiles are required, and if found to be present, to inform detailed mitigation. “

These are discussed in greater detail in Section 6 of the PEA. These further 'optimal period' surveys – eg for bats emergence and return surveys completed between mid-May and August inclusive (to allow for consideration of any maternity roosts) do not appear to have been supplied in support of this application.

The LPA has a duty of care to ensure all potential effects on protected species if they are present – as identified in the PEA – are fully considered PRIOR to any grant of planning consent, in particular where significant works are proposed and potential permanent loss of habitats or roosting is proposed (e.g. through Demolition). The LPA cannot make the required considerations without further specific baseline data on which comments and any relevant conditions for discharge at the Reserved Matters stage can be made and included on any outline consent granted.

The LPA Ecology must raise an Objection to the application as currently submitted. This position can reviewed once further detailed, optimal period ecology surveys have been undertaken to provide clear evidence whether any protected species are present and could be impacted by the development. This additional report must include full details of survey efforts, survey results, relevant discussions, clear conclusions on presence or absence and the level of use and specific species involved if a presence is confirmed. The outline details of any required mitigation-compensation must also be detailed so the LPA can be assured these can be accommodated within the new development. This will allow the LPA to ensure relevant conditions are included on any outline consent granted in respect of any further ecology assessment required and secure any species licences that will be needed.

As currently proposed the application is contrary to; Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), NPPF (2019), Core Strategy (2015) policies SS6 and LD2.

Additional ecology comments, notwithstanding the above:

In addition to any mitigation or compensation required as part of the updated ecology report all developments should clearly demonstrate a 'biodiversity net gain'. A relevant condition can be included on any consent finally granted. As a minimum Net Gain enhancements for Bats, Birds, insects /Invertebrates and Hedgehogs are expected.

There are known local populations and commuting and foraging routes for nocturnal protected species in the locality including adjacent habitats such as the brook corridor and hedgerows. The area is an 'intrinsically dark landscape' creating amenity and nature conservation interest. To ensure this is maintained after any development occurs a relevant condition is requested.

The site falls within the catchment of the River Wye Special Area of Conservation and a Habitat Regulations assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation and a 'no objection' response received prior to any final grant of outline planning consent.

The following points are notes in relation to the HRA process based on information available to the LPA and supplied by the applicant.

- Plot specific private treatment plants will be installed.
- The individual PTP will discharge to a shared soakaway field managing the outfall from all THREE proposed plots and their PTPs.
- The management/maintenance for the lifetime of the development of the shared drainage field can be secured through a relevant condition on any consent granted
- The LPA has no reason to believe that the proposed drainage field cannot be achieved at this specific location
- All surface water will be managed through onsite soakaway-infiltration systems

The agreed drainage scheme can be secured by condition on any outline consent granted.

Subject to any comments by Natural England suggested conditions

Further comments following additional details

The detailed 'optimal period' bat survey and final report by Star Ecology dated 23rd September 2020 supplied by applicant is noted, including the results that there is a small bat roost within the current building and so a relevant European Protected Species Licence issued by Natural England is required PRIOR to any works commencing on or adjacent to the existing building being demolished. The report appears relevant and appropriate and should be secured by a relevant condition on any planning consent granted.

The reptile survey and report also by Star Ecology and dated 23rd September 2020 is noted and the presence of habitats that could support reptiles is noted. The suggested mitigation (ecological working methods) appear relevant and appropriate and should also be secured by condition on any consent granted.

Standard condition CKP should be utilised with relevant amendments and inserted text as highlighted.

The previously requested conditions for managing Lighting and Biodiversity Net Gain enhancements and the Habitat Regulations Assessment and associated condition all remain valid.

No further ecology comments and **no objection** is now raised.

4.5 **Principal Minerals and Waste Officer**

Minerals

The site is within an area identified under policy M5 of the HUDP for the safeguarding minerals due to the presence of a sand and gravel deposit which is present underneath the site and in the surrounding area.

If an area is identified as being within a Mineral Safeguarded Area it does not automatically preclude other forms of development. Neither is there a presumption that an application to extract the mineral resource defined within the Mineral Safeguarding Areas will be granted permission. What it does mean however, is that attention to the presence of important mineral resource is needed and that any proposals should adequately and effectively considers the importance and nature of the reserve in land-use planning decisions.

