

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	4th August 2021
TITLE OF REPORT:	204346 - PROPOSED DEVELOPMENT OF TWO DWELLINGS. AT LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204346&search-term=204346
Reason Application submitted to Committee – Redirection	

Date Received: 8 December 2020
Expiry Date: 12 February 2021

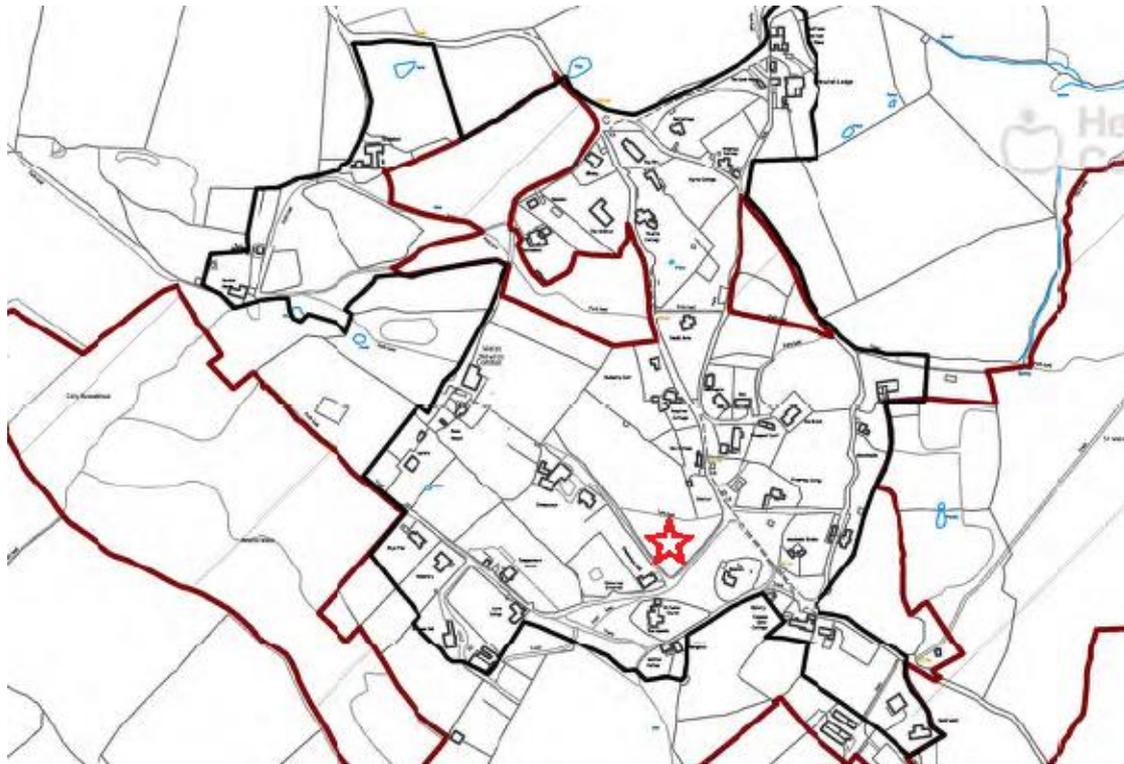
Ward: Llangarron

Grid Ref: 351152,217486

Local Members: Cllr Swinglehurst

1. Site Description and Proposal

- 1.1 The application site comprises part of a field lying on the corner of St Wulstans Road and a private street in the centre of Welsh Newton Common. The site is bounded by trees along the roadside and while there is an access gate in the eastern corner into the wider field, this is not contained within the application site itself.
- 1.2 The wider field benefits from two large beech trees and a field shelter. The private road that runs along the southern boundary used to lead to a Post Office which has now closed.
- 1.3 The map below shows the location of the site (marked by the red star) within the settlement and in relation to the surrounding properties.



- 1.4 The site is not located within an Area of Outstanding Natural Beauty nor is it in a Conservation Area. There are no Listed Buildings within the immediate vicinity. There are no other designations on site.
- 1.5 The application follows two previous applications (191286 and 200954). The first application was refused for the following reason:
- The proposed development by reason of its design and scale would have a detrimental impact on the character of the area. The proposal also includes a scale of dwelling that conflicts with the Welsh Newton & Llanrothal Group Neighbourhood Development Plan in terms of ridge height and number of bedrooms. Accordingly it is considered that the proposal is contrary to policies SS6, RA2 and SD1 of the Herefordshire Local Plan – Core Strategy, policies WNL4 and WNL5 of the Welsh Newton & Llanrothal Group Neighbourhood Development plan and the guidance provided by the National Planning Policy Framework. This proposal seeks permission for the erection of two dwellings and a new single access point off the private street.*
- 1.6 The subsequent application (which was amended to relate to only two dwellings) was the subject of an appeal against non-determination which was dismissed but on the sole ground that the Inspector concluded that there was insufficient certainty in relation to the long term maintenance of the drainage solution to conclude that there would be no likely significant effect on the River Wye Special Area of Conservation (SAC)
- 1.7 The dwellings proposed are detached, one and a half storey, three bedroom properties with communal living space on the ground floor and bedrooms above.
- 1.8 Both dwellings will be constructed from facing stonework on the front elevations with areas of render on the other elevations, with natural slate roofs and aluminium/timber windows.
- 1.9 The ridge height for the proposed dwellings is 6.0 metres. Plot 1 has 203sq metres of usable floorspace, and has a detached garage. Plot 2 has 155sq metres of usable floorspace and has an attached garage to the dwelling.
- 1.10 The elevations of the two dwellings can be seen below:

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



Plot 1



Plot 2

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
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 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 **Welsh Newton and Llanrothal Group Neighbourhood Development Plan (NDP)**
Made September 2019 and full weight can be afforded to the Plan. (although there are no allocated sites)
Policy WNL1 - Protecting and Enhancing Local Landscape Character
Policy WNL2 - Green Infrastructure
Policy WNL3 - Protecting and Enhancing Local Wildlife and Habitats
Policy WNL4 - Building Design Principles
Policy WNL5 - Welsh Newton Common Settlement Boundary and New Housing
Policy WNL11 - Supporting New Communications Technologies and Broadband
Policy WNL13 - Renewable and Low Carbon Energy Development

2.3 **National Planning Policy Framework (NPPF):**

- Chapter 2 - Achieving sustainable development
Chapter 4 - Decision making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 6 - Building a strong, competitive economy
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

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

3. **Planning History**

- 3.1 P191286/F – Proposed development of two dwelling – Refused 22/1/2020
Appeal Dismissed 20/11/2020

This application was refused at Planning committee and was subsequently dismissed at appeal (APP/W1850/W/20/3255238) for not being in accordance with Core Strategy and NDP Policies, the Inspector concluded; *'Appeal A would harm the character and appearance of the area and conflict with Policies SS6, RA2 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies WNL4 and WNL5 of the NDP.'*

- 3.2 P200954/F - Proposed development of two dwellings – Non determination appeal
Appeal Dismissed 20/11/2020

This application was subject to a non-determination appeal (APP/W1850/W/20/3255329) and dismissed. The Inspector stated; *'there is not an executed planning obligation in front of me, the proposal cannot demonstrate that it would secure the required mitigation in perpetuity. Accordingly, there are residual risks that could give rise to significant adverse effects on the integrity of the SAC'* Concluding that; *'Appeal B would preserve the character and appearance of the area in accordance with those aforementioned development plan documents and policies, which among other things, seek to ensure that proposals are appropriately designed and respond to the local context.'even though Appeal B is acceptable in relation to effects on character and appearance, it must be dismissed in relation to uncertainty relating to mitigating significant adverse effects on the integrity of the River Wye SAC.'*

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water**

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

4.2 **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

4.3 **Principal Natural Environment Officer (Trees)**

No Objections – the recommended conditions listed below will provide adequate protection to the retained trees.

Conditions –

CK9 – (Welsh Newton Common Tree Report)

CKA (5 Yrs)

CKE

4.4 **Team Leader Area Engineer**

It is noted that this is a resubmission of previously submitted applications on this site. Upon review of the list of streets it is apparent that the initial connection is onto a private road which is not part of the local highway authority network. An extract of this plan is shown below for completeness.



The previous highways comments on this site resulted in no objection from the local highway authority due to the small scale of the development and low flows in this area of the network, as demonstrated in the traffic surveys undertaken as part of the previous applications. These comments are set out below:

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

- 1. The site has been visited several times and has been visited at different times of the day to match with the peaks highlighted in the surveys. During the site visits to assess the highway, the impact of two way flows resulted in vehicles requiring reversing and using passing places to negotiate the oncoming traffic. This is not unusual in a rural setting and is typical for the character and usage of the highway in this area. The existing vehicle movements have been recorded as low and the modest development will not bring the cumulative impact to the severe level as stipulated in the NPPF.*

2. *The approved NDP for the area highlights the Welsh Newton Common access road being a single track lane with a few passing places this makes the area unsuitable for any form of major development expect slow, organic growth. New development schemes should be small in scale and the Neighbourhood Plan may identify a preference or a maximum number of units in a single scheme. As yet the NDP have yet to propose a preference or maximum number of units in a single scheme, but it does appear to support development in the locale, and therefore the trips associated to it. The application proposes a development of two houses, this is in keeping with the approved NDP.*
3. *The NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The proposed development does not present an unacceptable impact on highway safety and does not provide impacts in regards to capacity.*

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

The current proposals do not alter this view. The traffic flow data sets out low peak hour flows commensurate with the character and usage of the highway network.

As with the previous applications managing the construction phase is a key consideration in the event that permission is granted and a construction management plan will be required to include delivery routing and timing where possible to avoid these natural peaks in flow. This will also include parking for site operatives within the site extents and wheel washing apparatus to show that mud will not be deposited from vehicles exiting the site.