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

The NPPF requires mineral planning authorities to maintain a minimum land bank of 7 years for sand and gravel. At the end of 2019 the land bank for sand and gravel (using a 10 year sales average) stood at 21.5 years. The HUDP does not currently identify any 'preferred' sites for future extraction of sand and gravel, nor does it identify constraints of sites with known minerals resources.

The Council recognises that mineral resources are finite and must be protected for future generations to meet their own needs. Minerals can only be worked where they naturally occur but with increased pressure on land use the Council must also ensure that those resources are not needlessly sterilised by other forms of development.

On balance, I am satisfied that given the characteristics of this site and its surrounds, together with there not currently being an immediate need within the County for sand and gravel, the physical sterilisation of this relatively small resource is not significant in a local and national context. Similarly, it is considered unlikely that the prior extraction of the resource would be environmentally and economically viable.

In conclusion, I have no objection to the application with regards to saved Policy M5 of the HUDP and national planning policy contained within the NPPF and NPPG

Waste

The treatment and handling of any site waste is a necessary initial requirement before any demolition and groundworks are undertaken in the interests of pollution prevention and efficient waste minimization and management so as to comply with the Policy SD1 of the Herefordshire Local Plan - Core Strategy. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

If you are minded to recommend a condition be imposed requiring a Construction Environmental Management Plan (CEMP), I recommend that a scheme for the management of all waste material arising from the site (i.e. stockpiles, waste soils, materials movements etc) form a sub component of such a Plan.

5. Representations

5.1 Dinedor Parish Council

Initial comments

Dinedor Parish Council has considered this application at a meeting held on 19th May and wishes to object to the application on the following grounds:

1) This application is separate from, but adjacent to three other applications for multiple dwellings on existing single dwelling sites along the main access road into the village. Total dwellings on the adjacent sites, if granted, would amount to 13, or 17 including the 4 for this site. We believe the current undecided applications should be reviewed in the light of this additional, albeit unconnected, proposed development as the total impact on the village is considerable.

2) The proposed development is on a very narrow, single track road leading from the B4399 (Holme Lacy Road) into the village. This road provides the main access into and out of the village so is used by residents and agricultural vehicles. Concern has been expressed on many occasions that visibility on exiting the village at the B4399 is poor and has led to several near misses and we have requested that improvements to this junction be a condition of several of the current applications. If approved, we would reiterate that request again for this application.

3) There is a very sharp bend in the single track access road between the junction with the B4399 and the proposed development(s). Vehicle speed and volume along this road with virtually no vehicle passing places has led to further near misses at this location. We feel strongly that the additional traffic generated by the proposed development(s) represents an unacceptable increase, leading to greatly reduced safety for vehicle and pedestrian traffic. We would wish to highlight that there is no public transport accessing the village/site and Dinedor has little in the way of facilities. Residents have no option but to travel outside the village for shops, medical services, schools and most social activities (we have one village hall). We would expect the total of the proposed developments to increase the number of vehicles using this road by at least 35 vehicles with the potential for upwards of 200+ vehicle movements per day.

4) Drainage along the road is poor and the road floods when it rains. We are concerned that run off water from the proposed development(s) will increase the amount of water entering the road, increasing the potential for flooding. We are further concerned that the intensity of the development(s) will create difficulty in providing suitable soakaways for the sites themselves exacerbating the existing problems and we would suggest that a review of the cumulative effect of drainage of surface water from all the proposed sites along that limited stretch be reviewed and consideration given to a drainage solution, including holding pond, to encompass all sites/dwellings at that location.

Similarly, the village has no mains drainage or sewerage system. The proposed development will need an adequate system to deal with sewerage and surface drainage for each of the dwellings with adequate provision for soakaways within the property. Currently, drainage issues result in septic tank back ups when the road floods, leading to sewerage flooding at the lowest point of the village-the village hall. These issues must be resolved before any further development is permitted.