In order to secure the proposed visibility splays onto the private infrastructure condition CAB is recommended at dimensions of 2.4m x 25m in accordance with drawing 924 PL04.

There are no objections from the local highway authority to the proposals, subject to the recommended conditions being applied.

4.5 **Principal Natural Environment Officer (Ecology)**

Habitat Regs. Assessment- River Wye SAC

The site falls within the River Wye SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies surface water and foul water as ‘likely significant adverse effects.

The application is a re-submission of the previous application refused in January 2020 Planning application 191286. Correspondence from David Kirk, dated 24th Feb 2021 included information relating to the previous application, which refers to that at appeal, *the Planning Inspector’s only objection stemmed from how best to secure the proper drainage of the development as he did not feel able to address this matter by Condition.*

In relation to a separate application at the same site, correspondence from Natural England Dated: 11th August 2020, NE ref: 323747 Application ref: 200954 Natural England did not object to application 200954.

Land Drainage have requested the submission of further Drainage details for the above application 204346 to be secured by Condition with any approved decision.

The application must demonstrate the required information to support a positive AA. Ecology is unable to Condition prior to determining the impact of the development upon the SAC.

Ecology request an up to date Foul and Surface water layout should be submitted with the corresponding percolation calculations and trial pit details for the proposals 204346 prior to completing the Ecology Comments.

Further comments following additional information

The site is within the River Wye SAC catchment; the previous application 191286 submitted April 2019 was prior to significant case law (Sweetman, Dutch Nitrogen etc) and other changes in the Habitat Regulations Assessment process and consequently a whole new HRA appropriate assessment process is now triggered in respect of this new, current application.

The updated 'AA' completed by the LPA should be subject to a formal 'no objection' response from Natural England PRIOR to any grant of planning consent. The following notes are made in respect of the new appropriate assessment:

- The Drainage Strategy Report by Morton Roberts Consulting Engineers Limited ref 0923/R02 dated May 2019 refers. In this application Plot 1 shown in strategy is now omitted but the rest of the proposed scheme and location plans for the treatment plant and drainage fields remain unchanged. The drainage field may be resized as relevant at proposed location to accommodate the reduced flows from just two dwellings.
- The applicant proposes the use of a 'shared' private foul water treatment system (Package Treatment Plant) as a mains sewer connection is not achievable at this location.
- The shared PTP and the associated shared ground water soakaway drainage field are on land under the applicant's control.
- The ongoing ownership and maintenance of the shared foul water system (and any shared surface water systems) will be secured through a responsible maintenance company subject to a relevant condition on any planning consent granted.
- The LPA has no reason to consider that the proposed foul and surface water schemes cannot be achieved at this location.
- There are no identified pathways for any remaining nutrients (including phosphates) to enter the River Wye SAC from the foul water/surface water scheme as proposed.

Other Ecology comments

These remain the same as for the previous application 191286 as no information to the contrary of original reports has been supplied. The original reports and relevant mitigation and working methods were sufficiently thorough and detailed such that no update is considered as being necessary in support of this new application. The applicant and their contractors are still subject to all relevant statutory wildlife protection legislation current at the time any works are carried out and grant of a planning consent would not amend or change this legal obligation. The supplied report provides clear details of relevant dormice ecological working methods, mitigation and enhancement measures. All works will be supervised by a suitably licensed ecological clerk of works. The LPA should secure these recommendations and actions through a relevant condition on any planning consent granted; notwithstanding this Condition the applicant and their contractors are also still bound to comply with all relevant wildlife protection legislation (Wildlife & Countryside Act and Conservation of Habitats and Species Regulations) that sit separately to and above any planning regulations.

The wider ecological assessment for the site prepared by Wilder Ecology dated October 2018 is noted and is still valid and relevant. The recommended ecological working methods and mitigation measures, including those for Great Crested Newts (excepting Dormice covered in more detail in a further species specific survey and report) should be secured through a relevant condition.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested.

4.6 **Commons Registration Officer**

The access to the site goes across registered common land CL54 Welsh Newton Common. The common is registered as having no known owner. Any works to the common will need a section 38 consent from the planning inspectorate.

4.7 **Drainage Consultant**

Fluvial Flood Risk

Review of the Environment Agency’s Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA’s Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations

Review of the EA’s Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Surface Water Drainage Strategy submitted to support the planning application includes plans relating to a previous planning application for three houses on the same plot. The surface water drainage strategy has not been amended to reflect the change from 3 houses to 2 houses. This can be provided as part of suitably worded planning conditions. As previously stated, an acceptable infiltration rate of $1.6 \times 10^{-5} \text{m/s}$ has been established. It is understood and agreed that all surface water runoff will be directed to a soakaway (to accommodate the 1 in 100 year + 40% climate change event). We would expect to see calculations to demonstrate this. It has been stated that a maintenance company would be responsible for any shared drainage features and the shared permeable pavement. It is stated that the permeable pavement will include check dams (parallel with the contours) due to the slope of the site.

Foul Water Drainage

Similarly, to the surface water drainage aspect, the foul water drainage strategy has not been amended to reflect the change from 3 houses to 2 houses. As the population is decreasing, we do not object or have concerns in regard to the foul water drainage strategy. The previous foul water management proposals was to provide 1 package treatment plant to serve Plots 1, 2 and 3. A management plan is required to outline the responsibility and maintenance of the package treatment plant and drainage field. It has been stated that a maintenance company will be responsible for the package treatment plant and drainage field. The land on which these features are located should be jointly owned by the residents. A Vp value of 20.8 has been established through infiltration testing. Updated calculations should be provided to demonstrate that the drainage fields have been correctly sized. An Environmental Permit is required for the discharge of treated effluent from this package treatment plant as it exceeds 2m^3 per day.

Overall Comment

We do not object the proposed development; however we request information is provided within suitably worded planning conditions.

5. Representations

5.1 Welsh Newton and Llanrothal Parish Council

Welsh Newton and Llanrothal Group Parish Council wish to OBJECT to this application for the following reasons:

- It does not satisfy NDP Policy WNC1 – meet the need for affordable housing
- It is contrary to NDP Policy WNL1 – enhancing the local character, wildlife and habitat of the area
- It is contrary to Policy LD2 as there are protected species (Dormice) known to be living in the hedgerows.
- The hedgerows earmarked for removal are on common land.
- The highway to the property is unsuitable for an increase in traffic.
- There is concern that the drainage from this site will impact on the Lower Wye SAC
- There is nothing in the application in response to the Climate and Ecological Emergency
- The application is lacking in detail
- Access to the site is over common land.

5.2 In response to the public consultation a total of 37 objections were received, stating the following points:

- Potential residential amenity loss through overlooking
- Great crested newts are within the pond 50m from the site
- Run off of water from the site to the road could cause issues
- Could do with more to tackle climate change and future proof homes
- Not meeting any affordable need
- Ecological survey submitted is inadequate
- The PTP will be on land retained by the applicant
- Public highways and road infrastructure to the village and the site are unsuitable for further traffic
- HRA not undertaken by the applicant
- Development proposed on green belt land
- Limited parking and turning in the area
- Given the UN report on biodiversity and human impact on the natural world, it would seem inappropriate to allow two dwellings to be erected in such rural setting without immediate purpose or benefit to the local community
- Impact on visual amenity of the area
- No services / amenities for housing to support
- No economic benefit from the plans
- Proposal infringes on common land
- Potential for impact upon TPO
- Parish has met housing need quota
- No improvements to infrastructure
- Not sustainable development and reliance on the car
- Loss of agricultural land
- Construction traffic would cause congestion
- Drainage on site not capable of supporting the development
- Scale and size is in contradiction to Core Strategy and NDP policies
- Impact upon settlement pattern and harm character of the area
- Potential impact upon European species in the area

- 5.3 Two letters of support were received raising the following points:
- Previous reason for refusal have been addressed
 - The Inspector was content with all aspects of the proposal but was missing the S106 agreement
 - The County needs more housing
 - This is a small development, an ideal addition to the village
 - Many houses in Welsh Newton Common have had extensions allowing existing residents to be able to stay, but they are the ones protecting against new development
 - Highway consultants do not agree that traffic is an issue
 - Housing targets are set as minimum not maximum
 - Small increase of 2 dwellings will not have a material impact upon life in the village, it provides slow and steady expansion

- 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=204346&search-term=204346

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) and the Welsh Newton and Llanrothal Neighbourhood Area which published a made Neighbourhood Development Plan (NDP) on 13 September 2019. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. This policy states:

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

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

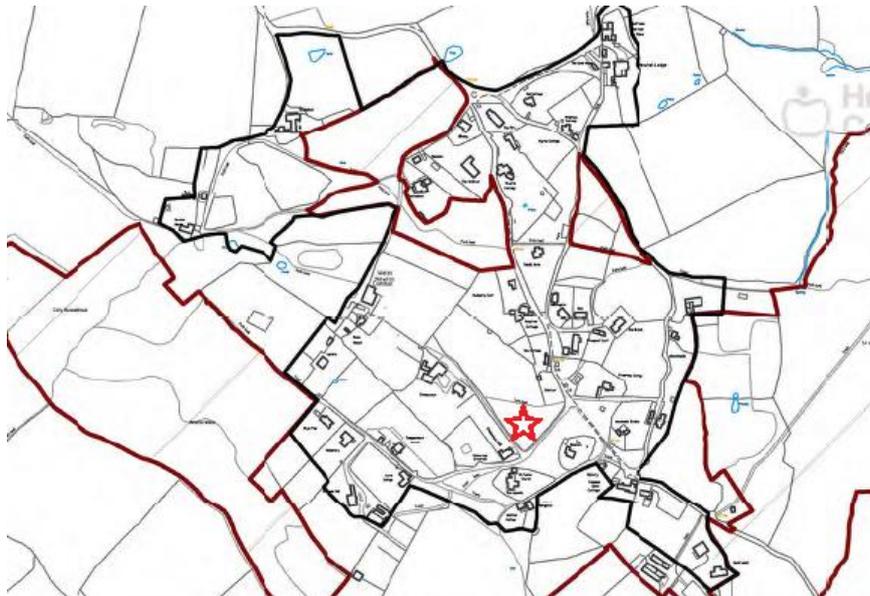
Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