5) The village consists of single dwellings in a linear form along the roadways, generally within large plots. The proposed development of four homes for this application is a in a cul-de-sac layout which is not in keeping with the overall design and visual amenity of the village. Taking alongside the other agreed and outstanding applications for this site, represents a total change in the village design and is not in keeping with our draft Neighbourhood Development Plan (currently being submitted under Regulation 16). It is contrary to the views expressed during extensive consultation with residents under the Neighbourhood Plan process.

6) The proposed development is outside of the development area identified within our draft Neighbourhood Development Plan.

Considerable concern has also been expressed by residents that potential construction traffic if the current application and two undecided applications receive permission, would result in considerable disruption for the entire village and potentially block the access road for residents and possibly emergency vehicles. Conditions relating to hours of work, damage to the road, drainage channels and verges would need to be considered during any construction.

Following amended plans

Dinedor Parish Council has considered the amendment to the proposals for this site at a meeting held on 23rd June and whilst welcoming the reduction in proposed dwellings from 4 to 3 and the revised layout which is more in keeping with the linear development within the village, still feels its letter dated 20th May applies in all other respects. In particular we would wish to reiterate that all the proposed development on adjacent sites should be considered as a single entity albeit submitted by separate developers.

5.2 To date a total of five representations have been received, stating the following points:

- Along with the adjacent applications this could lead to 14 new properties in a short distance;
- No local amenities in the village
- Impact upon traffic on local roads
- Limited visibility from the village road onto the B4399
- Impact upon local residents
- Development not in keeping with existing liner development
- Road has no passing places other than private drives
- Concerns over surface water flooding on the road
- No transport links

5.3 No further letters were received following the publishing of amended plans (site notice displayed on 24th June 2020).

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=201220&search-term=201220

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."

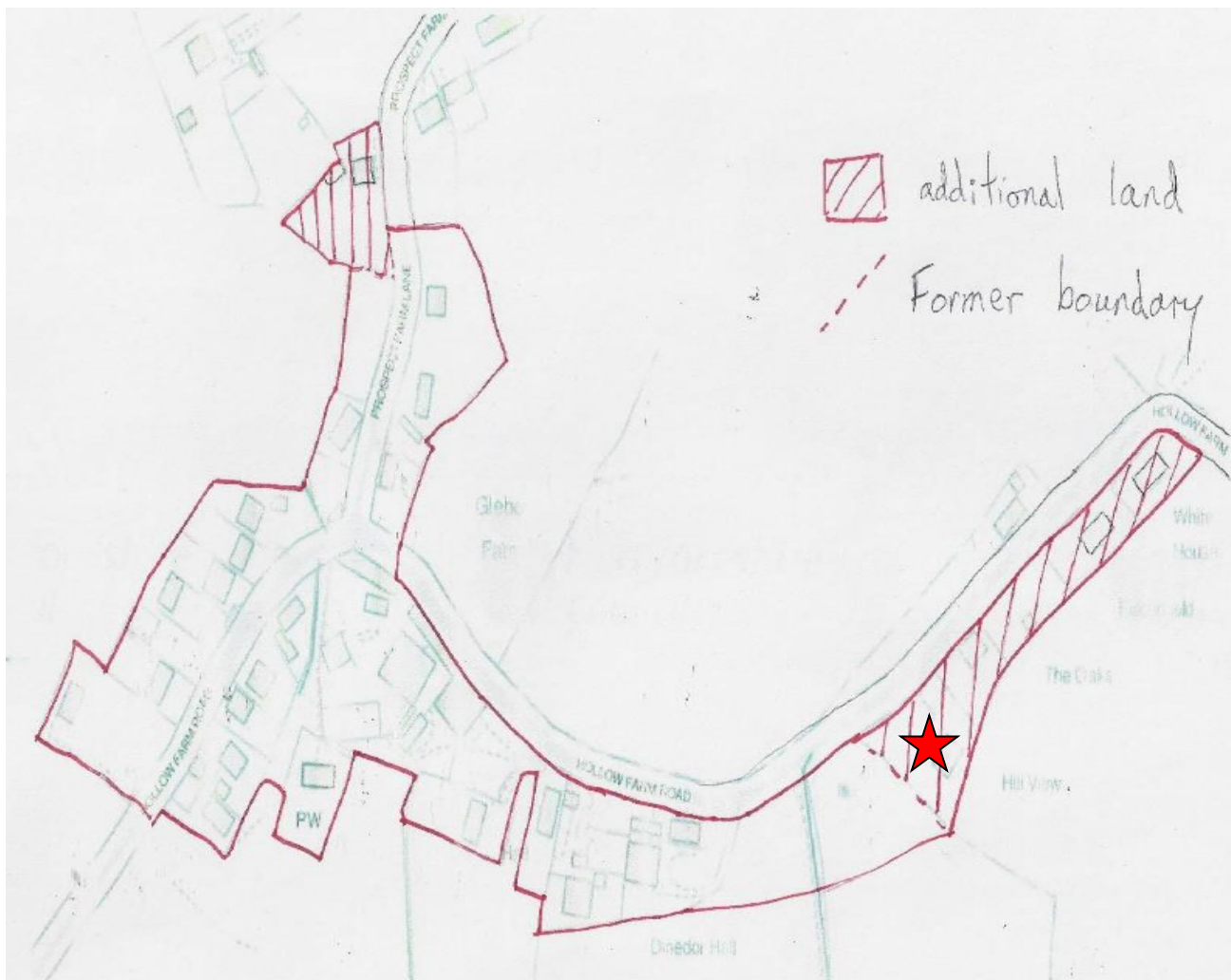
6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Dinedor Neighbourhood Area. As reported above, the Examiners report was received on 26 February 2021 and its recommendations are a material consideration which must be afforded weight. Subject to the recommendations being endorsed by the Council, the DNDP would be afforded significant weight whilst it awaits the necessary Referendum. A decision on the Examiners report is expected in the week commencing 8 March 2021 and a further update as to the status of the DNDP will be provided in the Schedule of Updates.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made and on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