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

6.4 Following the recent publication of the 5 year housing land supply, it is confirmed that the Council is now unable to demonstrate a five year housing land supply (6.9 years), the result of which is that the tilted balance set out at Paragraph 11d of the Framework no longer applies. Development proposals should now be considered more simply in relation to their compliance with the Development Plan and other material considerations:

Location of residential development

- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.7 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Welsh Newton Common is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 61 dwellings being required across the plan period.
- 6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Welsh Newton and Llanrothal NDP has been made and therefore forms part of the Development Plan for the county.
- 6.9 Policy WNL5 of the NDP states that proposals for new market housing will be supported within the identified settlement boundary in Welsh Newton Common. The following map includes the black line of the settlement boundary with the site being indicated by the red star:



6.10 It is clear from the above that the site is located within the centre of the settlement. Notwithstanding this, policy WNL5 goes on to state other criteria that a proposal should meet. This includes:

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

6.11 With the proposal seeking planning permission for the erection of two dwellings, the scale is supported by this policy. Also, noting the location of site in the centre of the settlement, surrounded by existing dwellings, it is not considered that the site is isolated. Welsh Newton Common is largely made up of individual, detached dwellings, often in their own plots – although there are examples of shared accesses in some cases. The siting of the two dwellings is found to have been influenced by the surrounding development in that they are different in form from one another (this will be touched on further below) and continue the largely wayside pattern of the settlement. It is acknowledged that the proposal will utilise a small paddock and that the NDP recognises the contribution these make to the character of the area. However, the utilisation of this site which is located adjacent to other dwellings is not considered to be detrimental to the overall character of the settlement as a whole.

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

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

6.13 There is no definition within the NDP as to what a ‘made up road’ is, but the intention to limit the areas for development is noted. St Wolston’s Road is tarmacked and runs through the centre of the settlement. As such, it is not considered unreasonable to assume this constitutes at least one

made up road. It is also considered that the way the term has been included within policy WNL5, it is not unreasonable to assume there is more than one made up road within the settlement (the policy is written as 'a' made up road, not 'the').

- 6.14 Given that the private street off which the site will be accessed relatively recently served the Post Office, its construction (hard based with gravel) and the proximity to St Wulstans Road, I do not find the erection of dwellings off this road to undermine the 'made up road' inclusion within this policy. The intention to limit development as a result of its inclusion is appreciated and the proposal puts forward two dwellings in the centre of the settlement boundary. This is not found to be a location that compromises the aims of policy WNL5.
- 6.15 Therefore, in principle the proposal is acceptable and in accordance with planning policy. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design and amenity

- 6.16 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.17 The above is reinforced through policy WNL4 of the NDP which states, amongst other things; care should be taken to ensure that building(s) height, scale, and form do not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views; building materials are encouraged that retain the character of the settlement such as natural red sandstone, mellow red brick, timber or timber style windows and slate or tiled roofs and Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m.
- 6.18 The dwellings proposed are detached, one and a half storey properties with communal living space on the ground floor and bedrooms above. The elevations of the two dwellings can be seen below:



- 6.19 In terms of the scale of the buildings proposed, the ridge height measures 6m – a limit included within policy WNL5. The height and designs have been amended since the previous application

(P191286) was dismissed at appeal, to reduce the overall height to 6 metre to be in line with the WNNDP policy WNL5 and overcoming the previous reason for refusal. This was recognised by the Inspector in the more recent appeal.

- 6.20 Both dwellings will be constructed from facing stonework elevations with areas of render with slate roofs and aluminium/timber windows. Noting the dwellings nearest the site comprising of render and stone, these materials are not found to be out of keeping with the locality or unacceptable in principle. However, it is found to be appropriate to condition exact details and finishes of the materials on any approval.
- 6.21 The agent has confirmed that photovoltaic panels and an air source heat pump will be installed, secure cycle storage and the provision of an electric charging point will also be part of the scheme and will be conditioned. The sustainability credentials of the proposal have also been touched on within the Design and Access Statement and states the following:

The dwelling has been designed to exceed current building regulation requirements for thermal performance, highly insulated timber framed walls and roofs with continuous external insulation to eliminate cold bridges within the structures.

- 6.22 Turning now to amenity impacts, each dwelling will benefit from adequate private gardens to the rear. Given the orientation of the dwellings, there are not found to be detrimental issues of overlooking for future occupiers of either dwelling. In relation to existing properties, the location of Steepways (formerly the Post Office) to the west is noted, There are no windows in the western elevation of Plot 1 therefore it is considered that there will be no issues of overlooking to the neighbouring property. In addition, given the separation of approximately 15.5m, the intervening track to Steepways (which runs along the western boundary of the site) and the hedge to be retained along the boundary, issues of overshadowing are not anticipated.
- 6.23 In light of the foregoing, the design of the dwellings is found to have been influenced by the locality – the materials are in keeping with the surroundings and the differing form respects the adhoc way in which Welsh Newton Common has grown. The proposal is found to comply with policy SD1 of the Core Strategy and policy WNL5 of the NDP.

Access and Highway Safety

- 6.24 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 105 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 110 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. 111)
- 6.25 The foregoing is reinforced through policy WNL1 of the NDP which states that *proposals will be required to maintain the area's sense of tranquillity, through careful and sympathetic design of access and consideration of traffic impacts on local roads.*
- 6.26 As can be seen from the consultation responses from the Team Leader Area Engineer, the site has been visited several times (and at different times in the day) in order to assess the highways impacts as a result of two additional dwellings in this location. While the nature of the road does require some instances of reversing and the use of passing places, at the level of two dwellings this is not found to amount to a cumulative 'severe' impact. The proposed development does not present an unacceptable impact on highway safety and does not result in detrimental impacts in regards to capacity.

- 6.27 The Team Leader Area Engineer is aware of the representation from the Residents Group in terms of the traffic report but this does not alter the assessment of the impact that two dwellings (in combination with the additional dwelling considered earlier) in this location would have on highway safety.
- 6.28 With the proposal seeking permission for 2 x 3 bedroom properties, a minimum of 2 car parking spaces per dwelling are required to meet the standards contained within the highways design guide. The submitted block plan indicates this provision as well as turning areas so that any vehicle can enter the highway in forward gear.
- 6.29 The Team Leader Area Engineer has commented that managing the construction phase is a key consideration in the event that permission is granted and a construction management plan will be required to include delivery routing and timing where possible to avoid these natural peaks in flow, this is to be included within the list of planning conditions.
- 6.30 At the level of development proposed, the highway impacts are not found to represent a reason to refuse the application. The associated impacts on highway safety and the capacity of the road would not result in the residual cumulative impacts being classed as severe. As directed by the NPPF, and corroborated by the lack of objection from the Team Leader Area Engineer, refusal on highways grounds is not found to be justified. With this in mind, as well as the proposed internal layout, the application is found to meet the aims of policy MT1 of the Core Strategy and WNL1 of the NDP.

Ecology and trees

- 6.31 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.32 The application is accompanied by a Tree Report and Survey and Ecological Assessment and Mitigation Method Statement. The survey makes several recommendations including the timing of any hedgerow removal, the type of species to be included within re-planting and bird and bat enhancements. The Council's Ecologist has viewed this and is happy with the findings and recommendations, subject to these being conditioned on any approval. With the site falling within the River Wye Special Area of Conservation (SAC) catchment, a Habitat Regulations Appropriate Assessment (HR AA) has been sent to Natural England for their approval. They have confirmed they have no objections to the proposal.
- 6.33 A full ecological survey was submitted with the application which the Council's Ecologist has reviewed and the recommendations are agreed with. The Council's Ecologist has recommended conditions to ensure the recommendations and working methods detailed within the report are followed and fully monitored by a Licence holding specialist for both dormice and Great Crested Newts. In terms of light pollution, a condition will be attached to any approval (as suggested by the Ecologist) so that no external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.
- 6.34 For the avoidance of doubt, the recent appeal was dismissed only on the grounds that the Inspector considered that a S106 Agreement was required to ensure that there would be lifelong management of the shared elements of the foul and surface drainage in place. The Local Authority do not consider that such an agreement is necessary or required in this circumstance and the new HRA was completed which details a condition for the requirement for lifelong management plan which will provide sufficient security for the management of the scheme.

- 6.35 With regard to the impacts on the trees on the site, the Council's Tree Officer has viewed the submission and does not object to the scheme. The site does not benefit from any Tree Protection Orders, but a condition ensuring those trees proposed to be retained, will be attached to any approval as well as the development being carried out with the submitted tree survey and specifications of tree planting.
- 6.36 In light of the foregoing, and following the submission of amended plans and additional information, the proposal is found to comply with the aims of policies LD2, LD3, SD3 and SD4 and all reasonable and responsible measures have been taken such as to ensure the LPA legal duty of care has been exercised.

Drainage

- 6.37 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.38 Foul water will be disposed off using private treatment plants with outfall into soakway drainage fields. Surface water will be disposed off using a Sustainable Urban Drainage system. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site.
- 6.39 The drainage strategy has not been updated since the previous application which was for three dwellings, however it is noted that the proposal is reducing the number of dwellings to two, as it was when it went through the appeal process. Notwithstanding this, the Council's Land Drainage Consultant, having visited the site and noting that the population within the development is decreasing, is happy with the proposal. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.