- 6.4 Policy SS1 states that Herefordshire Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development, which fully accords with the aims of the National Planning Policy Framework (NPPF). The approach to housing distribution within the county is set out in the Core Strategy 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.
- 6.5 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.6 It is acknowledged that, at this point in time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that the updated position in Herefordshire stands at 4.22 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.
- 6.7 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.8 Housing in the rural parts of the county is delivered across the settlements identified at figures 4.14 and 4.15 under Policy RA2. 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. Dinedor is a settlement listed under figure 4.15.
- 6.9 The preamble to Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are not in place, a site's relationship with the main built up part of the settlement will be assessed, where new residential development should be within or adjacent to such areas. As stated above, the NDP is afforded significant weight at this stage.



- 6.10 The site is indicated on the plan above by the blue star. Following the Examiners Report received on 26 February 2021, the Examiner amended the extent of the settlement boundary to include the recent permissions within the village and as such the site of Hill View is now located within the defined settlement boundary of the emerging NDP, as shown in the Examiners settlement boundary sketch below, with the site indicated by the red star.
- 6.11 I am also mindful of the outline scheme for five dwellings at The Oaks to the north east (ref: 174700). Further, applications P193328 and P193229 have been approved in outline form directly adjacent to this site to the west. All three applications are demonstrating a linear form of development in a build line with the proposed development on Hill View.



6.12 Policy RA2 further states that if it is located within or adjacent to the main built up part of the settlement the following criteria should be met:

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

6.13 This part of Dinedor is largely represented by dwellings within their own plots comprising of ribbon development with the majority of dwellings fronting and addressing the public highway as it sinuously winds its way through the village.

6.14 Amended plans received on 5 June 2020 demonstrate that amendments to reduce the overall number of dwellings on the site shows a characteristic linear form of development with the properties fronting the road providing a strong relationship to the road. It is considered that this indicative proposal complies with the requirements of CS policy RA2 criteria 1 in that it follows the form, layout and character of the surrounding development within the village.

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

- 6.15 Whilst the DNDP policy sets out that “*small scale proposals for new market and affordable housing will be supported within the village settlement of Dinedor, shown on Figure 6a, Policies Map.*” The policy only seeks to support developments of small scale developments, thus I don’t consider the proposal for 3 dwellings to be directly in conflict with this aspect of the policy.
- 6.16 In addition, the site is considered a brownfield site which further meets criteria 2 of CS policy RA2.
- 6.17 Overall, it is considered that the principle of development on this site, for three dwellings is fully in accordance to the CS policy RA2 and Policy A of the emerging Dinedor NDP.

Access and parking

- 6.18 Policy MT1 of the CS and NPPF guidance 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.
- 6.19 The application seeks to utilise the existing access into the site, this access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently, providing sufficient visibility splays in each direction. With regard to the impacts on the road and the associated traffic as a result of a three dwelling scheme, this is not found to amount to a ‘severe’ level. This is reinforced through the lack of objection to the proposal from the Team Leader Area Engineer.
- 6.20 The junction of B4399 and U72009 (some 420 metres from the site), has been raised as a concern by residents and although it is acknowledged that the visibility is restricted at the junction there are no officially recorded accidents at the junction and the junction has not been included in the Countywide accident cluster list. Therefore, it is not considered that this application will cause significant additional traffic that would amount to a severe impact level. Overall the proposal complies with CS policy MT1.

Ecology

- 6.21 Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.22 The application has been supported by a preliminary Ecological report, followed by additional submissions of a Reptile survey and Bat report on 5th October 2020, which makes several recommendations. The Principal Natural Environment Officer (Ecology) has had sight of the assessments and does not object to their conclusions. The reports will be conditioned to be carried out on any approval.
- 6.23 With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with CS policies LD2 and LD3.

Drainage

- 6.24 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).
- 6.25 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.26 The application form accompanying the submission states that foul water will be disposed of via private package treatment plants for each dwelling with the outfall utilising a shared managed soakaway field. Surface water will be managed through on site soakaway-infiltration systems. With these methods aligning with the aims of policies SD3 and SD4, and given the area of the land within the applicant's ownership, they are considered acceptable and the proposal complies with CS Policies SD3 and SD4.
- 6.27 The development has been the subject of an Appropriate Assessment under the Habitat Regulations. The HRA AA concluded that subject to conditions there would be no likely significant effect upon the River Wye SAC. Natural England has been consulted on the completed HRA with details of the condition recommended by the Council's Ecologist. Natural England confirmed no objections to the proposal. The strategy conforms to CS policies SD3 and SD4 and following Natural England agreement will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Climate Change

- 6.28 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.29 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this, paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

- 6.30 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.31 The agent has submitted a completed Climate Change checklist which states that a number of measures listed within the checklist will be considered to be included at the Reserved Matters stage when detailed designs have been developed.

Heritage

- 6.32 There is no Conservation Area designation within Dinedor but there are a number of designated and undesignated heritage assets within the locality. The Grade II listed Church of St Andrew and the Grade II listed Glebe Farmhouse, and the Grade II Listed roadside barn are worthy of note as designated assets, the land to the south of the Church is also the site of a former mediaeval village, which is a Scheduled Ancient Monument. All four heritage assets are situated within 300m to the south west of the proposed site, and the character of the settlement forms part of their setting, and influences how they are experienced. In addition, a number of other historic buildings within the settlement, including Dinedor Hall and Brookfield, are considered non-designated heritage assets due to their age, architectural merit and associative value.
- 6.33 In this regard there is a statutory provision pursuant to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to their setting. This provision is underpinned by the requirements of CS policy LD4 to protect, conserve and where possible enhance the character and setting of heritage assets.
- 6.34 The proposed scheme will retain the existing domestic plot dimensions, and although it will increase the density of development in this gateway location, the amended plans demonstrating the linear form of three dwellings set back into the site maintain the established building line and would not impact upon the streetscape and landscape character.
- 6.35 With no technical objection from the Principal Buildings Conservation Officer, it is considered that the proposed development will not harm the setting of heritage assets and would therefore accord with National policy and the CS policy LD4.

Conclusion

- 6.36 CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government’s view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.37 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.
- 6.39 The site is located within the settlement boundary of the emerging DNDP following the receipt of the Examiners Report, and given the proposal is for up to three dwellings it is considered that this is small scale and therefore fully compliant to the NDP policy A. In assessing the location and proximity of the site to the main built up part of the settlement, I am also content that the site accords with the aims of policy RA2.