Other matters

- 6.40 In terms of the hierarchy matrix that was used to determine the settlements for proportionate growth under policy RA2, the Core Strategy is adopted and therefore forms part of the Development Plan for the County. Any concerns relating to the inclusion of Welsh Newton Common as a RA2 settlement should have been submitted during the consultation of that document. This does not represent a reason to refuse a planning application now being considered.
- 6.41 It is acknowledged that the site will cross common land in order to gain access to the site. However, any such agreement would be the subject of a Section 38 consent under the Commons Act and separate to the granting of any planning permission. Notice was served in the newspaper as a result of there being no known owner of the common and as such the planning application is valid and capable of being assessed. In addition, the Commons Registration Officer has no objection.

6.42 The housing targets within the settlement are a minimum. Considering the 14% indicative growth required across the Ross on Wye Housing Market Area, a total of 14 new houses are required within the Parish between 2011 and 2031. As of April 2020 there was a total of 13 completions and 3 commitments meaning that the target has been surpassed by 2 dwellings (3 in the event that the earlier application on this agenda is approved). However, in view of the proposals compliance with the Development Plan, the very minor exceedance of the minimum target within a Parish is not a justifiable reason to refuse an application as it is found to be acceptable in all other respects.

Planning balance and conclusion

6.43 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.

6.44 The Welsh Newton and Llanrothal NDP is made and therefore forms part of the statutory development plan for the county and is the most up-to-date policy relating to development within the Parish. The site lies within the settlement boundary identified under policy WNL5 of the NDP and therefore the principle of development is accepted. In terms of the scale of the proposal and location adjacent to existing dwellings, the scheme is policy compliant in this regard also. The lack of definition in relation to a 'made up road' is acknowledged but the proximity to St Wulstans Road, the construction of the private road and that it relatively recently served the post office are all appreciated and two dwellings off this are not found to be unacceptable outright or undermine the inclusion of 'made up road' in the NDP after the Examiner's report.

6.45 The design of the dwellings are found to be in keeping with the variety within Welsh Newton Common as a whole – they take reference from traditional proportions and materials. They also avoid issues of overlooking or loss of light for both future occupants and existing residents. The size and scale of the dwellings are in accordance with the NDP policies WNL5 and WNL4.

6.46 The local concerns in relation to highways impacts as a result of the proposal are appreciated, but they are not found to amount to severe which would justify refusing the application in light of the direction provided the NPPF. Following the submission of amended plans and additional information the ecological and tree impacts are also found to be policy compliant.

6.47 While the concerns in terms of ecology by local residents are acknowledged, the Council's Ecologist and Tree Officer are satisfied with the proposal and the information supplied. The inclusion of the condition for the management of the site, the LPA have taken all reasonable and responsible measures to ensure our legal duty of care.

6.48 Given the lack of objection from highways, ecology, trees, Natural England and land drainage, the proposal is found to be technically compliant.

6.49 This application overcomes the requirement for the S106 due to the recommended condition number 21 below, which seeks for full details of a management plan for the shared elements of the foul and surface water drainage system prior to first occupation and for the lifetime of the development.

6.50 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. The scheme will bring forward two policy compliant dwellings with the associated economic and social benefits that small developments in rural settlements support.

RECOMMENDATION

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

That planning permission be granted subject to the following conditions:

1. Time limit for commencement (full permission)
2. Development in accordance with approved plans and materials
3. Efficient use of water
4. Samples of external materials
5. C65 (Class A only with non standard reason linked to NDP policy)
6. Restriction of hours during construction
7. HRA New Private Treatment Plant & Surface Water to Soakaway
8. Ecological Protection & Protected Species
9. Ecological Protection
10. Visibility splays 2.4m x 25m
11. Access gates
12. Vehicular access construction
13. Driveway gradient
14. Parking - single/shared private drives
15. Construction Management Plan
16. Retention of existing trees (5 years)
17. Trees In accordance with plans Welsh Newton Common Tree Report
18. Remedial Works
19. Habitat Regulations River Wye SAC – Foul Drainage Strategy

As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all foul water shall discharge through connection to a new shared private foul water treatment system on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

- 20. Habitat Regulations River Wye SAC – Surface Water Management Plan**
As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.
- 21. Habitat Regulations River Wye SAC – Foul and Surface Water Management Arrangements**
Prior to first occupation of any dwellings hereby approved details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the 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 comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.
- 22. Nature Conservation – Dormice (Protected Species)**
The working methods scheme, mitigation and enhancement features relating to Dormice as detailed in the Dormice report by Natasha James on behalf of Wilder Ecology supplied December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.
Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.
- 23. Nature Conservation – Ecology Protection, Mitigation**
The ecological protection, mitigation, compensation and working methods scheme including for Great Crested Newts, as recommended in the ecology report by Wilder Ecology dated October 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.
Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.
- 24. Nature Conservation – Biodiversity Net Gain**
In addition to the secured Dormice mitigation-enhancement, prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements, FOUR bird nesting boxes, TWO insect hotels/invertebrate habitat boxes,

and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain enhancement feature or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