6.40 In assessing the three elements of sustainability:

Economic

6.41 Economic benefits would be derived from the construction of three dwellings and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. The impact of three new dwellings as proposed would result in modest benefits.

Social

6.42 The provision of housing, in the context of a shortfall, would contribute to the supply and the social needs of the county. In addition occupiers could contribute to village life at the village hall and Church, as well as potentially supporting other facilities in other villages in the locality (the primary school and colleges at Holme Lacy for example). It is recognised that this could help to provide towards the population to help sustain them and three new dwellings would make a modest contribution in this regard.

Environmental

6.43 The site is within the main built up area of the settlement, and indeed located within the proposed settlement boundary, the settlement has been identified as being suitable for proportionate growth, and as such is considered to be locationally sustainable within the current policy framework. In landscape terms, the site is not in a protected landscape nor is it the subject of any site specific heritage designations, although the setting of designated and undesignated heritage assets has been assessed. Whilst it is recognised that there is some opposition to the impact of the proposed development upon the character of the village, the set back linear form proposed and existing developed nature of the site mitigates the visual impact and whilst officers do not consider there to be harm in this instance, were this to be identified, it would not be adverse nor is it considered that it would outweigh the NPPF presumption in favour of development.

6.44 Having undertaken an overall assessment of the proposal in light of its economic, social and environmental impacts as required by the NPPF, it is considered any economic and social benefits would be modest. The environmental impacts are limited for the reasons set out above and lead officers to conclude that the proposal is representative of sustainable development and approval is therefore recommended.

RECOMMENDATION

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

- 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. C06 - Development in accordance with the approved plans**
- 5. CBK - Restriction of hours during construction**
- 6. CE6 - Efficient use of water**

7. **A Construction Site Waste Management Plan shall be submitted to and approved by the LPA prior to development commencing on site to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:**
- (i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;**
 - (ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;**
 - (iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and**
 - (iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling. Construction works shall thereafter be carried out in full accordance with the CEMP Sub-Plans.**

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core.

- 8. **CAB - Visibility splays**
 - 9. **CAD - Access gates**
 - 10. **CAE - Vehicular access construction**
 - 11. **CAH - Driveway gradient**
 - 12. **CAI - Parking - single/shared private drives**
 - 13. **CAT - Construction Management Plan**
 - 14. **CB2 - Secure covered cycle parking provision**
 - 15. **The ecological protection, mitigation, compensation and working methods scheme and any required European Protected Species Mitigation Licence (Bats), as recommended in the ecology reports (Reptile and Bats) by Star Ecology dated 23rd September 2020 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.**
- Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.**
- 16. **Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features**

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect 'hotels', wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

17. a) At no time shall any external lighting except in relation to safe use of the approved dwellings be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.
- b) No external lighting should illuminate any biodiversity enhancement, boundary feature, highway corridor or adjacent habitats.
- c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.

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 (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

18. All foul water shall discharge through connection to new plot specific private treatment plants with final outfall to suitably sized 'shared' soakaway drainage field on land under the applicant's control 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 SS6, LD2 and SD4

19. All surface water shall be managed through plot specific soakaway and infiltration features 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 SS6, LD2 and SD3.

20. Prior to first occupation of any property approved under this permission details of how all the shared aspects of the foul drainage scheme will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4

- 21. Prior to the commencement of any works on site a tree-hedge row 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 full duration of the construction phase.**

No trees over 75mm diameter shall be lopped, topped, pruned or removed without the prior written consent of the local planning authority

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).