25. Prior to the occupation of the development, submission of an updated strategy for the proposed foul and surface water drainage arrangements with the following information:

- Site specific calculations to size the proposed surface water and foul water drainage features
- Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.
- Confirmation of groundwater levels

Shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

26. Prior to the first occupation of the dwelling hereby permitted a scheme to enable the charging of plug in and other ultralow emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwelling 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. **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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I11 – Mud on highway**
3. **I09 – Private apparatus within the highway**
4. **I45 – Works within the highway**
5. **I05 – No drainage to discharge to highway**
6. **I47 – Drainage other than via highway system**
7. **I35 – Highways Design Guide and Specification**

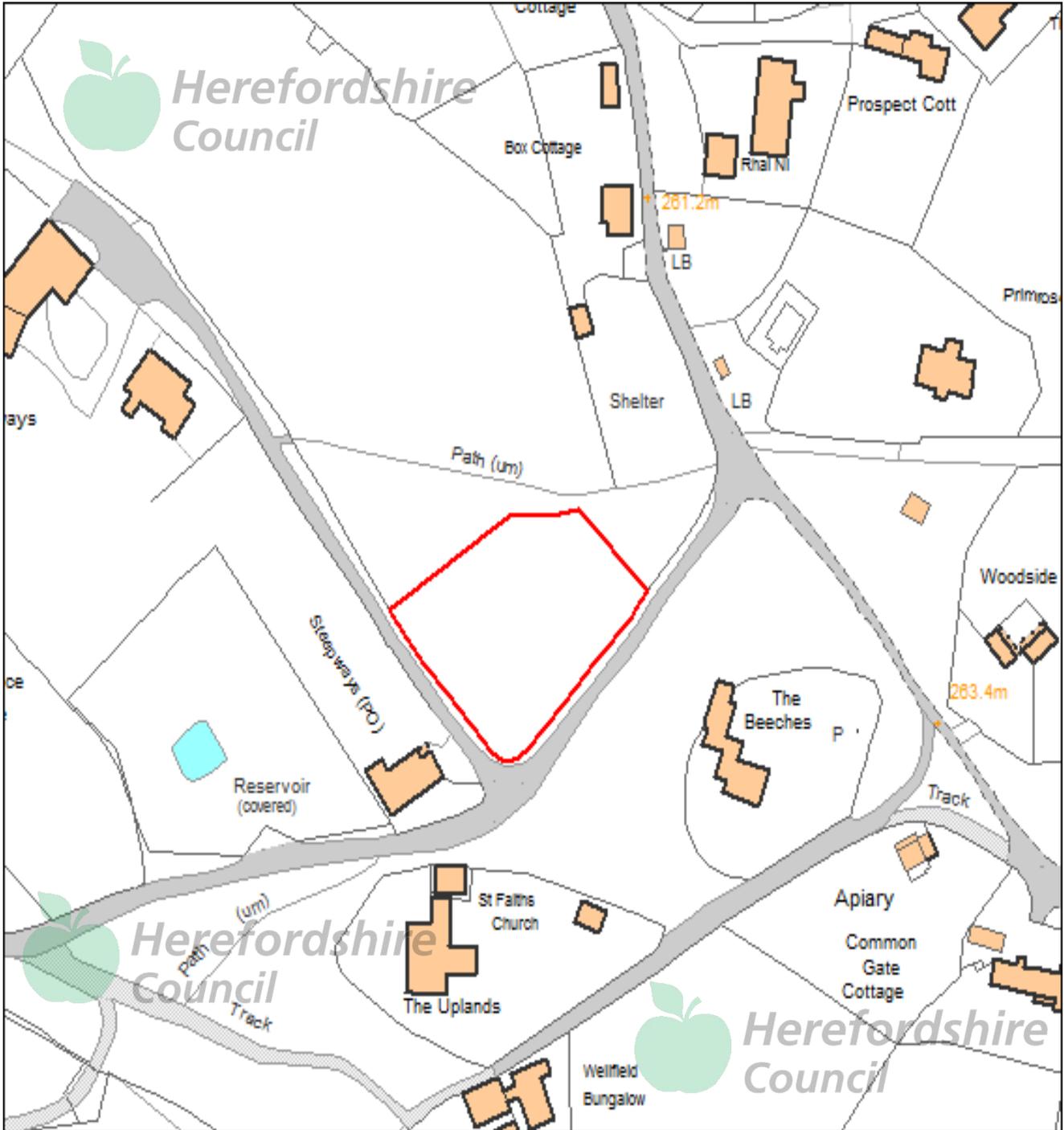
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 204346

SITE ADDRESS : LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT

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