- 22. All planting, seeding or turf laying in the approved landscaping scheme pursuant to condition 3 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 23. Prior to the first occupation of any dwelling of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

INFORMATIVES:

- 1. IP2 - Application Approved Following Revisions**

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

- 2. I11 - Mud on highway**

- 3. I09 - Private apparatus within highway**

- 4. I45 - Works within the highway**

- 5. I05 - No drainage to discharge to highway**

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

- 6. I47 - Drainage other than via highway system
- 7. I35 - Highways Design Guide and Specification

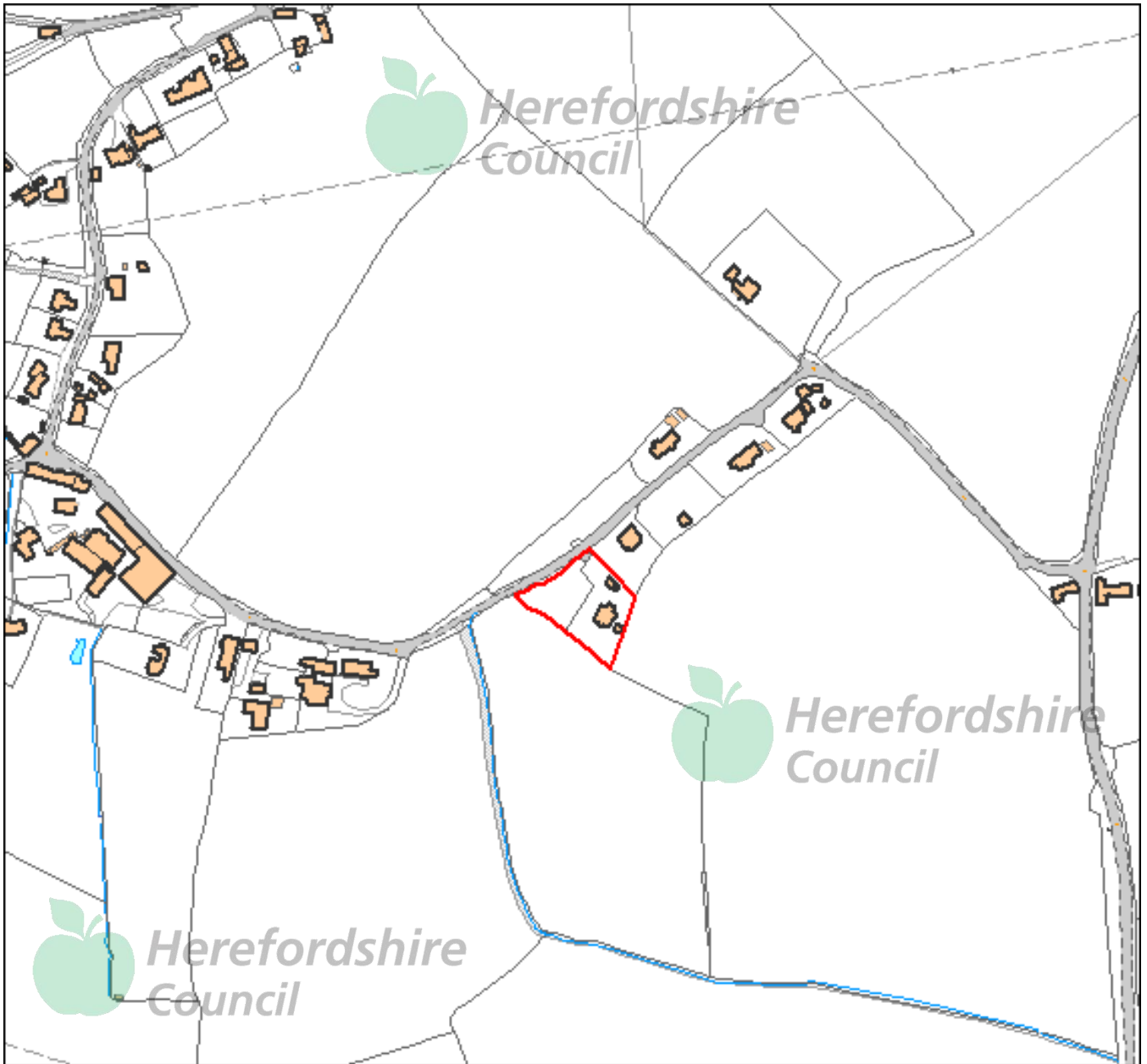
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201220

SITE ADDRESS : LAND AT HILL VIEW, DINEDOR, HEREFORDSHIRE

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